



**MINUTES REGULAR MEETING
REYNOLDSBURG CITY COUNCIL
January 23, 2023**

Council President Leanora Jenkins called the meeting to order at 6:32 PM

Invocation - Councilmember Lawson-Rowe

PRESENT: Cotner, Baker, Jenkins, Strickland, Salvati, Pyakurel, Lawson Rowe

ABSENT: Bryant

Approval of Agenda

The agenda was approved as submitted.

Approval of Minutes

a. City Council – Regular Meeting – January 9, 2023

The regular meeting minutes of January 9, 2023 were approved without incident.

RESULT:	ACCEPTED
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Community Comments

Certificate of Recognition

WHEREAS, it is one of the privileges of the Mayor of the City of Reynoldsburg, to recognize the accomplishments of its citizens; and

WHEREAS, Reynoldsburg is a city that encourages its citizens to enjoy recreation, exercise, and pursue their individual passions; and

WHEREAS, our Reynoldsburg Services staff, Parks and Recreation staff, and Police Department work diligently to provide a clean, safe environment in our city, and

WHEREAS, resident Gregory Trapp began training for long distance running following his first marathon in October, 2000, and

WHEREAS, Mr. Trapp completed his first 100 mile ultramarathon in 2002, and



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WHEREAS, Mr. Trapp has continued to frequently use our Reynoldsburg roadways, sidewalks, and parks in training to run additional ultramarathons; and

WHEREAS, on December 19, 2022, Mr. Trapp was named by Davy Crockett, the Director of the American Ultrarunning Hall of Fame, as the 24th individual to achieve the milestone of having officially completed one hundreds 100 mile races,

NOW, THEREFORE, I, Joe Begeny, Mayor of the City of Reynoldsburg, Ohio, do hereby deem it an honor and pleasure to extend this Certificate of Recognition to **Gregory Trapp** for becoming the second Ohioan to join the 100 x 100 Mile Ultramarathon Club.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Great City of Reynoldsburg, Ohio, to be hereto affixed on this the 23rd day of January, in the year of Two Thousand and Twenty Three.

Motions

A MOTION TO RECOMMEND THE APPOINTMENT OF COUNCILMEMBER BAKER TO THE PUBLIC SAFETY, LAW & COURTS COMMITTEE AND THE PUBLIC SERVICE & TRANSPORTATION COMMITTEE EFFECTIVE IMMEDIATELY UNTIL THE NEXT COUNCIL ORGANIZATIONAL MEETING IN JANUARY 2023

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bhuwan Pyakurel, Councilman
SECONDER:	Shanette Strickland, Councilwoman
AYES:	Cotner, Baker, Jenkins, Strickland, Salvati, Pyakurel, Lawson Rowe

Reports

Development, Parks & Recreation Committee

This is the Development, Parks & Recreation Committee meeting for January 23, 2023.

Members in attendance are: Councilmember Cotner, Councilmember Baker, Councilmember Lawson-Rowe, Chair Pyakurel, and President Jenkins.



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An Ordinance Authorizing the Mayor to Enter into a Contract for the 2023-2024 Landscape Services Contract and Appropriating Funds

Director Bauman explained that this contract is for two years, 2023 and 2024, for the maintenance of the landscaping along Main Street. They did put this out for bids, but only one bid was received from Yard Solutions. Yard Solutions has had this contract for the last 4 years. They are also requesting to appropriate an additional \$8,900 from the unappropriated General Fund to the Miscellaneous Contract Services for the Parks and Recreation Department.

Councilmember Pyakurel moved to forward this Ordinance to Council for a first reading. Second by Councilmember Lawson-Rowe. Motion carried.

An Ordinance to Amend the Official Zoning Map for the City of Reynoldsburg for a Property Located at 8555 East Main Street from Innovation District (I) to Community Commercial District (CC)

Attorney Mike Shannon explained that he is the attorney for Skilkin Gold and stated that he was not involved in the initial discussion of this project. He explained that with the assistance of City staff and the City Attorney, they have been able to review all pertinent public records including the minutes and video recordings of previous Council meetings. He stated that he would be remiss not to thank the Council for the opportunity to present this case again. He stated that he has been practicing law for 40 years and was also a Whitehall City Councilmember and City Attorney. He stated that he worked in zoning since he was a cabinet member of the Mayor of Columbus and Chief Zoning and Building Official and Regulations Administrator for the City of Columbus as well. He explained that he has been charged with a very difficult task and will have to work with Council to get over half of the members to change their mind on this project. He stated that he is mindful of the fact that they went through this process and were woefully unsuccessful. He wanted to number one, apologize on behalf of his client and number two, to try to make amends. He stated that when you do the volume of projects that Sheetz has, in central Ohio believe 34 open and 7 are in the ground, particularly when a business does that type of volume, the reaction is to say well let's just re-zone for the use that we need, in this case Community commercial. With the value of 20/20 hindsight I think my clients missed the boat and they didn't get it. They didn't realize the magnitude that they were asking City



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Council to do, Attorney Shannon does understand the magnitude of the request and for that reason he is pursuing lengthy discussion with City Council. He stated that he worked with his client to take a second look at this project in hopes of finding some middle ground. He also explained that less than 30% of their revenue comes from the sale of gasoline. He explained that when Sheetz comes into a community, they become a good corporate citizen; they employ a minimum of 35 employees and even up to 50 employees. They offer medical, dental, and vision insurance and free counseling services. The first concession was that they worked to reduce their acreage from 6.4 acres to 3 acres. This would mean that only 17.5% of the plot would need to be rezoned to Community Commercial while the other 82.5% can remain Innovation District. He stated that they are committed to working with the City of Reynoldsburg to ensure that the remaining 14.2 acres of Innovation District will be used for its original intended purpose because they acknowledge the importance of this district. As another acknowledgement to the Innovation District, their second concession includes a plan to also include electric charging stations for EVs. This would be one of the few Sheetz to have this feature in hopes that this will better align with the original intended use of this plot. Their third concession included adding a turning lane, based on a traffic study, on Taylor Road that has now been extended all the way to Main Street at their expense.

Attorney Shannon explained that as an impartial observer, looking from the beginning, he could understand that based on the number of constituents that expressed that they had not received adequate notice of their eviction to the City that sets a tone for this project. He stated that they have learned from their mistakes and are trying to be proactive in the way they approach this project proposal and how they address the concerns of the Council. Attorney Shannon stated that they would like to have the opportunity to present this to the Planning and Zoning Board to further discuss this project.

Councilmember Cotner thanked Attorney Shannon for attending the Council meeting and appreciated how well put together and heartfelt his presentation was and stated that he can see why he has had such a successful career. Attorney Shannon thanked him for his compliment.

Councilmember Salvati stated that he agreed with Councilmember Cotner. He explained that he wanted to clarify that during the vote, his objection was not to the gas station itself, especially Sheetz, but he felt as though since they had just redone



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the zoning code in 2020 they have not been given the adequate amount of time to find someone suitable for the Innovation District. He stated that despite the issues with the zoning, he has heard from friends and constituents that the feelings towards a Sheetz in that location are fairly positive. Councilmember Salvati further expressed his appreciation for downsizing the area of land the Sheetz will be on to only 3 acres and believes this may change their feelings toward this project. Attorney Shannon stated that it is their intention to work through our developers, not just with them.

Councilmember Strickland appreciated that they downsized to 3 acres as well. She also stated that she is glad they are willing to go after other users for the Innovation District portion of the land and are working with the City to do so.

Councilmember Pyakurel stated that as the City Code stipulates that a rezoning application cannot be brought back to Council within a year of a previous application, Council must waive that requirement. I need a motion to waive the one year waiting period. Motion by Councilmember Baker. Second by Councilmember Lawson-Rowe. Motion carried.

Councilmember Pyakurel moved to forward this Ordinance to Council for a first reading and to the Planning and Zoning Board for a recommendation. Second by Councilmember Baker. Motion carried.

An Ordinance Declaring the Improvement of Certain Real Property Located in the City of Reynoldsburg, Ohio to be a Public Purpose; Declaring Such Property to be Exempt from Real Property Taxation; Designating Public Improvements to be Made that Will Benefit Such Property; Requiring Annual Service Payments in Lieu of Taxes; and Establishing a Municipal Public Improvement Tax Increment Equivalent Fund; and Authorizing the Execution of a Tax Increment Financing Agreement, and Declaring an Emergency

Director Meyer explained that this Ordinance would create a TIF in the areas described, the Rosehill and Wilson Ridge development. The intent would be once the TIF hits a certain dollar cap. In this case, it is the first tax year it makes at least 2 million dollars of Auditors market value is created. The City would be able to collect 75% of the improvements with the intent of using that on park improvements. They



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have requested an emergency on this Ordinance because one of the developments has already begun construction.

Councilmember Cotner asked about the legality of including 2 non-adjacent properties into one TIF. Director Meyer stated that according to their outside counsel there is no problem with this. Attorney Shook stated that he and the City Auditor had the same question but it was confirmed by their public finance expert that this is allowed. Attorney Shook also clarified that Civic Park has been listed as the beneficiary of this TIF money but they will hold the funds in two separate accounts based on which location they came from. Attorney Shook also stated that when these funds come in, it will be up to Council how the money is spent even if Civic Park was the original intended recipient. Councilmember Cotner asked for clarification on the Rosehill location because in the paperwork it stated that there is not yet a structure on the property when there are structures already built there. Attorney Shook stated that even though there are properties already there, they have not yet been assigned a tax improvement value by the Franklin County Auditor and this is where that process will start. Attorney Shook also stated that they will discuss this issue of language with the public finance expert and how they should go about correcting that.

Councilmember Pyakurel moved to forward this Ordinance to Council for a first reading. Second by Councilmember Baker. Motion carried.

An Ordinance to Amend Chapter Eleven - Planning and Zoning Code for the City of Reynoldsburg, Ohio

Director Meyer stated that according to the charter, changes to the zoning code must be brought before City Council and voted on and sent to the Planning and Zoning Board for recommendation. Part of the amendment involves changing the language referencing the Planning Commission and the BZBA since the creation of the Planning and Zoning Board. This amendment also includes changing language regarding fences to be more advantageous to the property owner and language discussing window coverings. He explained that a lot of this Ordinance is for language clean up and aligning of definitions. Director Meyer also reiterated that this will go to the Planning and Zoning Board for further review and he believes that they will have additions to the Ordinance as well.



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Councilmember Baker thanked Director Meyer for taking the time to clean up some of the language in the Charter regarding fences. Director Meyer stated that he hopes to have as many fencing applications as possible and wants to work with residents on this issue.

Councilmember Salvati thanked Director Meyer for his work on this legislation.

Councilmember Strickland asked if this variance would help with fencing situations like property lines going across creeks. Director Meyer stated that they have included languages for situations like this regarding waterways and preexisting AEP transformers on the property line to give more discretion to staff as to how to handle unique situations rather than creating language for every possible situation.

Councilmember Pyakurel thanked Director Meyer for his work on this legislation. He also suggested that they find a way to get the word out about these changes.

Councilmember Cotner asked about enforcement of the legislation involving window coverings since there is not strong enforcement of the rules that are already in place. Director Meyer stated that it is more of an issue for Code Enforcement. Mayor Begeny explained that unfortunately, Code Enforcement is not an instantaneous process and involves a process to address these issues.

Councilmember Pyakurel moved to forward this Ordinance to Council for a first reading and to the Planning & Zoning Board for their review and recommendation. Second by Councilmember Cotner. Motion carried.

Public Safety, Law & Courts Committee

This is the Public Safety, Laws & Court Committee meeting for January 23, 2023.

Members in attendance are: Councilmember Cotner, Councilmember Baker, Vice Chair Lawson-Rowe, and President Jenkins.



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An Ordinance Adopting Chapter 723 Tobacco Retailer License of the Codified Ordinances of the City of Reynoldsburg to Establish the Tobacco Products Sales Licensing Program

Attorney Shook explained that there were a few minor things that needed to be changed from the original legislation. These changes included language to allow the Mayor to waive fees with the approval of Franklin County Public Health since they collect the fee money. They also wanted to indicate that within three months of a violation, Franklin County Public Health will conduct an unannounced compliance check.

Councilmember Baker asked for clarification on the exemption of fees. Attorney Shook explained that they have authority to waive certain kinds of fees but because the fee belongs to the Franklin County Public Health, it would need to be approved by that board before doing so.

Councilmember Cotner asked for further clarification as well. Attorney Shook stated that Franklin County Public Health would also not receive the fee, this would not be a situation where the City takes on the debt instead of Franklin County.

Councilmember Lawson-Rowe moved to amend the Ordinance to accept the new language submitted by Attorney Shook. Second by Councilmember Baker. Motion carried.

Councilmember Lawson-Rowe moved to forward this amended Ordinance to Council for a third reading and approval. Second by Councilmember Cotner. Motion carried.

An Ordinance to Approve Payment of Services Performed to the Auditors Certificate of Availability of Funds, and Declaring an Emergency

Clerk Clark stated that they are requesting payment for an invoice that was submitted in 2022 but was submitted after the deadline for the Auditor's office to pay. She stated that it was submitted a couple days after the closing of the purchase order. The funds were available at that time and remain available.



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Councilmember Lawson-Rowe moved to forward this Ordinance to Council for a single read emergency. Second by Councilmember Baker. Motion carried.

A Resolution of the Council of the City of Reynoldsburg Expressing Concern and Frustration Regarding Gun Violence and Calling Upon the General Assembly of the State of Ohio to Take Action Advancing Reasonable, Rational, and Fair Gun Control Legislation

President Jenkins read the Resolution in full.

Councilmember Lawson-Rowe moved to forward this Resolution to Council for approval. Second by Councilmember Baker. Motion carried.

A Resolution Authorizing Mayor to Purchase Four (4) Hybrid Police Cruisers for the Reynoldsburg Police Department and Waive Competitive Bidding

Mayor Begeny stated that a number of years ago they created a rotation to purchase police vehicles and that these cruisers were approved in the 2023 budget. They are hoping to get these vehicles this year as they are still waiting for the vehicles ordered last year.

Councilmember Lawson-Rowe moved to forward this Resolution to Council for approval. Second by Councilmember Baker. Motion carried.

Public Service & Transportation Committee

This is the Public Service & Transportation Committee meeting for January 23, 2023.

Members in attendance are: Councilmember Cotner, Councilmember Baker, Councilmember Lawson-Rowe, Chair Strickland, and President Jenkins.

A Resolution Authorizing the Mayor to Enter into a Contract with the District Advisory Council of the Franklin County General Health District and Franklin County Public Health for Health Services



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Director Dorman explained that this Ordinance is for the annual contract that they enter with the Board of Health. He stated that Franklin County actually had jurisdiction over the entire corporate limits of Reynoldsburg so when there was a sanitation or health issue they oversaw that process. He stated that the only thing that changed in the contract this year was the per capita rate from \$9.32 to \$9.30, but also included a not to exceed amount of \$392,633.

Councilmember Strickland moved to forward this Resolution to Council for approval. Second by Councilmember Baker. Motion carried.

A Resolution Authorizing the Mayor to Enter into a Contract with EMH&T to Conduct Surveying, Design Engineering, and Bidding Services for the City's 2023 Water Main Replacement Project and Appropriating Funds Therefor

Director Dorman stated that this legislation was an annual water program for the replacement of old and deteriorating lines. He explained that winter was when the process began to evaluate some of the conditions of these lines based on work history. He stated that the area they plan to focus on this year was the same area as last year since they were only able to complete a portion of that project.

Councilmember Strickland moved to forward this Resolution to Council for approval. Second by Councilmember Lawson-Rowe. Motion carried.

A Resolution Authorizing the Mayor to Enter into a Contract with EMH&T for the 2023 Sewer Project for Engineering Services, Construction Plans, Specifications, Bid Documents, and Appropriating Funds Therefor

Director Dorman explained, that per the CIP program, there were areas designated per the OHM agreement and the OEPA and this year the area is east of Graham and south of Main Street.

Councilmember Strickland moved to forward this Resolution to Council for approval. Second by Councilmember Lawson-Rowe. Motion carried.



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Finance & Administration Committee

This is the Finance & Administration Committee meeting for January 23, 2023.

Members in attendance are: Councilmember Pyakurel, Councilmember Strickland, Chair Salvati, and President Jenkins.

A Resolution Authorizing the Mayor to Enter into a Contract with Illuminology for the 2023 Community Survey

Ms. Clemens stated that this survey would be the first survey of its kind in the history of Reynoldsburg to her knowledge. The funds for this project were approved in the 2023 budget.

Councilmember Salvati moved to forward this Resolution to Council for approval. Second by Councilmember Pyakurel. Motion carried.

An Ordinance to Establish Chapter 171 Reynoldsburg Community Commission of the Codified Ordinances of the City of Reynoldsburg

Mayor Begeny stated that the Community Commission allows community members to have their say in a number of different topics. They were requesting to make this a more permanent function and to allow for the ability to request funding for certain projects.

Councilmember Salvati moved to forward this Ordinance to Council for a first reading. Second by Councilmember Strickland. Motion carried.

An Ordinance to Amend Section 192.02 Hotel Tax of the Codified Ordinances of the City of Reynoldsburg

Attorney Shook explained that this Ordinance would allow 2% of the 75% hotel tax revenue to go to the Community Commission for the reasons listed by the Mayor. The second change was to account for the change in language specifying the differences between resolutions and ordinances and reflecting that in this Ordinance.



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Councilmember Salvati moved to forward this Ordinance to Council for a first reading. Second by Councilmember Pyakurel. Motion carried.

An Ordinance Designating the Reynoldsburg Visitors and Community Activity Bureau to Receive Twenty-Five Percent (25%) of Hotel Tax Revenue Pursuant to Section 192.02(E)(2) of the Codified Ordinances of the City of Reynoldsburg, and Declaring an Emergency

Attorney Shook stated that per the changes made to this legislation in the fall of 2022, Council has to designate a visitors' bureau to receive these funds and this Ordinance would designate the Reynoldsburg Visitors and Community Activities Bureau as the recipient. They are requesting a 2 read emergency because it should have been passed before the end of 2022.

Councilmember Salvati moved to forward this Ordinance to Council for a first reading. Second by Councilmember Pyakurel. Motion carried.

Resolutions - Consent Agenda

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Louis Salvati, Councilman
SECONDER:	Bhuwan Pyakurel, Councilman
AYES:	Cotner, Baker, Jenkins, Strickland, Salvati, Pyakurel, Lawson Rowe

2023-6

A RESOLUTION OF THE COUNCIL OF THE CITY OF REYNOLDSBURG EXPRESSING CONCERN AND FRUSTRATION REGARDING GUN VIOLENCE AND CALLING UPON THE GENERAL ASSEMBLY OF THE STATE OF OHIO TO TAKE ACTION ADVANCING REASONABLE, RATIONAL, AND FAIR GUN CONTROL LEGISLATION --- Bryant. Public Safety, Law and Courts Committee.



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2023-7

A RESOLUTION AUTHORIZING MAYOR TO PURCHASE FOUR (4) HYBRID POLICE CRUISERS FOR THE REYNOLDSBURG POLICE DEPARTMENT AND WAIVE COMPETITIVE BIDDING --- Bryant. Public Safety, Law and Courts Committee.

2023-8

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE DISTRICT ADVISORY COUNCIL OF THE FRANKLIN COUNTY GENERAL HEALTH DISTRICT AND FRANKLIN COUNTY PUBLIC HEALTH FOR HEALTH SERVICES --- Strickland. Public Service and Transportation Committee.

2023-9

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH EMH&T TO CONDUCT SURVEYING, DESIGN ENGINEERING, AND BIDDING SERVICES FOR THE CITY'S 2023 WATER MAIN REPLACEMENT PROJECT AND APPROPRIATING FUNDS THEREFOR --- Strickland. Public Service and Transportation Committee.

2023-10

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH EMH&T FOR THE 2023 SEWER PROJECT FOR ENGINEERING SERVICES, CONSTRUCTION PLANS, SPECIFICATIONS, BID DOCUMENTS, AND APPROPRIATING FUNDS THEREFOR --- Strickland. Public Service and Transportation Committee.

2023-11

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH ILLUMINOLOGY FOR THE 2023 COMMUNITY SURVEY --- Salvati. Finance and Administration Committee.



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Consent Agenda for Emergency Adoption

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Louis Salvati, Councilman
SECONDER:	Bhuwan Pyakurel, Councilman
AYES:	Cotner, Baker, Jenkins, Strickland, Salvati, Pyakurel, Lawson Rowe

3-2023

AN ORDINANCE TO APPROVE PAYMENT OF SERVICES PERFORMED TO THE AUDITORS CERTIFICATE OF AVAILABILITY OF FUNDS, AND DECLARING AN EMERGENCY --- Bryant. Public Safety, Law and Courts Committee.

Consent Agenda for First Reading

RESULT:	REFERRED TO COUNCIL
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AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE 2023-2024 LANDSCAPE SERVICES CONTRACT, APPROPRIATING FUNDS, WAIVE COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY --- Pyakurel. Development, Parks and Recreation Committee.

AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF REYNOLDSBURG, OHIO TO BE A PUBLIC PURPOSE; DECLARING SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; DESIGNATING PUBLIC IMPROVEMENTS TO BE MADE THAT WILL BENEFIT SUCH PROPERTY; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; AND ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; AND AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT, AND DECLARING AN EMERGENCY --- Pyakurel. Development, Parks and Recreation Committee.

AN ORDINANCE TO AMEND CHAPTER ELEVEN - PLANNING AND ZONING CODE FOR THE CITY OF REYNOLDSBURG, OHIO --- Baker. Development, Parks and Recreation Committee.



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AN ORDINANCE TO ESTABLISH CHAPTER 171 REYNOLDSBURG COMMUNITY COMMISSION OF THE CODIFIED ORDINANCES OF THE CITY OF REYNOLDSBURG --- Salvati. Finance and Administration Committee.

AN ORDINANCE TO AMEND SECTION 192.02 HOTEL TAX OF THE CODIFIED ORDINANCES OF THE CITY OF REYNOLDSBURG --- Salvati. Finance and Administration Committee.

AN ORDINANCE DESIGNATING THE REYNOLDSBURG VISITORS AND COMMUNITY ACTIVITY BUREAU TO RECEIVE TWENTY-FIVE PERCENT (25%) OF HOTEL TAX REVENUE PURSUANT TO SECTION 192.02(E)(2) OF THE CODIFIED ORDINANCES OF THE CITY OF REYNOLDSBURG, AND DECLARING AN EMERGENCY --- Salvati. Finance and Administration Committee.

Legislation for First Reading

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE CITY OF REYNOLDSBURG FOR A PROPERTY LOCATED AT 8555 EAST MAIN STREET FROM INNOVATION DISTRICT (I) TO COMMUNITY COMMERCIAL DISTRICT (CC) --- Baker. Development, Parks and Recreation Committee.

RESULT:	REFERRED TO COUNCIL	Next: 2/27/2023 6:30 PM
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Consent Agenda for Third Reading

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Meredith Lawson Rowe, Councilwoman
SECONDER:	Bhuwan Pyakurel, Councilman
AYES:	Cotner, Baker, Jenkins, Strickland, Salvati, Pyakurel, Lawson Rowe

4-2023

AN ORDINANCE ADOPTING CHAPTER 723 TOBACCO RETAILER LICENSE OF THE CODIFIED ORDINANCES OF THE CITY OF REYNOLDSBURG TO ESTABLISH THE TOBACCO PRODUCTS SALES LICENSING PROGRAM --- Bryant. Public Safety, Law and Courts Committee.



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Councilmember Lawson-Rowe stated that as a Mom and a grandmother, she supports this legislation to protect and educate our young people and community. She stands firm that this is the right thing to do for our community to ensure we have no bad actors selling tobacco products to the most vulnerable in our community, as well as to have an accurate listing of tobacco retailers. This legislation deems it outside of the law to sell tobacco products in any mobile or pop-up shops. Candidly, she is not proud that she first tried smoking cigarettes as a young 18-year-old. She received samples to try from a mobile unit and then purchased from a retailer. Even though she was under age, she knew better. She doesn't know if she would have tried smoking had she not been offered a sample. Thus, she is doing what she can to save any impressionable young person from making the mistake she made in trying a product that has been clinically proven to cause major health challenges including Cancer. So, she voted in favor of supporting Tobacco Retail Licensing.

Other Council Matters

Councilmember Pyakurel stated that as tax season approaches, the Children's Hospital offers services to assist low income families in preparing their taxes for free. Their website is 614FreeFiling.org and their phone number is (614) 938-3800.

Councilmember Pyakurel also wanted to shout out a volunteer group called 50 Stars Yuva Club. They strive to help educate the public and help them understand and appreciate the importance of sports management in society. They hope to inspire the next generation of leaders by promoting best practices in sports management, cultural programs, language classes, community gathering, volunteering services, and leadership skills. Their goal is to find innovative solutions by collaborating with other communities by providing positive, self-aware, and socially conscious resources. Their Facebook is [50starsyuvaclub](https://www.facebook.com/50starsyuvaclub) and their email address is 50starsyuvaclub@gmail.com.

Councilmember Strickland thanked Jennifer and Jessica from the City for helping put together the Martin Luther King Jr. Breakfast event. She also thanked Pastor John Pierce at the Reynoldsburg United Methodist Church. They also had three students participate in the program, Kennedy Overby, Isha Dakau, and Madison Doug who did a wonderful job. She also thanked their guest speaker Dr. Gerald Safo, he is also a pastor in Reynoldsburg. She thanked everyone who was able to attend and was glad to be a part of such a great event.



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Councilmember Baker thanked Councilmember Strickland for the work she did at that event as well. He also thanked police officers, military, teachers, and retail workers and all those who have worked throughout the pandemic for the work they have done.

Upcoming Meetings

January 23, 2023 Council

February 2, 2023 Planning & Zoning Board

February 13, 2023 Council

February 20, 2023 President Day City Offices Closed

February 23, 2023 Planning & Zoning Board

February 27, 2023 Council

Adjournment

Mollie Prasher
Mollie Prasher, Clerk of Council

Leanora Jenkins
Leanora Jenkins, President of Council



**MINUTES REGULAR MEETING
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January 9, 2023**

Invocation - Pastor Aaron DeLong from Simple Church

PRESENT: Cotner, Baker (6:33 PM), Bryant, Jenkins, Strickland, Salvati, Pyakurel, Lawson Rowe

Approval of Agenda

The agenda was approved as submitted.

Approval of Minutes

a. City Council – Special Meeting – December 19, 2022

The regular meeting minutes of December 19, 2022 were approved as submitted.

RESULT:	ACCEPTED
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Community Comments

Community Comments

Brett Luzader
1116 Gibson Road

Mr. Luzader asked why they have to continuously have the westbound right turn lane closed on E Main Street. He stated that he understands there is a utility pole in the road at the corner there but believes that there is enough room to leave the lane open but place cones just around the pole to ensure people avoid it. He believes that this would help the flow of traffic since it seems to be backed up at any point during the day.

Robert Huenfeld
6666 Imperial Rose Place

Mr. Huenfeld stated that he would like to address energy independence. He stated that he is a capitalist and he owns stock in Opal Fuels which manufactures a clean version of diesel fuel. He stated that they sell this fuel at a rate of \$1.50 per gallon to the public. He explained that right now their stock is at \$7 a share. Currently, diesel is at around \$5 a gallon, this would be

Minutes Acceptance: Minutes of Jan 9, 2023 6:30 PM (Approval of Minutes)



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a great way for the city to create revenue through a new form of fuel. He stated that he called Opal Fuels corporate and invited them to Reynoldsburg City Council. He stated that the Vice President's name is Todd Firestone and his phone number is (914)705-4001 in case the City would like to contact them about this opportunity.

Mayor Begeny

Mayor Begeny stated that he hoped Council had the opportunity to look at the new Alliance building, which is the facility being built at the corner of Brice and Main Street. He stated that if they were unable to make it to the big reveal, there are pictures on the City web page in the planning and zoning documents.

Mayor Begeny also stated that right before Christmas, Reynoldsburg was awarded \$1.585 million in federal funding for the East Main Phase 2 Project. They are not sure when the money will be here exactly but are hoping to use it this year rather than wait until next year. He explained that he believes it has been around 30 years since Reynoldsburg has received any federal funding for projects. He also stated that he will make sure the document provided by Mr. Luzader about the pole in the street will be given to EMH&T. Mayor Begeny explained that the main conversation around that area with EMH&T was safety and what would happen to that service area if the pole were to be hit. He stated that Breezeway is the last of the companies to remove their lines and they are coming down the week of the January 16th. Once done, AEP will pull the rest of the poles out.

Mayor Begeny also gave a reminder about the Dr. Martin Luther King Jr. Breakfast on Saturday (1/14) at Reynoldsburg Community Church but it is already sold out.

Mayor Begeny also gave a reminder about the Reynoldsburg State of the City at City Hall on February 8th to get an idea of what is going on in the City and what future plans are.

Proclamations

A PROCLAMATION TO RECOGNIZE DR. MARTIN LUTHER KING, JR. AND HIS DAY OF SERVICE

Councilmember Strickland read the proclamation. Councilmember Baker thanked Councilmember Strickland for bringing this proclamation to Council.

Minutes Acceptance: Minutes of Jan 9, 2023 6:30 PM (Approval of Minutes)

Reynoldsburg

OHIO • 1839

MINUTES REGULAR MEETING REYNOLDSBURG CITY COUNCIL January 9, 2023

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristin Bryant, At-Large Councilmember
SECONDER:	Meredith Lawson Rowe, Councilwoman
AYES:	Cotner, Baker, Bryant, Jenkins, Strickland, Salvati, Pyakurel, Lawson Rowe

Communications

TREASURY BOARD MINUTES FROM DECEMBER

Motions

A MOTION TO CONFIRM THE MAYOR AND COUNCIL PRESIDENT APPOINTMENT OF SHANETTE STRICKLAND, BHUWAN PYAKUREL, AND ATTORNEY SHOOK TO THE FAIRFIELD, FRANKLIN, AND LICKING COUNTY TAX INCENTIVE REVIEW COUNCILS

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stacie Baker, At-Large Councilmember
SECONDER:	Kristin Bryant, At-Large Councilmember
AYES:	Cotner, Baker, Bryant, Jenkins, Strickland, Salvati, Pyakurel, Lawson Rowe

A MOTION TO AFFIRM THE APPOINTMENTS OF SHANETTE STRICKLAND AND BHUWAN PYAKUREL TO THE COMMUNITY REINVESTMENT AREA AS DESCRIBED IN ORDINANCE 26-97

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Louis Salvati, Councilman
SECONDER:	Stacie Baker, At-Large Councilmember
AYES:	Cotner, Baker, Bryant, Jenkins, Strickland, Salvati, Pyakurel, Lawson Rowe

A MOTION TO AFFIRM THE APPOINTMENT OF SHANETTE STRICKLAND AND BHUWAN PYAKUREL TO THE EAST MAIN COMMUNITY REINVESTMENT AREA HOUSING COUNCIL

Minutes Acceptance: Minutes of Jan 9, 2023 6:30 PM (Approval of Minutes)

Reynoldsburg

OHIO • 1839

MINUTES REGULAR MEETING REYNOLDSBURG CITY COUNCIL January 9, 2023

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Meredith Lawson Rowe, Councilwoman
SECONDER:	Stacie Baker, At-Large Councilmember
AYES:	Cotner, Baker, Bryant, Jenkins, Strickland, Salvati, Pyakurel, Lawson Rowe

A MOTION HEREBY APPOINTING AUDITOR STEPHEN CICAK AND ATTORNEY CHRIS SHOOK TO SERVE ON THE VOLUNTEER PEACE OFFICERS' DEPENDENT FUND BOARD

President Jenkins stated that this was an annual appointment. Auditor Cicak and Attorney Shook were designated appointees to this Board per the Ohio Revised Code and require Council's approval of their appointment.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Shanette Strickland, Councilwoman
SECONDER:	Bhuwan Pyakurel, Councilman
AYES:	Cotner, Baker, Bryant, Jenkins, Strickland, Salvati, Pyakurel, Lawson Rowe

A MOTION TO RECOMMEND THE APPOINTMENT OF BHUWAN PYAKUREL AS THE COUNCIL REPRESENTATIVE TO THE REYNOLDSBURG VISITORS BUREAU

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Louis Salvati, Councilman
SECONDER:	Stacie Baker, At-Large Councilmember
AYES:	Cotner, Baker, Bryant, Jenkins, Strickland, Salvati, Pyakurel, Lawson Rowe

A MOTION TO RECOMMEND THE APPOINTMENT OF STACIE BAKER AS THE COUNCIL REPRESENTATIVE TO THE WEST LICKING JOINT FIRE DISTRICT BOARD FOR 2023

Minutes Acceptance: Minutes of Jan 9, 2023 6:30 PM (Approval of Minutes)

Reynoldsburg

OHIO • 1839

MINUTES REGULAR MEETING REYNOLDSBURG CITY COUNCIL January 9, 2023

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Shanette Strickland, Councilwoman
SECONDER:	Kristin Bryant, At-Large Councilmember
AYES:	Cotner, Baker, Bryant, Jenkins, Strickland, Salvati, Pyakurel, Lawson Rowe

A MOTION TO RECOMMEND THE APPOINTMENT OF TEMPORARY COMMITTEE CHAIRS

President Jenkins moved to recommend the appointment of Stacie Baker as temporary chair of the Development, Parks & Recreation Committee; Kristin Bryant as temporary chair of the Public Safety, Law & Courts Committee; Shanette Strickland as the temporary chair of the Public Service and Transportation Committee, and Lou Salvati as the temporary chair of the Finance & Administration Committee.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristin Bryant, At-Large Councilmember
SECONDER:	Meredith Lawson Rowe, Councilwoman
AYES:	Cotner, Baker, Bryant, Jenkins, Strickland, Salvati, Pyakurel, Lawson Rowe

A MOTION TO RECOMMEND THE APPOINTMENT OF COUNCILMEMBERS TO COUNCIL COMMITTEES EFFECTIVE JANUARY 10, 2023 UNTIL THE NEXT COUNCIL ORGANIZATIONAL MEETING IN JANUARY 2024

President Jenkins moved to recommend the appointment of Stacie Baker, Barth Cotner, Meredith Lawson-Rowe and Bhuwan Pyakurel to the Development, Parks & Recreation Committee; the appointment of Kristin Bryant, Barth Cotner, Meredith Lawson-Rowe and Bhuwan Pyakurel to the Public Safety, Laws & Court Committee; the appointment of Shanette Strickland, Barth Cotner, Meredith Lawson-Rowe and Bhuwan Pyakurel to the Public Service and Transportation Committee, and Lou Salvati, Stacie Baker, Kristin Bryant and Shanette Strickland to the Finance & Administration Committee.

Minutes Acceptance: Minutes of Jan 9, 2023 6:30 PM (Approval of Minutes)



**MINUTES REGULAR MEETING
REYNOLDSBURG CITY COUNCIL
January 9, 2023**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristin Bryant, At-Large Councilmember
SECONDER:	Shanette Strickland, Councilwoman
AYES:	Cotner, Baker, Bryant, Jenkins, Strickland, Salvati, Pyakurel, Lawson Rowe

A MOTION TO RECOMMEND THE APPOINTMENT OF MEREDITH LAWSON-ROWE TO SERVE AS THE PRESIDENT PRO TEMPORE OF COUNCIL FOR THE PERIOD BEGINNING JANUARY 10, 2023 UNTIL THE NEXT COUNCIL ORGANIZATIONAL MEETING IN JANUARY 2024

President Jenkins moved to recommend the appointment of Meredith Lawson-Rowe to serve as the Pro Tempore of Council for the period beginning January 10, 2023 until the next Council organizational meeting in January, 2024.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Shanette Strickland, Councilwoman
SECONDER:	Kristin Bryant, At-Large Councilmember
AYES:	Cotner, Baker, Bryant, Jenkins, Strickland, Salvati, Pyakurel, Lawson Rowe

Reports

Development, Parks & Recreation Committee

This is the Development, Parks & Recreation Committee meeting for January 9, 2023.

Members in attendance are: Councilmember Cotner, Councilmember Lawson-Rowe, Councilmember Pyakurel, Temporary Chair Baker and President Jenkins.

Appointment of Committee Chair and Vice Chair

Election of Committee Chair

Councilmember Baker

The committee must select its chair and vice chair, there will be an election of committee chair.

Minutes Acceptance: Minutes of Jan 9, 2023 6:30 PM (Approval of Minutes)



**MINUTES REGULAR MEETING
REYNOLDSBURG CITY COUNCIL
January 9, 2023**

Councilmember Baker opened the floor for nominations. Councilmember Baker made a motion to nominate Councilmember Pyakurel as chair of the Development, Parks and Recreation Committee. Second by Councilmember Lawson-Rowe. As there were no further nominations, nominations were closed. Motion carried.

Election of Committee Vice Chair

Councilmember Pyakurel assumed the leadership of the Development, Parks and Recreation Committee.

He opened the floor for vice chair nominations. Councilmember Pyakurel nominated Councilmember Baker to be vice chair. Second by Councilmember Baker. As there were no further nominations, nominations were closed. Motion carries.

A Resolution Authorizing the Mayor to Purchase a Utility Task Vehicle (UTV) and Related Equipment for the Reynoldsburg Parks and Recreation Department and Waive Competitive Bidding

Mayor Begeny explained that this Resolution authorizing the purchase of a utility task vehicle and related equipment with a price not to exceed \$75,000. This purchase was part of the 2023 Budget. The piece that is not for competitive bidding was for the GPS accessory that would help line soccer fields. Bidding was not required because there was only one company that offers this.

Councilmember Pyakurel moved to forward this Resolution to Council for approval. Second by Councilmember Baker. Motion carried.

Public Safety, Law & Courts Committee

This is the Public Safety, Laws & Court Committee meeting for January 9, 2023.

Members in attendance are: Councilmember Cotner, Councilmember Lawson-Rowe, Councilmember Pyakurel, Temporary Chair Bryant and President Jenkins.

Minutes Acceptance: Minutes of Jan 9, 2023 6:30 PM (Approval of Minutes)



**MINUTES REGULAR MEETING
REYNOLDSBURG CITY COUNCIL
January 9, 2023**

Appointment of Committee Chair and Vice Chair

Election of Committee Chair

Councilmember Bryant

The committee must select its chair and vice chair, there will be an election of committee chair.

Councilmember Bryant opened the floor for nominations. Councilmember Lawson-Rowe made a motion to nominate Councilmember Bryant as chair of the Public Safety, Laws, and Court Committee. Second by Councilmember Pyakurel. As there were no further nominations, nominations were closed. Motion carried.

Election of Committee Vice Chair

Councilmember Bryant opened the floor for vice chair nominations. Councilmember Bryant nominated Councilmember Lawson-Rowe to be vice chair. Second by Councilmember Pyakurel. As there were no further nominations, nominations were closed. Motion carries.

An Ordinance Adopting Chapter 723 Tobacco Retailer License of the Codified Ordinances of the City of Reynoldsburg to Establish the Tobacco Products Sales Licensing Program

Councilmember Lawson-Rowe invited Amanda Turner, Executive Director of Preventing Tobacco Addiction Foundation, to speak about this Ordinance.

Amanda Turner discussed some recent action that has happened in Columbus. She explained that Columbus unanimously voted to end that sale of flavored tobacco products and already have a tobacco retail license in place. Two days later the State House tried to reverse that action, but was vetoed by Governor Dewine and endorsed what Columbus did. They are hoping other cities will follow in this direction.

Councilmember Lawson-Rowe made a comment that flavored tobacco products are not included in the tobacco retail license they are discussing.

Minutes Acceptance: Minutes of Jan 9, 2023 6:30 PM (Approval of Minutes)



**MINUTES REGULAR MEETING
REYNOLDSBURG CITY COUNCIL
January 9, 2023**

Councilmember Baker asked what the current fine is for someone selling to underage people. Attorney Shook stated that it is currently a low level misdemeanor but with the possibility of jail in very serious circumstances. This also only applies to the employee who completed the sale. The fine is a maximum of \$250 or they must perform community service to earn a dismissal of the charge.

Councilmember Bryant moved to amend the Ordinance to reflect the changes outlined by Attorney Shook. Second by Councilmember Lawson-Rowe. Motion carried.

Councilmember Bryant moved to forward this Ordinance as amended to Council for a second reading. Second by Councilmember Pyakurel. Motion carried.

Public Service & Transportation Committee

This is the Public Service & Transportation Committee meeting for January 9, 2023. Members in attendance are: Councilmember Cotner, Councilmember Pyakurel, Councilmember Lawson-Rowe, Chair Strickland, and President Jenkins.

Appointment of Committee Chair and Vice Chair

Election of Committee Chair

Councilmember Strickland

The committee must select its chair and vice chair, there will be an election of committee chair.

Councilmember Strickland opened the floor for nominations. Councilmember Lawson-Rowe made a motion to nominate Councilmember Strickland as chair of the Public Safety and Transportation Committee. Second by Councilmember Pyakurel. As there were no further nominations, nominations were closed. Motion carried.

Minutes Acceptance: Minutes of Jan 9, 2023 6:30 PM (Approval of Minutes)



**MINUTES REGULAR MEETING
REYNOLDSBURG CITY COUNCIL
January 9, 2023**

Election of Committee Vice Chair

He opened the floor for vice chair nominations. Councilmember Strickland nominated Councilmember Lawson-Rowe to be vice chair. Second by Councilmember Lawson-Rowe. As there were no further nominations, nominations were closed. Motion carries.

A Resolution to Authorize the Purchase of 2000 MXU Units and Meters from Sensus for the Upgrade Program and Waive Competitive Bidding

Director Dorman explained that this Resolution is for the readers that are attached to the meters at residential or commercial properties. These readers send the data wirelessly to the towers and then to the software that allows them to come up with the correct billing for usage and water consumption. These 2000 readers should complete the process to get them completely online.

Councilmember Strickland moved to forward this Resolution to Council for approval. Second by Councilmember Pyakurel Motion carried.

A Resolution Authorizing the Mayor to Enter into an Agreement with EMH&T for the Engineering and Management of the 2023 Sewerline CCTV, Manhole Inspections, and Cleaning Project

Director Dorman explained this is the pre-work before they begin their construction projects to analyze the system using cameras and taking videos to assess the system and make sure there are no obstructions or any areas of pipe failure or collapse where they may need to do point repairs. This data will be used to determine their construction program later.

Councilmember Strickland moved to forward this Resolution to Council for approval. Second by Councilmember Pyakurel. Motion carried.

A Resolution to Authorize the Mayor to Purchase Two International Trucks and Related Equipment for the Street Department and Waive Competitive Bidding

Minutes Acceptance: Minutes of Jan 9, 2023 6:30 PM (Approval of Minutes)



**MINUTES REGULAR MEETING
REYNOLDSBURG CITY COUNCIL
January 9, 2023**

Director Dorman explained that these trucks were budgeted as their big purchase for the street department this year. He stated that the reason they want to get these purchased at the beginning of the year is because of the delay in purchases of vehicles they have previously seen. He stated that these are plow trucks that have to be assembled as well. He also explained that these vehicles will replace two of their worst vehicles and will either auction them off or be moved to another department.

Councilmember Strickland moved to forward this Resolution to Council for approval. Second by Councilmember Pyakurel. Motion carried.

A Resolution to Authorize the Mayor to Purchase Two Ford Trucks and Related Equipment for the Building Department and Waive Competitive Bidding

Director Dorman explained that these two Ford Rangers will be for the code enforcement officers. They did look into EV options but those were around \$20,000 more expensive per truck than the normal gas Rangers. These will replace two older vehicles that are currently in their fleet.

Councilmember Strickland moved to forward this Resolution to Council for approval. Second by Councilmember Pyakurel. Motion carried.

Finance & Administration Committee

This is the Finance & Administration Committee meeting for January 9, 2023

Members in attendance are: Councilmember Pyakurel, Councilmember Bryant, Councilmember Strickland, Temporary Chair Salvati and President Jenkins.

Appointment of Committee Chair and Vice Chair

Election of Committee Chair

The committee must select its chair and vice chair, there will be an election of committee chair.

Minutes Acceptance: Minutes of Jan 9, 2023 6:30 PM (Approval of Minutes)



**MINUTES REGULAR MEETING
REYNOLDSBURG CITY COUNCIL
January 9, 2023**

Councilmember Salvati opened the floor for nominations. Councilmember Bryant made a motion to nominate Councilmember Salvati as chair of the Finance & Administration Committee. Second by Councilmember Strickland. As there were no further nominations, nominations were closed. Motion carried.

Election of Committee Vice Chair

Councilmember Salvati opened the floor for vice chair nominations. Councilmember Strickland nominated Councilmember Bryant to be vice chair. Second by Councilmember Pyakurel. As there were no further nominations, nominations were closed. Motion carries.

An Ordinance to Approve Payment of Services Performed to the Auditors Certificate of Availability of Funds, and Declaring an Emergency

Director Boller explained that this Ordinance is for the services they had done for the SWAT analysis at the police department. She stated that they followed every step except opening the purchase order prior to.

Councilmember Salvati moved to forward this Ordinance to Council for a single read and emergency adoption. Second by Councilmember Strickland. Motion carried.

Resolutions - Consent Agenda

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Louis Salvati, Councilman
SECONDER:	Kristin Bryant, At-Large Councilmember
AYES:	Cotner, Baker, Bryant, Jenkins, Strickland, Salvati, Pyakurel, Lawson Rowe

2023-1

A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE A UTILITY TASK VEHICLE (UTV) AND RELATED EQUIPMENT FOR THE REYNOLDSBURG PARKS AND RECREATION DEPARTMENT AND WAIVE COMPETITIVE BIDDING --- Baker. Development, Parks and Recreation Committee.

Minutes Acceptance: Minutes of Jan 9, 2023 6:30 PM (Approval of Minutes)



**MINUTES REGULAR MEETING
REYNOLDSBURG CITY COUNCIL
January 9, 2023**

2023-2

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH EMH&T FOR THE ENGINEERING AND MANAGEMENT OF THE 2023 SEWERLINE CCTV, MANHOLE INSPECTIONS, AND CLEANING PROJECT --- Strickland. Public Service and Transportation Committee.

2023-3

A RESOLUTION TO AUTHORIZE THE PURCHASE OF 2000 MXU UNITS AND METERS FROM SENSUS FOR THE UPGRADE PROGRAM AND WAIVE COMPETITIVE BIDDING --- Strickland. Public Service and Transportation Committee.

2023-4

A RESOLUTION TO AUTHORIZE THE MAYOR TO PURCHASE TWO INTERNATIONAL TRUCKS AND RELATED EQUIPMENT FOR THE STREET DEPARTMENT AND WAIVE COMPETITIVE BIDDING --- Strickland. Public Service and Transportation Committee.

2023-5

A RESOLUTION TO AUTHORIZE THE MAYOR TO PURCHASE TWO FORD TRUCKS AND RELATED EQUIPMENT FOR THE BUILDING DEPARTMENT AND WAIVE COMPETITIVE BIDDING --- Strickland. Public Service and Transportation Committee.

Consent Agenda for Emergency Adoption

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristin Bryant, At-Large Councilmember
SECONDER:	Stacie Baker, At-Large Councilmember
AYES:	Cotner, Baker, Bryant, Jenkins, Strickland, Salvati, Pyakurel, Lawson Rowe

Minutes Acceptance: Minutes of Jan 9, 2023 6:30 PM (Approval of Minutes)



**MINUTES REGULAR MEETING
REYNOLDSBURG CITY COUNCIL
January 9, 2023**

1-2023

AN ORDINANCE ADOPTING PROVISIONS OF SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE TO ESTABLISH AND DESCRIBE THE BOUNDARIES OF THE TAYLOR-SUMMIT COMMUNITY REINVESTMENT AREA IN THE CITY OF REYNOLDSBURG, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, AND DECLARING AN EMERGENCY --- Baker. Development, Parks and Recreation Committee.

2-2023

AN ORDINANCE TO APPROVE PAYMENT OF SERVICES PERFORMED TO THE AUDITORS CERTIFICATE OF AVAILABILITY OF FUNDS, AND DECLARING AN EMERGENCY --- Salvati. Finance and Administration Committee.

Consent Agenda for Second Reading

RESULT:	REFERRED TO COUNCIL
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AN ORDINANCE ADOPTING CHAPTER 723 TOBACCO RETAILER LICENSE OF THE CODIFIED ORDINANCES OF THE CITY OF REYNOLDSBURG TO ESTABLISH THE TOBACCO PRODUCTS SALES LICENSING PROGRAM --- Bryant. Public Safety, Law and Courts Committee.

Other Council Matters

Councilmember Lawson-Rowe stated that on behalf of Ward 4, she would like to wish her council colleague/sorority sister, school board president and the over 300,000 initiated members of Delta Sigma Theta Sorority, Inc. a Happy Founders Day in advance. Their sorority was founded by 22 collegiate women on January 13, 1913 on the campus of Howard University. They will celebrate 110 years of Sisterhood, Service, Scholarship and Social Action.

The sorority's first public act was its participation in the Women's Suffrage March in Washington DC on March 3, 1913. She stated that these college educated women were in support of women obtaining the right to vote even though Black American men did not have the right to vote at that time.

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MINUTES REGULAR MEETING REYNOLDSBURG CITY COUNCIL January 9, 2023

Fast forward to today, in realizing its mission, Delta Sigma Theta Sorority, Inc. provides an extensive array of public service initiatives through its Five-Point Programmatic Thrust of: Economic Development, Educational Development, International Awareness & Involvement, Political Awareness & Involvement and Physical and Mental Health.

Councilmember Baker wanted to thank police officers, nurses, doctors, teachers, retail workers, and all those who have worked throughout the pandemic for their sacrifices and hard work.

Upcoming Meetings

January 5, 2023 Planning & Zoning Board

January 9, 2023 Council & Organizational

January 16, 2023 Martin Luther King, Jr. Day City Offices Closed

January 19, 2023 Planning & Zoning Board

January 23, 2023 Council

Adjournment

Leanora Jenkins

Leanora Jenkins, President of Council

Mollie Prasher

Mollie Prasher, Clerk of Council

Minutes Acceptance: Minutes of Jan 9, 2023 6:30 PM (Approval of Minutes)

Clerk of Council**Mollie Prasher****7232 East Main Street****Reynoldsburg OH 43068****614-322-6836 Phone****MOTION REQUEST**

DATE: January 23, 2023**TO:****RE: Appointment to Council Committees**

Approval:

Completed Joe Begeny	Chris Shook	Stephen Cicak
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With the appointment of Councilmember Pyakurel as Chair of the Development, Parks & Recreation Committee, there is a open position on the Public Safety, Law & Courts Committee and the Public Service & Transportation Committee.

A Motion to Recommend the Appointment of Councilmember Baker to the Public Safety, Law & Courts Committee and the Public Service & Transportation Committee Effective Immediately Until the Next Council Organizational Meeting in January 2023

City Attorney's Office**Chris Shook****7232 E. Main Street****Reynoldsburg OHIO 43068****6143226869 Phone****RESOLUTION REQUEST****DATE: January 23, 2023****TO: Public Safety, Law and Courts Committee****RE: Resolution on Gun Violence**

Approval:

Completed Joe Begeny	Skipped Chris Shook	Stephen Cicak
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**A RESOLUTION OF THE COUNCIL OF THE CITY OF REYNOLDSBURG
EXPRESSING CONCERN AND FRUSTRATION REGARDING GUN VIOLENCE
AND CALLING UPON THE GENERAL ASSEMBLY OF THE STATE OF OHIO TO
TAKE ACTION ADVANCING REASONABLE, RATIONAL, AND FAIR GUN
CONTROL LEGISLATION**

WHEREAS, in the year 2022, there were 44,231 deaths related to gun violence in the United States of America; and

WHEREAS, in the year 2022, there were 648 mass shootings and 36 mass murders in the United States of America; and

WHEREAS, in the year 2022, there were 340 law enforcement officers killed or injured in the line of duty by gun violence in the United States of America; and

WHEREAS, in the United States there are more civilian-owned guns than there are civilians, at approximately 120 guns per 100 residents, more than twice as high as the next highest country in the world, Yemen; and

City Attorney's Office**Chris Shook****7232 E. Main Street****Reynoldsburg OHIO 43068****6143226869 Phone**

WHEREAS, on May 14, 2022, a gunman motivated by racist hate and beliefs, and armed with an assault-style gun equipped with a high capacity magazine, killed 10 people and wounded 3 others at a supermarket in a predominately African-American section of Buffalo, New York; and

WHEREAS, on May 24, 2022, a gunman armed with an AR-15 assault rifle and several high capacity magazines entered Robb Elementary School in Uvalde, Texas, and killed 19 children and two teachers; and

WHEREAS, on July 4, 2022, a gunman armed with an assault rifle and several high capacity magazines began shooting down from a rooftop in Highland Park, Illinois upon a crowd at a 4th of July parade, killing seven people and injured dozens more, ranging in age from eight years old to 85 years old; and

WHEREAS, on November 20, 2022, a gunman armed with a fully automatic assault-style “ghost gun” entered Club Q, a nightclub in Colorado Springs, Colorado, firing approximately 40-50 rounds, killing five people and injuring 18 others, before being disarmed by patrons of the club; and

WHEREAS, in Franklin County, Ohio, in the years between 2017 and 2021, there were 1,066 deaths and 2,541 injuries caused by gun violence; and

WHEREAS, in Chardon, Ohio, on February 27, 2012, a 17-year-old student entered Chardon High School armed with a semi-automatic handgun, and began shooting at several of his fellow students, killing three students and severely injuring three others; and

WHEREAS, in Dayton, Ohio, on August 4, 2019, an adult male shooter armed with a semi-automatic rifle equipped with a high capacity magazine, entered the Ned Peppers Bar, and fired off 41 rounds in less than 30 seconds, killing nine people and severely injuring 17 others; and

City Attorney's Office**Chris Shook****7232 E. Main Street****Reynoldsburg OHIO 43068****6143226869 Phone**

WHEREAS, on August 6, 2019, in the aftermath of the Dayton shooting, Ohio Governor Mike DeWine called upon the Ohio General Assembly to increase gun background checks and to pass laws on “safety protection orders” allowing courts to order the removal of guns from people deemed a danger to themselves or others; and

WHEREAS, Governor DeWine stated on August 6, 2019: “We must do something. And that is exactly what we are going to do”; and

WHEREAS, the Ohio General Assembly has failed to meet the call to “do something” about gun violence, instead opting to promote increased access to guns, eliminate training requirements for individuals who carry concealed guns, and making it easier for a people to avoid consequences for killing another person with a gun; and

WHEREAS, the General Assembly passed House Bill174, signed by Governor DeWine, and effective April 6, 2021, the so-called “Stand Your Ground” law, eliminating the duty of reasonable retreat prior to the use of deadly force in self-defense in a public place, substantially increasing the risk that individuals will unnecessarily resort to gun violence in situations of dispute and physical altercation; and, further, that such unnecessary gun violence often results in homicides that cannot be successfully prosecuted; and

WHEREAS, so-called “Stand Your Ground” laws lead to significantly more gun violence and have been proven to “suffer from pervasive racial and gender bias in their application, deepening disparities in the legal system and disproportionately justifying the use of violence by people who are white and mail against people who are not”; and

WHEREAS, the Ohio General Assembly passed Senate Bill 215, signed by Governor DeWine, and effective June 13, 2022, allowing the concealed carry of guns without a permit, removing all training requirements to carry a concealed weapon, and removing the requirement to “promptly” notify law enforcement that they are armed when stopped, increasing the risk to law enforcement personnel; and

City Attorney's Office

Chris Shook

7232 E. Main Street

Reynoldsburg OHIO 43068

6143226869 Phone

WHEREAS, the Ohio General Assembly passed House Bill 99, signed by Governor DeWine, and effective on September 12, 2022, permitting individuals, including teachers, to enter upon school property with deadly weapons, with approval from the local school district, and substantially reducing the numbers of training hours a qualified individual would need to carry a deadly weapon on school grounds; and

WHEREAS, the Ohio General Assembly refused to even hold hearings on all of the following proposals:

- Legislation mandating universal background checks for all gun purchases (Senate Bill 73)
- Legislation to regulate the transfer of firearms at gun shows (Senate Bill 75)
- Legislation to repeal Ohio Revised Code Section 9.68, which bans local governments from passing gun laws (Senate Bill 76)
- Legislation banning bump stocks and other items that accelerate semi-automatic firearms (Senate Bill 77),
- Legislation implementing “Red Flag” laws that restrict a person’s access to guns when experiencing a mental health crisis (Senate Bill 138)
- Legislation to designate June as Gun Violence Awareness Month (House Bill 360);

WHEREAS, the General Assembly for the State of Ohio held exactly one hearing, before the proposal expired, on a proposed bill that would hold adult gun owners criminally negligent if a minor gains access to the gun and causes serious physical harm or death to another (House Bill 262); and

WHEREAS, in the seminal case of *D.C. v. Heller*, former United States Supreme Court Justice Antonin Scalia acknowledged in unequivocal terms that the right to bear arms is not absolute, stating it is “not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.”; and

City Attorney's Office

Chris Shook

7232 E. Main Street

Reynoldsburg OHIO 43068

6143226869 Phone

WHEREAS, this Council calls upon the Ohio General Assembly to advance reasonable, rational, and fair gun control legislation to address the scourge of gun violence in central Ohio, in the State of Ohio, and across the United States of America.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG:

Section 1. Reynoldsburg City Council expresses its concern and frustration regarding the continued, and growing, epidemic of gun violence.

Section 2. Reynoldsburg City Council calls upon federal and state officials to act immediately to advance reasonable, rational, and fair gun control legislation that will reduce the risk of gun violence in our communities.

Section 3. Reynoldsburg City Council specifically ask that the Ohio General Assembly take the following meaningful steps to advance responsible gun ownership:

1. Require universal background checks for the purchase of guns, eliminating the “gun show” loophole.
2. Enact a law that will allow deadly weapons to be confiscated from any individual exhibiting defined characteristics that the person presents a risk of harm to themselves or others.
3. Ban the consumer sale and use of assault-style weapons and prohibit the sale and use of high-capacity magazines.
4. Repeal Ohio Revised Code Section 9.68, reaffirm the power of home rule, and allow local governments to pursue common-sense gun legislation that is appropriate for their community.

Section 4. The Clerk of Council is directed to send, by certified U.S. Mail, a copy of this Resolution to members of the General Assembly who represent any area within the City of Reynoldsburg municipal limits, and to the Office of the Governor Mike DeWine.

**A RESOLUTION OF THE COUNCIL OF THE CITY OF REYNOLDSBURG
EXPRESSING CONCERN AND FRUSTRATION REGARDING GUN VIOLENCE
AND CALLING UPON THE GENERAL ASSEMBLY OF THE STATE OF OHIO TO
TAKE ACTION ADVANCING REASONABLE, RATIONAL, AND FAIR GUN
CONTROL LEGISLATION**

WHEREAS, in the year 2022, there were 44,231 deaths related to gun violence in the United States of America;¹ and

WHEREAS, in the year 2022, there were 648 mass shootings and 36 mass murders² in the United States of America; and

WHEREAS, in the year 2022, there were 340 law enforcement officers killed or injured in the line of duty by gun violence in the United States of America; and

WHEREAS, in the United States there are more civilian-owned guns than there are civilians, at approximately 120 guns per 100 residents, more than twice as high as the next highest country in the world, Yemen;³ and

WHEREAS, on May 14, 2022, a gunman motivated by racist hate and beliefs, and armed with an assault-style gun equipped with a high capacity magazine, killed 10 people and wounded 3 others at a supermarket in a predominately African-American section of Buffalo, New York; and

WHEREAS, on May 24, 2022, a gunman armed with an AR-15 assault rifle and several high capacity magazines entered Robb Elementary School in Uvalde, Texas, and killed 19 children and two teachers; and

WHEREAS, on July 4, 2022, a gunman armed with an assault rifle and several high capacity magazines began shooting down from a rooftop in Highland Park, Illinois upon a crowd at a 4th of July parade, killing seven people and injured dozens more, ranging in age from eight years old to 85 years old; and

WHEREAS, on November 20, 2022, a gunman armed with a fully automatic assault-style “ghost gun” entered Club Q, a nightclub in Colorado Springs, Colorado, firing approximately

¹ Source: Gun Violence Archive, www.gunviolencearchive.org. “The Gun Violence Archive is an online archive of gun violence incidents collected from over 7,500 law enforcement, media, government and commercial sources daily in an effort to provide near-real time data about the results of gun violence. GVA is an independent data collection and research group with no affiliation with any advocacy organization.”

² “Mass shooting” is defined as an incident in which 4 or more people were shot or killed, not including the shooter. “Mass murder” is defined as an incident in which 4 or more people are killed.

³ Source: Small Arms Survey, 2018. Conversely, the country of Japan has approximately just one gun per 100 residents, and averages less than 10 gun-related deaths a year.

40-50 rounds, killing five people and injuring 18 others, before being disarmed by patrons of the club; and

WHEREAS, in Franklin County, Ohio, in the years between 2017 and 2021, there were 1,066 deaths and 2,541 injuries caused by gun violence; and

WHEREAS, in Chardon, Ohio, on February 27, 2012, a 17-year-old student entered Chardon High School armed with a semi-automatic handgun, and began shooting at several of his fellow students, killing three students and severely injuring three others; and

WHEREAS, in Dayton, Ohio, on August 4, 2019, an adult male shooter armed with a semi-automatic rifle equipped with a high capacity magazine, entered the Ned Peppers Bar, and fired off 41 rounds in less than 30 seconds, killing nine people and severely injuring 17 others; and

WHEREAS, on August 6, 2019, in the aftermath of the Dayton shooting, Ohio Governor Mike DeWine called upon the Ohio General Assembly to increase gun background checks and to pass laws on “safety protection orders” allowing courts to order the removal of guns from people deemed a danger to themselves or others; and

WHEREAS, Governor DeWine stated on August 6, 2019: “We must do something. And that is exactly what we are going to do”; and

WHEREAS, the Ohio General Assembly has failed to meet the call to “do something” about gun violence, instead opting to promote increased access to guns, eliminate training requirements for individuals who carry concealed guns, and making it easier for a people to avoid consequences for killing another person with a gun; and

WHEREAS, the Ohio General Assembly passed House Bill 174, signed by Governor DeWine, and effective April 6, 2021, the so-called “Stand Your Ground” law, eliminating the duty of reasonable retreat prior to the use of deadly force in self-defense in a public place, substantially increasing the risk that individuals will unnecessarily resort to gun violence in situations of dispute and physical altercation; and, further, that such unnecessary gun violence often results in homicides that cannot be successfully prosecuted⁴; and

WHEREAS, so-called “Stand Your Ground” laws lead to significantly more gun violence and have been proven to “suffer from pervasive racial and gender bias in their application, deepening disparities in the legal system and disproportionately justifying the use of violence by people who are white and male against people who are not”⁵; and

WHEREAS, the Ohio General Assembly passed Senate Bill 215, signed by Governor DeWine, and effective June 13, 2022, allowing the concealed carry of guns without a permit,

⁴ This is especially true when the other party is dead as a result of the altercation and unable to refute otherwise baseless claims of self-defense, resulting in a murder without consequences.

⁵ “Stand Your Ground Kills: How These NRA-Backed Laws Promote Racist Violence.” Published by the Southern Law Poverty Center and the Giffords Law Institute July 2020.

removing all training requirements to carry a concealed weapon, and removing the requirement to “promptly” notify law enforcement that they are armed when stopped, increasing the risk to law enforcement personnel; and

WHEREAS, the Ohio General Assembly passed House Bill 99, signed by Governor DeWine, and effective on September 12, 2022, permitting individuals, including teachers, to enter upon school property with deadly weapons, with approval from the local school district, and substantially reducing the numbers of training hours a qualified individual would need to carry a deadly weapon on school grounds; and

WHEREAS, the Ohio General Assembly refused to even hold hearings on all of the following proposals:

- Legislation mandating universal background checks for all gun purchases (Senate Bill 73)
- Legislation to regulate the transfer of firearms at gun shows (Senate Bill 75)
- Legislation to repeal Ohio Revised Code Section 9.68, which bans local governments from passing gun laws (Senate Bill 76)
- Legislation banning bump stocks and other items that accelerate semi-automatic firearms (Senate Bill 77),
- Legislation implementing “Red Flag” laws that restrict a person’s access to guns when experiencing a mental health crisis (Senate Bill 138)
- Legislation to designate June as Gun Violence Awareness Month (House Bill 360);

WHEREAS, the Ohio General Assembly held exactly one hearing, before the proposal expired, on a proposed bill that would hold adult gun owners criminally negligent if a minor gains access to the gun and causes serious physical harm or death to another (House Bill 262); and

WHEREAS, in the seminal case of *D.C. v. Heller*, former United States Supreme Court Justice Antonin Scalia acknowledged in unequivocal terms that the right to bear arms is not absolute, stating it is “not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.”; and

WHEREAS, this Council calls upon the Ohio General Assembly to advance reasonable, rational, and fair gun control legislation to address the scourge of gun violence in central Ohio, in the State of Ohio, and across the United States of America.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG:

Section 1. Reynoldsburg City Council expresses its concern and frustration regarding the continued, and growing, epidemic of gun violence.

Section 2. Reynoldsburg City Council calls upon federal and state officials to act immediately to advance reasonable, rational, and fair gun control legislation that will reduce the risk of gun violence in our communities.

Section 3. Reynoldsburg City Council specifically asks that the Ohio General Assembly take the following meaningful steps to advance responsible gun ownership:

1. Require universal background checks for the purchase of guns, eliminating the “gun show” loophole.
2. Enact a law that will allow deadly weapons to be confiscated from any individual exhibiting defined characteristics that the person presents a risk of harm to themselves or others.
3. Ban the consumer sale and use of assault-style weapons and prohibit the sale and use of high-capacity magazines.
4. Repeal Ohio Revised Code Section 9.68, reaffirm the power of home rule, and allow local governments to pursue common-sense gun legislation that is appropriate for their communities.

Section 4. The Clerk of Council is directed to send, by certified U.S. Mail, a copy of this Resolution to members of the General Assembly who represent any area within the City of Reynoldsburg municipal limits, and to the Office of the Governor Mike DeWine.

PASSED this 23rd day of January, 2023.

Leanora Jenkins, President

Shanette Strickland, Ward I

Barth R. Cotner, At Large

Louis Salvati, Ward II

Kristin Bryant, At Large

Bhuwan Pyakurel, Ward III

Stacie Baker, At Large

Meredith Lawson-Rowe, Ward IV

Police Department**Curtis Baker****7240 E. Main Street****Reynoldsburg OHIO 43068****614-322-6907 Phone****RESOLUTION REQUEST****DATE: January 23, 2023****TO: Public Safety, Law and Courts Committee****RE: Purchase of Four (4) Hybrid Police Cruisers**

Approval:

Completed Joe Begeny	Skipped Chris Shook	Completed Stephen Cicak
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We ask that the city waive competitive bidding as Statewide Ford is a preferred vendor for the City of Reynoldsburg.

The Reynoldsburg Division of Police are requesting to purchase four (4) Hybrid 2023 Ford Explorers from Statewide Ford (1108 W. Main Street, Van Wert, Ohio 45891), in the amount of \$189,000.00, adding \$6,000.00 overage. Upfitting the vehicle will be completed by various vendors in the amount of \$145,500.00 for a total of \$340,500.00. Purchase will be made with funds from account 110.111.5632 that was approved for the 2023 budget.

Requesting that this be processed as a resolution.

**A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE FOUR (4) HYBRID
POLICE CRUISERS FOR THE REYNOLDSBURG POLICE DEPARTMENT AND
WAIVE COMPETITIVE BIDDING**

WHEREAS, the City of Reynoldsburg Police Department requests authorization to purchase four (4) new hybrid police cruisers; and

WHEREAS, the cost of the vehicles is a total cost of \$340,500.00, which was included in the

Police Department**Curtis Baker****7240 E. Main Street****Reynoldsburg OHIO 43068****614-322-6907 Phone**

2023 Budget; and

WHEREAS, the Reynoldsburg City Council does hereby authorize the purchase of said law enforcement vehicles and further authorizes the Mayor to execute any documentation necessary to effectuate said purchase; and

WHEREAS, Council is being requested to waive competitive bidding as the purchases will be made through our state bid contract.

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

SECTION 1. That the Mayor be and is hereby authorized to purchase four (4) 2023 hybrid police cruisers in the amount of \$340,500.00.

SECTION 2. That an amount of \$340,500.00 will be paid from the unappropriated account number 110.111.5632 Vehicles and is part of the Police Department 2023 Budget.

SECTION 3. That pursuant to RCO section 175.01(g), the purchase shall be made through the State of Ohio Bid Contract RS901519; therefore, competitive bidding by the City is waived based on Ordinance No. 44-17.

SECTION 4. This resolution shall take effect immediately upon passage by Council and the signature of the Mayor.



1108 W. Main St. Van Wert, Ohio 45891 866-313-5042 Fax: 866-832-4430 www.statewideford.com
 email: Tom@statewideford.com

Purchaser Date
 Address
 City County State ZIP
 Contact Name Phone #
 Quote Number Email

2023 Ford Police Interceptor

	Quantity	Code	Color Exterior	Color Interior	Price Per Unit
Base Utility		K8A			\$47,059.00
Options:		59B Keyed Alike Code 1284X			Included
		68G Rear Door Handles and Windows Deactivated			Included
		17T Rear Cargo Dome Light			Included
		51R Driver L.E.D. Spotlight			Included
		43D Courtesy Lamps Inoperative			Included
		18D Global Unlock			Included
		549 Heated Mirrors			Included
		17F Front Dome Light Between Drive and Passenger			Included
		85R Rear Console Mounting Plate			Included
		85H Havis Police Equipment Console			Included
		55F Remote Keyless Entry			Included
		Secure Idle			Included
		99W 3.3Liter Hybrid			Included
		Delivery To Your Department			Included

Total Cost \$

Attachment: ID3720 Hybrid Cruiser Purchase Quote (2023-7 : Purchase of Four (4) Hybrid Cruisers)

All orders must be accompanied by a Purchase Order and a completed W9 form or they CAN NOT be processed.

Service Department**Bill Dorman****7232 E. Main Street****Reynoldsburg OH 43068****Phone****RESOLUTION REQUEST**

DATE: January 23, 2023

TO: Public Service and Transportation Committee

RE: Franklin County Health Department Contract

Approval:

Completed Joe Begeny	Skipped Chris Shook	Stephen Cicak
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This legislation is a housekeeping item to renew the contract with the Franklin County Health Department for services to the City of Reynoldsburg. The contract costs a per capita rate of \$9.60 not to exceed \$392,633.24.

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT
WITH THE DISTRICT ADVISORY COUNCIL OF THE FRANKLIN COUNTY
GENERAL HEALTH DISTRICT AND FRANKLIN COUNTY PUBLIC HEALTH FOR
HEALTH SERVICES**

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

SECTION 1. That the Mayor be and is hereby authorized to enter into contract with the District Advisory Council of the Franklin County General Health District and Franklin County Public Health for health services to the City of Reynoldsburg from January 1, 2023 to December 31, 2023. The agreement and all associated exhibits are attached as Exhibit "A" and shall be incorporated by reference herein.

SECTION 2. That the cost of services is based upon per capita rate of \$9.60 not to exceed \$392,633.24.

Service Department**Bill Dorman****7232 E. Main Street****Reynoldsburg OH 43068****Phone**

SECTION 3. This Resolution shall take effect immediately upon passage by Council and the signature of the Mayor.

CONTRACT
Between
FRANKLIN COUNTY BOARD OF HEALTH
And
CITY OF REYNOLDSBURG

This contract entered into by and between the City of Reynoldsburg (hereafter referred to as "City"), with its principal address being 7232 East Main Street, Reynoldsburg, Ohio 43068, and the Board of Health of the Franklin County General Health District (hereafter referred to as "Board" or "Franklin County Public Health") for 2023 Public Health Services under the approval of Resolution No. 22-158, dated September 13, 2022.

The Board is a general health district as defined under Ohio Revised Code (ORC) Section 3709.01.

ORC Section 3709.08 authorizes cities in Franklin County to contract with the Board to provide public health services to and within the City.

The District Advisory Council (hereafter referred to as "Council") of the Franklin County General Health District, created by ORC 3709.03, after giving due notice by publication as required by law, held a public meeting on March 28, 2022, at which by a majority vote of members representing the Council voted affirmatively to provide public health services to the cities in Franklin County, and did authorize the Chairman of the Council to enter into a contract with the Mayor of each city to provide public health services therein.

The Board is engaged in the governance of providing public health services as described in this contract and the Scope of Work, attached hereto and incorporated herein as Exhibit A, and has the knowledge, skills and resources to provide such services in accordance with the terms and conditions of Ohio law and this contract.

Pursuant to Revised Code 3709.08(C), the contract was submitted to the State of Ohio's director of health. The Board is organized and equipped to provide the services and shall have the powers and shall perform all the duties required of the board of health or the authority having the duties of a board of health within the City.

The City is willing to contract with the Board for such services in accordance with the terms and condition of Ohio law and this Contract.

SECTION 1 – SERVICES

The Board shall, for the consideration hereinafter stated, furnish to the City, and inhabitants thereof, all such public health services as are furnished to all villages and townships and the inhabitants thereof, of Franklin County, Ohio. Said services shall include all services as allowed by law according to the most current version of the Ohio Revised Code and as listed in Exhibit A. Said services shall include the minimum standards and optimal achievable standards for boards of health and local health departments pursuant to Ohio Revised Code Section 3701.342. Said services shall include enforcement

of all rules and regulations as allowed by law according to the most current version of the Ohio Administrative Code and the enforcement of the following Franklin County Public Health Regulations:

- (100) Definitions
- (103) Plumbing and Medical Gas for Commercial, Public and Residential Buildings and Places
- (104) Rabies Control
- (105) Approval of Building Plans
- (106) Sewage Treatment Systems
- (199) Administration and Enforcement

And, the current version of the above-described regulations of Franklin County Public Health shall apply to and be enforceable within the jurisdiction of the Franklin County General Health District and the City.

The City Attorney shall be responsible for any litigation involving enforcement of Health Regulations within the corporate limits of said political subdivision.

This contract and any claims arising in any way out of this contract shall be governed by the laws of the State of Ohio. Any litigation arising out of or relating in any way to this contract or the performance hereunder shall be brought only in an Ohio court of competent jurisdiction in Franklin County, Ohio, and the City hereby irrevocably consents to such jurisdiction.

SECTION 2 – TERM

Said public health services shall be furnished beginning January 1, 2023 and ending December 31, 2023 provided, however, that either party to this agreement shall have the right to cancel the same upon four (4) months written notice and the parties hereto may, by mutual written agreement, modify the terms of this agreement.

SECTION 3 – COMMUNICATION

The Board will provide ongoing communication with the Mayor/City Manager and his or her designees through notification at least quarterly. This communication will provide information on timely public health topics, upcoming events and featured services. Reports and other information about direct services that are being provided to the City will be provided upon request.

SECTION 4 – PUBLIC HEALTH PAYMENT, FEES & CHARGES

The City, Ohio shall pay the Board for said public health services furnished to the City and the inhabitants thereof, such sum or sums of money based on a per capita rate as would be charged against municipal corporations composing the Franklin County General Health District at a per capita rate of \$9.5996.

Said sums of money shall be paid to the Board in installments of 50% of the total contract amount in January 2023 and 50% of the total contract amount in June 2023 through the process of withholding the installment amounts from the semi-annual real estate tax settlement distribution to be received by the City and transferred to the Board by the

Settlement Officer of the Franklin County Auditor. The sum for 2023 shall not exceed \$392,633.24, notwithstanding any fee established pursuant to the sections set forth below.

In any instance where the Board expends funds to abate a nuisance pursuant to Section 1, above, within the City, the Board may invoice the City for the costs of such nuisance abatement. Further, the City shall pay, in addition to those sums set forth in Section 5, above, to the Board the cost to abate the nuisance.

The Board agrees to certify such nuisance abatement costs to the Franklin County Auditor to be recorded as a lien upon the property and shall reimburse all funds recovered under such a lien to the City.

SECTION 5 - PLUMBING INSPECTION SERVICES AND FEES

The Board shall, for the consideration hereinafter stated, furnish to the City, all plumbing and medical gas inspections as are furnished to all inhabitants within the general health district of Franklin County. Inspectors are to be state certified Plumbing Inspectors and Plumbing Plans Examiners by the Ohio Board of Building Standards and certified by the American Society of Safety Engineers (ASSE) as Medical Gas Inspectors.

The City, through its Building Department, shall issue permits and collect fees for such plumbing and medical gas permits. The fee to be charged shall be the most current fee charged by the Board. The City shall forward sixty (60) percent of all plumbing and medical gas permit fees collected by them to the Board upon receiving monthly statements of the amount due from the Board. The City shall pay said amount, within thirty (30) days after receipt of said statement.

SECTION 6 – APPROVAL

This contract is approved by a majority of the members of the legislative authority of the City, pursuant to the provisions of Ordinance _____ dated _____.

The City has determined that Franklin County Public Health is organized and equipped to adequately provide the service that is the subject of this contract.

IN WITNESS WHEREOF, the parties to this agreement have hereunto set their hands and seals and have executed this agreement the day and year written below.

DISTRICT ADVISORY COUNCIL OF THE
FRANKLIN COUNTY GENERAL HEALTH DISTRICT

Chairperson Date

FRANKLIN COUNTY PUBLIC HEALTH

Joe Mazzola, MPA Date
Health Commissioner

THE CITY OF REYNOLDSBURG, OHIO

Joe Begeny, Mayor Date

APPROVED AS TO FORM:

G. Gary Tyack
Prosecuting Attorney
Franklin County, Ohio

Assistant Prosecuting Attorney Date
Attorney for the District Advisory
Council of the Franklin County General Health District

City Attorney Date
City of Reynoldsburg, Ohio

Attachment: Franklin County Health Department Contract (2023) (2023-8 : Franklin County Health Department Contract 2023)

FINANCIAL CERTIFICATE

It is hereby certified that the amount required to meet the contract agreement, obligation, payment of expenditure for the above has been lawfully appropriated, authorized or directed for such purpose and is in the treasury or in the process of collection to the credit of the proper fund and is free from any obligation or certificated now outstanding.

Fiscal Officer
City of Reynoldsburg, Ohio

Date

EXHIBIT A SCOPE OF WORK

Franklin County Public Health ("Board"), hereby agrees to provide health services for the City for the calendar year 2023 as set forth below ("Services").

- The Board shall have full authority to be and act as the public health authority for the City
- The Services described in the schedule listed below in this Exhibit will be provided by the Board to the City.
- The Services will include all necessary medical, nursing, sanitary, laboratory and such other health services as are required by the Statutes of the State of Ohio.

The followings specific services shall be a part of the Services provided under this Contract:

List of Functions, Programs and Services	
Administrative Services:	
Administration	
Budget, Accounts Payable, Accounts Receivable	
Communication & Marketing	
Grant Writing & Management	
Records Management	
Reports - Financial & Statistical	
Data Services:	
Community Health Assessment	
Health Data	
Environmental Health:	
Body Art Business Approval, Inspection and Education	
Food Service Operation Licensing, Inspection & Education	
Healthy Homes (Lead, Radon) Inspection & Education	
Vector Control Education	
Public Health Nuisance Enforcement & Education	
Plumbing & Medical Gas Inspections	
Public Swimming Pool & Spa Licensing, Inspection & Education	
Rabies Surveillance - Animal bite investigation and follow up	
Retail Food Establishment Licensing, Inspection & Education	
School Facilities Inspection & Education	
Sewage Treatment System Permitting, Inspection & Education	
Smoke Free Workplace Enforcement & Education	
Solid Waste, Construction and Demolition Facility, Transfer Station Inspection & Enforcement	
Sustainability Education and Efforts	
Temporary Park Camp Licensing, Enforcement & Inspection	
Water Quality Permitting, Testing & Education	
Emergency Preparedness:	
Community Outreach and Education	

Injury Prevention/Opiate Crisis Programs & Education
Public Health Emergency Preparedness
Planning and Cities' Readiness Initiative activities
Epidemiology, Surveillance, Investigation Services:
Reportable Infectious Disease investigation and follow-up(excluding HIV/AIDS; STD; TB)
Disease Outbreak Management
Health Promotion:
Community Health Action Teams
Farm to School Program
Nutrition & Physical Activity Education Programs
Safe Routes to Schools
Tobacco Use Prevention, Education & Cessation Program
Health Systems & Planning:
Community Health Improvement Plan
Data & Information Technology
Public Health Accreditation
Immunization Services:
Childhood and Adult Vaccine Administration Services
Occupational Health:
Immunizations and screenings - Fee for Service
Maternal & Child Health:
Bureau for Children with Medical Handicaps (BCMH) Public Health Nursing Services
Safe Sleep & Infant Mortality Prevention Initiatives & Education

The Board maintains a range of grant funded programs for citizens throughout the County who are income qualified.

THE BOARD RESERVES THE RIGHT TO AMEND THIS EXHIBIT AT ANYTIME PRIOR TO AUTHORIZATION OF THE CITY COUNCIL AND THE BOARD OF HEALTH ANNUALLY.

Water and Wastewater Department

Paul Hellman

614-322-4500 Phone

RESOLUTION REQUEST

DATE: January 23, 2023

TO: Public Service and Transportation Committee

RE: 2023 Water Main Project Engineering Services EMH&T

Approval:

Completed Joe Begeny	Skipped Chris Shook	Completed Stephen Cicak
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Engineering Services with EMH&T for City's 2023 Water Main Replacement Project for Engineering, Surveying, and Bidding.

EMH&T will provide survey, engineering design and assistance with bidding for the City's 2023 Water Main Replacement Project (in various areas please see attachment for details).

EMH&T's proposal for these services is \$45,000.00, the anticipated total project cost is \$926,000.00

AN RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH EMH&T TO CONDUCT SURVEYING, DESIGN ENGINEERING, AND BID SERVICES FOR THE CITY'S 2023 WATER MAIN REPLACEMENT PROJECT AND APPROPRIATING FUNDS THEREFOR

WHEREAS, the Brookside Park, (Saratoga Avenue, Smithfield Court, Gilmore Drive, and Pleasant Drive) Goss Place, and Kaiser Drive are in need of maintenance that can only be effectively repaired through the replacement of the new water lines; and

WHEREAS, the upgrading and repair of these water lines will provide added protection against the failure of the existing water distribution system; and

Water and Wastewater Department

Paul Hellman

614-322-4500 Phone

WHEREAS, the funds for these services are included in the 2023 Budget.

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

SECTION 1. That the Mayor be and is hereby authorized to enter into contract with EMH&T in the amount of \$45,000.00 for construction engineering services, surveying, and bidding for the 2023 waterline replacement project.

SECTION 2. That funds for these services are included in the 2023 Budget.

SECTION 3. That \$45,000.00 to be appropriated from the unappropriated Water CIP Fund account number 710.735.4470 and appropriated to account number 710.000.0196.5621 Water Lines.

SECTION 4. Upon adoption by Council and the signature of the Mayor, this Resolution will be effective immediately.



Engineers, Surveyors, Planners, Scientists

November 22, 2022

Mr. William Dorman
Director of Development
City of Reynoldsburg
7232 East Main Street
Reynoldsburg, OH 43068

**Subject: 2023 Water Main Replacement for Brookside Park, Goss Pl., and Kaiser Dr.
Proposal for Survey, Design, and Bidding Services**

Dear Mr. Dorman:

EMH&T is pleased to present a proposal for survey, detailed engineering, and bidding services for the Water Main Replacement Project for Brookside Park (Saratoga Avenue, Smithfield Court, Gilmore Drive, and Pleasant Drive), as well as Water Main Replacement Projects on Goss Place and Kaiser Drive including Pickering Court. These projects were identified on the City's Capital Improvement Plan due to the age of pipe (65 years old) and nine water main breaks in the last twenty years. Additionally, these improvements were selected by the City for 2023 during our November 2022 CIP planning meeting. The improvements will include the following:

- Replacement of approximately 2,400 linear feet of aged and deteriorated water main (See Figures 1-3, below).
- Water main tie-ins on the side streets and the replacement / reconnection of private water services within the project corridor.
- Approximately 9 fire hydrants will be replaced as part of the project
- Pavement replacement and yard restoration as needed throughout the project corridor

The anticipated total project cost for the improvements proposed is approximately \$926,000.



Figure 1: Saratoga Ave., Smithfield Ct., Gilmore Dr. and Pleasant Dr. Water Main Replacement Area

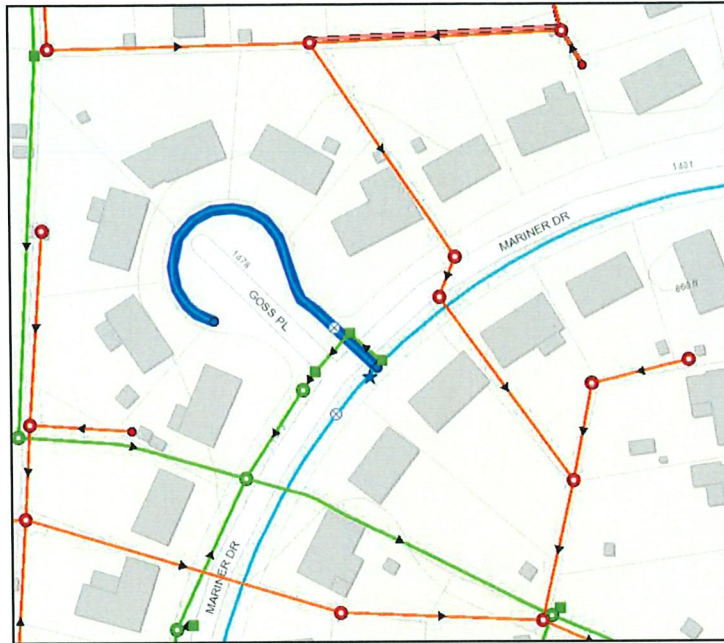


Figure 2: Goss Pl. Water Main Replacement Area

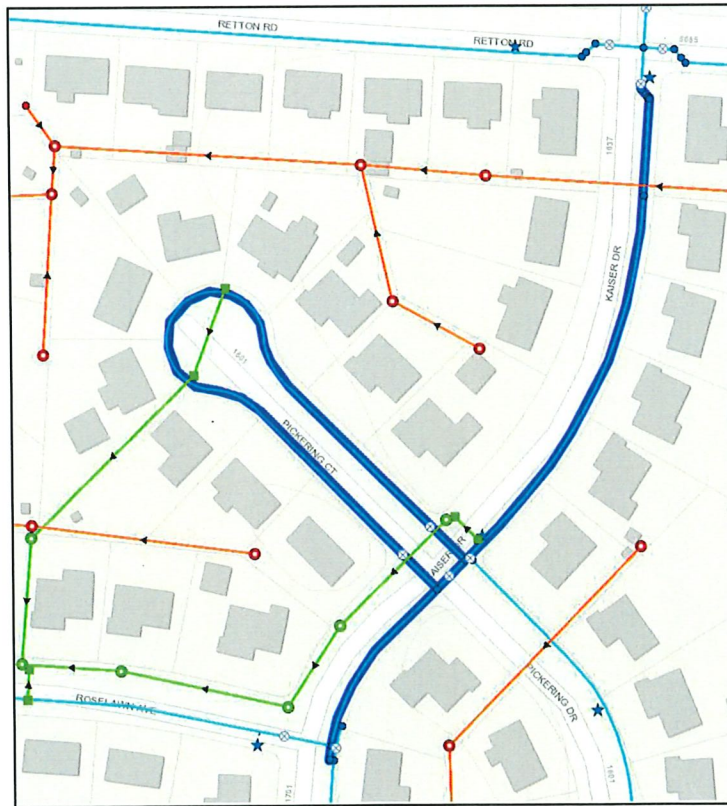


Figure 3: Kaiser Dr. and Pickering Ct. Water Main Replacement Area

SCOPE OF SERVICES

Please note that the Brookside Park improvements located on Saratoga Avenue, Smithfield Court, Gilmore Drive, and Pleasant Drive were previously designed and bid with the 2022 Water Main Replacement Project. Due to the overall cost, these areas were excluded from the construction contract in 2022. Since the improvements in Brookside have been designed, our efforts relative to this portion of the overall improvement is limited to repackaging them into the 2023 project plans and bidding them along with the Goss Place, Kaiser Drive and Pickering Court projects. EMH&T will provide surveying, engineering, and bidding services necessary to prepare construction plans and specifications for the Goss Place, Kaiser Drive, and Pickering Court areas as follows:

1. Survey

- a. Horizontal and vertical control will be established for a basis of design and construction. Topography necessary for the design will be acquired within or directly adjacent to the established right-of-way. Survey will be obtained on the State Plane Coordinate System and NAVD 88 vertical datum.
- b. It is anticipated that full survey of the right-of-way corridor will be necessary to fully characterize all of the underground utilities in the corridor. Additionally, this will allow greater flexibility in design by increasing the number of potential alignments for consideration. This will also allow us to obtain survey coordinates on the existing water services that will be replaced as part of this project.

2. Preliminary Engineering (60% Plans)

- a. Review of existing site conditions, record plans, and GIS information.
- b. Creation of an electronic base map that is developed using topographic survey, GIS, record plan, and OUPS data.
- c. Horizontal Alignment Review – Once the electronic base map is prepared, EMH&T will evaluate feasible alignment alternatives and coordinate with the City to identify a preferred alignment. Several factors will guide the selection of the best alignment alternative including:
 - i. Existing public and private utilities
 - ii. Right-of-way and easement boundaries
 - iii. 10-State Standards for Water Distribution Facilities
 - iv. City of Reynoldsburg Standards
 - v. Construction and maintenance of traffic considerations

EMH&T will meet with the Water and Wastewater Department to review / discuss the alignment options and select a preferred alternative, which will be the basis for preliminary plans.

- d. Preliminary Plans (60%) – These plans will illustrate the preliminary overall improvements for the waterline replacement improvement. EMH&T will meet with City staff to present the 60% design and again to discuss comments compiled by City staff upon completion of the review. An opinion of probable construction cost will also be presented. The 60% design will be provided to private utility owners to allow them to determine extent of impact from the proposed improvements. The 60% plans will include the following:
 - i. Title sheet and general notes
 - ii. Preliminary plan showing proposed horizontal alignment and tie-ins with adjacent water mains
 - iii. Preliminary vertical alignment outlining any potential conflicts with existing utilities
 - iv. 60% preliminary opinion of probable cost
 - v. Identification of any potential easement or land acquisition needs

3. Final Engineering

- a. EMH&T will incorporate City and private utility company comments into the final engineering

design.

- b. Develop sedimentation and erosion control details and requirements for the improvement.
- c. Prepare final Maintenance of Traffic Plans and construction phasing based on comments received from the City.
- d. Pre-Final Plans (90%) – These plans will represent the near completion of the design phase of the project. EMH&T will meet with the City to review the 90% submission and again upon completion of the City's review to discuss comments. Updated plans will be provided to the utility owners to allow for final determination of impact and to allow their relocation design to begin (if required). An updated opinion of probable construction cost will be provided as well. The 90% plans will include:
 - i. Title sheet and general notes
 - ii. Special item notes and project specific specifications
 - iii. Project details
 - iv. Estimate of quantities
 - v. Water coordinate table
 - vi. Water main plan/profile sheets
 - vii. Maintenance of traffic plan
 - viii. Sedimentation and erosion control plan
 - ix. Final opinion of probable cost
- e. Final Plans (100%) – Final plans will be provided to the City for signature approval. These will have all comments (from all applicable reviewers) from the 90% submission addressed. A final opinion of probable construction cost will also be provided.

4. Bidding

- a. We will prepare the bidding documents and plan sets necessary to conduct public bidding for the construction of the improvement. It is assumed that we will provide 15 copies of the bid documents to the City. Tasks to be completed in conjunction with the bidding phase will include:
 - i. Bid document preparation
 - ii. Advertisement preparation
 - iii. Issuance of addenda, if necessary
 - iv. Bid tabulation
 - v. Review of bids and formal recommendation of award

The Scope of Services does not include inspection services during the construction phase or any efforts subsequent to the awarding of the Contract. Items specifically not included within the scope of this proposal include: construction inspection, construction administration, subsurface investigations, land appraisal, land acquisition assistance, private utility relocation design, or environmental permitting. A proposal for construction administration and inspection services will be provided to the City when plans are completed and the project is ready for bidding.

Deliverables:

In conjunction with the services described herein, the following deliverables are planned:

- Alignment Alternative Review
 - Exhibits showing potential alignments with other utilities, critical maintenance of traffic areas, and other decision factors shown
 - Exhibit showing final preferred alignment at the completion of the alignment review with the City
- 60% Plan Submission
 - 2 - Plan Sets
 - Utility Submission (Number TBD)
 - 60% Opinion of Probable Construction Cost
- 90% Plan Submission

City of Reynoldsburg

November 22, 2022

Brookside Park, Goss Pl., and Kaiser Dr. Water Main Replacement

Page 5 of 6

- 2 – Plan Sets
- Utility Submission (Number TBD)
- 90% Opinion of Probable Construction Cost
- Final Plan Submission
 - 1- Plan set with mylar cover
 - Utility Submission (Number TBD)
 - Final Opinion of Probable Construction Cost
- Bidding
 - 15 Plan sets and bid document books
 - Addenda, If necessary
 - Formal bid tabulation
 - Letter of award recommendation

SCHEDULE

We are prepared to begin work identified in this proposal immediately upon receipt of Notice to Proceed. Upon receiving authorization, we will develop a detailed project schedule and conduct a kick-off meeting with the City.

FEE

These services will be provided as per the conditions of our Professional Services Agreement and the associated Time Rates for the City. Fees for the work described within the Scope of Services shall not exceed the amount shown in the table, below, without prior authorization from the City. Invoices will be submitted monthly and based on the progress of the work and are payable upon receipt.

Description of Service/Task	Fee
Surveying	\$8,500
Preliminary Engineering (60% Plans)	\$18,000
Final Engineering (100% Plans)	\$14,000
Bidding	\$5,000
TOTAL FEE	\$45,500

If this description and estimated fee meet your approval, please authorize with your signature below. Please contact me at (614) 775-4555 if you have any questions.

Respectfully submitted,

EVANS, MECHWART, HAMBLETON, & TILTON, INC.

Ryan M. Andrews, PE

Copy: Mr. Paul Hellman, Water/Wastewater Superintendent

City of Reynoldsburg

November 22, 2022

Brookside Park, Goss Pl., and Kaiser Dr. Water Main Replacement

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Acceptance and Authorization to Proceed:

APPROVED – CITY OF REYNOLDSBURG, OHIO

Authorized Signature

PO Number

Print Name/Date

Attachment: 2023 Water Main Proposal from EMH&T (2023-9 : 2023 Water Main Project Engineering Services EMH&T)

Water and Wastewater Department

Paul Hellman

614-322-4500 Phone

RESOLUTION REQUEST

DATE: **January 23, 2023**

TO: **Public Service and Transportation Committee**

RE: 2023 Sewer Project Engineering Services EMHT

Approval:

Completed Joe Begeny	Skipped Chris Shook	Completed Stephen Cicak
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Total EMH&T Cost for Preliminary, Final Engineering and Biding Services for \$48,000.00

for Ludlow, Rich/Bryden, and Hammond Rd, Sewer Improvements Proposal for Professional Services. Project would consist of the Installation of 2,600 Linear ft of 8" CIPP & 300 Linear ft of 15" CIPP & 2,000 linear ft of 18" CIPP. Rehabilitation and Repairs to aged and Deteriorated Manholes. 18 Manholes.

Anticipated construction cost is 783,000 for this Project. (See Attachment for Details)

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT
WITH EMH&T FOR THE 2023 SEWER PROJECT FOR ENGINEERING SERVICES,
CONSTRUCTION PLANS, SPECIFICATIONS, BID DOCUMENTS, AND
APPROPRIATING FUNDS THEREFOR**

WHEREAS, the sewer lines are in need of maintenance that can only be effectively repaired through the rehabilitation of those lines and inspected by the City engineer; and

WHEREAS, the upgrading and repair of those lines for the 2023 sewer project requesting engineering services from EMH&T in order to provide added protection against the failure of the existing collection system.

Water and Wastewater Department

Paul Hellman

614-322-4500 Phone

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

SECTION 1. That the Mayor be and is hereby authorized to enter into contract with EMH&T in the amount of \$48,000 for preliminary engineering and bidding services for the 2023 Sewer Rehabilitation Project.

SECTION 2. That funds for these services are included in the 2023 Budget.

SECTION 3. That \$48,000.00 be appropriated from the unappropriated Sewer CIP Fund account number 720.000.0000.4470 and appropriated to account number 720.000.0195.5622 Sewer Lines.

SECTION 4. This resolution shall take effect immediately upon passage by Council and the signature of the Mayor.



November 22, 2022

Mr. William Dorman
Public Service Director
City of Reynoldsburg
7232 East Main St
Reynoldsburg, OH 43068

**Re: Ludlow, Rich/Bryden, and Hammond Rd. Sewer Improvements
Proposal for Professional Services**

Dear Mr. Dorman,

EMH&T is pleased to submit our proposal for detailed design and bidding of the Ludlow, Rich & Bryden, and Hammond & Ives Sewer Improvements. This project was identified through the 2011-2014 Capacity Assessment and Sanitary Sewer Evaluation Study that was completed as part of the City's response to the Ohio EPA Director's Final Findings and Orders (DFFO). Additionally, there capital improvements (SA-8 and SA-16) were identified by the City as the recommended improvement for 2023 during the November 2022 CIP planning meeting.

Findings from the DFFO study indicated an extremely high number of cracks and fractures in the pipe within this area, which are not only subject to elevated clean water inflow and infiltration, but also reduce the overall structural integrity of the sewer. Additionally, the area has significant root intrusion in the sewer which can lead to further cracking / deterioration of the pipe as well as blockages in the sewer.

The anticipated construction cost for these improvements is approximately \$783,000. The proposed improvements include the installation of approximately 4,900 linear feet of 8-, 15- and 18-inch cured-in-place and rehabilitation and repair to approximately 18 manholes.

- Installation of 2,600 linear feet of 8-inch cured-in-place pipe
- Installation of 300 linear feet of 15-inch cured-in-place pipe
- Installation of 2,000 linear feet of 18-inch cured-in-place pipe
- Rehabilitation and repairs to aged and deteriorated manholes

SCOPE OF SERVICES

EMH&T will provide engineering services necessary to prepare construction plans, specifications, and bid documents for these improvements. The scope of services includes:

1. Preliminary Engineering
 - a. Review existing available information including existing CCTV recordings/logs, manhole inspections, GIS information, and record plans.
 - b. Prepare a base map for the proposed improvements using GIS and record plan information. Please note that the project plans will be developed using GIS and record plan data and that no field survey is included in this scope of services, which is our typical procedure for sewer rehabilitation plans.

A legacy of experience. A reputation for excellence.

5500 New Albany Road, Columbus, OH 43054 • Phone 614.775.4500 • Fax 614.775.4800

Columbus • Charlotte • Cincinnati • Indianapolis
emht.com

- c. Perform site visit to verify accuracy of the base map and confirm size, location, condition of the sewer improvements. Additionally, access to the sewers for construction personnel will be evaluated by noting locations of fences, easements, and access areas.
- d. Conduct site visit to assess manholes for rehabilitation and to determine the appropriate rehabilitation techniques.
- e. Present preliminary plans and recommendations including updated cost estimates to the City for review and comment.

2. Final Engineering

- a. Develop detailed plans and specifications for the sewer rehabilitation improvements which will consist of cured-in-place pipe installation and spot open cut point repairs.
- b. Develop specifications and a work map for the rehabilitation of aged and deteriorated manholes that were identified within the project limits.
- c. Prepare sewer liner thickness calculations.
- d. Develop contractor maintenance of traffic, sewer access and bypass pumping plans.
- e. Submit to the City a plan and cost estimate at the pre-final and final design phases to review the improvements and coordinate on the budget and schedule.
- f. Prepare final access plan for the contractor and prepare right-of-entry agreements, exhibits, and cover letters for the City's use in coordinating with property owners.
- g. Coordination with private utility companies as needed.

3. Bidding Assistance

- a. Prepare 10 copies of the bidding documents, plan sets and specifications for the City to distribute to prospective bidders.
- b. Review questions from contractors during bidding and issue bid addenda if necessary.
- c. Attend the bid opening, prepare a bid tabulation and award recommendation, and prepare conformed copies of the contract documents for the City and contractor to enter into an agreement.

Deliverables:

In conjunction with the services described herein, the following deliverables are planned:

- 50% Plan Submission
 - 2 - Plan Sets
 - Utility Submission (Number TBD)
 - 50% Opinion of Probable Construction Cost
- 95% (Pre-final) Plan Submission
 - 2 – Plan Sets
 - Utility Submission (Number TBD)
 - 95% Opinion of Probable Construction Cost
- Final Plan Submission
 - 1- Plan set with mylar cover
 - Final Opinion of Probable Construction Cost

City of Reynoldsburg
Ludlow, Rich/Bryden, and Hammond Rd. Sewer Improvements

November 22, 2022
Page 3 of 3

- Bidding
 - 10 Plan sets and bid document books
 - Addenda, If necessary
 - Formal bid tabulation
 - Letter of award recommendation

FEE

These services will be provided as per the conditions of our Professional Services Agreement and the associated Time Rates for the City. Fees for the work described within the Scope of Services shall not exceed the amount shown below without prior authorization from the City. Invoices will be submitted monthly, based on the progress of the work, and are payable upon receipt. Should this scope increase to incorporate additional improvements, additional fees may be necessary to cover the cost of professional services.

EMH&T SERVICES FEE SUMMARY

Description of Service/Task	Fee
Preliminary Engineering	\$13,000.00
Final Engineering	\$30,000.00
Bidding Services	\$5,000.00
TOTAL FEE	\$48,000.00

If this description and estimated fee meet your approval, please authorize with your signature below. Please contact me at (614) 775-4555 if you have any questions.

Respectfully submitted,

EVANS, MECHWART, HAMBLETON & TILTON, INC.



Ryan M. Andrews, PE
Senior Project Manager

Acceptance and Authorization to Proceed:

Authorized Signature/Date

PO Number/Date

Print Name

Mayor's Office
Jennifer Clemens
7232 E. Main Street
Reynoldsburg OHIO 43068
Phone

RESOLUTION REQUEST

DATE: **January 23, 2023**

TO: **Finance and Administration Committee**

RE: 2023 Community Survey Illuminology

Approval:

Completed Joe Begeny	Skipped Chris Shook	Completed Stephen Cicak
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The service agreement from Illuminology was the lowest and best that included focus group recruitment, incentives, printing, mailing and postage. The contract agreement with Illuminology is not to exceed \$38,830.

The Illuminology proposal and service agreement are attached.

These funds were included in the 2023 Budget and will be appropriated from account number 110.344.5339 Miscellaneous Contract Services.

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT
WITH ILLUMINOLOGY TO ASSIST WITH THE PREPARATION OF A
COMMUNITY SURVEY**

WHEREAS, it has been determined that the City should complete a community survey regarding community needs.

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

Mayor's Office
Jennifer Clemens
7232 E. Main Street
Reynoldsburg OHIO 43068
Phone

SECTION 1. That the Mayor be and is hereby authorized to enter into contract with Illuminology not to exceed \$38,830 to assist with the preparation of a community survey.

SECTION 2. These funds were included in the 2023 Budget.

SECTION 3. That \$38,830 be paid from the unappropriated account number 110.344.5339 Miscellaneous Contract Services.

SECTION 4. That pursuant to Reynoldsburg City Code Section 175.01 (d), competitive bidding for said service is hereby suspended.

SECTION 5. This resolution shall take effect immediately upon passage by Council and the signature of the Mayor.



5258 Bethel Reed Park
Columbus, Ohio 43220

Service Agreement

THIS SERVICE AGREEMENT ("Agreement") is made on **January 9, 2023** ("Effective Date") by and between the **City of Reynoldsburg** located at 7232 East Main Street, Reynoldsburg, OH 43068 ("Client"), and **The Strategy Team, Ltd. d/b/a Illuminology** located at 5258 Bethel Reed Park, Columbus, OH 43220 ("Illuminology"). "Party" and "Parties" shall refer to Client and Illuminology.

Scope of Work

1. Illuminology agrees to provide professional research services to Client as outlined in Exhibit 1 of this Agreement. Briefly, these research services will include the design, conduct, and delivery of a Community Survey for the Client.

Timeline

2. After this service agreement is finalized, a mutually agreeable timeline will be discussed and finalized between the Parties.

Compensation, Invoicing, And Payment Schedule

3. In consideration for the professional research services outlined above (the "Compensation"), Client shall pay Illuminology \$35,300 ($\pm 10\%$), unless the scope of the research changes and both parties agree, in writing, to these changes.
4. Illuminology will invoice according to the following schedule:
 - 50% of the estimated costs at project beginning; and
 - The remainder of research costs upon submission of the draft report.
5. Payment shall be due upon receipt of each invoice.

Termination

6. Client may terminate this Agreement for convenience upon thirty (30) days' prior written notice to Illuminology. Upon termination or suspension of this Agreement in accordance with the terms of this Agreement, Client shall promptly pay Illuminology for the costs reasonably incurred by Illuminology and Compensation, and other fees as set forth herein, for services performed prior to the effective date of such suspension or termination.

Contractor Status Statement

7. This contract is for the provision of short-term, independent research services and not a contract for employment.

Confidentiality And Non-Disclosure

8. Certain information ("Information") may be furnished to Illuminology by Client. Illuminology hereby agrees that the Information will not be used in any way detrimental to Client. Illuminology also agrees that such information will be kept confidential; provided, however, that such Information may be disclosed to Illuminology's employees and to any person necessary for Illuminology to provide the services ("Other Recipients"). It is understood that such Other Recipients shall be informed of the confidential nature of such Information and shall be directed to treat such Information confidentially in accordance with this agreement. Confidential Information does not include information that is: (i) available to the public, other than as a result of a breach of this agreement; (ii) rightfully received from a third party not in breach of any obligation of confidentiality; (iii) independently developed by a party without recourse to Confidential Information of the other party; or (iv) known to the recipient prior to the time of first disclosure.

9. Without Client's prior written consent, Illuminology agrees, and will direct any Other Recipients, not to disclose all or any portion of the Information to any person or entity other than as authorized by this agreement unless such information is: (i) available to the public, other than as a result of a breach of this agreement; (ii) rightfully received from a third party not in breach of any obligation of confidentiality; (iii) independently developed by a party without recourse to Confidential Information of the other party; or (iv) known to the recipient prior to the time of first disclosure.
10. Client represents and warrants to Illuminology that Client has all rights necessary to provide or otherwise make the Confidential Information available to Illuminology, and that Illuminology's use of the Confidential Information in the performance of its obligations hereunder, including without limitation the performance of the Services, will not violate the rights of any third party or otherwise violate applicable law. Client grants to Illuminology a limited license to use the Confidential Information to perform the Services and its obligations hereunder, and shall indemnify, defend and hold harmless Illuminology from and against all losses arising from or relating to the use of Confidential Information in the performance of Services or otherwise in the performance of Illuminology's obligations hereunder.

Amendments

11. The Agreement constitutes the entire agreement between the Parties concerning the subject matter herein. No modifications or amendments of this Agreement shall be effective unless it is in writing and duly executed by all of the Parties.

Limitation of Liability

12. Illuminology shall perform the Services in a professional and workmanlike manner in accordance with the degree of skill and care ordinarily exercised by reputable members of Illuminology's profession. Notwithstanding anything to the contrary, the warranties and limits of liability described in this section are in lieu of all other warranties and liabilities of Illuminology; there are no warranties express or implied, including but not limited to implied warranties of merchantability or fitness for a particular purpose; under no circumstance shall Illuminology's liability to Client or any third party arising out of or related in whole or in part to this agreement or the Services: (a) extend to or include any liability for incidental, consequential, special, punitive or other damages of any kind or character, including without limitation loss of revenue or profit, business interruption, or loss of opportunity, or (b) exceed in the aggregate the total of the amounts received by Illuminology pursuant to this agreement in the twelve month period immediately preceding the event giving rise to the claim.

Assignment

13. Illuminology shall not voluntarily, or by operation of law, assign or otherwise transfer its obligations under this Agreement without the prior written consent of the Client.

Entire Agreement

14. This Agreement, together with any other documents incorporated herein by reference constitutes the sole and entire agreement of the Parties with respect to the subject matter contained herein and therein, and supersedes all prior and contemporaneous understandings, agreements, representations, and warranties, both written and oral, with respect to such subject matter, and shall enure to the benefit of and be binding on the Parties and their respective heirs, executors, administrators and permitted successors and assigns.

Governing Law

15. It is the intention of the Parties to this Agreement that this Agreement, and its formation, operation and the performance under this Agreement, and all suits and special proceedings under this Agreement, be construed in accordance with and governed, to the exclusion of the law of any other forum, by the laws of the State of Ohio, without regard to or giving effect to any conflict or choice of law principles or rules. Any suit or proceeding in connection with or

involving any dispute or matter arising under this Agreement shall be brought only in a State or Federal Court sitting in Franklin County, State of Ohio, except that proceedings to enforce any ruling or judgment of such Court may be brought in any jurisdiction in which the defending Party has assets or is otherwise subject to jurisdiction. Client hereby irrevocably consents to the exercise of personal jurisdiction by any such Court with respect to such proceedings.

Severability

16. In the event that any term or provision of this Agreement is held to be invalid, illegal or unenforceable in whole or in part, such invalidity, illegality, or unenforceability shall not affect any other term or provision of this Agreement; all other provisions will nevertheless continue to be valid and enforceable with the invalid or unenforceable parts severed from the remainder of this Agreement.

Waiver

17. The waiver by either Party of a breach, default, delay or omission of any of the provisions of this Agreement by the other Party shall not be construed as a waiver of any subsequent breach of the same or other provisions.

Jury Waiver

18. The parties hereto irrevocably waive to the fullest extent permitted by law any right they may have to a trial by jury in any legal proceedings whether arising directly or indirectly out of or relating to this agreement or the parties hereto.

Authority to Bind

19. The individual executing this Agreement for Client hereby confirms their authority to bind the Client to this contract.

Attorney's Fees and Costs

20. If attorney's fees or costs are incurred in collecting for services rendered, or for expenses incurred in relation to this Agreement, the prevailing party shall recover all attorney's fees and costs incurred in relation to those collection efforts.

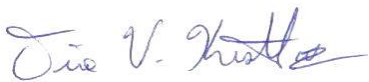
Execution in Parts

21. This Service Agreement may be executed in any number of actual or electronic copies of counterparts and by each of the different Parties on several counterparts, each of which when so executed and delivered will be an original. The executed signature page(s) from each actual or electronic copy of a counterpart may be joined together and attached and will constitute one and the same instrument.

IN WITNESS WHEREOF the Parties have duly affixed the signatures of their authorized representatives below.

ILLUMINOLOGY

CLIENT

By: 

By:
(signature)

Name: Orie V. Kristel, Ph.D.

Name: _____
(print name)

EIN #26-3266266



5258 Bethel Reed Park
Columbus, OH 43220

EXHIBIT 1

Jennifer Clemens
City of Reynoldsburg
7232 E Main Street
Reynoldsburg, Ohio 43068

November 9, 2022

Jennifer,

Our team of social science researchers is excited to share this proposal for conducting the City of Reynoldsburg's 2023 Community Survey!

We believe that a high-quality community survey will provide the City of Reynoldsburg with the following benefits:

- It will measure, in a scientific way, how residents feel about living in their community as well as their opinions about the community;
- It will ask residents to evaluate the core services provided by the City, from public safety to parks and recreation to trash and recycling pickup to other critical infrastructure.
 - If the City chooses to conduct another community survey in the future (e.g., in about 3-4 years), the City will be able to compare residents' service ratings in that future survey to the 2023 Community Survey ratings and then determine if there have been statistically significant changes over time.
- It will explore public opinion regarding emerging issues and trends that have policy and/or service implications for the City and its leadership.

If the City engages Illuminology to help guide and lead this important work, the City will gain access to the following unique attributes that, when combined, will produce a best-in-class community survey that features accurate, reliable data collected in an inclusive and collaborative manner.

- **Research methods expertise.** The bedrock foundation of an effective community needs assessment is the use of high-quality research methods, both quantitative and qualitative. Great care and attention to detail is necessary if one is to obtain data that are valid and reliable, to analyze them accurately, and to extract key stories and insights from them.
- **Deep subject-matter knowledge.** Our team members have helped many public entities with their community needs assessments over the years, including the City of Upper Arlington, the City of Columbus, and the City of Dublin, among others.
- **An intense focus on inclusive collaboration.** Our recommended approach reflects a high degree of community-based participation, which often leads to powerful outcomes. Such an approach requires a commitment to (1) the mindful inclusion of diverse voices and experiences into this process and (2) meaningful collaboration and communication among the researchers, residents, and City staff.

We hope that as you continue to read this proposal, you and your colleagues find that our experiences, expertise, and passion for helping communities to grow stronger suggests that Illuminology is an excellent fit with the City of Reynoldsburg for this work.

Because we believe that open, collaborative communications are the hallmark of successful community-based research engagements, please feel free to share any questions and/or suggestions that you or your team might have.

Details about our recommended scope of work, the estimated costs for that scope of work, and background information about our firm are included on the following pages.

Thank you for this opportunity!



Orie V. Kristel, Ph.D.
Principal



Karen A. Hines, Ph.D.
Senior Researcher

PROPOSED SCOPE OF WORK

PHASE 1 | PROJECT PLANNING



Kickoff meeting with City leadership

Illuminology will plan and facilitate a meeting between our team and key City staff, with the purpose of ensuring all are in alignment with this community research, its various steps and requirements, and timeline. Perhaps most importantly, we will spend a large portion of our time identifying preliminary survey concepts to be considered for inclusion in the 2023 Community Survey.

PHASE 2 | QUALITATIVE DATA & INSIGHTS



Community focus group with residents

Once there is a good understanding about the concepts the City of Reynoldsburg would like to consider including in its 2023 Community Survey, we will conduct a pre-survey focus group with residents. This focus group session will ensure that:

- Residents can speak with knowledge about each concept;
- No relevant or important concepts have been missed; and
- The survey language reflects the residents' language when discussing each topic.

Illuminology will conduct one in-person focus group with residents. The City of Reynoldsburg will secure a no-cost location for that focus group (e.g., City Hall; the Columbus Metropolitan Library's Reynoldsburg Branch).

Illuminology will recruit the focus group participants, design the discussion guide (or "conversational road map") for the session, and collaborate with the City of Reynoldsburg to finalize the discussion guide. Residents who participate in the focus group will receive a financial incentive to thank them for sharing their time.

Illuminology will conduct and audiorecord the focus group, transcribe the audiorecording, and analyze the qualitative data. In addition to guiding the refinement of question concepts to include in the survey questionnaire, selected insights from the focus group session will be included in the main report detailing the findings from the 2023 Community Survey.

PHASE 3 | QUANTITATIVE DATA & INSIGHTS



Representative survey

The survey will be conducted with a representative, random sample of Reynoldsburg residents, yielding between 400 and 500 completed surveys. Results from this survey will be generalizable to the City's adult residential population. The margin of error associated with a sample size of 400 is $\pm 4.9\%$ at the 95% confidence level.

On average, the questionnaire will be designed to take approximately 10 minutes to self-administer, including no more than 2 open-ended questions. Our team will collaborate

with City staff to ensure the questions included in the 2023 Community Survey measure the issues of interest in a valid and reliable manner.

Residents who are asked to participate in this survey will have the option to share their responses in two ways: (1) via the Internet, or (2) via a hard-copy version of the questionnaire, which can be returned to us at no cost to them. To aid with cooperation, we assume the City will publicize the survey, urging all those who are drawn into the sample to complete the survey questionnaire in a timely fashion.

Note that a portion of the randomly sampled residents may receive a small monetary incentive to thank them for taking the time to participate in the survey.

In addition to generating Citywide statistical estimates for the questions we ask, we will also explore the data for differences by meaningful subgroups (e.g., by age, gender, household income, race/ethnicity, or location within the City).

This engagement will end with the writing of a comprehensive report that describes the “story of the data” and provides City staff and leaders with actionable information and insights. This document will be delivered in Adobe PDF format so it can be uploaded to the City’s website for access by the community. After assuring respondent confidentiality, all data collected will become the property of the City of Reynoldsburg.

ESTIMATED COST

The estimated cost for the scope of work outlined above is \$35,300 ($\pm 10\%$). A third of these estimated costs are pass-through ones for our firm (e.g., focus group recruitment, incentives, printing, mailing, postage).

FIRM OVERVIEW | RELEVANT EXPERIENCE AND EXPERTISE

FIRM OVERVIEW

Illuminology provides custom-designed community needs assessment research and planning that illuminates opportunities to grow smarter, communicate better, and strengthen communities. By applying time-tested and emerging methods from the social sciences of psychology and consumer behavior to the real-world settings of the marketplace and community, we identify and clearly communicate the key “stories of the data” so our partners can make better informed decisions, change attitudes, and influence behavior.

Originally founded as The Strategy Team, Ltd., our firm has been in business continuously for 26 years. Our firm currently employs 9 outstanding research professionals, most of whom live in central Ohio, and contracts with ~20 more across the nation.

QUANTITATIVE RESEARCH EXPERIENCE

Our firm’s professionals have extensive academic training and decades of combined experience in the design and conduct of quantitative (survey) research. We’ve conducted hundreds of surveys to explore a diverse set of issues through a variety of modes (online, telephone, mail, and in-person). We are highly skilled in designing questionnaires that result in unbiased assessments of participants’ reactions to the topic in question, and regularly work with some of the nation’s leading survey methodologists.

We also have expertise and significant experience when it comes to analyzing quantitative data appropriately, and then translating those findings into clear, visually compelling graphics and/or succinct narrative. All of this allows our partners to quickly understand what was learned as well as the insights or potential actions these learnings suggest.

QUALITATIVE RESEARCH EXPERIENCE

Because our firm’s professionals have designed and conducted hundreds of focus groups and one-on-one interviews, our qualitative research experience is significant. We are confident in our ability to design questions and to provide a trusting environment that allows us to uncover rich, high-quality data. We are also experts in analyzing qualitative data to produce actionable insights.

COMMUNITY NEEDS ASSESSMENT EXPERIENCE

We’ve successfully completed a large number of customized community needs assessments for cities, counties, and nonprofits across Ohio. Most of those studies focused on questions that are similar to the ones that the City of Reynoldsburg wants to answer: how do residents rate the services the City provides? What is public opinion regarding critical policy issues that are under consideration by leadership?

Below is a partial listing of public and non-profit organizations with whom we have partnered to provide community needs assessment consultation and leadership.



- Ashtabula County Health Department
- Athens City-County Health Department
- Cambridge-Guernsey County Health Department
- Columbus Public Health
- Delaware General Health District
- Fairfield Department of Health
- Franklin County Public Health
- Gallia County General Health District
- Hocking County Health Department
- Huron County Public Health
- Jackson County Health Department
- Jefferson County General Health District
- Knox Public Health
- Meigs County Health Department
- Monroe County Health Department
- Noble County Health Department
- Perry County Health Department
- Pike County General Health District
- Vinton County Health Department



To learn more about Illuminology, please visit www.illuminology.net.

Clerk of Court**Leslie Clark****7232 E. Main Street****Reynoldsburg OH 43068****614-322-6852 Phone****ORDINANCE REQUEST****DATE: January 23, 2023****TO: Public Safety, Law and Courts Committee****RE: Then and Now - TAB (Jeter Systems Corp.)**

Approval:

Completed Joe Begeny	Skipped Chris Shook	Completed Stephen Cicak
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Emergency/Suspension: Emergency

Reason For Emergency: Financial needs of the City's government

The Clerk of Court's Office is requesting Council's approval to pay a then and now to Tab (Jeter Systems Corp) for the payment of the 2023 computer court files. The purchase order that was opened to pay for the files was opened timely in October of 2022 (2022-00002065), however, when the files were received in Mid-December, the clerk removed the purchase order from the carry-over list and inadvertently submitted the invoice to the Auditor's office for payment five days after its December 15th payment cutoff. The total amount due is \$5,115.81. A new purchase order (2023-00000384) has now been opened.

**AN ORDINANCE TO APPROVE PAYMENT OF SERVICES PERFORMED TO THE
AUDITORS CERTIFICATE OF AVAILABILITY OF FUNDS, AND DECLARING AN
EMERGENCY**

WHEREAS, services were rendered by Tab - Jeter Systems Corporation on behalf of the office of the Clerk of Court; and

WHEREAS, due to an error in the timely submission of the invoice and purchase order; and

Clerk of Court**Leslie Clark****7232 E. Main Street****Reynoldsburg OH 43068****614-322-6852 Phone**

WHEREAS, it is necessary to pay for the services rendered in a timely manner; and

WHEREAS, the City Auditor has certified to this Council that at the time the purchase was made, and at the present time, sufficient funds were available or in the process of collection, to the credit of the proper fund, properly appropriated, and free from any previous encumbrances; and

WHEREAS, the Ohio Revised Code (ORC) Section 5705.41 (D) grants to this Council the authority to approve payment for this purchase upon certification from the City's financial representative that both were available at the time of the contract.

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

SECTION 1. That in accordance with ORC 5705.41(D) the following payment for services performed to the Auditor's Certificate shall be and is hereby approved:

Vendor: Tab - Jeter Systems Corp

Description: Computer Court Files for 2023

Invoice Date: December 14, 2022

Invoice Number: INV29236

Total Amount: \$5,115.81

Account: 211.000.5203

SECTION 2. That this Ordinance is deemed to be an emergency measure necessary for the financial needs of the City in order to pay invoices and ORC 5705.41(D) requires that this Ordinance be passed within thirty days of its presentation to City Council. Therefore, upon adoption by Council, this Ordinance shall be in effect immediately upon signature by the Mayor.

AUDITOR'S CERTIFICATION

"Then and Now"

Section 5705.41 (D) of the Ohio Revised Code states that, when a purchase of goods and services is made prior to the Auditor's certification of available funds, the Auditor shall prepare a certificate stating that funds were available at the time of the purchase and are still available at the time of receipt of the invoice for such purpose. The certificate shall be presented to City Council for its consideration of approval. Resulting legislation shall be passed within 30 days from receipt of the Auditor's certificate.

I do hereby certify that the amount of \$ 5,115.81 has been

appropriated and was available in the treasury at the date of purchase 12/14/2022

and is still available as of 01/06/2023 for the following purchase:

Purchase Order # 2023-384

Date of Service 12/14/2022

Vendor JETER SYSTEMS CORP

Description: Computer Folder Tabs

Invoice # INV29236

Account # 211.000.5203

City Auditor

Date

Attachment: Then and Now-Clerk of Court-Tab Jeter Syst. Corp. (3-2023 : Then and Now -Tab (Jeter Systems Corp.))



605 4th St
Mayville, WI 53050
USA
Phone: (800) 873-4427
Fax: (920) 387-1898

Invoice Number: INV000029236

Invoice Date: 12/14/2022

Due Date: 1/13/2023

Order Number: US00015958

Salesperson: Karen M

Bill To: 2441942
Accounts Payable
REYNOLDSBURG MAYOR'S COURT
7232 E. MAIN ST
REYNOLDSBURG OH 43068
USA

Ship To: 0
Clark, Leslie
REYNOLDSBURG MAYOR'S COURT
7232 E. MAIN ST
REYNOLDSBURG OH 43068
USA

Purchase Order: 2022 00002065

Ship Date		Packages	Weight	Ship Via		Tracking/Pro Number		Terms		
12/14/2022		14	463.00	UPS Ground		1Z5812010392373012		NET 30 DAYS		
Line	Item		Description			Quantity		Unit Price	Unit	Extended Price
1	GBS1056-00-FPGL		14PT MLA FLDR DBL TAB 2B1 LTR			3,000		1.3900	EA	4,170.00000
2	GBS1056-00-FPGL		14PT MLA FLDR DBL TAB 2B1 LTR			400		1.3900	EA	556.00000

2022 DEC 19 14:00

Remit To:

TAB Products Co. LLC
24923 Network Place
Chicago, IL 60673-1249

Please show invoice number on your remittance.

Call (888) 466-8228 (option 4 at prompt) or email
arremittance@tab.com to pay by credit card or ACH.

Extended Total	4,726.00
Freight	389.81
Sales Tax	0.00
Prepaid Total	0.00
Balance Due USD	5,115.81

Attachment: Then and Now-Clerk of Court-Tab Jeter Syst. Corp. (3-2023 : Then and Now -Tab (Jeter Systems Corp.))



www.shop.tab.com for on-line ordering and making payments

NOTICE TO ALL TAB (AMES/JETER/GBS) CUSTOMERS
ACCOUNTS PAYABLE DEPARTMENT

TAB Products CO., LLC is encouraging our customers to accept our Invoices and Statement of Accounts via automatically email. We ask for your cooperation by completing the information below. Once completed, please email a copy of this form to our Accounts Receivable team at:

arremittance@tab.com.

Company Name City of Reynoldsburg

Customer Account Number _____

E-mail address _____

(A Generic e-mail is preferred)

Contact Name and Phone Number for Billing / Accounts Payables:

Once this form has been received and account is updated, your organization will enjoy the benefits of no longer waiting for Invoices / Statement of Accounts to be received through the mail and you will not have to call for copies.

Regards,

Pamela Rodriguez

prodriguez@tab.com

920.387.1956 – Direct Line

920-387.3131 – Main Line

605 Fourth Street

Mayville, Wisconsin 53050

Attachment: Then and Now-Clerk of Court-Tab Jeter Syst. Corp. (3-2023 : Then and Now -Tab (Jeter Systems Corp.))

Ship To

City of Reynoldsburg-Clerk of Courts
7232 E. Main Street
REYNOLDSBURG, OH 43068

Bill To

City of Reynoldsburg-Clerk of Courts
7232 E. Main Street
REYNOLDSBURG, OH 43068

Purchase Order
No. 2022-00002065

11.1.a

DATE 10/31/2022

VENDOR 1529 - JETER SYSTEMS CORP



PURCHASE ORDER NUMBER MUST APPEAR ON
ALL INVOICES, SHIPPERS, BILL OF LADING AND
CORRESPONDENCE

Contact

JETER SYSTEMS CORP
135 S LASALLE
DEPT 3736
CHICAGO, IL 60674-3736

DELIVER BY
SHIP VIA
FREIGHT TERMS
PAGE 1 of 1
ORIGINATOR: Leslie Clark

REFERENCE #

QUANTITY	UNIT	DESCRIPTION	UNIT COST	TOTAL COST
1,0000	Each	Computer Supples - Computer Files 211.000.5203 - Computer Supples 5,200.00	5,200.0000	\$5,200.00
		12/14/22		
		Invoice #: INV 000029236		
		Complete		
		DEC 22 2022		
				\$5,115.81
TOTAL DUE				\$5,200.00

AUDITOR'S CERTIFICATE

I certify that funds for the above encumbrance have been
appropriated and are in the treasury free from any obligation.

Stephen M. Cissick
one 122222

Special Instructions

APPROVED FOR PAYMENT

DEPT: COURT
DEPT. HEAD: LESLIE N. CLARK
SIGNATURE: *[Signature]*
DATE: 12/20/22

Reynoldsburg

OHIO • 1839

MEMORANDUM

TO: City of Reynoldsburg Departments

FROM: Stephanie Cornell, Deputy Auditor

DATE: November 14, 2022

SUBJECT: 2022 Year End Processing

Procedures for year-end processing are as following:

- **Thursday, December 15, 2022:** Last day to open a new purchase order. The only PO's that we will open after the 15th will be for an emergency or an ordinance that was approved.
- **Thursday, December 15, 2022:** Last check run of the year. PO's must be submitted for payment by **12 noon**.
- **Monday, December 19, 2022:** Email carry over list to auditor's department. Use the attached **excel spreadsheet** to list the purchase orders that you want to have remained open in 2023. To assist you in this process we suggest that you run an Open Purchase Order Report.
- The purchase orders carried over are only for expenses incurred in 2022, but paid in 2023. All other purchase orders will be closed.
- Please remember that **blanket purchase orders and credit purchase orders cannot be carried over**. If you expect to incur an expense, you must open a regular purchase order to a specific vendor.
- We will keep all Staple's, VISA, American Express Utility, and Project PO's open; therefore, you do not need to add these to your carry-over list.

If you have any questions, please feel free to contact the auditor's office.

Ship To

City of Reynoldsburg-Clerk of Courts
7232 E. Main Street
REYNOLDSBURG, OH 43068

Bill To

City of Reynoldsburg-Clerk of Courts
7232 E. Main Street
REYNOLDSBURG, OH 43068

Purchase Order
No. 2023-00000384

11.1.a

DATE 01/06/2023

VENDOR 1529 - JETER SYSTEMS CORP



PURCHASE ORDER NUMBER MUST APPEAR ON
ALL INVOICES, SHIPPERS, BILL OF LADING AND
CORRESPONDENCE

DELIVER BY
SHIP VIA
FREIGHT TERMS
PAGE 1 of 1
ORIGINATOR: Leslie Clark

Contact

JETER SYSTEMS CORP
135 S LASALLE
DEPT 3736
CHICAGO, IL 60674-3736

REFERENCE #

QUANTITY	UNIT	DESCRIPTION	UNIT COST	TOTAL COST
1.0000	Each	Computer Supplies - Computer Files 211.000.5203 - Computer Supplies 5,115.81	5,115.8100	\$5,115.81
TOTAL DUE				\$5,115.81

AUDITOR'S CERTIFICATE

I certify that funds for the above encumbrance have been
appropriated and are in the treasury free from any obligation.

Stephen M. Cissok

Special Instructions

Attachment: Then and Now-Clerk of Court-Tab Jeter Syst. Corp. (3-2023 : Then and Now -Tab (Jeter Systems Corp.))

Parks & Recreation Dept.**Donna Bauman****7232 E. Main Street****Reynoldsburg OHIO 43068****614-322-6879 Phone****ORDINANCE REQUEST****DATE: January 23, 2023****TO: Development, Parks and Recreation Committee****RE: Landscape Services for Streetscape 2023-2024**

Approval:

Completed Joe Begeny	Skipped Chris Shook	Completed Stephen Cicak
-------------------------	------------------------	----------------------------

Ordinance authorizing the Mayor to enter into contract with Yard Solutions, Inc. 4830 Hendron Road Groveport, OH 43125 for the Landscape Services Contract for Streetscape for 2023 and 2024 for a total of \$216,952.76 plus \$16,651.21 for the three (3) Alternate items break down as follows:

2023 \$105,830.62

2024 \$111,122.14

Alternate-A Memorial Plaza \$9,510.67 (\$4,755.34 per year)

Alternate-B Olde Reynoldsburg \$3,556.01 (\$1,778.01 per year)

Alternate-C Bioswale \$3,584.53 (\$1,792.27 per year)

Total two (2) year contract including alternate items \$233,603.97

Requesting \$8,900.00 be unappropriated from the General Fund and be appropriated to 110.340.5339 (Miscellaneous Contract Services) and as a three read emergency

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT

Parks & Recreation Dept.**Donna Bauman****7232 E. Main Street****Reynoldsburg OHIO 43068****614-322-6879 Phone****FOR THE 2023-2024 LANDSCAPE SERVICE CONTRACT, APPROPRIATING FUNDS
THEREFOR, WAIVE COMPETITIVE BIDDING, AND DECLARING AN
EMERGENCY**

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

SECTION 1. That the Mayor be and is hereby authorized and directed to enter into contract with Yard Solutions for 2023 through 2024 for the landscape service contract in an amount not to exceed \$105,830.62 for 2023 and \$111,122.14 for 2024 for a total of \$216,952.76.

SECTION 2. That additionally \$8,900.00 be appropriated from the unappropriated General Fund (110) be and is hereby appropriated to account number 110.340.5339 Miscellaneous Contract Services to cover the remaining balance for 2023 as only \$97,000.00 was included in the 2023 Budget.

SECTION 3. That upon adoption by Council, this Ordinance shall be effective thirty days following the Mayor's signature.

BID SCHEDULE

The undersigned having carefully considered the terms and conditions of the Contract Documents for the City of Reynoldsburg Contract Landscape Services for Seasons 2023 and 2024, does hereby offer to perform such services on behalf of the CITY, of the type and quality in the manner described, and subject to and in accordance with the terms set forth in the Contract Documents at the rates herein set forth. Prices per ITEM are to be expressed in figures. ITEM TOTALS are to be expressed in figures and in words. **Words take precedence over figures:**

BID: Please indicate the **COST PER SEASON** and **TOTAL** for each **ITEM** listed below:

	2023	2024
Fertilization	\$ 6022.60	\$ 6323.73
Insect and disease control	\$ 9245.61	\$ 9707.89
Weed control-general	\$ 18150.67	\$ 19058.20
Weed control on sidewalks and pavers	\$ 6434.95	\$ 6756.70
Mulching	\$ 26811.27	\$ 28151.83
Turf Maintenance	\$ 21575.0	\$ 22653.75
Annual and perennial maintenance	\$ 6794.86	\$ 7134.60
Tree and shrub pruning	\$ 10795.66	\$ 11335.44

Total

\$ 105830.62

\$ 111122.15 ¹⁴ ₇₃

(In Figures)

(In Figures)

2023-2024 Total Bid Main Street \$ 216952.77 ⁷⁶ (In Figures)

Two Hundred Sixteen Thousand Nine Hundred Fifty-Two and Seventy Seven cents
(In Words)

Add Alternate-A (Memorial Plaza) \$ 9510.67 (In Figures) (Two-year total)

Nine Thousand Five Hundred Dollars and Sixty-Seven cents
(In Words)

Add Alternate-B (Olde Reynoldsburg) \$ 3556.01 (In Figures) (Two-year total)

Three Thousand Five Hundred Fifty-Six Dollars and one-cent
(In Words)

Add Alternate-C (Bioswale at Reynoldsburg Community Center YMCA) \$ 3584.53 (In Figures) (Two-year total)

Three Thousand Five Hundred Eighty-Four Dollars and Fifty-Three cents
(In Words)

CONTRACTOR COMPANY NAME: (Type/ Print) Yard Solutions

NAME OF REPRESENTATIVE: (Type/Print) Austin Whitt

TITLE: (Type /Print) Account Manager

SIGNATURE OF REPRESENTATIVE: Austin Whitt

ADDRESS: 4830 Hendron Rd. PHONE NUMBER: 614-893-0904

Development Department**Eric Meyer****7232 E. Main Street****Reynoldsburg OHIO 43068****Phone****ORDINANCE REQUEST**

DATE: January 23, 2023

TO: Development, Parks and Recreation Committee

RE: Wilson Ridge and Rose Hill TIF

Approval:

Completed Joe Begeny	Completed Chris Shook	Completed Stephen Cicak
-------------------------	--------------------------	----------------------------

Emergency/Suspension: Emergency

Reason For Emergency: Financial needs of the City's government

AN ORDINANCE CREATING THE WILSON RIDGE AND ROSE HILL TAX INCREMENT FINANCING INCENTIVE DISTRICTS; DECLARING IMPROVEMENTS TO THE PARCELS WITHIN EACH INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE AND EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THOSE SERVICE PAYMENTS; AND SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT BENEFIT OR SERVE PARCELS IN THE INCENTIVE DISTRICT

WHEREAS, this Council desires to facilitate the development of three residential subdivisions with approximately 158 single-family homes within the City in order to increase available housing options within the City (the "Project"); and

Development Department

Eric Meyer

7232 E. Main Street

Reynoldsburg OHIO 43068

Phone

WHEREAS, in order to develop the Project, it is necessary to construct certain public infrastructure improvements; and

WHEREAS, this Council, pursuant to ORC Sections 5709.40, 5709.42 and 5709.43 (collectively, the “TIF Act”), is authorized to declare improvements to real property to be a public purpose, exempt those improvements from real property taxation, and require owners of the real property to make service payments in lieu of taxes in an amount equal to such exempted taxes; and

WHEREAS, to facilitate the development of the Project and pay the associated costs of the necessary public infrastructure improvements from service payments in lieu of taxes, this Council has determined to create the Wilson Ridge Incentive District and the Rose Hill District (each an “Incentive District” and collectively the “Incentive Districts”) pursuant to the TIF Act, the boundaries of which shall be coextensive with the boundaries of, and will include, the parcels of real property within each Incentive District specifically identified and depicted in Exhibit A attached hereto (as currently or subsequently configured, the “Parcels”, with each of those parcels referred to herein individually as a “Parcel”); and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG, FRANKLIN, LICKING, AND FAIRFIELD COUNTIES, OHIO:

SECTION 1. Incentive District Findings and Determinations; Creation of Incentive Districts. This Council hereby: (i) adopts the Economic Development Plan for the Incentive Districts now on file with the Clerk of the City Council, (ii) accepts and adopts the City Engineer’s certification to this Council and the City Engineer’s findings set forth therein (a) that the public infrastructure serving the Incentive Districts is inadequate to meet the development needs of the Incentive Districts as evidenced by the Economic Development Plan and (b) that each Incentive District is less than 300 acres in size and enclosed by a contiguous boundary, (iii) finds and determines that the Project will place additional demand on the Public Infrastructure Improvements, (iv) finds and determines that the City sent written notice of the public hearing regarding this ordinance by first class mail to each owner of real property within each proposed Incentive District at least 30 days prior to such hearing, which notice included a map of the proposed Incentive District as well as the overlay area required by ORC Section 5709.40(C)(2), (v) finds and determines that this Council has not received a request from the owner of any real

Development Department

Eric Meyer

7232 E. Main Street

Reynoldsburg OHIO 43068

Phone

property within any proposed Incentive District to exclude that owner's property from the Incentive District and (vi) finds and determines that notice of this ordinance has been delivered to the Boards of Education of Reynoldsburg City Schools and the Eastland-Fairfield Career and Technical Schools in accordance with and within the time periods prescribed in ORC Sections 5709.40 and 5709.83. This Council further finds that the sum of the taxable value of real property in the Incentive Districts for tax year 2022 and the taxable value of all real property in the City that would have been taxable in tax year 2022 were it not for the fact that the property was in an existing incentive district and therefore exempt from taxation, does not exceed twenty-five percent of the taxable value of real property within the City for tax year 2022. Pursuant to the TIF Act, this Council creates the Incentive Districts, the boundaries of which are coextensive with the boundaries of, and include, the Parcels specifically identified and depicted in Exhibit A attached hereto.

Certain parcel(s) comprising a portion of the Wilson Ridge Incentive District (as identified and depicted in Exhibit A attached hereto) are hereby no longer subject to Ordinance No. 102-18, passed by Council on October 22, 2018, as amended, and as to such parcel(s)' exemption from real property taxes and obligation to make service payments, are solely governed by this Ordinance.

SECTION 2. Public Infrastructure Improvements. This Council designates the following public infrastructure improvements, together with any public infrastructure improvements hereafter designated by ordinance, as public infrastructure improvements made, to be made or in the process of being made by the City that benefit or serve, or that once made will benefit or serve, the Parcels in each Incentive District (the "Public Infrastructure Improvements"): roadway improvements, including improvements to Waggoner Road and Rose Hill parks and recreation facilities, including improvements to Civic Park, and all appurtenances thereto, together with any other "public infrastructure improvements" within the meaning of ORC Section 5709.40(A)(8) hereafter designated by Council. The costs of the improvements include but are not limited to, those costs listed in ORC Section 133.15(B).

SECTION 3. Life of Incentive Districts; Authorization of Tax Exemption. The life of each Incentive District commences with the first tax year in which at least \$2,000,000 (County Auditor market value) of building Improvements would first appear on the tax list and duplicate of real and public utility property for Parcels within the Incentive District were it not for the exemption granted in this ordinance and ends on the earlier of (a) 10 years after such

Development Department

Eric Meyer

7232 E. Main Street

Reynoldsburg OHIO 43068

Phone

commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Act (the “Incentive District Life”).

Pursuant to and in accordance with the provisions of ORC Section 5709.40(C), this Council hereby declares that the increase in assessed value of each Parcel subsequent to the effective date of this ordinance (which increase in assessed value is hereinafter referred to as the “Improvement,” as defined in ORC Section 5709.40(A)) is a public purpose, with 75% of such Improvement to each Parcel exempt from taxation for the Incentive District Life for the applicable Incentive District.

SECTION 4. Service Payments and Property Tax Rollback Payments. Pursuant to ORC Section 5709.42, the owner of each Parcel is hereby required to make annual service payments in lieu of taxes with respect to the Improvement to that Parcel to the applicable county treasurer (the “County Treasurer”) on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes, including any penalties and interest at the then current rate established for real property taxes (collectively, the “Service Payments”), will be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement if it were not exempt from taxation pursuant to Section 3 of this ordinance. The Service Payments, and any other payments with respect to each Improvement that are received by the County Treasurer in connection with the reduction required by ORC Sections 319.302, 321.24, 323.152 and 323.156, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the “Property Tax Rollback Payments”), will be deposited and distributed in accordance with Section 6 of this ordinance.

SECTION 5. TIF Fund. This Council hereby establishes the Reynoldsburg Incentive District Municipal Public Improvement Tax Increment Equivalent Fund (the “TIF Fund”). The TIF Fund shall be maintained in the custody of the City and shall receive all distributions to be made to the City pursuant to Section 6 of this ordinance. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement of each Parcel and so deposited pursuant to the TIF Act shall be used solely for the purposes authorized in the TIF Act and this ordinance (as it may be amended or supplemented). The TIF Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any

Development Department

Eric Meyer

7232 E. Main Street

Reynoldsburg OHIO 43068

Phone

incidental surplus funds remaining therein transferred to the City's General Fund, all in accordance with the TIF Act.

SECTION 6. Distribution of Funds. Pursuant to the TIF Act, the County Treasurer is requested to distribute the Service Payments and Property Tax Rollback Payments as follows:

a. To each of the Reynoldsburg City School District and the Eastland Joint Vocational School District, an amount equal to the amount the school district would otherwise receive as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to each Parcel if the Improvement had not been exempt from taxation pursuant to this ordinance.

b. To the City, all remaining amounts for further deposit into the TIF Fund for payment of costs of the Public Infrastructure Improvements, including, without limitation, debt charges on any notes or bonds issued to pay or reimburse finance costs or costs of those Public Infrastructure Improvements.

All distributions required under this Section are requested to be made at the same time and in the same manner as real property tax distributions. The City shall make any distributions to the extent not made by the County Treasurer.

SECTION 7. Further Authorizations. This Council hereby authorizes and directs the Mayor, the City Attorney, the City Auditor, and the Development Director, or other appropriate officers of the City to deliver a copy of this ordinance to the Ohio Development Service Agency and to make such arrangements as are necessary and proper for collection of the Service Payments. This Council further authorizes the Mayor, the City Attorney, the City Auditor and the Director of Development, or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this ordinance.

SECTION 8. Open Meetings. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including ORC Section 121.22.

Development Department**Eric Meyer****7232 E. Main Street****Reynoldsburg OHIO 43068****Phone**

SECTION 9. Effective Date. This ordinance is effective on the earliest date permitted by law.

CITY OF REYNOLDSBURG, OHIO
ECONOMIC DEVELOPMENT PLAN
WILSON RIDGE AND ROSE HILL
RESIDENTIAL INCENTIVE DISTRICTS

December 12, 2022

Attachment: Economic Development Plan (.40(C) TIF) Townhomes districts (Wilson Ridge and Rose Hill TIF)

The Plan

The purpose of this Economic Development Plan (this “Plan”) is to satisfy the requirement of Section 5709.40(A)(5)(f) of the Ohio Revised Code, which requires that an economic development plan evidence that the public infrastructure serving proposed residential tax increment financing incentive districts is inadequate to meet the development needs of the districts. This Plan has been developed to continue the efficient and effective development of the City of Reynoldsburg, Ohio (the “City”).

Proposed Development

This Plan relates to two residential developments in the City: Wilson Ridge and Rose Hill.

Wilson Ridge is a 80 lot residential development in the City on approximately ___ acres, approximately ___ acres of which will be set aside for open space. Creating a new, single family residential development, architecturally integrated with homes on surrounding property, will help increase property values in the area and increase housing options in the City. 80 single family homes are expected to be constructed and sold at a price of \$295,000 each. The property is currently undeveloped – there are no buildings or structures on the property.

Rose Hill is a 78 lot residential development in the City on approximately ___ acres, approximately ___ acres of which will be set aside for open space. Creating a new, single family residential development, architecturally integrated with homes on surrounding property, will help increase property values in the area and increase housing options in the City. 78 single family homes are expected to be constructed and sold at a price of \$280,000 each. The property is currently undeveloped – there are no buildings or structures on the property.

The above described properties are referred to herein as the “Incentive Districts” or the “Property”. The current development plans for the Property are contained in Attachment A.

Proposed Incentive Districts

The City is considering the creation of residential Tax Increment Financing (TIF) Incentive Districts (the “Incentive Districts”) encompassing the proposed residential developments. The Incentive Districts will help to: (1) use quality architecture and design; (2) permit the development of high quality, single-unit housing; (3) enhance the City’s roadway system by providing for public infrastructure including roads, water, sewer, and storm drainage improvements, as well as sidewalks and landscaped open spaces; (4) create a neighborhood that will continue to grow over time; and (5) increase the City’s collection of income taxes and, over time, real property taxes for the City and other taxing subdivisions.

Public Infrastructure Improvements

Payments in lieu of taxes collected from the proposed Incentive Districts will fund public infrastructure improvements necessary to support the residential development, including, without limitation, the following improvements: roadway improvements, water system improvements,

sanitary sewer improvements, storm drainage improvements, pedestrian sidewalks and bike paths, street lights, gas facilities, electrical facilities, and all appurtenances thereto.

The public infrastructure improvements will help solve existing infrastructure needs in the City and improve the capacity of infrastructure to handle the increased demand placed on it by the development of the Property, all of which will help to attract new families to the City, increase property values and support the increase of needed housing stock. The City will benefit as a whole from the creation of three new residential developments totaling 158 single family lots and construction of the Public Infrastructure Improvements.

Analysis and Assessment

The proposed residential developments described in this Plan will help the City to enhance the safety and functionality of the community's roadway system as well as play a vital role in the growth and preservation of the community through planned development.

The proposed residential developments will create an urgent need for infrastructure upgrades in this area of the City. The proposed Incentive Districts will assist in financing public infrastructure improvements vital to the growth and development of the Property but will also aid in attracting new families, a vital factor to the overall development of the City.

This project will allow the City to upgrade its roadway system. The proposed residential developments will provide desired housing for population growth and a strengthened tax base for the City.

Conclusion

Residential development has been an important catalyst to the City's economic development success, and the Property will serve as a catalyst for success in the economic development of the City. The residential development will provide the desired housing for the growing population, while the public infrastructure improvements will support the residential development, and provide for new economic development in the City. The proposed Incentive Districts are located in an area identified by the City for growth and development. This project will provide critical family housing and necessary supporting infrastructure as the City's population and commercial activity increases.

Attachments

Attachment A: Current development plans for the Districts

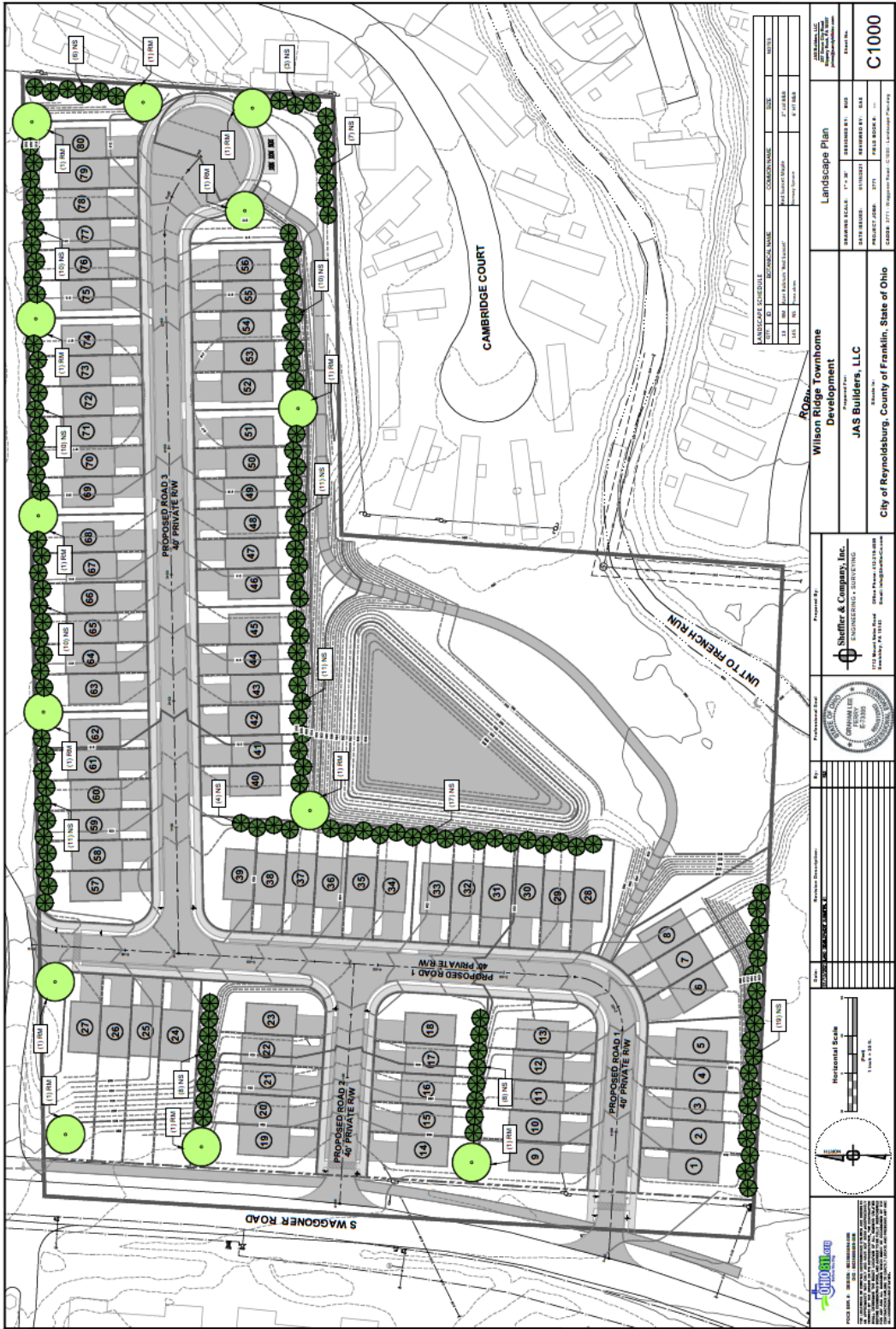
CERTIFICATE OF CITY ENGINEER
PURSUANT TO OHIO REVISED CODE SECTION 5709.40(A)(5)(f)

The developer of the Incentive Districts shown on the attached maps intends to develop a residential subdivision with approximately 158 single-family homes within the City in order to increase available housing options within the City. Each of the Incentive Districts shown on the attached maps are less than 300 acres in size and have a continuous boundary. Pursuant to Ohio Revised Code Section 5709.40(A)(5)(f), I hereby certify that the public infrastructure serving the Incentive Districts shown on the attached maps is inadequate to meet the development needs of the districts as evidenced by the development plans for the districts.

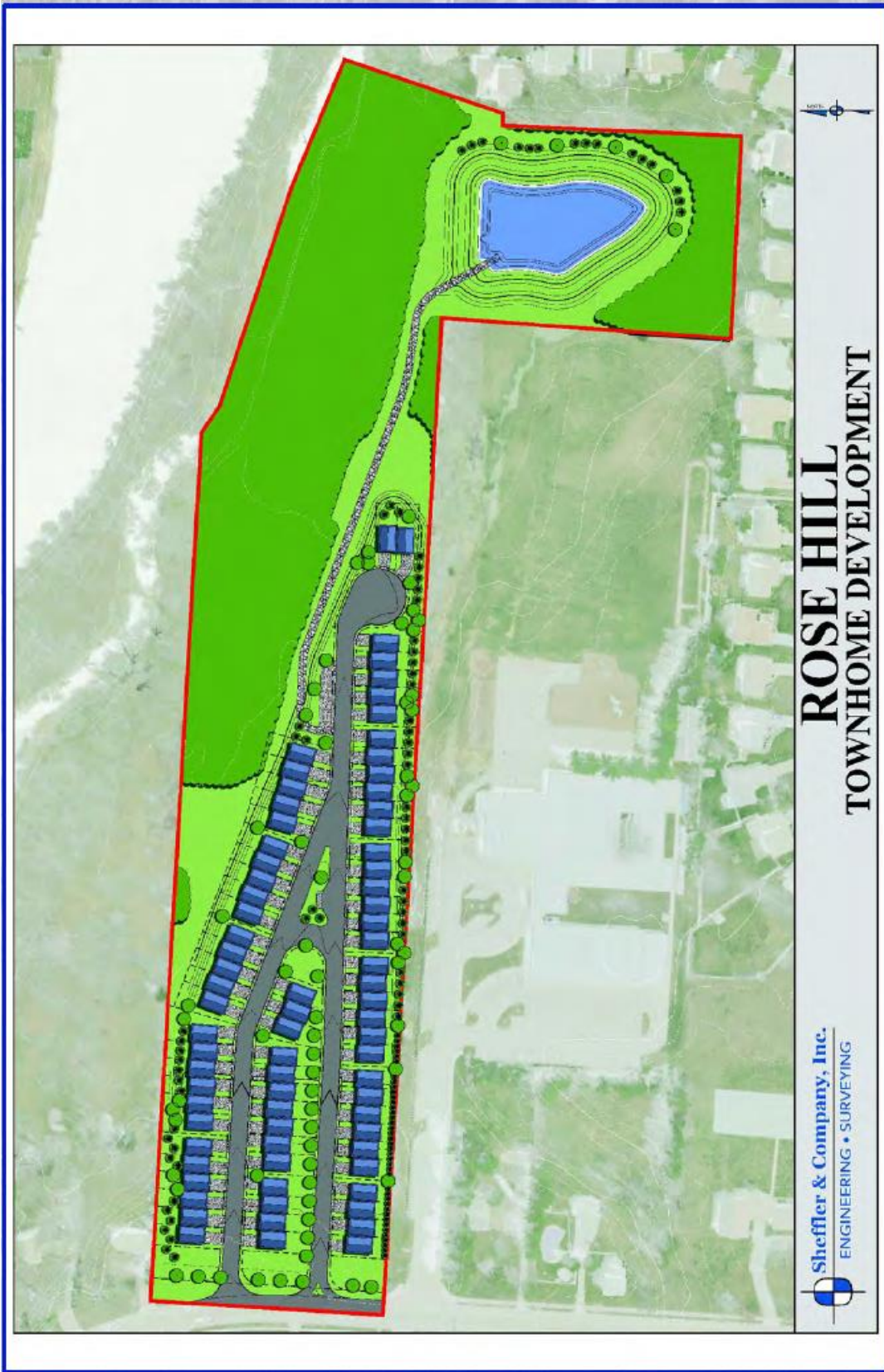
City Engineer
City of Reynoldsburg, Ohio

Attachment A

Wilson Ridge Incentive District:



Rose Hill Incentive District:



CERTIFICATE OF CITY ENGINEER
PURSUANT TO OHIO REVISED CODE SECTION 5709.40(A)(5)(f)

The developer of the Incentive Districts shown on the attached maps intends to develop a residential subdivision with approximately 158 single-family homes within the City in order to increase available housing options within the City. Each of the Incentive Districts shown on the attached maps are less than 300 acres in size and have a continuous boundary. Pursuant to Ohio Revised Code Section 5709.40(A)(5)(f), I hereby certify that the public infrastructure serving the Incentive Districts shown on the attached maps is inadequate to meet the development needs of the districts as evidenced by the development plans for the districts.


City Engineer
City of Reynoldsburg, Ohio

Attachment: TIF City Eng. Signature (Wilson Ridge and Rose Hill TIF)

Development Department

Eric Meyer

7232 E. Main Street

Reynoldsburg OHIO 43068

Phone

ORDINANCE REQUEST

DATE: **January 23, 2023**

TO: **Development, Parks and Recreation Committee**

RE: 2023 Zoning Code Amendments

Approval:

Completed Joe Begeny	Skipped Chris Shook	Stephen Cicak
-------------------------	------------------------	---------------

2023 Zoning Updates include amendments to the zoning process for refining illustrations, glossary definitions, sustainability standards, accessory structures, driveway standards, fence placement, and special event allowances.

AN ORDINANCE TO AMEND CHAPTER ELEVEN - PLANNING AND ZONING CODE FOR THE CITY OF REYNOLDSBURG, OHIO

WHEREAS, the City of Reynoldsburg determined that the Zoning Code of the City should be revised to improve efficiency, address concerns of residents in the community, and maintain consistency with the Reynoldsburg Comprehensive Master Plan in 2018; and

WHEREAS, the modifications are to be made to the Code that went into effect on April 23, 2020 and subsequently amended, mostly recently by Ordinance Number 39-2022.

WHEREAS, these amendments are to align, and re-calibrate the text to better conform to the usefulness of the code.

WHEREAS, the new Reynoldsburg code, should continually adopt and be revised to better suite new policies, and practices within the administration, and city planning.

Development Department**Eric Meyer****7232 E. Main Street****Reynoldsburg OHIO 43068****Phone**

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

SECTION 1. That Chapter 11-Planning and Zoning Code will be amended with this updated code -

See Exhibit “A” attached hereto and incorporated herein.

SECTION 2. That upon adoption by Council, this Ordinance shall be in effect thirty days following the signature by the Mayor.

Proposed Reynoldsburg Zoning Code Changes:

Page 4:

- Reordered in Table of Contents (Combined BZBA and PC into Section 1109.05)

Page 11:

- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022)

Page 14:

- Inserted reference to Accessory Structures section to 1101.G.vi (Redirects new section on Decks and Patios)

Page 22:

- Updated City Zoning Map with January 2023 Zoning Districts/Colors
- Revealed Zoning Legend

Page 33:

- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022)

Page 41:

- Vehicular Car Repair – Light Changed to Vehicular Care Services – Minor. Aligned with use already in glossary definitions.

Page 56:

- Removed Vehicular Repair – Heavy and Vehicular Repair – Light (Not defined in glossary and covered under Vehicular Care Services – Major and Minor)

Page 60:

- Removed “Vehicular Repair – Heavy” and “Vehicular Repair – Light (Not defined in glossary and covered under Vehicular Care Services – Major and Minor)

Page 103:

- Added Bicycle Storage Requirements for off street parking

Page 109:

- Removed Vehicular Repair – Heavy and Vehicular Repair – Light (Not defined in glossary and covered under Vehicular Care Services – Major and Minor)

Page 114:

- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022) [Several]

Page 115:

- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022)

Page 116:

Window Coverage section added to Common Regulations.

Page 118:

- Board of Zoning and Building appeals to Planning and Zoning Board Revision (Per Ordinance 152-2022)
- Accessory Structures Floodplain Administrator responsibility outlined.

Page 119:

- Service Structures section created
- Deck and Patio Section created

Page 120:

- Driveway Standards modified (removed E.ii and E.iii)

Page 125:

- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022)

Page 129:

- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022)

Page 131:

- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022)

Page 132:

- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022)[Several]

Page 133:

- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022)[Several]

Page 134:

- Yard Location Diagrams added, Interior and Corner Lots

Page 136:

- Rear and Side Yard Fence are allowed to deviate from property line in ORD
- Rear and Side Yard Fence are allowed to deviate from property line in Residential Districts

Page 137:

- Rear and Side Yard Fence are allowed to deviate from property line in Commercial and Mixed Use Districts
- Rear and Side Yard Fence are allowed to deviate from property line in the Innovation zoning District

Page 138:

- Rear and Side Yard Fence are allowed to deviate from property line in Open Space/School Zone.
- Corner Lot Section is created defining primary and secondary front yard.
- Service Fences are defined and allowed without a permit.

Page 140:

- Replaced Sales with Events for Supplementary Use type inclusion

Page 141:

- BZBA to Planning and Zoning Board Revision (Per Ordinance 152-2022)

Page 142:

- Allowing more than two events in calendar year by same organization at same site at P&Z Admin and Director of Parks of Rec.

Page 143:

- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022)[Several]

Page 144:

- BZBA to Planning and Zoning Board Revision (Per Ordinance 152-2022)[Several]

Page 145:

- BZBA to Planning and Zoning Board Revision (Per Ordinance 152-2022)

Page 146:

- BZBA to Planning and Zoning Board Revision (Per Ordinance 152-2022)

Page 147:

- BZBA to Planning and Zoning Board Revision (Per Ordinance 152-2022)[Several]

Page 152:

- BZBA to Planning and Zoning Board Revision (Per Ordinance 152-2022)[Several]

Page 155:

- BZBA to Planning and Zoning Board Revision (Per Ordinance 152-2022)

Page 156:

- BZBA to Planning and Zoning Board Revision (Per Ordinance 152-2022)

Page 157:

- BZBA to Planning and Zoning Board Revision (Per Ordinance 152-2022)

Page 162:

- BZBA to Planning and Zoning Board Revision (Per Ordinance 152-2022)
- Updated Tables for Administration and Procedures for PZB

Page 163:

Updated Tables for Administration and Procedures for PZB

Page 164:

- Section Title Change: Planning and Zoning Board
- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022)[Several]

Page 165:

- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022)
- Merged duties of BZBA with PZB Under 1109.05

Page 166:

- Quorum and affirmative votes changed from 3 to 4
- Removed Section of BZBA responsibilities *Relocated to 1109.05*

Page 167:

- Section Title Change: 1109.05 to 1109.07

Page 168:

- Section Title Change: 1109.09 to 1109.11

Page 169:

- Section 1109.11 to 1109.13
- BZBA to Planning and Zoning Board Revision (Per Ordinance 152-2022)[Several]

Page 170:

- BZBA to Planning and Zoning Board Revision (Per Ordinance 152-2022)
- Section 1109.15>1109.13 [Several]

Page 171:

- BZBA to Planning and Zoning Board Revision (Per Ordinance 152-2022)[Several]

Page 172:

- BZBA to Planning and Zoning Board Revision (Per Ordinance 152-2022)[Several]

Page 173:

- BZBA to Planning and Zoning Board Revision (Per Ordinance 152-2022)[Several]

Page 174:

- Section Title Change: 1109.17 to 1109.15

Page 175:

- BZBA to Planning and Zoning Board Revision (Per Ordinance 152-2022)[Several]

Page 176:

- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022)[Several]

Page 177:

- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022)[Several]

Page 178:

- BZBA to Planning and Zoning Board Revision (Per Ordinance 152-2022)[Several]
- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022)[Several]
- Major Site Plan Signage Amendment

Page 179:

- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022)[Several]

Page 180:

- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022)[Several]

Page 181:

- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022)[Several]

Page 182:

- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022)[Several]

- Development Plan definition clarified.

Page 183:

- BZBA to Planning and Zoning Board Revision (Per Ordinance 152-2022)[Several]

Page 186:

- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022)[Several]

Page 187:

- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022)[Several]

Page 188:

- Planning Commission to Planning and Zoning Board (Per Ordinance 152-2022)[Several]

Page 190:

- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022)

Page 196:

- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022) [Several]

Page 199:

- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022) [Several]

Page 200:

- Planning Commission to Planning and Zoning Board Revision (Per Ordinance 152-2022)[Several]

Page 207:

- Removed Board of Zoning and Building Appeals Definition from Glossary

Page 220:

- Modified Food Service – Commissary/Bakery definition to include only off premises consumption.

Page 227:

- “Major Tree” definition removed to keep Tree, Major in Landscape glossary. Fixes discrepancy in measurement

Page 236:

- “Planning Commission or Commission” definition removed

A large solid red square and a smaller solid red vertical rectangle are positioned to the left of the title.

REYNOLDSBURG ZONING CODE

REYNOLDSBURG, OH
2023

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1113 GLOSSARY OF TERMS

1101

INTRODUCTION AND HOW TO USE THIS CODE

Introduction and How to Use this Code

SECTION 1101.01 TITLE

- A. This Code shall hereinafter be known and cited as “The City of Reynoldsburg Zoning Code,” and hereinafter referred to as the/this “Code” or “these regulations.”

SECTION 1101.03 PURPOSE AND INTENT

- A. In adopting this Code, Council has given reasonable consideration to, among other things:
- i. the comprehensive plan;
 - ii. current conditions and the character of current structures and uses in each district;
 - iii. the most desirable use for which the land in each district is adapted;
 - iv. the conservation of property values throughout the City of Reynoldsburg; and,
 - v. responsible development and growth of the City of Reynoldsburg and hereby adopts this Code for the following purposes:
 - 1. To promote the achievement of the Comprehensive Land Use Plan for the City;
 - 2. To advance the position of the City as a center of commerce, industry, recreation and culture;
 - 3. To provide for desirable, appropriately located living areas in a variety of dwelling types and at a suitable range of population densities, with adequate provision for sunlight, fresh air and usable open space;
 - 4. To protect residential, commercial, industrial and civic areas from the intrusions of incompatible uses, and to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to share services;
 - 5. To ensure preservation of adequate space for commercial, industrial and other activities necessary for a healthy economy;
 - 6. To promote safe, fast and efficient movement of people and goods without sacrifice to the

REYNOLDSBURG ZONING CODE

quality of the City's environment and to provide adequate off-street parking;

7. To stabilize expectations regarding future development of the City, thereby providing a basis for wise decisions with respect to such development;
8. To preserve and enhance the quality of the City's environment;
9. To provide for effective signage that is compatible with the surrounding urban environment; and
10. To maintain the safety and potability of public water supplies located within the City.

SECTION 1101.05 APPLICABILITY

- A. In their interpretation and application, the provisions of this Code shall be held to be minimum requirements (unless a maximum standard is established) adopted for the promotion of the public health, safety, convenience, comfort, prosperity or general welfare. Wherever the requirements of the Code are at variance with the requirements of any other lawfully adopted rules, regulations, codes, deed restrictions or covenants, the provisions of this Code shall control.
- B. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or altered except in conformity with all of the regulations herein specified for the zone or district in which it is located.

SECTION 1101.07 ZONES, DISTRICTS AND OVERLAYS

- A. The following zones and districts are hereby established for the corporate limits of the City of Reynoldsburg, and land within said areas shall be designated on the Zoning Map by the following symbols:

DISTRICTS	SYMBOL	REPLACES
ZONES		
Suburban Residential Zone	SR	R-1; R-2; R-3
Residential Medium Zone	RM	R-4; R-20; AR-1; AR-1; AR-2; AR-3; MH
Community Commercial Zone	CC	CC; CO; NC
Innovation	I	RI; GI
Open Space/Schools	OS	CS

INTRODUCTION AND HOW TO USE THIS CODE

DISTRICTS	SYMBOL	REPLACES
DISTRICTS		
Olde Reynoldsburg Commercial District	ORD-C	HOD
Olde Reynoldsburg Neighborhood District	ORD-N	HOD
Brice and Main District	BMD	N/A
East Main District	EMD	N/A
OVERLAYS		
Flood Plain Overlay District	FPO	No change
Historic Overlay District	ORD-C; ORD-N	HOD

- B. The Planned Development districts (PNDD and PCDD) are no longer included in the zoning districts applicable to this Code. No new projects or developments shall use the Planned Development district. All projects previously designated PNDD or PCDD shall be assigned a different zoning district with the adoption of this Code; provided, however, they may continue to function under the established PNDD or PCDD regulations previously adopted and specific to that development. Any project within the same geographic boundaries of the existing Planned Development may be redeveloped under the same provisions that were previously adopted. An owner of property greater than two acres in total area, with the approval of the Planning and Zoning Administrator, may instead select to designate the existing Planned Development into applicable zoning districts that most closely relate to the existing uses and building form.

SECTION 1101.09 ZONING MAP

- A. The City is divided into zones and districts as shown on the Zoning Map, which, together with all explanatory matter thereon, is adopted by reference and declared to be a part of this Code.
- B. The Zoning Map shall be located in the office of the Director of Development of the City of Reynoldsburg, maintained on file in the office of the Clerk of Council, and on the City's official website, and this map shall be the final authority as to the current zoning status of land and water areas, building, and other structures in the City.
- C. No changes of any nature shall be made in the Zoning Map or matter shown thereon except in accordance with the procedures set forth in Title Eleven of this Code. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Code and punishable as provided under this Code.

SECTION 1101.11 RULES FOR INTERPRETING DISTRICT BOUNDARIES ON THE ZONING MAP

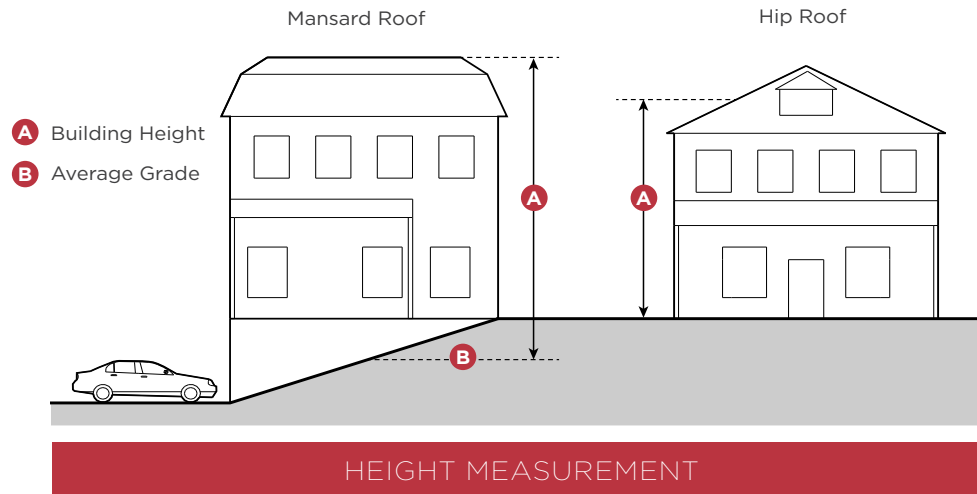
- A. The following rules shall apply to the interpretation of district and zone boundaries on the Zoning Map:
- i. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
 - ii. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
 - iii. Boundaries indicated as approximately following City limits shall be construed as following such City limits;
 - iv. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
 - v. Boundaries indicated as following shorelines shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines; and
 - vi. Boundaries indicated as parallel to or extensions of features listed above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- B. **Lots Divided by District Boundaries**
- i. Where a district boundary line divides a lot that was in single ownership at the time of passage of this Code, the ~~Planning Commission~~ Planning and Zoning Board may permit the extension of the regulations for either portion of the lot beyond the district line into the remaining portion of the lot.

SECTION 1101.13 RULES OF MEASUREMENT AND CALCULATION

A. Height Measurement

- i. Building height is measured as the distance between a horizontal line at the average existing pre-development grade of the lot directly beside the structure, and the highest point of the coping of a flat roof, the top of a mansard roof, the midpoint of any pitched gable, hip or the upper portion of a gambrel roof, or measured between the top floor ceiling and the peak of the roof on an "A" framed structure. Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy are not included in calculating height and may extend above the height

INTRODUCTION AND HOW TO USE THIS CODE



limit.

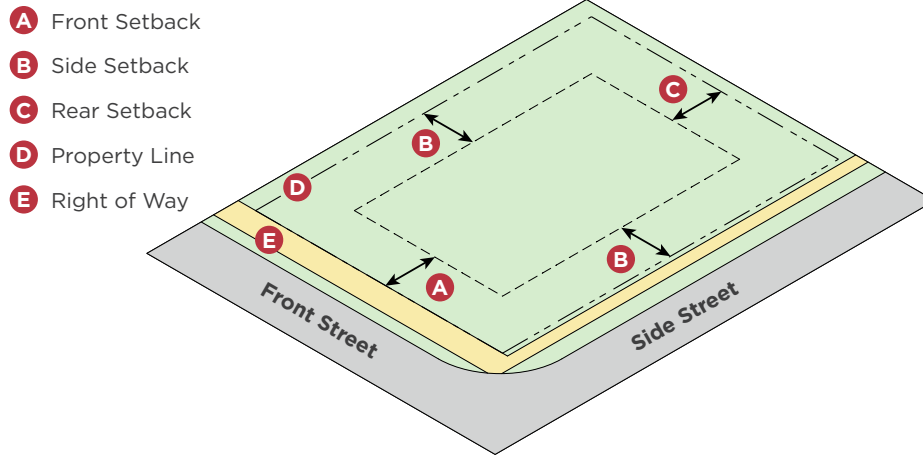
B. Measuring Distance

- i. When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between them.

C. Measuring Setbacks

- i. The front street setback is measured at a right angle from the private and/or public right-of-way line.
- ii. Where a lot extends through the block from street to street, the required front yard must be provided along each street.
- iii. The side street setback is measured at a right angle from the side street right-of-way line.
- iv. The rear setback is measured at a right angle from the rear lot line or the rear right-of-way or easement line where there is an alley. The rear lot line is the lot line opposite to the front street lot line. Where there is more than one front street, the Planning and Zoning Administrator will determine the rear lot line.

REYNOLDSBURG ZONING CODE

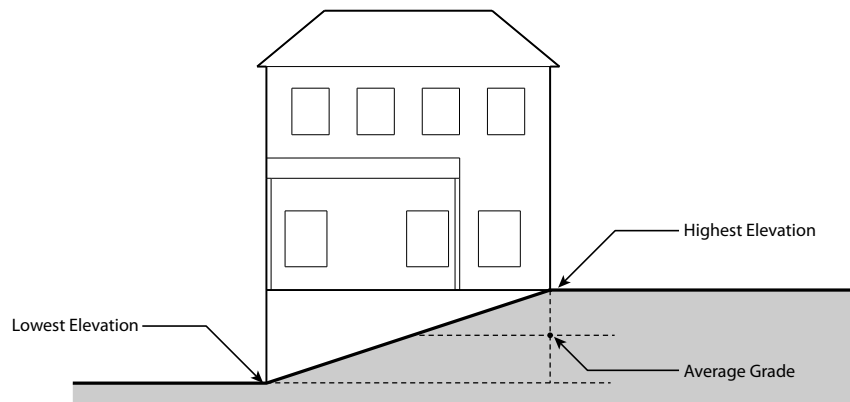


MEASURING SETBACKS

- v. All lot lines which do not front a street, side street or rear lot lines are considered side interior lot lines.
- vi. For the purpose of measuring setbacks, side interior setbacks are measured at a right angle from the side lot line.

D. Determining Average Grade

- i. Average grade is determined by calculating the average of the highest and lowest elevation along



DETERMINING AVERAGE GRADE

INTRODUCTION AND HOW TO USE THIS CODE

natural or improved grade (whichever is more restrictive) along the front of the building parallel to the front street setback line.

E. Yards, Open Space, and Parking

- i. Unless otherwise permitted herein, no part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Code shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

F. Lot or Yard Dimensions

- i. No yard or lot existing at the time of passage of this Code shall be reduced in dimension or area below the minimum or above the maximum requirements set forth herein. Yards or lots created after the effective date of this Code shall meet at least the minimum or maximum requirements established by this Code. The Planning and Zoning Administrator will determine setbacks for irregular shaped lots.

G. Permitted Encroachments into Setbacks

- i. Fences and walls may encroach into a required setback.
- ii. Sidewalks and driveways may encroach into a required setback.
- iii. A required buffer yard may encroach into a required setback.
- iv. Landscaping may encroach into a required setback.
- v. Building eaves, roof overhangs, gutters, downspouts, light shelves, bay windows and oriel less than ten (10) feet wide, chimneys, flues cornices, belt courses, sills, buttresses or other similar architectural features may encroach up to three (3) feet into a required setback, provided that such extension is at least two (2) feet from the vertical plane of any lot line.
- vi. Unenclosed patios, decks, terraces or porte cochere may encroach into a side interior or rear setback, provided that such extension is at least three (3) feet from the vertical plane of any lot line. (See Section 1105.05.D for Accessory Structure guidelines).
- vii. An awning, canopy or gallery may encroach into a front or side street setback provided that such extension is at least one (1) foot from the vertical plane of any lot line.
- viii. Front porches may encroach into a front setback provided that such encroachment is no greater than six (6) feet from the front building facade, and no closer than 10 feet from the vertical plane of any lot line.

SECTION 1101.15 RULES OF INTERPRETATION

- A. Whenever a defined word appears in the Code, its meaning is as set forth in this article. Words not defined in this Code are interpreted in accordance with their usual dictionary meaning and customary usage.
- B. All references to other regulations or manuals in this Code refer to the most current version and citation for those regulations or manuals, unless expressly indicated otherwise. When the referenced regulations

REYNOLDSBURG ZONING CODE

or documents have been repealed and not replaced by other regulations or manuals, Code requirements for compliance are no longer in effect.

- C. Illustrations, diagrams, and flowcharts are included in this Code to illustrate the intent and requirements of the text. In the case of a conflict between the text and any illustration, diagram, or flowchart, the text controls.
- D. Except as otherwise noted, any fraction greater than or equal to 0.5 will be rounded up to the nearest whole number. Any fraction less than 0.5 will be rounded down to the nearest whole number.
- E. The language of this Code shall be interpreted in accordance with the following regulations:
 - i. The word “person” includes a firm, association, organization, partnership, trust, limited liability company, corporation, or other legal entity, as well as an individual.
 - ii. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular, in each case, if the context so requires.
 - iii. The word “shall” is mandatory, the word “may” is permissive.
 - iv. The words “used” or “occupied” include the words “intended,” “designed,” “constructed,” “altered,” or “arranged” to be used or occupied.
 - v. The word “lot” includes the words “plot,” “tract,” or “parcel.”
 - vi. The terms “standards,” “regulations,” and “requirements” are used to mandate a specific course of action or built outcome.
 - vii. Section headings are provided for ease of use and organization and shall not be interpreted as regulatory.
 - viii. Where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “either ... or,” the conjunction shall be interpreted as follows:
 - ix. “And” indicates that all the connected items, conditions, provisions or events shall apply.
 - x. “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - xi. “Either ... or” indicates that all the connected items, conditions, provisions or events shall apply singly but not in combination.

SECTION 1101.17 MINIMUM REQUIREMENTS

- A. In their interpretation and application, the provisions of this Code shall be held to be minimum requirements (unless a maximum requirement is expressly provided) adopted for the promotion of the public health, safety, morals, and general welfare. Wherever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations, codes, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern. Wherever special or unusual conditions or circumstances exist, or wherever there is an apparent safety hazard, the Planning Commission may prescribe additional requirements in order to promote and protect the health, safety, morals and general welfare of the city. The regulations contained in each district or zone

INTRODUCTION AND HOW TO USE THIS CODE

herein shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

SECTION 1101.19 EFFECTS OF ANNEXATION ON ZONING

- A. When a lot developed with an agricultural use or one (1) single-family dwelling is annexed into the City, it shall be classified as SR-Suburban Residential zone upon passage of the ordinance accepting the annexation unless otherwise designated by City Council upon acceptance of the annexation.
- B. Any land within the City not designated or otherwise included within another zoning district shall be included in the SR-Suburban Residential zone.
- C. When a lot owned by any public authority is annexed into the City via annexation, it shall be classified as an OS-Open Space/Schools zone upon adoption of the ordinance accepting the annexation unless otherwise specified by City Council upon acceptance of the annexation.
- D. Annexed land may be incorporated into one or more zoning districts provided the applicant files a development plan satisfying the requirements of Chapter 1109.23 that depicts the proposed zoning classification(s) for the annexed land.

SECTION 1101.21 PRIVATE PROVISIONS

- A. The provisions of this Code are not intended to nullify, abolish or repeal any easement, covenant or other private agreement or restriction.

SECTION 1101.23 CONFLICTING PROVISIONS

- A. In the case of any conflict or inconsistency between two or more provisions of this Code (e.g., the restrictions set forth in an overlay district versus the restrictions set forth in a base district) or any other City ordinance, the provision which imposes the greater or higher or more restrictive standard shall control.

SECTION 1101.25 DETERMINATION OF LAND USES NOT LISTED IN THIS CODE

- A. It is recognized that this Code may require interpretation to assign all possible uses to individual zones or districts. Therefore, any use which is not specifically set forth in this Code shall be reviewed by the Planning and Zoning Administrator for consistency with the intent set forth in each district and for compatibility with use characteristics typical of uses permitted within those zones or districts. Based upon this review, the Director of Development shall determine the appropriate district or zone for any

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use which is not specifically set forth herein. In case of disagreement with the determination of the Director of Development in assigning a use to an appropriate district or zone, any aggrieved party may file an appeal with the Board of Zoning and Building Appeals.

SECTION 1101.27 SAVING PROVISION FOR PENDING ENFORCEMENT ACTIONS

- A. Except as shall be expressly provided for in this Code, the adoption of this Code shall not:
- i. nullify or make void any action pending under, or by virtue of, any prior zoning code or subdivision code;
 - ii. discontinue, nullify, void, abate, modify or alter any penalty accruing or about to accrue under, or by virtue of, any prior zoning code or subdivision code;
 - iii. affect the liability of any person, firm, or corporation under, or by virtue of, any prior zoning code or subdivision code;

SECTION 1101.29

HOW TO NAVIGATE THIS CODE:

- 1. Step One:** Locate your property and applicable district or zone on the Zoning Map.
- 2. Step Two:** Locate the applicable district, zone or overlay regulations in Chapter 1103 below.
- 3. Step Three:** Determine the use, building placement, parking, landscaping and signage regulations in the applicable district or zone in Chapter 1103 below.
- 4. Step Four:** Determine if any common regulations apply in Chapter 1105.
- 5. Step Five:** Determine if any nonconformities exist and how to address them in Chapter 1107.
- 6. Step Six:** Determine if any approvals are necessary and how to apply for them in Chapter 1109.
- 7. Step Seven:** Determine if any subdivision is necessary and how to address it in Chapter 1111.
- 8. Step Eight:** Reference the Glossary for use and general terms in Chapter 1113 and the summary use and parking tables in the Appendix.

1103

DISTRICTS AND ZONES

Districts and Zones

SECTION 1103.01 INTENT

The following districts and zones are hereby established for the regulation of land in the City of Reynoldsburg, Ohio. The districts and zones have been formulated to realize the general purpose as set forth in the preamble of Ordinance No. _____ and the Comprehensive Plan, as may be amended from time to time. The specific purpose of each district and zone shall serve the regulatory basis for existing and future development within each district and zone.

SECTION 1103.03 COMPLIANCE WITH REGULATIONS

- (a) The regulations for each district and zone in this Code shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided or as otherwise granted by the Board of Zoning and Building Appeals.
- (b) No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- (c) No building or other structure shall be erected or altered:
 - (1) To provide for greater height or bulk;
 - (2) To accommodate or house a greater number of families;
 - (3) To occupy a greater percentage of lot area; or
 - (4) To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required, or in any other manner be contrary to the provisions of this Code.
- (d) No yard or lot existing at the time of passage of this Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Code shall meet at least the minimum requirements set forth herein.

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- (e) Notwithstanding anything to the contrary contained herein, any single lot of record existing on the effective date of this ordinance shall comply with the yard dimension requirements in effect at the time such lot was platted and/or created.

SECTION 1103.05 OFFICIAL SCHEDULE OF DISTRICT REGULATIONS ADOPTED

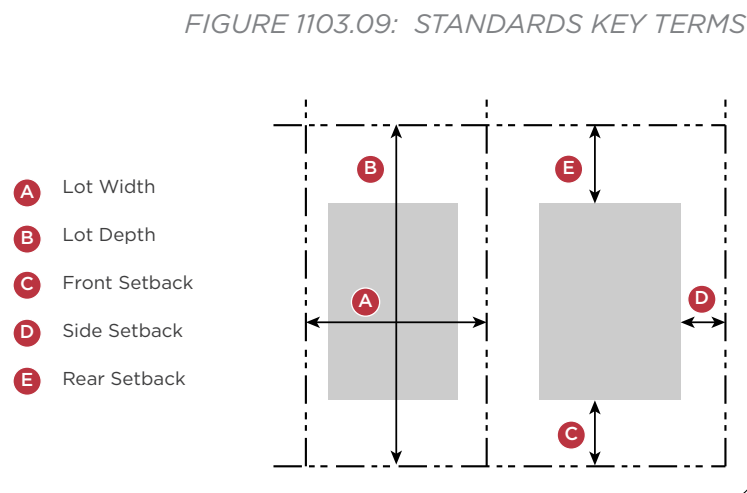
- A. Development and use regulations and standards are included in each district and zone below.
- B. Permitted Uses and Conditional Uses for each district and zone are set forth within each section. Permitted Uses shall include all Accessory Uses, as such term is defined within this Code, except as otherwise expressly set forth herein. Conditional Uses require the grant of a Conditional Use permit.

SECTION 1103.07 BUILDING TYPOLOGIES

The Building Typologies included in each district reflect various general forms of development contemplated for all new development within the City. For the alteration of existing structures, the alteration shall comply with the development standards applicable to the development typology that, in the determination of the Planning and Administrator is most similar to the existing structure.

SECTION 1103.09 DEVELOPMENT STANDARDS

Figure 1103.09 A below illustrates the key terms applicable to the development standards included for each development typology. These key terms are illustrated as follows:



DISTRICTS AND ZONES

This Chapter is divided into four districts (the Olde Reynoldsburg Center, (ORD-C) the Olde Reynoldsburg Neighborhood (ORD-N), the Brice and East Main Street and the East Main Street Insight districts) and five zones. Districts are specific contiguous geographies with the city that have similar existing or desired development patterns. Districts may include numerous blocks of different uses and building types that form the character of each district. The regulations applied to each district respect the unique development pattern while promoting desired outcomes within. Zones are not all contiguous and are mapped across the city primarily based on existing and desired use patterns and distinguish between disparate uses without respect to a specific geographies.

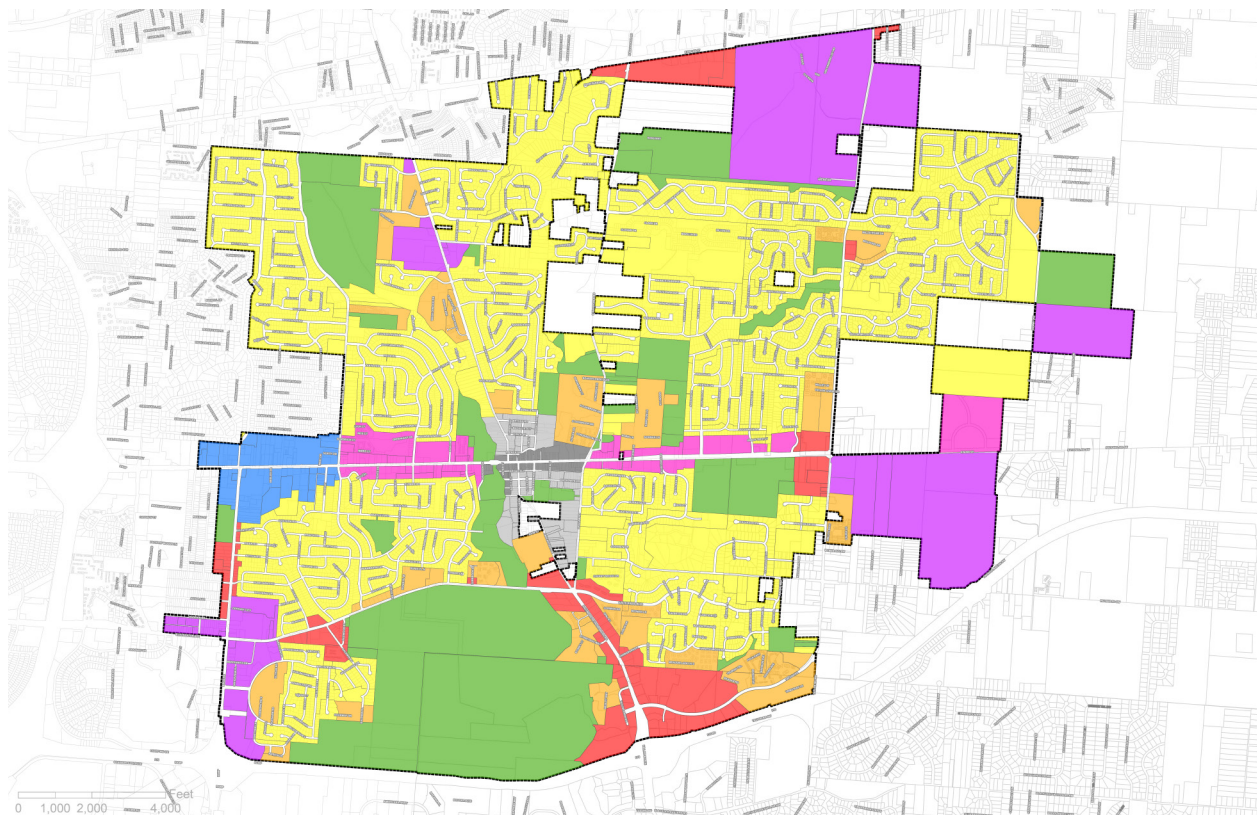


TABLE 1103.10 DISTRICT AND ZONES MAP

LEGEND

SR	Suburban Residential Zone	ORD-C	Olde Reynoldsburg Commercial District
RM	Residential Medium Zone	ORD-N	Olde Reynoldsburg Neighborhood District
CC	Community Commercial Zone	EMD	East Main Street District
I	Innovation Zone	BMD	Brice and Main District
OS	Open Space / Schools Zone		

REYNOLDSBURG ZONING CODE

SECTION 1103.11 OLDE REYNOLDSBURG COMMERCIAL DISTRICT (ORD-C)



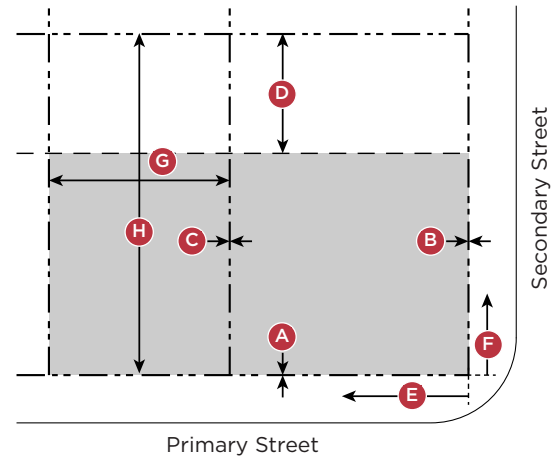
Image: Aerial view of the Old Reynoldsburg Commercial District

Key for Diagrams

--- Lot Line

--- Setback Line

Buildable Area



A. INTENT

The primary intent of this district is to strengthen the mixed-use, pedestrian-oriented nature of the existing historic downtown. Historic buildings, facades, and public spaces should be maintained. Interesting and stimulating pedestrian environments should be a primary feature of the District. Sidewalk cafe seating is encouraged, ground-floor retail with large windows should be promoted, and pedestrians should feel safe and comfortable. New residential development is highly encouraged to help bolster and support the vibrancy of the downtown. This District includes properties with frontage on East Main Street and extending west over Blacklick Creek and including the current municipal buildings and campus.

B. ALLOWED BUILDING TYPES

The building types allowed in the ORD-C are limited to the following, which shall be placed on lots with minimum dimensions sufficient to accommodate the allowed building type and setback dimensions. See this Chapter 1103.27 (Building Typologies) for detailed design standards.

ALLOWED BUILDING TYPES

Large Flex Retail Building	Bed and Breakfast Building
Medium Flex Retail Building	School and Institutional Building
Small Flex Retail Building	Community Center Building
Detached Single-Family Building	Community Activity Center Building

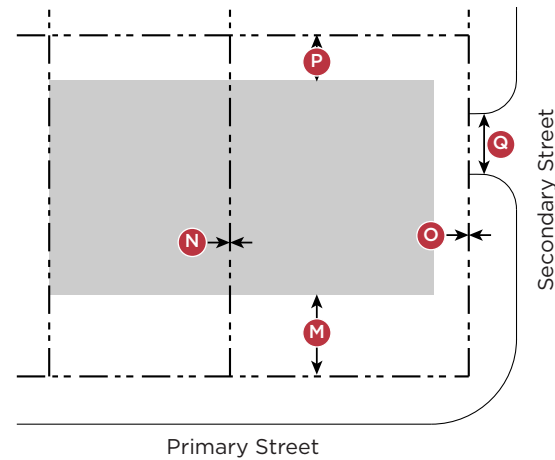
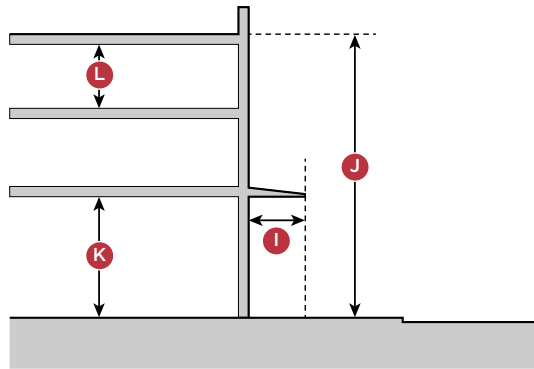
C. BUILDING PLACEMENT

Build-to-Zone (BTZ)	E Main St Fronting	Commercial District	
Front	0'-15'	NA	A
Side Street, corner lot	0'-10'	NA	B
Setback			
Front	NA	5' min	A
Side Street, corner lot	NA	10' min	B
Side	0' min	5' min	C
Rear		30' min	D
Lot Coverage	NA	70%	
Building Form			
Primary Street built to BTZ	30% min	NA	E
Side Street, Corner Lot built to BTZ	30% min	NA	F
Lot Width	30' min	40' min	G
Lot Depth	NA	NA	H
Lot Frontage	30' min	40' min	

Notes

All floors must have a primary ground-floor entrance facing the primary or side street.

DISTRICTS AND ZONES



Key for Diagrams

--- Lot Line

--- Height Line

Buildable Area

Rear-facing buildings, loading docks, overhead doors, and other service entries are prohibited on primary street-facing facades.

Any buildings over 75' in width must be articulated with a demising line or designed to read as a series of buildings no wider than 75' each.

D. BUILDING FORM

Each proposed building in the ORD-C District shall comply with the following building form standards.

1. Encroachments into Setback

The following encroachments are allowed within the ORD-C District subject to applicable frontage type standards (See this Chapter).

Location	E Main St Fronting	Commercial Neighborhood	
Front	12' max	10' max	I
Side Street	8' max	8' max	I
Rear	4' max	0'	I

Notes

Canopies, Awnings, and Balconies may encroach over the BTZ on the street sides and into the setback on the rear. Only Balconies are allowed within the rear encroachment.

2. Height

The height of the buildings shall not exceed the following limits. Minimum and maximum heights are measured from average finished grade at the front setback line.

Height	E Main St Fronting	Commercial Neighborhood	
Building Maximum	5 stories, 60'	2 1/2 stories, 30'	J
Ancillary Building Max.	2 1/2 stories, 35'	2 stories, 24'	
First Floor Ceiling Height	12' min clear	9' min clear	K
Upper Floor(s) Ceiling Height	8' min clear	8' min clear	L

Notes

Mansard roofs permitted with administrative approval.

Any section along the BTZ not defined by a building must be defined by a 2'6" to 4'6" high feature made of stucco or masonry wall material.

E. Parking Placement

Off-street parking shall be located in compliance with the following setback standards. See this Chapter (Frontage Typologies) or applicability of frontage types associated with street-side parking.

Location (Distance from Property Line)	E Main St Fronting	Commercial Neighborhood	
Front Setback	20'	20' min	M
Side Setback	0'	0' min	N
Side Street Setback	5'	5' min	O
Rear Setback	5'	5' min	P

REYNOLDSBURG ZONING CODE

Required Spaces (E Main Street)

Ground Floor

Uses < 3,000 sf	No off-street parking required
Uses =/ > 3,000 sf	1 space/400 sf

Upper Floors

Residential uses	1 space/unit; .5 space/studio
Other uses	1 space/450 ft

Notes

Parking Drive Width 15'

*Or as required by Fire Department

On corner lots, primary parking drive shall not be located in primary street.

Shared drives are encouraged between adjacent lots to minimize curb cuts along the street.

Parking may be provided off-site within 1,300' or as shared parking. Shared parking may count up to a 30% reduction in total parking required.

Bicycle parking must be provided and in a secure environment and be ground mounted with a clear width of 32 inches and clear length of 84 inches. At least one bicycle space shall be provided for every 1,000 square feet of gross floor area of the principle building.

See Chapter 1105.01 for further parking regulations.

F. Frontage Types

See this Chapter 1103.31 (Frontage Type Standards) for detailed standards for each frontage type.

Frontage Type	Primary Street	Secondary Street	Reference
Shopfront	Allowed	Allowed	1103.31 (A)
Patio	Allowed	Allowed	1103.31 (B)
Yard	Allowed	Allowed	1103.31 (C)
Raised Yard	Allowed	Allowed	1103.31 (D)
Porch	Allowed	Allowed	1103.31(E)
Stoop	Allowed	Allowed	1103.31 (F)
Terrace	Allowed	Allowed	1103.31 (G)
Forecourt	Allowed	Allowed	1103.31 (H)
Streetwall	Allowed	Allowed	1103.31 (I)

G. Allowed Open Space Types

The open space types allowed in the ORD-N are limited to the following, which shall be placed on lots with minimum dimensions sufficient to accommodate the minimum open space type and setback dimensions. See this Chapter 1103.29 (Open Space Typologies) for detailed standards.

Allowed Open Space Types	Reference
Greenway and Trail	1103.29 (A)
Park	1103.29 (F)
Nature	1103.29 (J)
Sport Field	1103.29 (G)

H. Allowed Land Uses and Permit Requirements

1. The land uses allowed by this Code are listed in Table 1103 A (Allowed Land Uses and Permit Requirements) below, together with the type of planning permit required for each use. Each land use listed in Table 1103 A (Allowed Land Uses and Permit Requirements) is defined in Chapter 1113 (Glossary of Terms)

2. Establishment of an Allowable Use

A. Any one or more land uses allowed in Table 1103 A (Allowed Land Uses and Permit Requirements) may be established on any lot within the district, subject to the planning permit requirement listed in the Table, and in compliance with all applicable requirements of this Code.

b. Where a project on a single lot includes two or more of the land uses listed in the Table, the overall project will be subject to the highest permit level required by the Table for any individual use.

c. A land use that is not listed in Table 1103 A and is determined by the Director to not be included in the definition listed in Chapter 1113 A (Glossary of Terms), is not allowed, unless the Director finds that the proposed use is similar to, compatible with, and will not involve a greater intensity than a listed use and such use is consistent with the purposes of the zone, the Comprehensive Plan, and any applicable City plan.

DISTRICTS AND ZONES

TABLE 1103 A ALLOWED LAND USES AND PERMIT REQUIREMENTS

Land Use Type	Permit Required by Zone	Specific Use Regulations
	ORD-C	

ANIMAL SERVICES

Boarding/Kennel	C	
Grooming	P	
Veterinary	P	

COMMUNITY FACILITIES

Community Facility - Activity Center	P	
Community Facility - Government Administration and Courts	P	
Community Facility - Outdoor Recreation	P	
Community Facility - Park	P	
Community Facility - Public Health Safety	P	
Community Facility - Trail	P	

CONGREGATION

Event Center - Private Events and Conferences	P	
Event Center - Public Meetings and Conventions	P	
Mortuary	C	
Religious Assembly	P	

CULTURAL

Library	P	
Live Theater	P	
Movie Theater	P	
Museum	P	
Visual Arts Center	P	

TABLE 1103 A ALLOWED LAND USES AND PERMIT REQUIREMENTS

Land Use Type	Permit Required by Zone	Specific Use Regulations
	ORD-C	

DWELLING

Dwelling - Assisted	P	
Dwelling - Attached Single-Family	P	
Dwelling - Group	P	
Dwelling - Multi-Unit Building	P	
Dwelling - Multi-Unit Building Complex	P	
Dwelling - Nursing	P	
Dwelling - Two-family	P	
Dwelling - Developmental Disability	P	

FOOD AND BEVERAGE

Bakery - Retail	P	
Beverage - Brewing and Distilling	P	Produces less than 15,000 barrels.
Beverage Sales - Liquor and Beer Sit Down/Bar Establishment	P	
Beverage Sales and Retail	P	
Food Sales - Small Format Grocery	P	See definition
Food Sales-Farm	P	

REYNOLDSBURG ZONING CODE

TABLE 1103 A ALLOWED LAND USES AND PERMIT REQUIREMENTS

Land Use Type	Permit Required by District	Specific Use Regulations
	ORD-C	
Food Service - Fast Casual Restaurant	P	
Food Service - Full Service Restaurant	P	

EDUCATION

School - College/ University	P	
School - Primary	P	
School - Secondary	P	
School - Trade	P	

HEALTH / WELLNESS

Health and Wellness - Clinic	P	
Health and Wellness - Fitness Facility/Gym	P	
Health and Wellness - Massage	P	
Health and Wellness - Physical Therapy	P	

MANUFACTURING / PROCESS / INNOVATION

Manufacturing - Artisan	P	
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MEDICAL

Medical Office	P	No overnight patients
Medical - Clinic	P	
Medical Marijuana - Dispensary	C	

TABLE 1103 A ALLOWED LAND USES AND PERMIT REQUIREMENTS

Land Use Type	Permit Required by Zone	Specific Use Regulations
	ORD-C	

OFFICE

Office - Corporate	P	
Office - Data Processing/ Call Center	C	
Office - Professional Services	P	

PERSONAL SERVICES

Clothing Services - Dry Cleaning without drive thru	P	
Financial Services and Banking - without drive thru	P	
Personal Care and Beauty Services	P	
Tattoo/Piercing	P	

RECREATION

Studio - Art	P	
Studio - Gymnastics/ martial arts	P	

Allowable Use	P	
Conditional Use	C	

DISTRICTS AND ZONES

TABLE 1103 A ALLOWED LAND USES AND PERMIT REQUIREMENTS

Land Use Type	Permit Required by Zone	Specific Use Regulations
	ORD-C	

SALES AND EXHIBITION

Antique Shop	P	80 percent of goods must be 30 years or older or have collectible value.
Auction Facility	P	Excludes livestock and motor vehicle auctions.
Gallery - Art	P	
Garden Center - Indoor and Outdoor	C	
Retail - Convenience without gasoline	P	
Retail - Large Format	P	
Retail - Medium Format	P	
Retail - Pharmacy	P	
Retail - Shopping Center - Enclosed	P	
Retail - Shopping Center - Outdoor	P	
Retail - Small Format	P	

TOURISM / VISITING

Overnight Lodging - Bed and Breakfast	P	
Overnight Lodging - Boutique Hotel	P	Fewer than 30 rooms
Overnight Lodging - Hotel	P	
Overnight Lodging - Limited Service	P	
Overnight Lodging - Resort	P	
Allowable Use	P	
Conditional Use	C	

REYNOLDSBURG ZONING CODE

SECTION 1103.13 OLDE REYNOLDSBURG NEIGHBORHOOD DISTRICT (ORD-N)



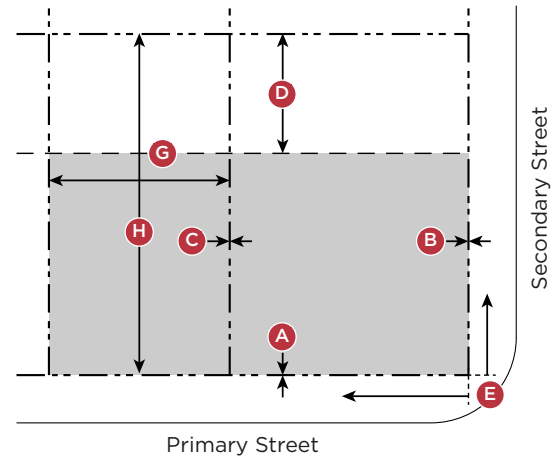
Image: Aerial view of the Old Reynoldsburg Neighborhood District

Key for Diagrams

--- Lot Line

--- Setback Line

Buildable Area



A. INTENT

Because of its location adjacent to the in the Olde Reynoldsburg Neighborhood District (ORD-N) future development should support a more diverse range of housing options and should be well integrated with surrounding uses while allowing for more compact development to accommodate smaller household sizes, an aging population, and a growing number of households without children. Multi-unit buildings with common open spaces are encouraged where appropriate. Developments may include a range of housing options with different price points and styles including stacked flats, higher density single-family, row houses, and apartments. Reduced setbacks, improved streetscapes, and smaller blocks all contribute to improved walkability.

B. ALLOWED BUILDING TYPES

The building types allowed in the ORD-N are limited to the following, which shall be placed on lots with minimum dimensions sufficient to accommodate the minimum building type and setback dimensions. See Chapter 1103.27 (Building Types) for detailed design standards.

ALLOWED BUILDING TYPES

Detached Single-Family Building	Small Flex Retail Building
Attached Single-Family Building	Institutional Flex Building
Duplex Building	Community Center Building
Multi-Unit Building	ADU (Accessory Dwelling Unit)

C. BUILDING PLACEMENT

Setback

Front	5' min	A
Side Street, corner lot	5' min	B
Side	5' min	C
Rear	30' min	D
Lot Coverage	70%	

Building Form

Lot Width	35' min	G
Lot Depth	NA	H
Lot Frontage	35' min	E

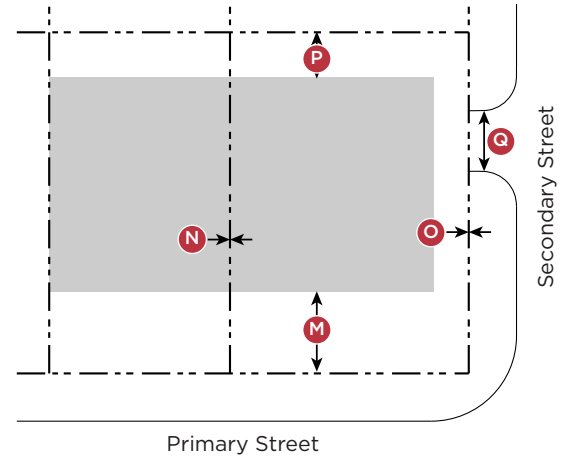
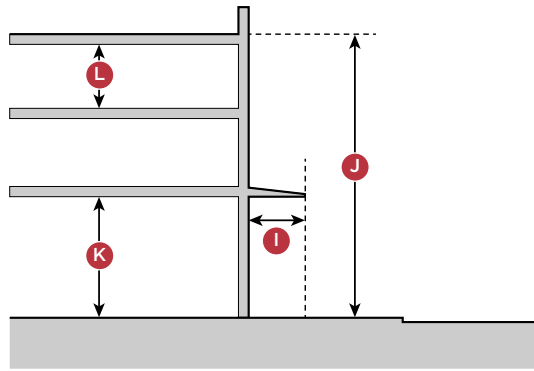
Notes

All floors must have a primary ground-floor entrance facing the primary or side street.

Rear-facing buildings, loading docks, overhead doors, and other service entries are prohibited on primary street-facing facades.

Any buildings over 75' in width must be articulated with a demising line or designed to read as a series of buildings no wider than 75' each.

DISTRICTS AND ZONES



Key for Diagrams

--- Lot Line

--- Setback Line

Buildable Area

D. BUILDING FORM

Each proposed building in the ORD-N District shall comply with the following building form standards.

1. Encroachments into Setback

The following encroachments are allowed within the ORD-N District, subject to applicable frontage type standards. See this Chapter 1103.31 (Frontage Typologies).

Location		
Front	10' max	I
Side	5' max	I
Side Street	8' max	I
Rear	0'	I

Notes

Canopies, Awnings, and balconies may encroach over the setback on the street sides and into the setback on the rear. Only balconies are allowed at the rear encroachment.

2. Height

35' max	J
2 1/2 stories max	J

3. Required Frontage Type*

Porch	Yard
Stoop	Forecourt
Raised Yard	

Notes

See this Chapter (Frontage Typologies) for descriptions and requirements.

E. Parking Placement

Off-street parking shall be located in compliance with the following setback standards. See Chapter 1103.31 (Frontage Typologies) for applicability of frontage types associated with street-side parking.

Location (Distance from Property Line)		
Front Setback	20' min	
Side Setback	0' min	
Side Street Setback	5' min	
Rear Setback	5' min	

Notes

Unless parking space is located in the driveway of a single-family or two-family dwelling.

REYNOLDSBURG ZONING CODE

F. Frontage Types

See Chapter 1103.31 (Frontage Type Standards) for detailed standards for each frontage type.

Frontage Type	Primary Street	Secondary Street	Reference
Shopfront	Allowed	Allowed	1103.31 (A)
Patio	Allowed	Allowed	1103.31 (B)
Yard	Allowed	Allowed	1103.31 (C)
Raised Yard	Allowed	Allowed	1103.31 (D)
Porch	Allowed	Allowed	1103.31 (E)
Stoop	Allowed	Allowed	1103.31 (F)
Terrace	Allowed	Allowed	1103.31 (G)
Forecourt	Allowed	Allowed	1103.31 (H)
Streetwall	Allowed	Allowed	1103.31 (I)

G. Allowed Open Space Types

The open space types allowed in the ORD-N are limited to the following, which shall be placed on lots with minimum dimensions sufficient to accommodate the minimum open space type and setback dimensions. See Chapter 1103.29 (Open Space Typologies) for detailed standards

Allowed Open Space Types	Reference
Nature	1103.29 (J)
Greenway and Trail	1103.29 (A)
Square	1103.29 (C)
Green	1103.29 (D)
Passage	1103.29 (E)
Park	1103.29 (F)
Sport Field	1103.29 (G)
Pocket Park	1103.29 (I)
Pocket Plaza	1103.29 (H)

H. Allowed Land Uses and Permit Requirements

1. The land uses allowed by this Code are listed in Table 1103B (Allowed Land Uses and Permit Requirements) below, together with the type of planning permit required for each use. Each land use listed in Table 1103B (Allowed Land Uses and Permit Requirements) is defined in Chapter 1113 (Glossary of Terms).

2. Establishment of an Allowable Use

a. Any one or more land uses allowed in Table 1103B (Allowed Land Uses and Permit Requirements) may be established on any lot within the district, subject to the planning permit requirement listed in the Table, and in compliance with all applicable requirements of this Code.

b. Where a project on a single lot includes two or more of the land uses listed in the Table, the overall project will be subject to the highest permit level required by the Table for any individual use.

c. A land use that is not listed in Table 1103B and is determined by the Director to not be included in the definition listed in Chapter 1113 (Glossary of Terms), is not allowed, unless the Director finds that the proposed use is similar to, compatible with, and will not involve a greater intensity than a listed use and such use is consistent with the purposes of the zone, the Comprehensive Plan, and any applicable City plan.

DISTRICTS AND ZONES

TABLE 1103B ALLOWED LAND USES AND PERMIT REQUIREMENTS

Land Use Type	Permit Required by Zone	Specific Use Regulations
	ORD-N	

ANIMAL SERVICES

Veterinary	C	
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CONGREGATION

Event Center - Private Events and Conferences	C	
Religious Assembly	P	

CULTURAL

Library	P	
Live Theater	C	
Museum	C	
Visual Arts Center	P	

DWELLING

Dwelling - Assisted	P	
Dwelling - Attached Single-Family	P	
Dwelling - Detached Single-Family	P	
Dwelling - Group	P	
Dwelling - Multi-Unit Building	C	
Dwelling - Multi-Unit Building Complex	C	
Dwelling - Nursing	P	
Dwelling - Two-family	P	
Dwelling - Developmental Disability	P	

TABLE 1103B ALLOWED LAND USES AND PERMIT REQUIREMENTS

Land Use Type	Permit Required by Zone	Specific Use Regulations
	ORD-N	

FOOD AND BEVERAGE

Bakery - Retail	P	
Beverage - Brewing and Distilling	C	Produces less than 15,000 barrels.
Food Sales - Farm Market	P	
Food Sales - Small Format Grocery	P	See definition
Food Service - Full Service Restaurant	C	

EDUCATION

School - College/ University	C	
School - Primary	C	
School - Secondary	C	
School - Trade	C	

HEALTH / WELLNESS

Health and Wellness - Clinic	C	
Health and Wellness - Fitness Facility/Gym	C	
Health and Wellness - Massage	P	
Health and Wellness - Physical Therapy	P	

REYNOLDSBURG ZONING CODE

TABLE 1103B ALLOWED LAND USES AND PERMIT REQUIREMENTS

Land Use Type	Permit Required by Zone	Specific Use Regulations
	ORD-N	

MANUFACTURING / PROCESS / INNOVATION

Manufacturing - Artisan	P	
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MEDICAL

Medical - Clinic	C	
Medical - Office	C	
Office - Professional Services	C	

PERSONAL SERVICES

Personal Care and Beauty Services	C	
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RECREATION

Studio - Art	P	
Studio - Gymnastics/ martial arts	P	

RESIDENT AND CHILD CARE

Child Day Care - Center	P	See 1105.13(G)
Child Day Care - In Home	P	See 1105.13(H)

SALES AND EXHIBITION

Antique Shop	C	80 percent of goods must be 30 years or older or have collectible value.
Gallery - Art	P	
Retail - Boutique	P	
Garden Center	C	

TOURISM / VISITING

Overnight Lodging - Bed and Breakfast	P	
Overnight Lodging - Boutique Hotel	C	Fewer than 30 rooms

Allowable Use	P
Conditional Use	C

VIV. Design Guidelines for Olde Reynoldsburg

A. Purpose

The purpose of this section is to:

- (1) protect and enhance the Olde Reynoldsburg Commercial District's (ORD-C) unique aesthetic character;
- (2) support high quality streets and public spaces;
- (3) encourage architecture that blends harmoniously with the natural surroundings and neighboring development;
- (4) safeguard property values and long-term economic assets; and
- (5) carefully preserve the character the District's historic character while permitting appropriate growth.

B. Intent and Applicability

These design guidelines shall apply to non-residential development in the ORD-N and ORD-C and are not intended to stifle innovative design or creativity. Instead, these design guidelines are intended to serve as the minimum standards applicable to non-residential development to ensure that new development and redevelopment satisfied the purposes of the Olde Reynoldsburg Districts as described herein. These design guidelines shall be applied by the ~~Planning Commission~~ Planning and Zoning Board in conjunction with its review of applications for Certificates of Appropriateness as described under Chapter 1109.21 hereof.

C. General Standards

- (1) **Size, Mass and Scale:** The scale of buildings and accessory structures

DISTRICTS AND ZONES

(including canopies) shall be appropriate to the scale of structures.

(2) **Proportions of Bays and Openings:**

All building bays, including porches, colonnades and porticos as appropriate, shall be square or vertical in proportion, unless the design merits a horizontally-proportioned opening. Wall openings, with the exception of transoms and storefronts, shall be square or vertical in proportion. The facade of a proposed building should draw upon the proportion and number of bays in surrounding buildings, as defined by windows, doors, and column spacing, to establish a compatible scale.

(3) **Building Materials:** Building wall materials shall be combined on each facade only horizontally, unless the building is broken vertically by a change of plane, or a vertical architectural element. Heavier materials, such as masonry and stucco, shall be located below lighter materials, such as cement fiber or wood siding.

(4) **Roof Forms:** Where pitched roofs exist, primary roofs shall have a minimum slope of 4:12, while ancillary roof slopes may be no less than 2:12.

(5) **Garages and Accessory Structures:** Attached garages, detached garages, and other accessory structures shall be subordinate in height, footprint, and proportion to the primary structure on the site, and shall be compatible with the principal structure in terms of roof form, materials, and color. Where a garage contains an accessory dwelling unit above, it may exceed the height of the primary structure.

(6) **Trash, Mechanical, Utility and Service Equipment and Areas**

- i. Loading docks, service areas, and trash disposal facilities (e.g., trash and recycling receptacles,

compactors, dumpsters) shall be hidden or screened from view of streets, parks, squares, or significant pedestrian spaces. Loading areas may be oriented toward adjoining developed properties that are zoned for nonresidential uses, if such loading areas are screened from view.

- ii. Mechanical equipment, such as ventilation systems, commercial exhaust fans, rooftop terminations, commercial cooling equipment, heating and air conditioning units, TV antennas, and satellite dishes, shall be hidden or screened from view. Lattice, open brick enclosures, or vegetation can be used to conceal mechanical equipment. Screening material shall be properly maintained. If vegetation is used for screening, the mature size of the vegetation shall be considered so that equipment air flow will not be compromised.

(7) **Colors:** Buildings and additional site elements — e.g., bollards, arbors, drive-thru canopies, sign posts — shall not be painted in a color or pattern that expresses corporate identity, to the extent that the paint color or pattern is not consistent with the design standards of the district. Fluorescent colors, such as ASHTO safety yellow, are also prohibited except where required by a public agency.

D. Specific Standards

- (1) Building Materials and Details.
 - i. Building walls shall be finished in 1 or more (but not more than 3) of the following materials:
 - (a) Wood;
 - (b) Fiber cement board siding,

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- smooth finish;
- (c) Concrete masonry units with stucco (CBS);
 - (d) Reinforced concrete with stucco;
 - (e) Brick;
 - (f) Corrugated metal, which may be approved by the Planning and Zoning Administrator based on the surrounding context and location on the site; or
 - (g) Other materials as approved by the Zoning Administrator, based on visual compatibility with listed approved materials.
- ii. Visible foundation walls and chimneys shall be finished in one of the following materials:
- (a) Brick; or
 - (b) Stucco.
- iii. Columns may be constructed of the following materials:
- (a) Wood;
 - (b) Wood or fiber cement clad;
 - (c) Cast iron;
 - (d) Concrete with smooth stucco finish;
 - (e) Cast stone with smooth finish;
 - (f) Brick; or
 - (g) Perma-cast or other synthetic materials as approved by the Planning and Zoning Administrator, based on visual compatibility with listed approved materials.
- iv. Railings and balustrades may be constructed of the following materials:
- (a) Painted wood;
 - (b) Wrought iron; or
 - (c) Aluminum, PVC or other synthetic material as approved by the Planning and Zoning Administrator, based on visual compatibility with listed approved materials.
- v. Doors shall be made of wood, metal, glass, or fiberglass.
- vi. Roofs with visible pitches shall be constructed of the following materials:
- (a) 25-year architectural dimension shingles;
 - (b) Tile (clay, cement, natural or manufactured stone);
 - (c) Nonreflective pre-finished metal;
 - (d) Slate;
 - (e) Reflective metal such as copper; or
 - (f) Other similar metals as approved by the Planning and Zoning Administrator.
- vii. The following materials are prohibited:
- (a) Exposed concrete masonry units;
 - (b) Vinyl Siding;
 - (c) Plastic shutters;
 - (d) Metal panels;
 - (e) Day-glo, luminescent, iridescent, neon or similar types of color finishes;
 - (f) Mirrored glass with a reflectivity of 20% or more; or
 - (g) Roofing;

DISTRICTS AND ZONES

- 1) Plastic or PVC roof tile;
or
- 2) Nontraditional colors
such as orange or
purple.

(2) Roof Forms

- i. Permitted roof types include gabled, hipped, shed, barrel vaulted, flat, mono-pitch, and domed. Applied and partial (less than 3 sides) mansard roofs are not typically permitted but may be permitted at the discretion of the Planning and Zoning Administrator based on compatibility with the surrounding context, size, mass and scale of the structure.
- ii. Shed, flat, and mono-pitch roofs shall be concealed with parapets along the street frontage, except on porches, balconies, or building extensions.
- iii. Downspouts and gutters should be galvanized steel, aluminum, or copper and shall match in materials and finish.
- iv. Roof penetrations shall be hidden or painted to match the color of the roof.
- v. Skylights must be flat to the pitch of the roof. They shall not be located on any sloped roof facing the primary frontage

(3) Windows and Doors

- i. Any commercial or mixed-use building elevation facing a street, waterway, or public space shall include a minimum of 40% of transparent fenestration (windows and doors) on the ground floor and 20% on upper floors. Apartment Houses shall conform to these requirements as much as

possible, however the minimum percentage of transparent fenestration on the ground floor may be adjusted at the discretion of the Planning and Zoning Administrator. It shall not be reduced to lower than 30%.

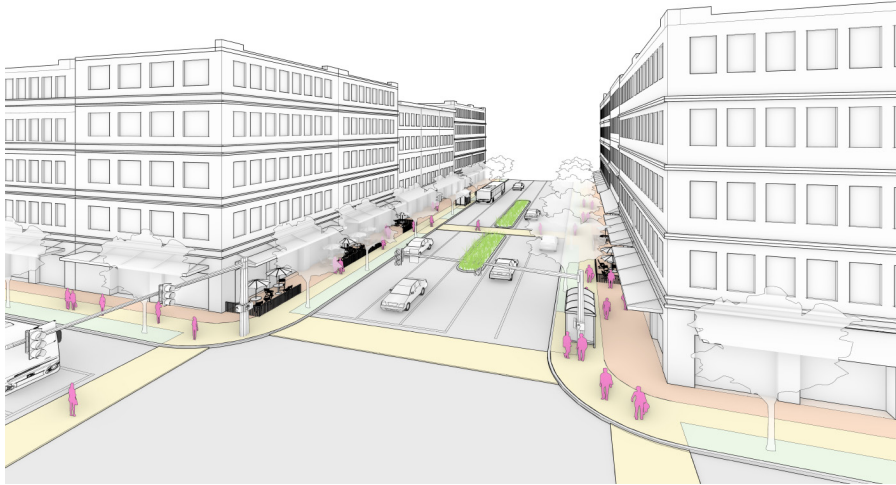
ii. Proportion and Details

- (a) Windows shall not be flush with exterior wall treatments. Windows shall be provided with an architectural surround at the jambs and header, and a projecting sill.
- (b) Window openings may be grouped horizontally, but trim between windows shall be at least 3.5 inches wide. This does not apply to storefront windows.
- (c) Facades should have several window sizes with smaller ones above. This is particularly important when buildings rise more than 2 stories.
- (d) Thin mullions or muntins shall be required on windows larger than 2 feet in any direction, except for shopfronts. The depth of the mullion shall not be less than the width.

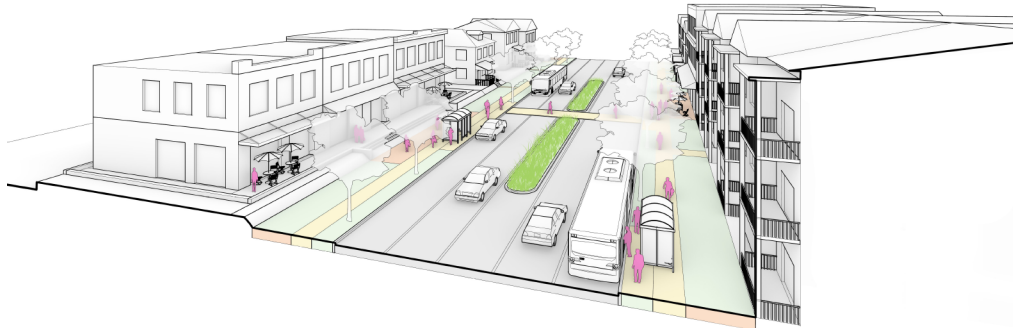
(4) Architectural Details

- i. Shutters: Shutters shall be sized and placed so as to equal the width that would be required to cover the window opening. Operable shutters are preferred.
- ii. Column Bays: Columns and piers shall be spaced no farther apart than they are tall. Column bays shall be of equal and precise proportions.

SECTION 1103.15 BRICE & EAST MAIN STREET AND EAST MAIN STREET INSIGHT DISTRICTS



Example Development Pattern in Brice & East Main Street District



Example Development Pattern in East Main Street District

I. Purpose and Intent

Brice and East Main Street and the East Main Street Insight Districts are intended to create compact, mixed-use, walkable environments, remove regulatory barriers, and encourage the establishment of local enterprises (e.g. Main Street businesses, start-up makers and other platforms such as shared work spaces, community hubs, and markets). By creating this type of physical environment and reducing regulatory barriers in these two Insight Districts, investors and start-up businesses will be more likely to deploy capital. This will, in turn, enhance community character and

allow existing businesses and residents to remain along with newer uses.

The Brice and Main Street Insight District is intended to be more of an urban, mixed-use zone or Transit oriented Development (TOD) that centers around a transportation hub or multi-modal transportation and leverages the area's proximity to major public transportation routes.

The East Main Street Insight District is intended to serve as a transportation corridor lined with compact, mixed-use, development and with standards to address the transition area where each corridor abuts adjoining neighborhoods.

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Regulations found in the Insight Districts that are unique to both zones include:

- Transit supportive development standards: Walkways connecting streets to buildings and locating buildings or pedestrian plazas close to transit stops can set up development to accommodate future transit.
- On-site facilities for pedestrian, bike, and vehicular travel: Standards for bike parking and pedestrian access, particularly within 1/4 mile or not more than 1/2 mile of a transit stop.
- Adjusted regulations for nonconforming buildings and uses: Leaves the nonconforming section of the zoning code intact on nuisances but more lenient on improvements and adaptive re-use.
- Right-sized application fees: Fees are adjusted to reflect the policies of the community. If infill and suburban retrofit is a priority, fees in those environments should be less.
- Adjust front setback regulations: Amend front setback regulations to specify setback ranges instead of just minimums.
- Reduced parking requirements for affordable housing: The reduction depends upon the urban/suburban context and public transportation access.
- Reduced minimum parking requirements: Requiring more parking than is necessary is a financial barrier to development, wastes site area for parking, and increases impervious surface.

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II. Insight District Uses

The following uses are either permitted or conditional uses as indicated in the following table:

USES	BRICE AND MAIN DISTRICT (BMD)	EAST MAIN STREET DISTRICT (EMD)	SPECIFIC USE REGULATIONS
ANIMAL SERVICES			
Boarding/Kennel		C	
Shelter		C	
Veterinary	P	P	
COMMUNITY FACILITIES			
Community Facility - Activity Center	P	P	
Community Facility - Outdoor Recreation	P	P	
Community Facility - Park	P	P	
Community Facility - Public Health Safety	P	C	
Community Facility - Trail	P	P	
CONGREGATION			
Event Center - Private Events and Conferences	P	P	
Event Center - Public Meetings and Conventions	P	P	
Religious Assembly	P	P	
CULTURAL			
Library	P	P	
Live Theater	P	P	
Movie Theater	P	P	
Museum	P	P	
Visual Arts Center	P	P	
DWELLING			
Dwelling - Assisted		C	
Dwelling - Attached Single-Family	C	C	
Dwelling - Group	C		
Dwelling - Multi-Unit Building	C	C	
Dwelling - Multi-Unit Building Complex	C	C	
Dwelling - Developmental Disability	C		

DISTRICTS AND ZONES

USES	BRICE AND MAIN DISTRICT (BMD)	EAST MAIN STREET DISTRICT (EMD)	SPECIFIC USE REGULATIONS
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FOOD AND BEVERAGE

Bakery - Retail	P	P	
Beverage - Brewing and Distilling	P	P	Produces less than 15,000 barrels.
Beverage Sales - Liquor and Beer Sit Down/Bar Establishment	P	P	
Beverage - Retail Sales	P	P	
Food Sales - Farm Market	P	P	
Food Sales - Large Format Grocery	P	P	At least 25,00 sq. ft. of gross floor area with at least 1,000 sq. ft. devoted to fresh produce
Food Sales - Small Format Grocery	P	P	5,000 to 25,00 sq. ft. of gross floor area with at least 500 sq. ft. devoted to fresh produce
Food Service - Commissary/Bakery	P	P	
Food Service - Deli	P	P	
Food Service - Fast Casual Restaurant	P	P	
Food Service - Full Service Restaurant	P	P	
Food Service - Quick Serve/Fast Food With Drive Thru	C	C	See 1105.13(K)
Food Service - Quick Serve/Fast Food Without Drive Thru	P	P	

EDUCATION

School - Child Day Care Center	C	C	
School - College/University	P	P	
School - Secondary	C	C	
School - Trade	C	C	

HEALTH / WELLNESS

Health and Wellness - Clinic	P	P	
Health and Wellness - Fitness Facility/Gym	P	P	
Health and Wellness - Massage	P	P	

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USES	BRICE AND MAIN DISTRICT (BMD)	EAST MAIN STREET DISTRICT (EMD)	SPECIFIC USE REGULATIONS
Health and Wellness - Physical Therapy	P	P	
MANUFACTURING / PROCESS / INNOVATION			
Manufacturing - Artisan	P	P	
Research Facility/Laboratory	P	P	
MEDICAL			
Medical - Clinic	P	P	
Medical - Emergency Services	P	P	
Medical - Full Service Hospital	P	P	
Medical Marijuana - Dispensary	C	C	
Medical - Office	P	P	
Medical - Outpatient and Urgent Care	P	P	No overnight visits; ambulance services may not be provided
Medical - Psychiatric Facility - Standalone	C	C	
Medical - Standalone Emergency Services	C	C	
OFFICE			
Office - Corporate	P	P	
Office - Data Processing/Call Center	P	P	
Office - Professional Services	P	P	
PERSONAL SERVICES			
Clothing Services - Tailor	P	P	
Financial Services and Banking - with drive thru	C	P	See 1105.13(K)
Financial Services and Banking - without drive thru	P	P	
Personal Care and Beauty Services	P	P	
REPAIR SERVICES			
Vehicular Care Services - Minor Repair--Light		C	
RECREATION			
Indoor Recreation Enterprise	C	C	
Outdoor Recreation Enterprise	C		
Private Club	C	C	
Recreational Facility - Commercial	P	P	

DISTRICTS AND ZONES

USES	BRICE AND MAIN DISTRICT (BMD)	EAST MAIN STREET DISTRICT (EMD)	SPECIFIC USE REGULATIONS
Shooting Range - Indoor Only		C	
Studio - Art	P	P	
Studio - Gymnastics/martial arts	P	P	

SALES AND EXHIBITION

Antique Shop	P	P	80 percent of goods must be 30 years or older or have collectible value.
Auction Facility		C	Excludes livestock and motor vehicle auctions.
Gallery - Art	P	P	
Garden Center - Indoor and Outdoor		C	
Retail - Convenience with gasoline		P	
Retail - Convenience without gasoline		P	
Retail - Large Format		P	
Retail - Medium Format	P	P	
Retail - Pharmacy	P	P	
Retail - Shopping Center - Enclosed	P	P	
Retail - Shopping Center - Outdoor	P	P	
Retail - Small Format	P	P	

TOURISM / VISITING

Overnight Lodging - Bed and Breakfast	P	P	
Overnight Lodging - Boutique Hotel	P	P	Fewer than 30 rooms
Overnight Lodging - Hotel	P	P	
Overnight Lodging - Limited Service	P	P	
Overnight Lodging - Resort	P	P	

UTILITY FACILITIES

Power Substation Facility		C	
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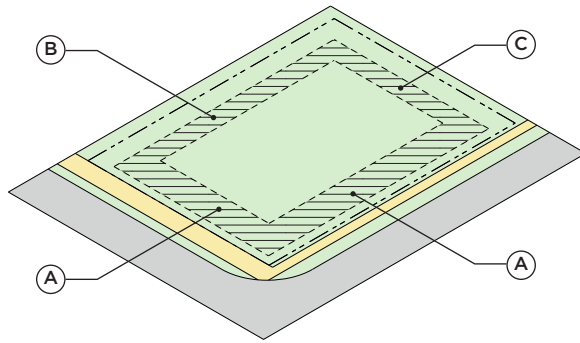
Allowable Use	P
Conditional Use	C

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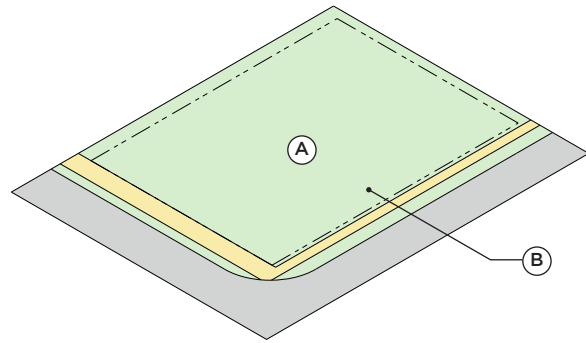
III. Insight District Development Standards

The Brice and Main District includes the more urban attached typologies with off-street parking in a garage, driveway, or parking lot, in addition to instances of on-street, parallel parking.

A. Lot Dimensions and Setbacks



B. Lot Coverage

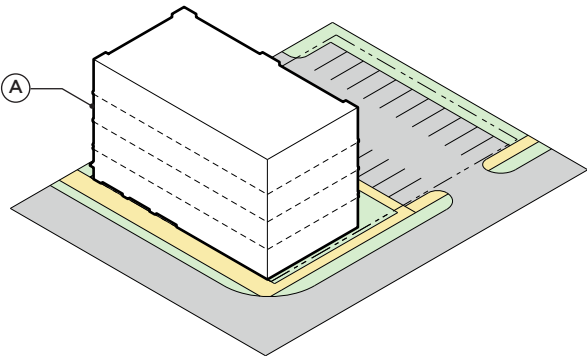


LOT DIMENSIONS	LOT SIZE (MIN./MAX SQ. FT.)	NA
	LOT WIDTH (MIN./MAX.)	NA
	LOT DEPTH (MIN. FT.)	NA
	LOT FRONTAGE (MIN. FT.)	NA
SETBACKS	A FRONT YARD SETBACK (MIN. FT.)	5 from ROW
	A FRONT YARD SETBACK (MAX. FT.)	20 ft from ROW
	B SIDE YARD SETBACK (MIN. FT.)	10 from lot line; 10 feet between buildings
	B SIDE YARD SETBACK (MAX. FT.)	NA
	B SIDE YARD SETBACK (MIN./MAX. AGGREGATE. FT.)	NA
	C REAR YARD SETBACK (MIN. FT.)	10 feet from lot line; 10 feet between buildings
	C REAR YARD SETBACK (MAX. FT.)	NA

LOT COVERAGE/ OPEN SPACE	A LOT COVERAGE (MIN.)	50%
	LOT COVERAGE (MAX.) - INCLUDING IMPERVIOUS SFC	80%
	CREDIT FOR PERVIOUS OR OTHER COMMON GREEN SPACE UP TO 10% (MAX.)	10%
	LOT COVERAGE (MAX.) - NOT INCLUDING ALL IMPERVIOUS SURFACES	100%
	OPEN SPACE (MIN.)	30%
	OPEN SPACE (MAX.)	50%
LANDSCAPE REVIEW	LANDSCAPE AND NATURAL BUFFERS	NA
DENSITY (MULTI-UNIT RESIDENTIAL)	DENSITY (MIN. UNITS PER ACRE)	12
	DENSITY (MAX. UNITS PER ACRE)	NA

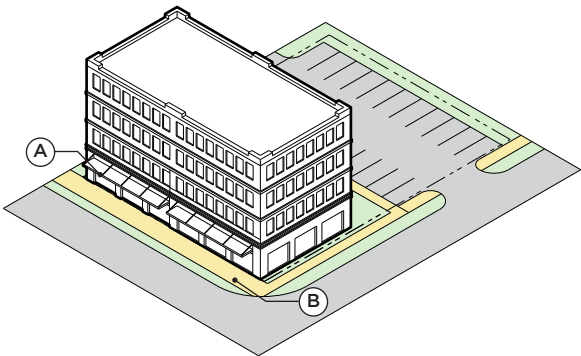
DISTRICTS AND ZONES

C. Height and Parking



HEIGHT	A	BUILDING HEIGHT (MIN. FT.)	22
		BUILDING HEIGHT (MAX. FT.)	75; 40 townhouse; 60 apartment building
ACCESSORY STRUCTURE DIMENSIONS		ACCESSORY BUILDING LOCATION	NP
		ADU HEIGHT (MAX. FT.)	NP
		ACCESSORY BUILDING HEIGHT (MAX. FT.)	NP
PARKING LOCATION		LOCATION	Interior of the development or structured parking
SIGN REGULATIONS		PERMITTED SIGN TYPES	Commercial uses only - Any two of the following: Awning, Monument, Projecting, Wall
DESIGN		DESIGN STANDARDS	Facade of natural materials similar in design, materials and color to majority of buildings in development.
		SITE PLAN STANDARDS	See Chapter 1109.19 and Supplemental Regulations below.

D. Frontage



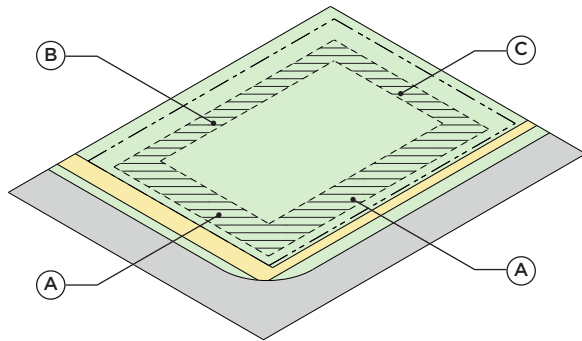
ELEMENT	SHOPFRONT	A
	PATIO	B

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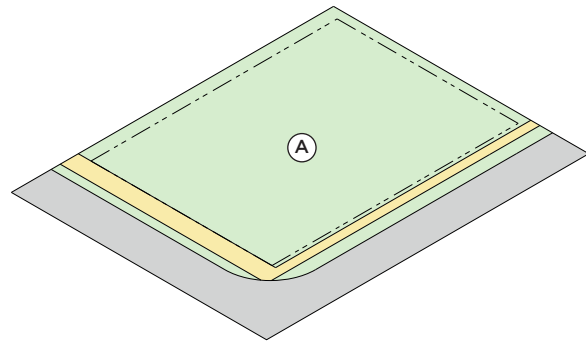
III. Insight Zone Development Standards

The East Main Street District includes urban and some suburban typologies (Section IV Building Typologies) with off-street parking, driveway, or parking lot, in addition to instances of on-street, parallel parking.

A. Lot Dimensions and Setbacks



B. Lot Coverage



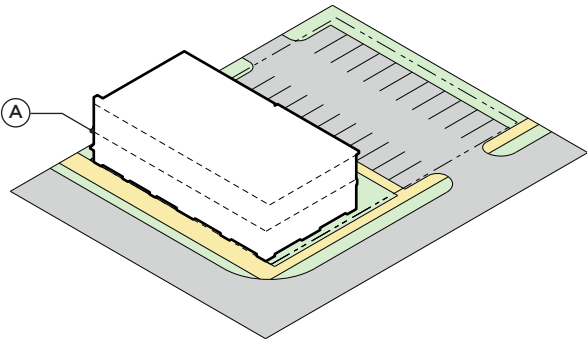
LOT DIMENSIONS		LOT SIZE (MIN./MAX SQ. FT.)	NA
		LOT WIDTH (MIN./MAX.)	NA
		LOT DEPTH (MIN. FT.)	NA
		LOT FRONTAGE (MIN. FT.)	NA
SETBACKS	A	FRONT YARD SETBACK (MIN. FT.)	5 ft from ROW
	A	FRONT YARD SETBACK (MAX. FT.)	20 ft from ROW
	B	SIDE YARD SETBACK (MIN. FT.)	5 ft from lot line; 10 feet between buildings
	B	SIDE YARD SETBACK (MAX. FT.)	NA
	B	SIDE YARD SETBACK (MIN. AGGREGATE. FT.)	20
	C	REAR YARD SETBACK (MIN. FT.)	30
	C	REAR YARD SETBACK (MAX. FT.)	NA

LOT COVERAGE/ OPEN SPACE	A	LOT COVERAGE (MIN.)	50%
		LOT COVERAGE (MAX.) - INCLUDING IMPERVIOUS SFC	80%
		CREDIT FOR PERVIOUS OR OTHER COMMON GREEN SPACE UP TO 10% (MAX.)	10%
		LOT COVERAGE (MAX.) - NOT INCLUDING ALL IMPERVIOUS SURFACES	70%
		OPEN SPACE (MIN.)	30%
LANDSCAPE REVIEW		OPEN SPACE (MAX.)	50%
		LANDSCAPE AND NATURAL BUFFERS	YES
DENSITY (MULTI-UNIT RESIDENTIAL)		DENSITY (MIN. UNITS PER ACRE)	8
		DENSITY (MAX. UNITS PER ACRE)	24

DISTRICTS AND ZONES

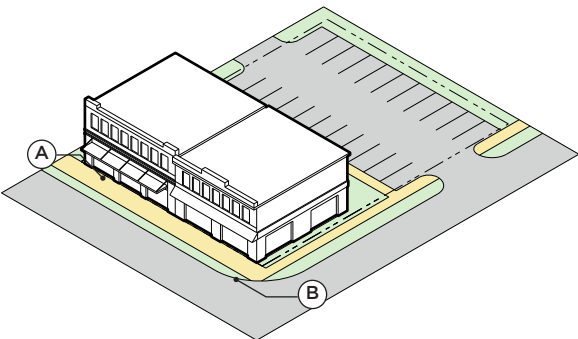
INSIGHT ZONE SUPPLEMENTAL REGULATIONS

C. Height and Parking



HEIGHT	A	BUILDING HEIGHT (MIN. FT.)	22
		BUILDING HEIGHT (MAX. FT.)	60; 40 townhouse
ACCESSORY STRUCTURE DIMENSIONS		ACCESSORY BUILDING LOCATION	NP
		ADU HEIGHT (MAX. FT.)	NP
		ACCESSORY BUILDING HEIGHT (MAX. FT.)	NP
PARKING LOCATION		LOCATION	Rear or side yard, well-screened; private garages; structured parking
SIGN REGULATIONS		PERMITTED SIGN TYPES	Commercial uses only - Any two of the following: Awning, Monument, Projecting, Wall
DESIGN		DESIGN STANDARDS	Facade of natural materials similar in design, materials and color to majority of buildings in development.
		SITE PLAN STANDARDS	See Chapter 1109.19 and Supplemental Regulations below.

D. Frontage



ELEMENT	SHOPFRONT	A
	PATIO	B

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The following supplemental regulations shall apply to all development in the Brice and Main Street and East Main Street Insight Zones. The intent of these regulations to promote the development of the City's auto-oriented corridors to allow for more residential development and access to employment opportunities. The standards and guidelines set forth herein are not intended to stifle innovative design. Instead, these regulations should serve as minimum standards and guidelines to ensure that new development and redevelopment advances the purposes described under this section.

IV. Transit Supportive Development

- A. Enable bus stops, pullouts, shelters, and appropriate road geometry.
- B. Retail, office, institutional buildings provide convenient access to transit:
 - (1) Walkways connecting streets to buildings;
 - (2) Within ½ mile of transit stop: Bicycle facilities, including bicycle racks and areas for storing for scooters (~~meeting the bike storage requirements is to be interpreted as meeting the scooter storage requirements. :Bicycle facilities, including bicycle racks and areas for storing scooters; and~~
 - a) Retail Buildings: Provide storage for 5% of regular building occupants, no fewer than 2 spaces per building.
 - b) Office Buildings: Provide storage for 5% of peak visitors, no less than 4 spaces per building.
 - c) Institutional Buildings: Provide storage for 5% of peak visitors, no less than 4 spaces per building.

- (3) At major transit stops:
 - i. Buildings located within 20 feet or provide pedestrian plaza;
 - ii. Reasonably direct connection to buildings;
 - iii. Accessibility for disabled persons;
 - iv. Easement or dedication for shelter if transit provider requests;
 - v. Lighting;
 - vi. Accommodations for seating or leaning;
 - vii. Bicycle facilities, including bike racks and areas for storing scooters.

V. Exceptions and Reductions in Parking Standards

- A. There is no minimum number of required automobile parking spaces for uses within Brice and Main Street and East Main Street Insight Zones. The applicant may propose a parking standard that is different than the standard under 1105.01; Off-Street Parking and Loading for review and action by the Planning and Zoning Administrator.
 - (1) Site has a bus stop with frequent transit service located adjacent to it, and the site's frontage is improved with a bus stop waiting shelter, consistent with the standards of the applicable transit service provider: Allow up to a 20 percent reduction to the standard number of automobile parking spaces;
 - (2) Site has dedicated parking spaces for carpool or vanpool vehicles: Allow up to a 10 percent reduction to the standard number of automobile parking spaces;

DISTRICTS AND ZONES

- (3) Site has dedicated parking spaces for motorcycles, scooters, or electric carts: **Allow up to a 5 percent reduction to the number of automobile parking spaces.**
- (4) Site has more than the minimum number of required bicycle parking spaces: Allow up to a 5 percent reduction to the number of automobile parking spaces
- (5) Notwithstanding the lot coverage increases authorized by this section, all other development standards of this chapter, and other applicable provisions of this Code, must be met.

VI. Lot Coverage Bonus

- A. The Planning and Zoning Administrator, subject to review, may approve increases to the lot coverage standards as follows:
 - (1) Lot coverage may increase by up to one-half square foot for every one square foot of proposed automobile parking area to be contained in a parking structure, either above or below leasable ground floor space (e.g., residential, commercial, or civic use), not to exceed a 20 percent increase in allowable coverage.
 - (2) Lot coverage may increase by up to one-half a square foot for every one square foot of proposed parking area paving that uses a City-approved porous or permeable paving material (i.e., allowing stormwater infiltration).
 - (3) Lot coverage may increase by up to one-half a square foot for every one square foot of City-approved water quality treatment area (e.g., vegetative swale or bio-filtration) to be provided on the subject site.
 - (4) In approving increases in lot coverage under subsections i-iii of this section, the City may require additional landscape buffering or screening, above that which is required by other provisions of this code, and may impose reasonable conditions of approval to ensure the ongoing maintenance of parking areas and surface water management facilities.

REYNOLDSBURG ZONING CODE

SECTION 1103.17

SUBURBAN RESIDENTIAL ZONE (SR)

I. Purpose and Intent

A. The Suburban Residential (SR) Zone is intended to regulate all land in the city platted for medium-scale suburban single-unit residential development. The existing development pattern in the SR Zone is traditional single-family residential subdivisions with single-unit residential structures. The desired development pattern in the SR Zone is to accommodate multiple forms of single-family development, including attached single-family dwellings. New development in the SR Zone should also promote pedestrian connectivity and the retention of open space as an amenity. Where possible, new residential development should be connected to trail systems and within a half-mile walk from parks or significant open space.

II. Uses

A. The following uses are either permitted or conditional uses as indicated in the following chart:

DISTRICT USES	
PERMITTED USES:	• Community Facility - Park • Community Facility - Trail • Dwelling - Detached Single-family • Library • Residential Model Home • School - Primary • School - Secondary
CONDITIONAL USES:	• Child Day Care - Center (See 1105.13(G)) • Child Day Care - In Home* • Community Facility - Activity Center • Community Facility - Outdoor Recreation • Community Facility - Public Health Safety • Dwelling - Assisted • Dwelling - Attached Single-Family • Dwelling - Developmental Disability • Dwelling - Group • Dwelling - Two Family • Golf Course • Private Club • Religious Assembly • Studio - Art • Studio - Gymnastics/martial arts • Visual Arts Center

** Subject to Home Occupation Regulations (see 1103.13(H))*

DISTRICTS AND ZONES

III. Development Standards

The Suburban Residential Zone includes the traditional suburban single-family detached and attached typologies with off-street parking in a garage, driveway, or parking space.

LOT DIMENSIONS	LOT SIZE (MIN. SQ. FT.)	NA
	LOT SIZE (MAX. SQ. FT.)	NA
	LOT WIDTH (MIN. FT.)	50
	LOT WIDTH (MAX. FT.)	NA
	LOT DEPTH (MIN. FT.)	100
	LOT FRONTAGE (MIN. FT.)	50
DENSITY (MULTI-UNIT RESIDENTIAL)	DENSITY (MIN. UNITS PER ACRE)	NA
	DENSITY (MAX. UNITS PER ACRE)	NA
SETBACKS	FRONT YARD SETBACK (MIN. FT.)	20
	FRONT YARD SETBACK (MAX. FT.)	NA
	SIDE YARD SETBACK (MIN. FT.)	5
	SIDE YARD SETBACK (MAX. FT.)	NA
	SIDE YARD SETBACK (MIN. AGGREGATE. FT.)	NA
	SIDE YARD SETBACK (MAX. AGGREGATE FT.)	NA
	REAR YARD SETBACK (MIN. FT.)	30
	REAR YARD SETBACK (MIN. FT.)	NA
HEIGHT	BUILDING HEIGHT (MIN. FT.)	NA
	BUILDING HEIGHT (MAX. FT.)	35
LOT COVERAGE/ OPEN SPACE	LOT COVERAGE (MIN.)	NA
	LOT COVERAGE (MAX.) - INCLUDING IMPERVIOUS SFC	60%
	CREDIT FOR PERVIOUS OR OTHER COMMON GREEN SPACE UP TO 10% (MAX.)*	10%
	LOT COVERAGE (MAX.) - NOT INCLUDING ALL IMPERVIOUS SURFACES	NA
	OPEN SPACE (MIN.)	NA
	OPEN SPACE (MAX.)	NA

*DETENTION PONDS INCLUDED IF DESIGNED AS AN AMENITY AND COMMUNITY FEATURE. (I.E. FENCING, LANDSCAPING, NATURAL FEEL)

REYNOLDSBURG ZONING CODE

ACCESSORY STRUCTURE DIMENSIONS	ACCESSORY BUILDING LOCATION	Rear yard, 3 feet from all lot lines; 10 feet from the house
	ADU	See Section 1105.05
	ACCESSORY BUILDING HEIGHT (MAX. FT.)	15
PARKING LOCATION	LOCATION	Driveway leading to private attached or detached garage; no front yard parking
SIGN REGULATIONS	PERMITTED SIGN TYPES	Temporary signs only
DESIGN	DESIGN STANDARDS	Single-family building types; For garage requirements, please see Section 1105.05.
	SITE PLAN STANDARDS	For subdivision requirements, see Chapter 1111

DISTRICTS AND ZONES

SECTION 1103.19

RESIDENTIAL MEDIUM ZONE (RM)

I. Purpose and Intent

A. The purpose of the Residential Medium (RM) Zone is to complement single-family residential development through the introduction of a more diverse range of housing options, including two-family buildings, townhomes, row houses, and apartments. Future development in the RM Zones should be well integrated with surrounding uses while allowing for more compact development to accommodate growth.

II. Uses

A. The following uses are either permitted or conditional uses as indicated in the following chart:

DISTRICT USES	
PERMITTED USES:	- Community Facility - Activity Center - Community Facility - Outdoor Recreation - Community Facility - Park - Community Facility - Public Health Safety - Community Facility - Trail - Dwelling - Attached Single-Family - Dwelling - Detached Single-family - Dwelling - Multi-Unit Building - Dwelling - Multi-Unit Building Complex - Dwelling - Two-family - Library - Dwelling - Nursing - School - Primary - School - Secondary - Tiny House
CONDITIONAL USES:	- Child Day Care - In Home* - Dwelling - Assisted - Dwelling - Development Disability - Dwelling - Group - Overnight Lodging - Bed and Breakfast

** Subject to Home Occupation Regulations (see 1103.13(H))*

REYNOLDSBURG ZONING CODE

III. Development Standards

The Residential Medium Zone includes the traditional suburban single-family detached, attached, two-family, townhouse, and apartment building typologies with off-street parking in a garage, driveway, or parking space.

LOT DIMENSIONS	LOT SIZE (MIN. SQ. FT.)	NA
	LOT SIZE (MAX. SQ. FT.)	NA
	LOT WIDTH (MIN. FT.)	50
	LOT WIDTH (MAX. FT.)	NA
	LOT DEPTH (MIN. FT.)	100
	LOT FRONTAGE (MIN. FT.)	50
DENSITY (MULTI-UNIT RESIDENTIAL)	DENSITY (MIN. UNITS PER ACRE)	NA
	DENSITY (MAX. UNITS PER ACRE)	24
SETBACKS	FRONT YARD SETBACK (MIN. FT.)	20
	FRONT YARD SETBACK (MAX. FT.)	NA
	SIDE YARD SETBACK (MIN. FT.)	8
	SIDE YARD SETBACK (MAX. FT.)	NA
	SIDE YARD SETBACK (MIN. AGGREGATE. FT.)	20
	SIDE YARD SETBACK (MAX. AGGREGATE FT.)	NA
	REAR YARD SETBACK (MIN. FT.)	30
	REAR YARD SETBACK (MIN. FT.)	NA
HEIGHT	BUILDING HEIGHT (MIN. FT.)	NA
	BUILDING HEIGHT (MAX. FT.)	35 single-family, two-family, townhouse; 42 apartment building
LOT COVERAGE/ OPEN SPACE	LOT COVERAGE (MIN.)	NA
	LOT COVERAGE (MAX.) - INCLUDING IMPERVIOUS SFC	60%
	CREDIT FOR PERVIOUS OR OTHER COMMON GREEN SPACE UP TO 10% (MAX.)*	10%
	LOT COVERAGE (MAX.) - NOT INCLUDING ALL IMPERVIOUS SURFACES	NA
	OPEN SPACE (MIN.)	NA
	OPEN SPACE (MAX.)	NA

*DETENTION PONDS INCLUDED IF DESIGNED AS AN AMENITY AND COMMUNITY FEATURE. (I.E. FENCING, LANDSCAPING, NATURAL FEEL)

DISTRICTS AND ZONES

ACCESSORY STRUCTURE DIMENSIONS	ACCESSORY BUILDING LOCATION	Same as primary
	ADU	See Section 1105.5
	ACCESSORY BUILDING HEIGHT (MAX. FT.)	20
PARKING LOCATION	LOCATION	Driveway leading to private attached or detached garage; rear yard
SIGN REGULATIONS	PERMITTED SIGN TYPES	Temporary signs only; monument sign for each frontage
DESIGN	DESIGN STANDARDS	Single-unit attached and detached building types; For garage requirements, please see Section 1105.0
	SITE PLAN STANDARDS	See site plan review, Chapter 1109.19
LANDSCAPE REVIEW	LANDSCAPE AND NATURAL BUFFERS	NA

REYNOLDSBURG ZONING CODE

SECTION 1103.21

COMMUNITY COMMERCIAL ZONE (CC)

I. Purpose and Intent

A. The Community Commercial (CC) Zone is intended to promote development patterns and businesses that are consistent with larger retail and office-users, including companies with a workforce residing throughout the region that is seeking the convenience of access from heavily-traveled corridors. Existing development in the CC Zone is comprised of traditional large lot retail development with surface parking. Future development patterns in the CC Zone should accommodate changes in retail and transportation, including smaller lots and smaller format retail uses.

II. Uses

A. The following uses are either permitted or conditional uses as indicated in the following chart:

DISTRICT USES	
PERMITTED USES:	• Adult Day Care • Adult Oriented Businesses (Subject to Section 795.02 of Codified Ordinances) • Antique Shop (See definition) • Bakery - Retail • Beverage - Brewing and Distilling (See definition) • Boarding/Kennel • Child Day Care - In Home (See 1105.13(H)) • Clothing Services - Dry Cleaning with drive thru • Clothing Services - Dry Cleaning without drive thru • Clothing Services - Tailor • Community Facility - Park • Community Facility - Trail • Event Center - Private Events and Conferences • Event Center - Public Meetings and Conventions • Financial Services and Banking - with drive thru (See 1105.13(K)) • Financial Services and Banking - without drive thru • Food Sales - Farm Market • Food Sales - Small Format Grocery • Food Sales - Large Format Grocery • Food Service - Commissary/Bakery • Food Service - Deli • Food Service - Fast Casual Restaurant • Food Service - Full Service Restaurant • Food Service - Quick Serve/Fast Food Without Drive Thru • Food Service - Quick Serve/Fast Food With Drive Thru • Gallery - Art • Health and Wellness - Clinic • Health and Wellness - Fitness Facility/Gym • Health and Wellness - Massage • Health and Wellness - Physical Therapy • Indoor Recreation Enterprise • Library • Live Theater • Manufacturing - Artisan • Medical - Clinic • Medical - Emergency Services • Medical - Full Service Hospital • Medical Office • Medical - Outpatient and Urgent Care

DISTRICTS AND ZONES

DISTRICT USES (CONT.)	
PERMITTED USES:	• Medical - Psychiatric Facility - Standalone • Medical - Standalone Emergency Services • Meeting Facility • Movie Theater • Museum • Office - Corporate • Office - Data Processing/Call Center • Office - Professional Services • Outdoor Recreation Enterprise • Overnight Lodging - Boutique Hotel • Personal Care and Beauty Services • Religious Assembly • Retail - Small Format • Retail - Medium Format • Retail Large Format • Overnight Lodging - Bed and Breakfast (See definition) • Retail - Medium Format • Retail - Pharmacy • Retail - Shopping Center - Outdoor • School - Secondary • School - Primary • Shelter • Studio - Art • Studio - Gymnastics/Martial arts • Veterinary • Visual Arts Center
CONDITIONAL USES:	• Auction Facility • Beverage Sales - Liquor and Beer Sit Down/Bar Establishment • Beverage Sales - Liquor Store • Child Day Care - Center (See 1105.13(G)) • Community Facility - Activity Center • Community Facility - Outdoor Recreation • Community Facility - Public Health Safety • Dwelling - Assisted • Dwelling Group • Dwelling - Multi-Unit Building Complex • Dwelling - Developmental Disability • Dwelling - Nursing

DISTRICT USES (CONT.)	
CONDITIONAL USES:	• Dwelling - Two-Family • Medical Marijuana - Dispensary • Mortuary • Overnight Lodging - Hotel • Private Club • Research Facility and Laboratory • Retail - Convenience with gasoline • Retail - Convenience without gasoline • Shooting Range - Indoor • Vehicular Care Services - Major • Vehicular Care Services - Minor • Vehicle Care Services - Washes • Vehicular Repair - Heavy • Vehicular Repair - Light • Vehicular Sales - Automobiles • Vehicular Sales - Motorcycles • Vehicular Sales - Boats • Vehicular Sales - Recreational Vehicles

REYNOLDSBURG ZONING CODE

III. Development Standards

The Community Commercial Zone includes small and medium flex buildings, retail/large format, retail large restaurant building typologies, and off street parking.

LOT DIMENSIONS	LOT SIZE (MIN. SQ. FT.)	NA
	LOT SIZE (MAX. SQ. FT.)	NA
	LOT WIDTH (MIN. FT.)	80
	LOT WIDTH (MAX. FT.)	NA
	LOT DEPTH (MIN. FT.)	NA
	LOT FRONTAGE (MIN. FT.)	80
DENSITY (MULTI-UNIT RESIDENTIAL)	DENSITY (MIN. UNITS PER ACRE)	NA
	DENSITY (MAX. UNITS PER ACRE)	NA
SETBACKS	FRONT YARD SETBACK (MIN. FT.)	10
	FRONT YARD SETBACK (MAX. FT.)	NA
	SIDE YARD SETBACK (MIN. FT.) (EACH SIDE)	10
	SIDE YARD SETBACK (MAX. FT.)	NA
	SIDE YARD SETBACK (MIN. AGGREGATE. FT.)	20
	SIDE YARD SETBACK (MAX. AGGREGATE FT.)	NA
	REAR YARD SETBACK (MIN. FT.)	20
	REAR YARD SETBACK (MAX. FT.)	NA
HEIGHT	BUILDING HEIGHT (MIN. FT.)	NA
	BUILDING HEIGHT (MAX. FT.)	45
LOT COVERAGE/ OPEN SPACE	LOT COVERAGE (MIN.)	NA
	LOT COVERAGE (MAX.) - INCLUDING IMPERVIOUS SFC.	70%
	CREDIT FOR PERVIOUS OR OTHER COMMON GREEN SPACE UP TO 10% (MAX.)*	10%
	LOT COVERAGE (MAX.) - NOT INCLUDING ALL IMPERVIOUS SURFACES	70%
	OPEN SPACE (MIN.)	NA
	OPEN SPACE (MAX.)	NA

*DETENTION PONDS INCLUDED IF DESIGNED AS AN AMENITY AND COMMUNITY FEATURE (I.E. FENCING, LANDSCAPING, NATURAL FEEL)

DISTRICTS AND ZONES

ACCESSORY STRUCTURE DIMENSIONS	ACCESSORY BUILDING LOCATION	NP
	ADU HEIGHT (MAX. FT.)	NP
	ACCESSORY BUILDING HEIGHT (MAX. FT.)	NP
PARKING LOCATION	LOCATION	Front, side, or rear yard well-screened
SIGN REGULATIONS	PERMITTED SIGN TYPES	Commercial uses only (see Section 1105.03)
DESIGN	DESIGN STANDARDS	Small to Medium Commercial Building Types; Natural Materials or Hardie Panel on front and side facades
	SITE PLAN STANDARDS	NA
LANDSCAPE REVIEW	LANDSCAPE AND NATURAL BUFFERS	NA

REYNOLDSBURG ZONING CODE

SECTION 1103.23**INNOVATION ZONE (I)****I. Purpose and Intent**

A. Innovation (I) Zone incorporates a mix of industrial and office uses that will facilitate the creation of economic centers that will serve Reynoldsburg and surrounding communities. The existing development pattern in the I Zone is traditional, auto-oriented retail and commercial development. The desired development pattern includes the construction of signature industrial/flex buildings to facilitate access to I-70 and I-270. New construction should be well-designed and site plans should incorporate attractive landscaping, streetscape elements and signage. Pedestrian crossing should be incorporated throughout the zone.

II. Uses

A. The following uses are either permitted or conditional uses as indicated in the following chart:

DISTRICT USES	
PERMITTED USES:	• Air Transportation Services • Auction Facility(See definition) • Beverage - Brewing and Distilling (See definition) • Beverage - Distribution • Beverage - Non-Alcoholic Production • Boarding/Kennel • Community Facility - Activity Center • Community Facility - Government Administration and Courts • Community Facility - Outdoor Recreation • Community Facility - Park • Community Facility - Public Health Safety • Community Facility - Trail • Equipment Repair - Heavy • Equipment Repair - Light • Event Center - Private Events and Conferences • Event Center - Public Meetings and Conventions • Financial Services and Banking -with drive thru (See 1105.13(K)) • Financial Services and Banking without drive thru • Food Service - Commissary/Bakery • Food Service - Processing • Food Service - Production • Forestry • Garden Center - Indoor and Outdoor • Health and Wellness - Clinic • Health and Wellness - Fitness Facility/Gym • Library • Manufacturing - Artisan • Manufacturing - Heavy • Manufacturing - Light • Medical - Clinic • Medical - Emergency Services • Medical - Full Service Hospital • Medical - Office • Medical - Outpatient and Urgent Care • Medical - Psychiatric Facility - Standalone • Medical - Standalone Emergency Services • Museum • Office - Corporate • Office - Data Processing/Call Center

DISTRICTS AND ZONES

DISTRICT USES (CONT.)	
PERMITTED USES:	• Office - Professional Services • Overnight Lodging - Boutique Hotel • Overnight Lodging - Hotel • Plant Cultivation • Printing and Publishing • Religious Assembly • Research Facility/Laboratory • School - College/University • School - Trade • Shelter • Storage - Contractor • Storage - Commercial Gases • Studio - Art • Studio - Gymnastics/martial arts • Vehicle Care Services - Washes • Vehicular Care Services - Major • Vehicular Care Services - Minor • Vehicular Repair - Heavy • Vehicular Repair - Light • Veterinary • Visual Arts Center • Warehouse - Large Format • Warehouse - Small Format

DISTRICT USES (CONT.)	
CONDITIONAL USES:	• Child Day Care - Center • Community Facility - Detention and Corrections • Food Sales - Farm Market • Food Sales - Small Format Grocery • Indoor Recreation Enterprise • Junk Storage and Sales • Medical Marijuana - Dispensary • Medical Marijuana Facility - Cultivation & Processing • Mineral Extraction/Processing • Outdoor Recreation Enterprise • Outdoor Processing - Agriculture • Outdoor Processing - Composting • Outdoor Processing - Concrete and Asphalt • Power Generation Facility • Power Substation Facility • Private Club • School - Primary • School - Secondary • Shooting Range - Indoor • Storage - Self-Store (See 1105.13 (E)) • Storage - Vehicular and Boat • Tattoo/Piercing Establishment • Vehicular Sales - Automobiles • Vehicular Sales - Motorcycles • Vehicular Sales - Boats • Vehicular Sales - Recreational Vehicles

REYNOLDSBURG ZONING CODE

III. Development Standards

The Innovation Zone includes office, industrial, and warehouse typologies with on-street and off-street parking.

LOT DIMENSIONS	LOT SIZE (MIN. SQ. FT.)	NA
	LOT SIZE (MAX. SQ. FT.)	NA
	LOT WIDTH (MIN. FT.)	200
	LOT WIDTH (MAX. FT.)	NA
	LOT DEPTH (MIN. FT.)	150
	LOT FRONTAGE (MIN. FT.)	80
DENSITY (MULTI-UNIT RESIDENTIAL)	DENSITY (MIN. UNITS PER ACRE)	NA
	DENSITY (MAX. UNITS PER ACRE)	NA
SETBACKS	FRONT YARD SETBACK (MIN. FT.)	10
	FRONT YARD SETBACK (MAX. FT.)	20
	SIDE YARD SETBACK (MIN. FT.) (EACH SIDE)	20
	SIDE YARD SETBACK (MAX. FT.)	NA
	SIDE YARD SETBACK (MIN. AGGREGATE. FT.)	40
	SIDE YARD SETBACK (MAX. AGGREGATE FT.)	NA
	REAR YARD SETBACK (MIN. FT.)	40
	REAR YARD SETBACK (MIN. FT.)	NA
HEIGHT	BUILDING HEIGHT (MIN. FT.)	35
	BUILDING HEIGHT (MAX. FT.)	75
LOT COVERAGE/ OPEN SPACE	LOT COVERAGE (MIN.)	NA
	LOT COVERAGE (MAX.) - INCLUDING IMPERVIOUS SFC.	70%
	CREDIT FOR PERVIOUS OR OTHER COMMON GREEN SPACE UP TO 10% (MAX.)*	NA
	LOT COVERAGE (MAX.) - NOT INCLUDING ALL IMPERVIOUS SURFACES	NA
	OPEN SPACE (MIN.)	NA
	OPEN SPACE (MAX.)	NA

*DETENTION PONDS INCLUDED IF DESIGNED AS AN AMENITY AND COMMUNITY FEATURE. (I.E. FENCING, LANDSCAPING, NATURAL FEEL)

DISTRICTS AND ZONES

ACCESSORY STRUCTURE DIMENSIONS	ACCESSORY BUILDING LOCATION	Side or Rear Yards
	ADU HEIGHT (MAX. FT.)	NA
	ACCESSORY BUILDING HEIGHT (MAX. FT.)	35
PARKING LOCATION	LOCATION	Front or side yards, well-screened
SIGN REGULATIONS	PERMITTED SIGN TYPES	Any two: Wall; Monument, Awning
DESIGN	DESIGN STANDARDS	Natural materials on front facade
	SITE PLAN STANDARDS	NA
LANDSCAPE REVIEW	LANDSCAPE AND NATURAL BUFFERS	NA

REYNOLDSBURG ZONING CODE

SECTION 1103.25**OPEN SPACE/SCHOOLS ZONE (OS)****I. Purpose and Intent**

A. The purpose of the Open Space/Schools (OS) Zone is to promote the health and well-being of the city's residents. Desired forms of development and open space preservation in these zones includes golf courses, ball fields, playgrounds, natural passive areas, and neighborhood pocket parks. Trails originating in these zones should serve as gateways to the city's key destinations, including Olde Reynoldsburg and other entertainment and dining epicenters. Institutional uses such as schools are also encouraged in these zones and will help to promote the growth and development of the city's school age population by providing access to adjacent open space opportunities.

II. Uses

A. The following uses are either permitted or conditional uses as indicated in the following chart:

DISTRICT USES	
PERMITTED USES:	• Camping • Community Facility - Activity Center • Community Facility - Government Administration and Courts • Community Facility - Outdoor Recreation • Community Facility - Park • Community Facility - Public Health Safety • Community Facility - Trail • Cultural • Event Center - Public Meetings and Conventions • Golf Course • Health and Wellness - Fitness Facility/Gym • Library • Museum • Plant Cultivation • Religious Assembly • School - College/University • School - Primary • School - Secondary • School - Trade • Visual Arts Center
CONDITIONAL USES:	• Cemetery • Forestry • Garden Center - Indoor and Outdoor

DISTRICTS AND ZONES

III. Development Standards

The Open Space/Schools Zone includes primary schools and community activity center typologies with off-street parking.

LOT DIMENSIONS	LOT SIZE (MIN. SQ. FT.)	NA
	LOT SIZE (MAX. SQ. FT.)	NA
	LOT WIDTH (MIN. FT.)	NA
	LOT WIDTH (MAX. FT.)	NA
	LOT DEPTH (MIN. FT.)	NA
	LOT FRONTAGE (MIN. FT.)	NA
DENSITY (MULTI-UNIT RESIDENTIAL)	DENSITY (MIN. UNITS PER ACRE)	NA
	DENSITY (MAX. UNITS PER ACRE)	NA
SETBACKS	FRONT YARD SETBACK (MIN. FT.)	NA
	FRONT YARD SETBACK (MAX. FT.)	NA
	SIDE YARD SETBACK (MIN. FT.)	NA
	SIDE YARD SETBACK (MAX. FT.)	NA
	SIDE YARD SETBACK (MIN. AGGREGATE. FT.)	20 feet from any residential structure
	SIDE YARD SETBACK (MAX. AGGREGATE FT.)	NA
	REAR YARD SETBACK (MIN. FT.)	30 feet from any residential structure
	REAR YARD SETBACK (MIN. FT.)	NA
HEIGHT	BUILDING HEIGHT (MIN. FT.)	NA
	BUILDING HEIGHT (MAX. FT.)	NA
LOT COVERAGE/ OPEN SPACE	LOT COVERAGE (MIN.)	NA
	LOT COVERAGE (MAX.) - INCLUDING IMPERVIOUS SFC	NA
	CREDIT FOR PERVIOUS OR OTHER COMMON GREEN SPACE UP TO 10% (MAX.)*	NA
	LOT COVERAGE (MAX.) - NOT INCLUDING ALL IMPERVIOUS SURFACES	NA
	OPEN SPACE (MIN.)	NA
	OPEN SPACE (MAX.)	NA

*DETENTION PONDS INCLUDED IF DESIGNED AS AN AMENITY AND COMMUNITY FEATURE. (I.E. FENCING, LANDSCAPING, NATURAL FEEL)

REYNOLDSBURG ZONING CODE

ACCESSORY STRUCTURE DIMENSIONS	ACCESSORY BUILDING LOCATION	NA
	ADU HEIGHT (MAX. FT.)	NP
	ACCESSORY BUILDING HEIGHT (MAX. FT.)	NP
PARKING LOCATION	LOCATION	Any yard, well-screened
SIGN REGULATIONS	PERMITTED SIGN TYPES	Any two: Wall; Monument; Awning
DESIGN	DESIGN STANDARDS	Single-family building types; Natural materials or Hardie Plank on front and side facades
	SITE PLAN STANDARDS	NA
LANDSCAPE REVIEW	LANDSCAPE AND NATURAL BUFFERS	NA

DISTRICTS AND ZONES

SECTION 1103.27 BUILDING TYPOLOGIES

The below-listed building typologies are the building typologies contemplated for new development in the districts and zones described below. New buildings and alterations to existing buildings shall be reviewed in accordance with Chapter 1103.07 hereof.

BUILDING TYPOLOGIES	OLDE REYNOLDSBURG COMMERCIAL DISTRICT	OLDE REYNOLDSBURG NEIGHBORHOOD DISTRICT	BRICE AND MAIN DISTRICT (BMD)	EAST MAIN STREET DISTRICT (EMD)
DETACHED SINGLE-FAMILY BUILDING	X	X		
ATTACHED SINGLE-FAMILY BUILDING		X	X	
DUPLEX BUILDING		X		
MULTI-UNIT BUILDING		X		X
MULTI-UNIT COMPLEX			X	X
SMALL FLEX RETAIL BUILDING	X	X	X	X
MEDIUM FLEX RETAIL BUILDING	X		X	X
LARGE FLEX RETAIL BUILDING	X		X	
INSTITUTIONAL FLEX BUILDING		X		X
BED AND BREAKFAST BUILDING	X			
SCHOOL AND INSTITUTIONAL BUILDING	X			
COMMUNITY CENTER BUILDING	X	X		
OFFICE BUILDING			X	X
OFFICE-CORPORATE BUILDING				
RETAIL LARGE FORMAT BUILDING				
INDUSTRIAL BUILDING				
WAREHOUSE BUILDING				
PRIMARY SCHOOL BUILDING				
COMMUNITY ACTIVITY CENTER BUILDING	X			
EVENT CENTER BUILDING				

REYNOLDSBURG ZONING CODE

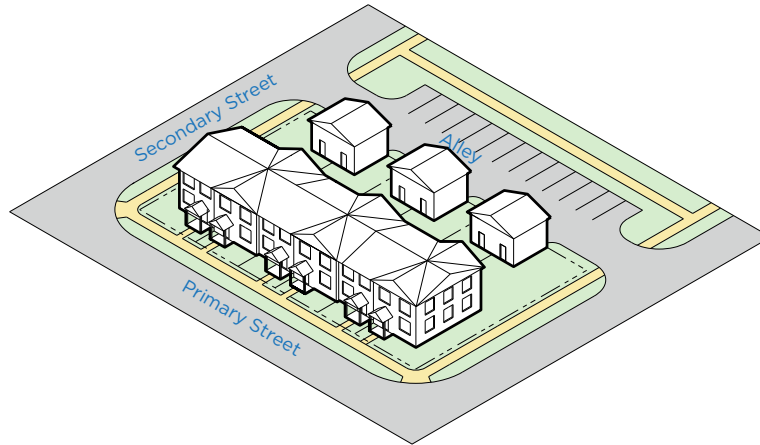
SUBURBAN RESIDENTIAL ZONE (SR)	RESIDENTIAL MEDIUM ZONE (RM)	COMMUNITY COMMERCIAL ZONE (CC)	INNOVATION ZONE (I)	OPEN SPACE/ SCHOOLS ZONE (OS)
X	X			
X	X			
	X			
		X		
		X		
		X		
	X			X
	X		X	
		X		
		X	X	
		X		
			X	
			X	
				X
				X
		X		X

DISTRICTS AND ZONES

A. ATTACHED SINGLE-FAMILY BUILDING

The below illustrations of each development typology are for illustrative purposes only and are intended to supplement the regulations applicable to each zone and district.

1. Typical Lot Configuration



Note: image is illustrative, not regulatory.

2. Description

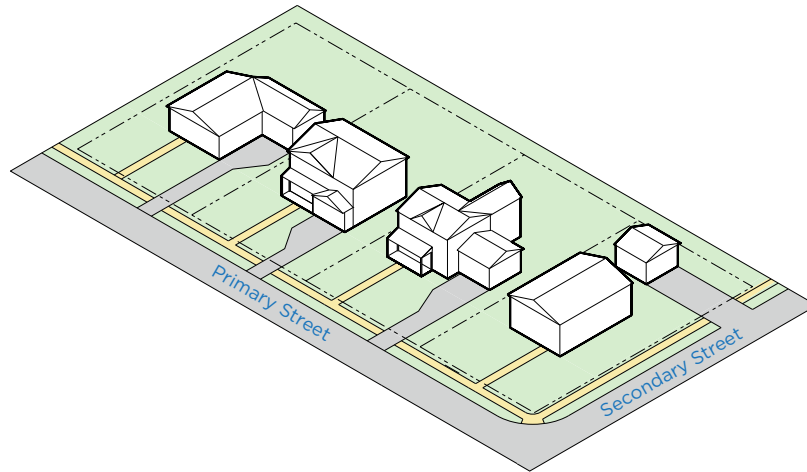
A structure with common walls on either side and no units below or above. Garage access is typically from a rear alley or shared parking area. A small side or rear yard is provided for each unit as private open space.



Image: Attached Single-Family Building

B. DETACHED SINGLE-FAMILY BUILDING

1. Typical Lot Configuration



Note: image is illustrative, not regulatory.

2. Description

A small detached structure with small side and street setbacks. Garage access is typically from the street, but garages are clearly subordinate to the principal structure.

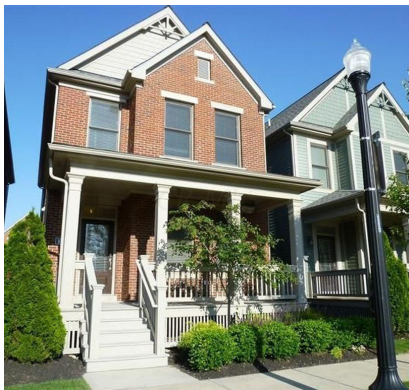
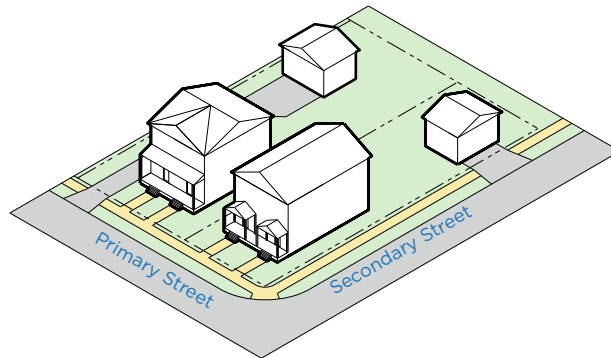


Image: Detached Single-Family Building

DISTRICTS AND ZONES

C. DUPLEX BUILDING

1.. Typical Lot Configuration



Note: image is illustrative, not regulatory.

2. Description

A detached structure with two units that is massed as a single structure. Setbacks can range from small to large and units are typically side-by-side, but may be stacked.

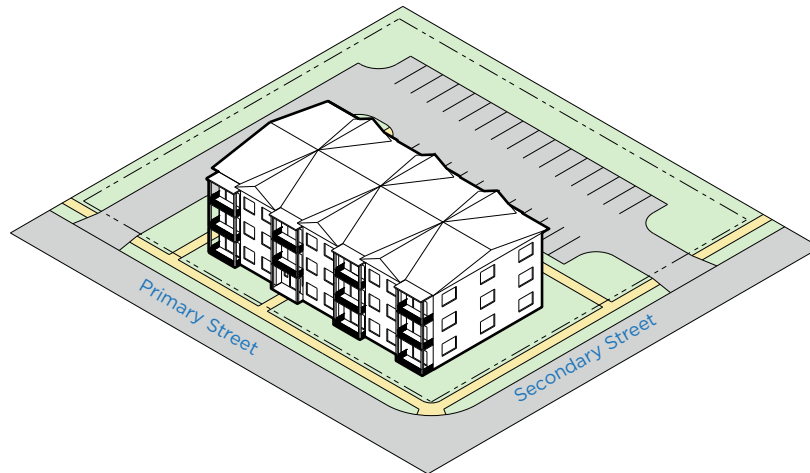


Image: Duplex Building



D. MULTI-UNIT BUILDING

1. Typical Lot Configuration



Note: image is illustrative, not regulatory.

2. Description

A building with multiple residential units that front on an interior corridor and have their main access from the primary street. Units can be next to each other (side-by-side units), or stacked on top of each other (top and bottom units).

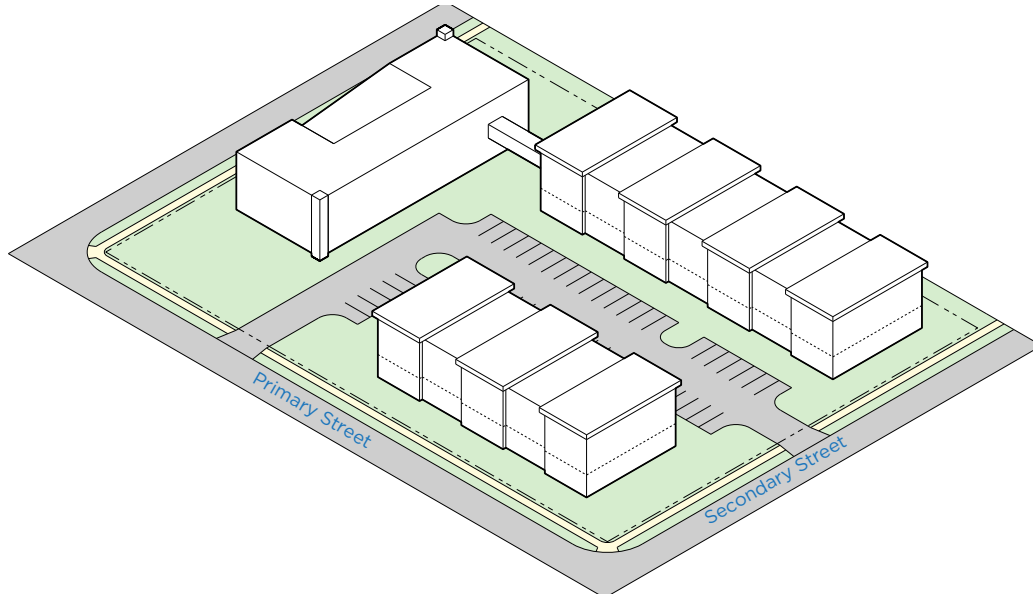


Image: Multi-Unit Building

DISTRICTS AND ZONES

E. MULTI-UNIT COMPLEX

1. Typical Lot Configuration



Note: image is illustrative, not regulatory.

2. Description

A collection of multi-unit buildings on adjoining pieces of land, generally owned by one entity. The buildings often share common grounds and amenities, such as pools, parking areas, and a community clubhouse, used as leasing offices for the community.

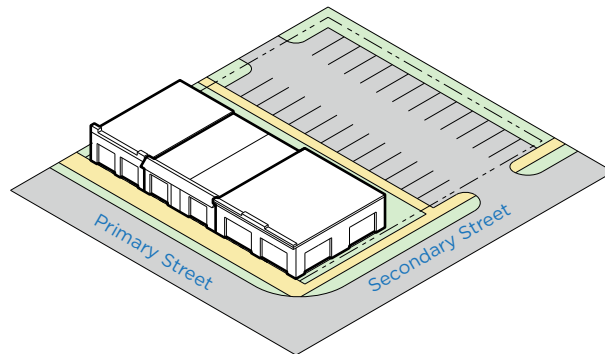


Image: Multi-Unit Complex Building



F. SMALL FLEX RETAIL BUILDING

1. Typical Lot Configuration



Note: image is illustrative, not regulatory.

2. Description

Consists of attached or detached structures ranging from one to three stories. Structures can include single or mixed uses. Parking is located in the rear or side of the building and typically accessed from a rear alley when possible.

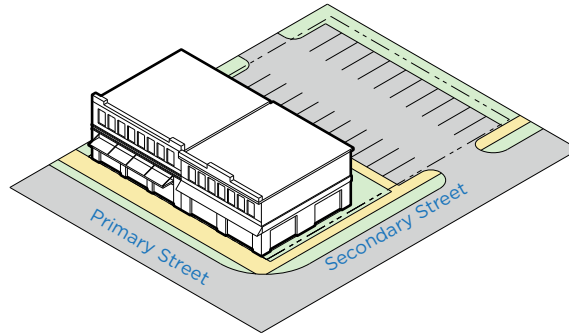


Image: Small Flex Retail Building

DISTRICTS AND ZONES

G. MEDIUM FLEX RETAIL BUILDING

1. Typical Lot Configuration



Note: image is illustrative, not regulatory.

2. Description

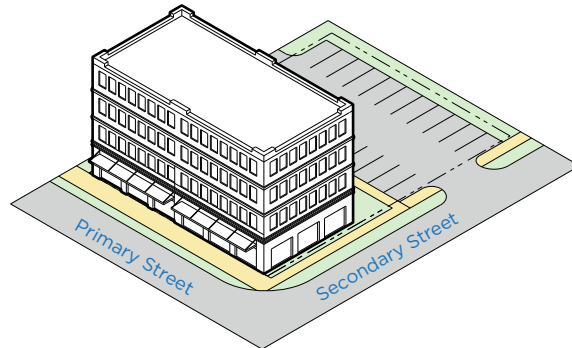
Consists of attached or detached structures ranging from one to three stories. Structures can include single or mixed uses. Parking is located in the rear or side of the building and typically accessed from a rear alley when possible.



Image: Medium Flex Retail Building

H. LARGE FLEX RETAIL BUILDING

1. Typical Lot Configuration



Note: image is illustrative, not regulatory.

2. Description

Consists of attached or detached structures that can include single or mixed-uses. Parking is located in the rear of the building and, where possible, accessed from a rear alley.

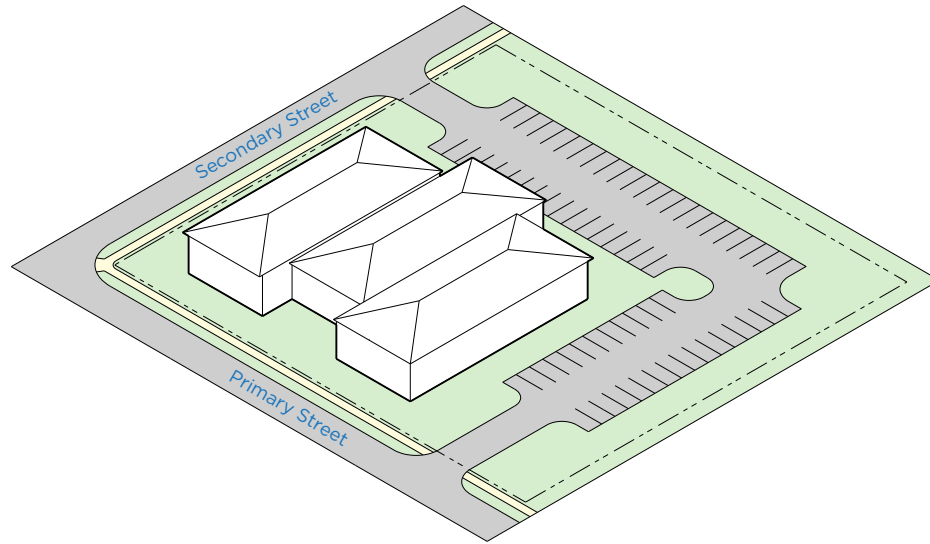


Image: Large Flex Retail Building

DISTRICTS AND ZONES

I. INSTITUTIONAL FLEX BUILDING

1. Typical Lot Configuration



Note: image is illustrative, not regulatory.

2. Description

A building that can house uses of an institutional nature (i.e. government building, library, post office, etc.) with parking on the same lot and the main access from the primary street.

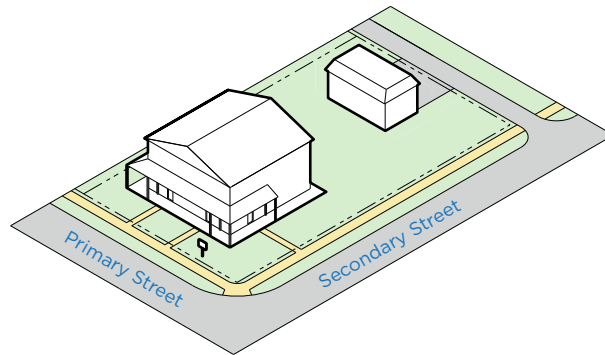


Image: Institutional Flex Building

REYNOLDSBURG ZONING CODE

J. BED AND BREAKFAST BUILDING

1. Typical Lot Configuration



Note: image is illustrative, not regulatory.

2. Description

A residential structure providing limited overnight lodging and meals for guests.



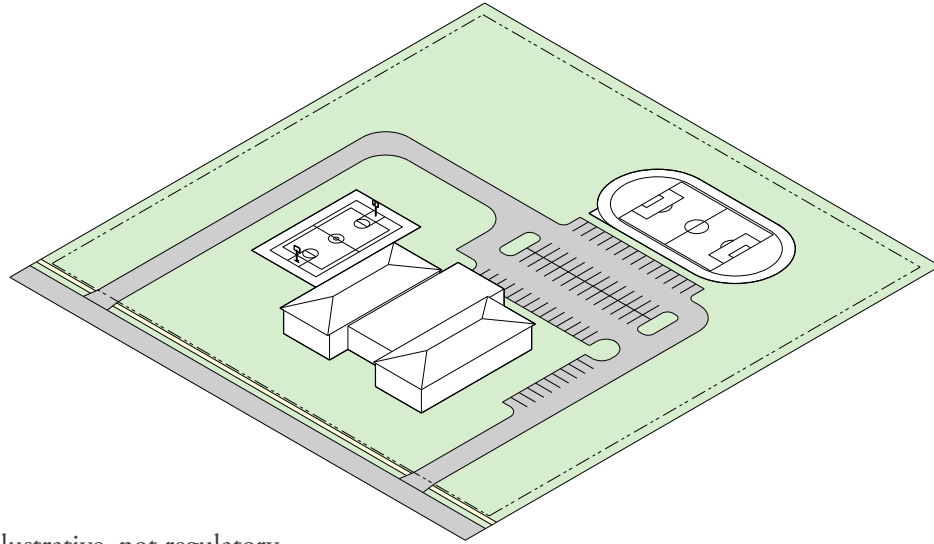
Image: Bed and Breakfast Building



DISTRICTS AND ZONES

K. SCHOOL AND INSTITUTIONAL BUILDING

1. Typical Lot Configuration



Note: image is illustrative, not regulatory.

2. Description

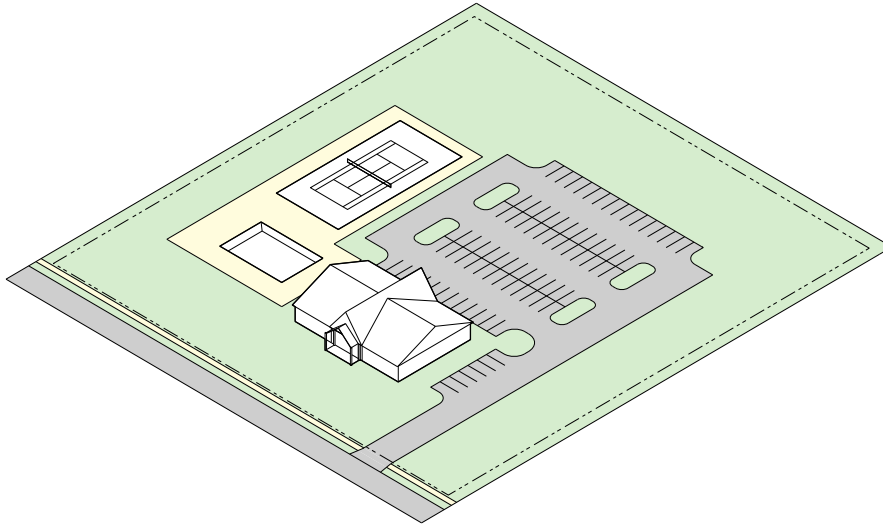
An institution or place for instruction or education, such as kindergarten; elementary, middle, or junior high school, and high school.



Image: School and Institutional Building

L. COMMUNITY CENTER BUILDING

1. Typical Lot Configuration



Note: image is illustrative, not regulatory.

2. Description

Usually a public building where members of a community tend to gather for group activities, social support, public information, and other purposes. It can be open for the whole community or specialized groups (e.g. senior center) and can include both indoor and outdoor recreational facilities.

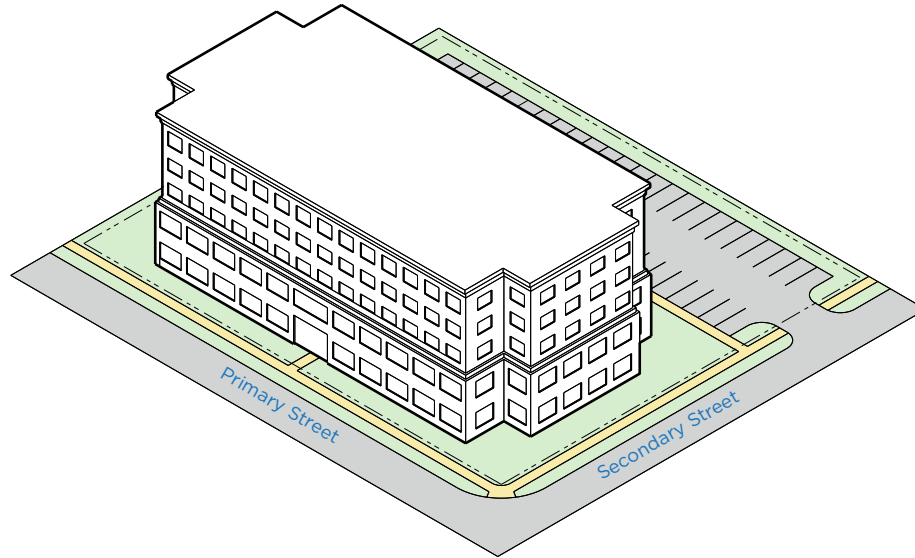


Image: Community Center Building

DISTRICTS AND ZONES

M. OFFICE BUILDING

1. Typical Lot Configuration



Note: image is illustrative, not regulatory.

2. Description

A building used primarily for conducting the affairs of multiple business, professional, service, industry, government, or like activity, which may include ancillary services for office workers with parking typically found on the same lot and the main access form the primary street.

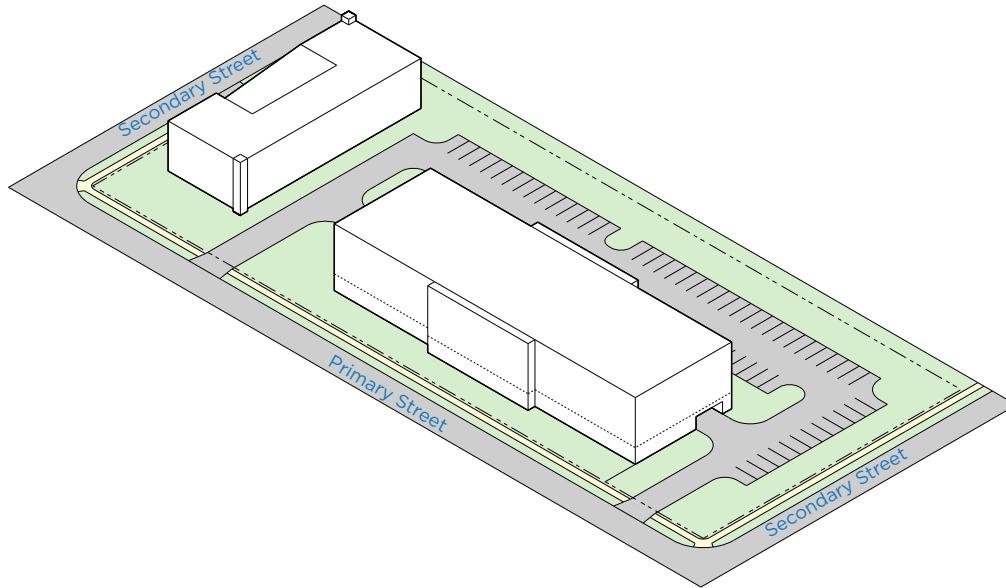


Image: Office Building



N. OFFICE-CORPORATE BUILDING

1. Typical Lot Configuration



Note: image is illustrative, not regulatory.

2. Description

A building used primarily for conducting the affairs of a single business, professional, service, industry, government, or like activity, which may include ancillary services for office workers with parking typically found on the same lot and the main access form the primary street.



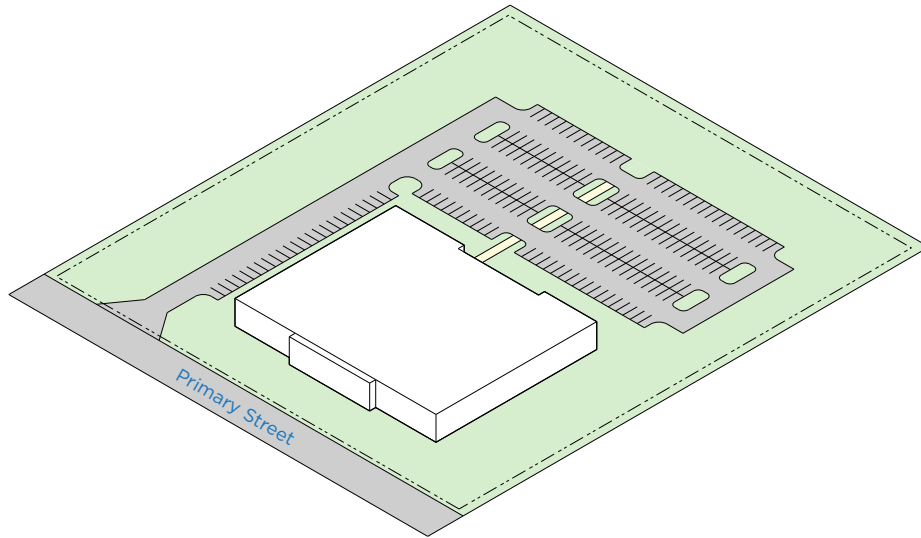
Image: Office-Corporate Building



DISTRICTS AND ZONES

O. RETAIL LARGE FORMAT BUILDING

1. Typical Lot Configuration



Note: image is illustrative, not regulatory.

2. Description

A single-use, typically large single-story commercial building primarily accessed by automobile with parking on the same lot with a combination of parking in the front, side, or rear yards.

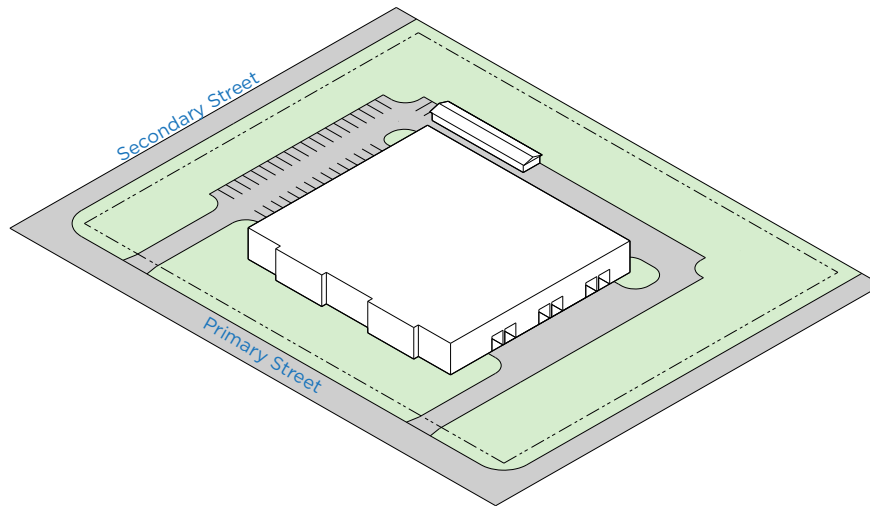


Image: Retail Large Format Building



P. INDUSTRIAL BUILDING

1. Typical Lot Configuration



Note: image is illustrative, not regulatory.

2. Description

A building that houses manufacturing activity that uses moderate amounts of partially processed materials to produce items of relatively high value per unit weight. Facilities for loading and unloading are typically located in the side or rear yard with employee and visitor parking in the rear yard.



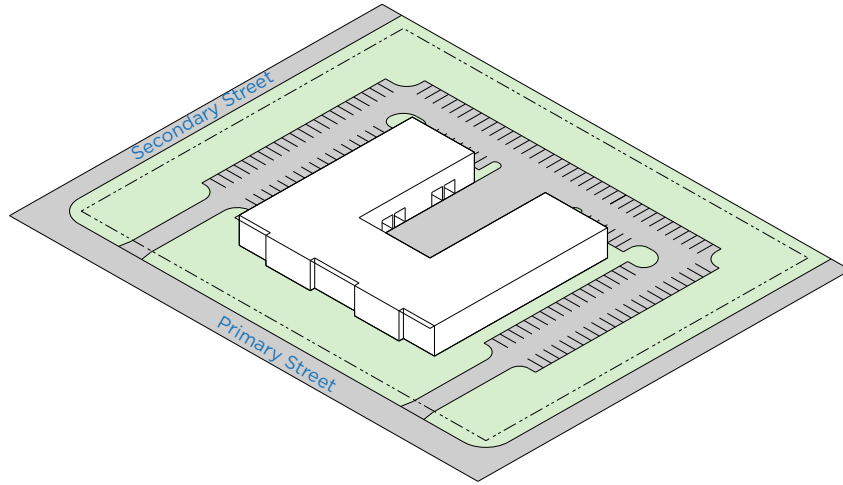
Image: Industrial Building



DISTRICTS AND ZONES

Q. WAREHOUSE BUILDING

1. Typical Lot Configuration



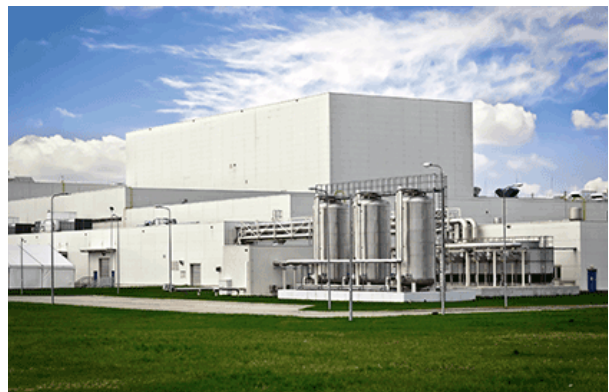
Note: image is illustrative, not regulatory.

2. Description

A building for storing goods with facilities for loading and unloading that are typically located in the side or rear yard with employee and visitor parking in the rear yard.

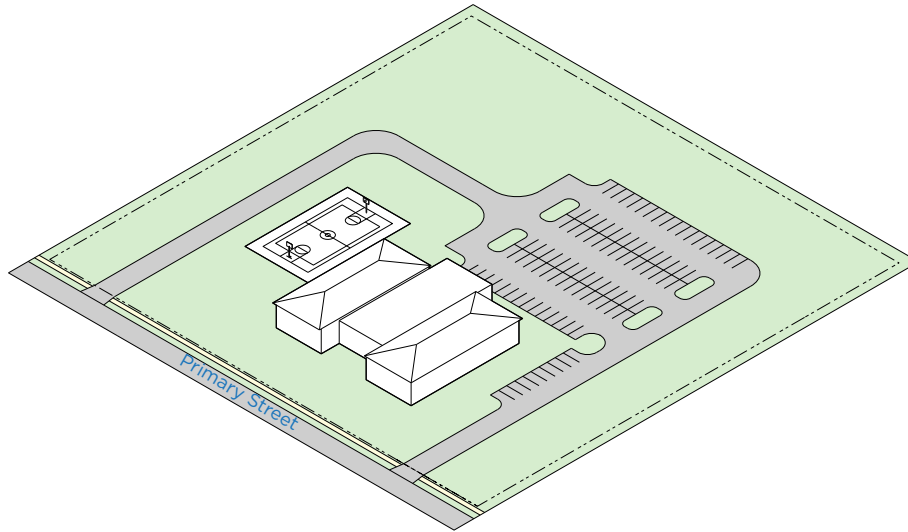


Image: Warehouse Building



R. PRIMARY SCHOOL BUILDING

1. Typical Lot Configuration



Note: image is illustrative, not regulatory.

2. Description

A building designed to provide learning spaces and learning environments for the teaching of students from about four to eleven years old under the direction of teachers. The building has limited parking for staff and includes both outdoor and indoor recreational activity.



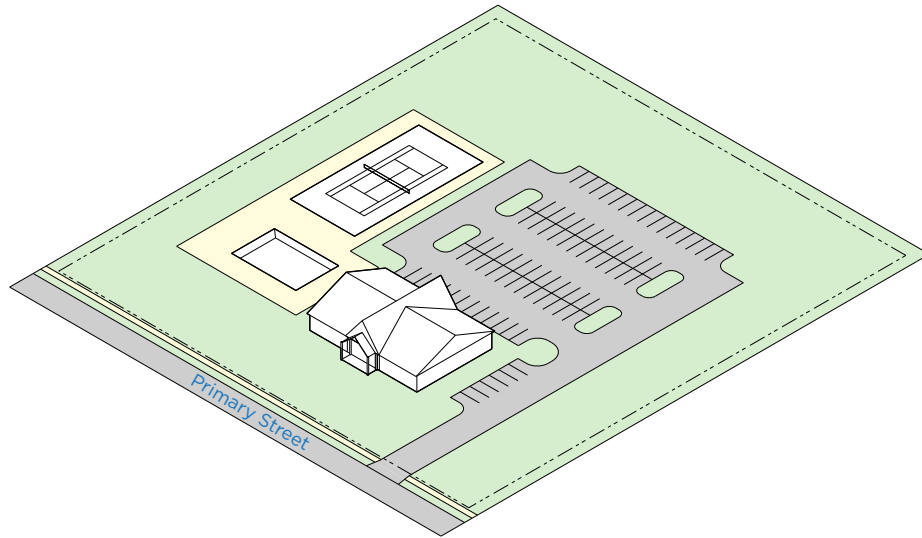
Image: Primary School Building



DISTRICTS AND ZONES

S. COMMUNITY ACTIVITY CENTER BUILDING

1. Typical Lot Configuration



Note: image is illustrative, not regulatory.

2. Description

Usually a public building housing space for indoor recreational activity as well as exterior space for sports and recreation.

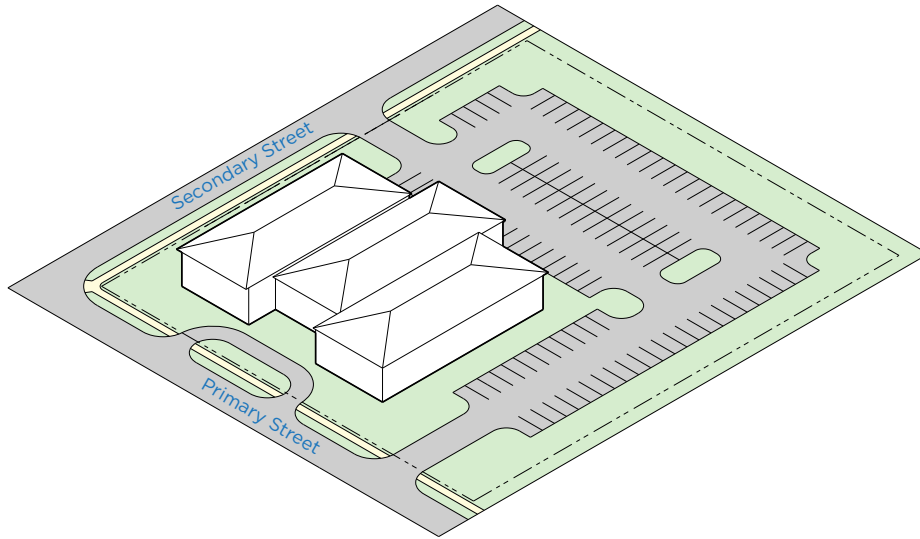


Image: Community Activity Center Building



T. EVENT CENTER BUILDING

1. Typical Lot Configuration



Note: image is illustrative, not regulatory.

2. Description

A building designed to house special events, including weddings, private parties, and receptions.



Image: Event Center Building



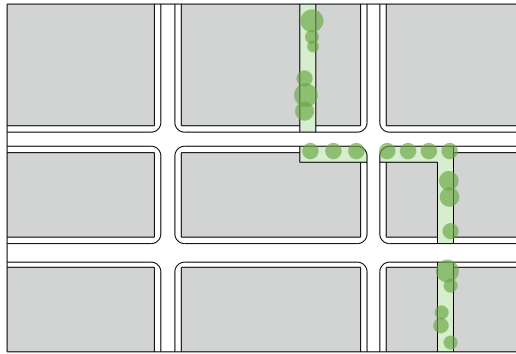
DISTRICTS AND ZONES

SECTION 1103.29 OPEN SPACE TYPOLOGIES

The following Open Space Typologies cover land that is intended to be undeveloped within the Olde Reynoldsburg District (ORD Commercial and ORD Neighborhood), consistent with the goals of the Comprehensive Plan.

A. GREENWAY AND TRAIL

1. Typical Lot Configuration

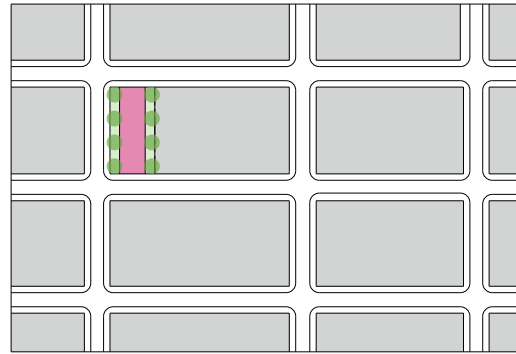


2. Description

Greenways are primarily linear open spaces that connect other types of open spaces as part of a larger open space system. They typically include a path or trail as a primary feature. The greenway and trail open space is most effective when connecting to another open space type.

B. PLAZA

1. Typical Lot Configuration



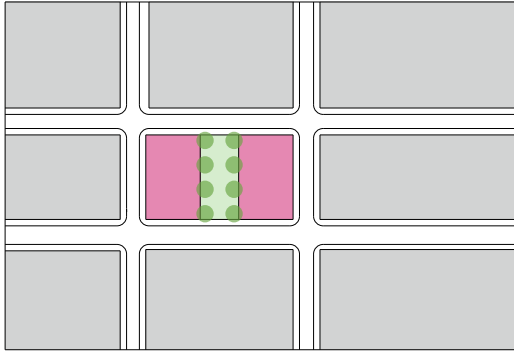
2. Description

Plazas are spaces available for civic purposes and commercial activities intended to add to the vibrancy of streets and neighborhoods. Building frontages typically define the edges of these spaces. The landscape consists of primarily hardscape. If trees are included, they are formally arranged and of appropriate scale to the space.

REYNOLDSBURG ZONING CODE

C. SQUARE

1. Typical Lot Configuration

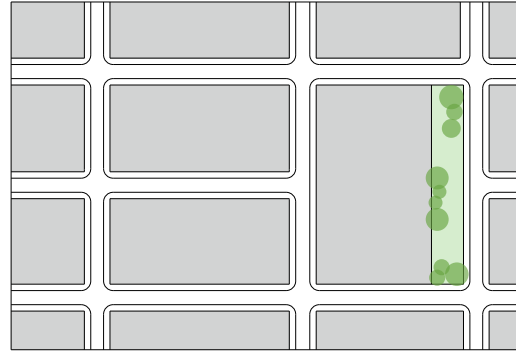


2. Description

Squares are medium scale formal open spaces designed to serve as gathering spaces in prominent commercial, civic and mixed-use settings. Squares are typically rectilinear and framed on all sides by streets. They are typically designed with a combination of both hardscape and landscape areas and contain amenities including, but not limited to benches and seating areas, planting areas, walking paths, gazebos or pavilions, fountains, and public art.

D. GREEN

1. Typical Lot Configuration



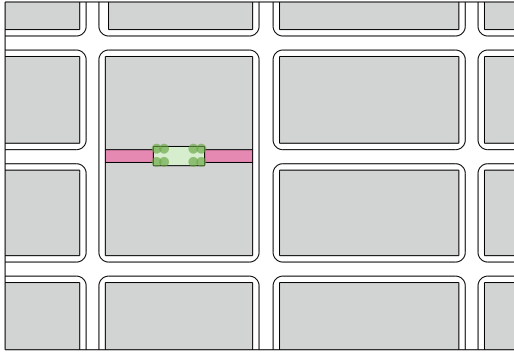
2. Description

Greens are medium-scale, informal open spaces designed to provide for active or passive recreation in neighborhood settings, including some landscape areas and is generally for those who live within walking distance.

DISTRICTS AND ZONES

E. PASSAGE

1. Typical Lot Configuration



2. Description

A passage is an informal or formal gathering space that serves equally as a pedestrian connector between other gathering places or between streetscapes. Passages are near the middle of a block, providing easy walking access through the block. A passage provides additional frontage opportunities for the shops and/or houses along its edges.

F. PARK

1. Typical Lot Configuration



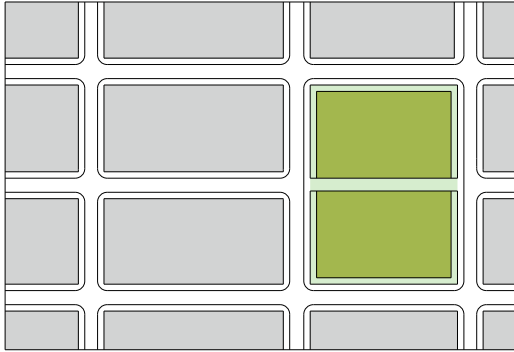
2. Description

Parks are larger-scale, typically informal open spaces designed to provide a variety of active and passive recreational opportunities to the general public. Parks may include natural areas. These open spaces may have a variety of forms, with edges defined by streets, neighborhoods, or natural features. Landscaping may be required as deemed appropriate by the Review Authority.

REYNOLDSBURG ZONING CODE

G. SPORT FIELD

1. Typical Lot Configuration

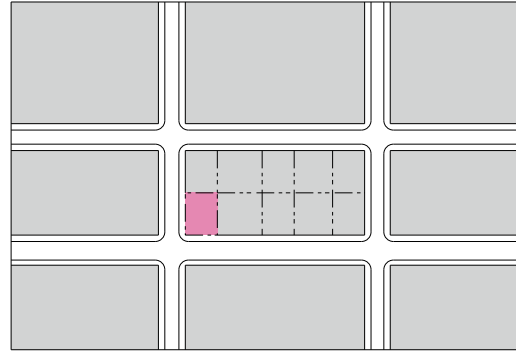


2. Description

A Sports Field typology is a space or series of open spaces designed for sports activities. Sports fields often accommodate several individual sports games at the same time and may feature a concession area and seating for spectators. Due to the larger amounts of people attracted to this type, sports fields are located to maintain compatibility with adjacent neighborhoods. Landscaping may be required as deemed appropriate by the Review Authority.

H. POCKET PLAZA

1. Typical Lot Configuration



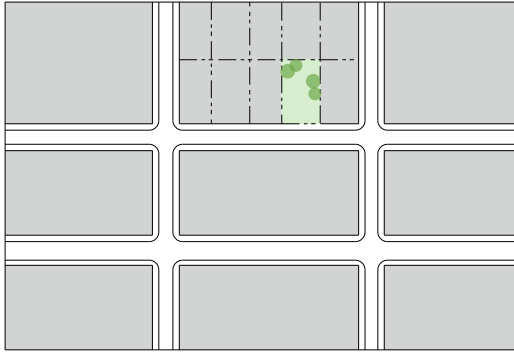
2. Description

Pocket plazas are small-scale, primarily hardscaped open spaces designed to provide opportunities for impromptu gathering and resting areas for passersby and for those who live or work in adjacent buildings or nearby destinations. Pocket plazas are typically designed as an extension from the public sidewalk, but clearly delineated as a separate space using features including, but not limited to landscaping and/or seating walls. Pocket Plazas are typically located along highly trafficked streets and in commercial areas with frequent pedestrian activity.

DISTRICTS AND ZONES

I. POCKET PARK

1. Typical Lot Configuration

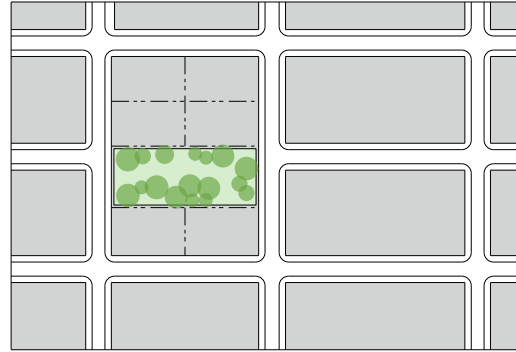


2. Description

Pocket parks are small-scale, primarily landscaped open spaces designed to provide opportunities for neighborhood gathering and typically passive recreation, generally for those who live within walking distance. Pocket parks are typically located in residential neighborhood settings. Landscaping may be required as deemed appropriate by the Review Authority.

J. NATURE

1. Typical Lot Configuration



2. Description

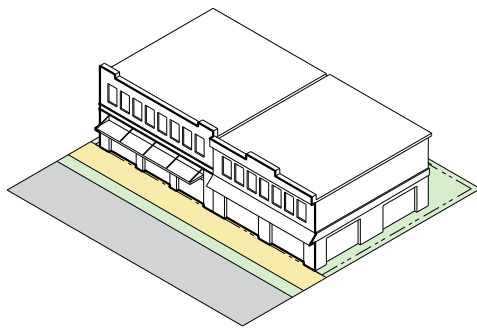
Areas that are to remain undeveloped and that generate their physical character through their natural topography, trees, and plants. This open space type is preserved from any development.

SECTION 1103.31 FRONTAGE TYPOLOGIES

The following Frontage Typologies cover the area between the building façade and the front lot line or right-of-way and intended to ensure projects that establish or reinforce the appropriate frontage character within Olde Reynoldsburg District (ORD Commercial and ORD Neighborhood), consistent with the goals of the Comprehensive Plan.

A. SHOPFRONT

1. Typical Lot Configuration

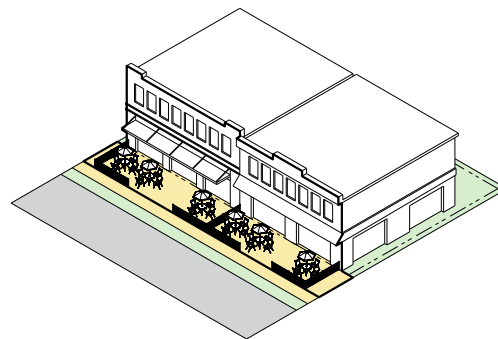


2. Description

The shopfront is a traditional ground floor frontage treatment designed for active commercial uses (typically retail and dining) and a high degree of pedestrian activity between the public sidewalk and commercial spaces. A shopfront treatment includes one or more commercial tenant storefronts consisting of large windows and a direct tenant entrance from the sidewalk, typically at sidewalk grade. Storefront characteristics typically include prominent entrances, primarily composed of glass, and tenant signage. If not located in a zero lot line condition (immediately behind the sidewalk), the intervening front setback may be paved as an extension of the sidewalk streetscape to the building façade. All or portions of the setback may be designated for use as outdoor seating or dining/bar space. The setback may also include landscaping, either at grade with the sidewalk along the building foundation, or in raised beds or planters.

B. PATIO

1. Typical Lot Configuration



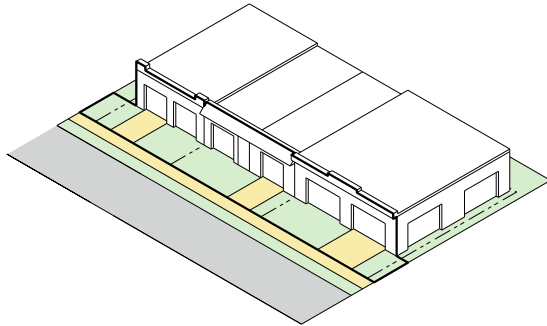
2. Description

The patio frontage is used primarily to provide outdoor seating associated with ground floor dining uses within a building. The patio is a hardscaped area that may be located to the front or side of a building between the building and sidewalk.

DISTRICTS AND ZONES

C. YARD

1. Typical Lot Configuration

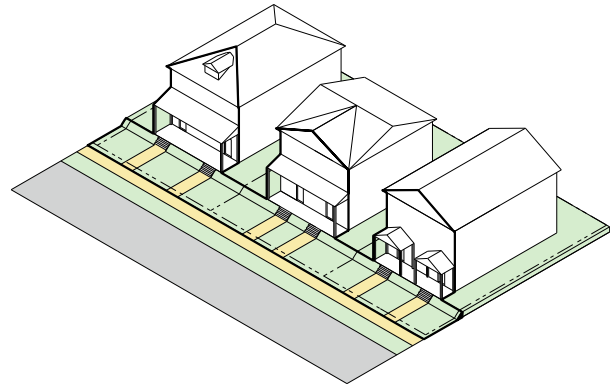


2. Description

The yard is a typical landscape setback which may consist of open lawn, landscape beds, or some combination of the two. It may contain hardscape elements as a secondary feature and may be edged by a low fence or masonry wall. Yards are typically at the same or similar grade as the adjacent sidewalk and include a front walk connecting the public sidewalk to the main entrance of a building (see Raised Yard as a variation). This is the common frontage treatment for houses and other neighborhood-scale residential buildings, and is typically combined with other a porch or stoop building frontage. A yard may also be used for flex building types designed for any combination of uses.

D. RAISED YARD

1. Typical Lot Configuration



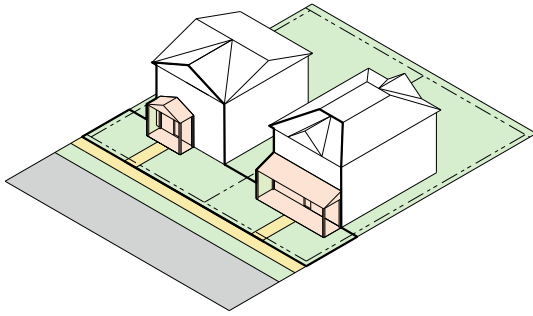
2. Description

The Raised Yard Frontage Type is a variation of the front yard. It generally represents an historic residential lot character in which the front yard is elevated above the sidewalk, often in a sloped condition and sometimes with a masonry retaining wall (often composed of dry-laid limestone) at the sidewalk edge, or some combination of the two. The raised yard is often a continuous frontage condition for multiple adjacent lots. Front walks connecting the public sidewalk to the main building entrance are typically terraced with a set of steps at or near the public sidewalk and a second set of steps at the building façade, often at a front porch or stoop (see Porch and Stoop Frontage Types). The raised yard differs from the Terrace Frontage type in that buildings are typically set back farther from the street and the yard primarily consists of turf lawn or landscaping.

REYNOLDSBURG ZONING CODE

E. PORCH

1. Typical Lot Configuration

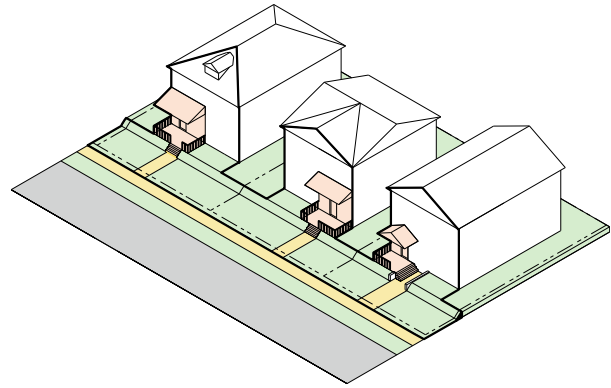


2. Description

Common frontage type for residential building types. Porches should be an extension of the internal living space.

F. STOOP

1. Typical Lot Configuration



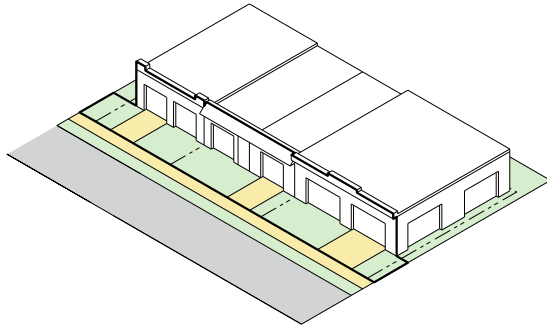
2. Description

Entry landing for buildings that have elevated first floors to secure privacy for first floor windows. Stoops may have perimeter railings and walls. Stoops can be covered or uncovered and can be located anywhere along the building face.

DISTRICTS AND ZONES

G. TERRACE

1. Typical Lot Configuration

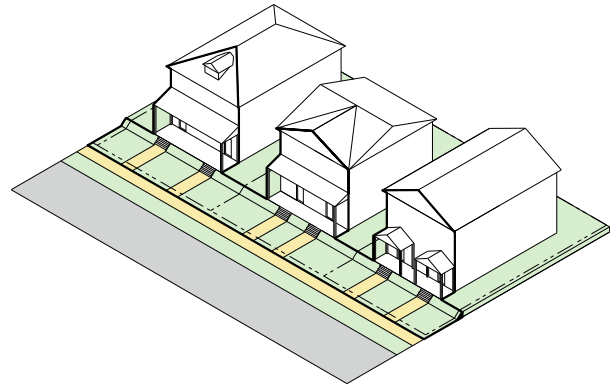


2. Description

In the Terrace Frontage Type, the main facade is at or near the property line with an elevated terrace providing public circulation along the facade. This Type can be used to provide at-grade access while accommodating a grade change and is frequently used together with a shopfront. Frequent steps up to the terrace are necessary to avoid dead walls and maximize access. A terrace treatment differs from the Raised Yard Frontage type in that the building is typically located closer to the sidewalk and the terraced setback is architecturally integrated with the building façade, consisting of more hardscape materials. Raised planters may be incorporated as part of a terrace frontage.

H. FORECOURT

1. Typical Lot Configuration

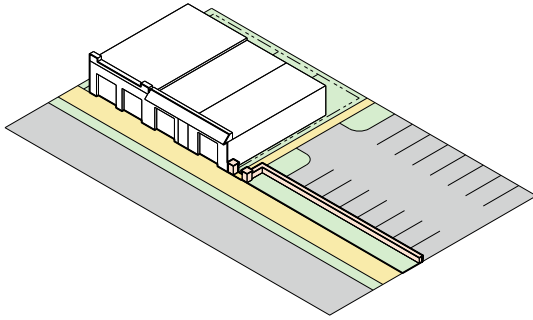


2. Description

The forecourt frontage treatment allows for a portion of a building façade to be set farther back from the street, creating a courtyard condition with street frontage. A forecourt condition may also be created through the composition of three separate buildings, oriented with the central building setback farther from the others. A forecourt may include open access to the public sidewalk with one or more entrances into the building, or may be fenced and elevated as a semi-private space, partially visible from the public realm. The forecourt area typically includes a combination of landscape and hardscape treatments, and may include outdoor amenities and seating areas associated with the building(s).

I. STREETWALL

1. Typical Lot Configuration



2. Description

The streetwall frontage is used to create a continuous and defined edge along parking lots where located in close proximity to a street and sidewalk. Streetwalls are typically low (at or below waist height of a passing pedestrian) and may be composed entirely of masonry, a combination of decorative metal fencing with masonry columns, raised planters, a landscape hedge treatment, or some combination of these. Masonry street walls are typically designed to coordinate with the principal building architecture and often are physically connected to the building façade. Street walls may be interrupted with a pedestrian walk connection to the public sidewalk. For new projects or redevelopment, street walls are intended for use along any portion of lot frontage in which side or rear parking is located adjacent to or near the public sidewalk, but are secondary to other frontage types associated with the principal building and should not dominate the entire lot frontage. Streetwalls are also an effective design approach to improve existing auto-oriented sites for which all or substantial portions of a primary frontage consist of parking.

1105

COMMON REGULATIONS

Common Regulations

SECTION 1105.01 OFF-STREET PARKING AND LOADING

- A. Applicability.** Except as otherwise provided herein, these regulations shall apply under the following circumstances:
- i. The construction of a new building or structure;
 - ii. The substantial expansion of an existing building or structure;
 - iii. A change in the existing use to be conducted upon land or in a building or structure; and
 - iv. Whenever a building or use is changed in floor area, number of employees, number of dwelling units, seating capacity, or in a manner which otherwise creates a need for an increase in the number of parking or loading spaces, such spaces shall be provided for the entire increased use in conformance with the requirements of this article.
- B. Parking Requirements in Olde Reynoldsburg Commercial District (ORD-C), Brice and Main District (BMD) and East Main District (EMD).** Notwithstanding anything to the contrary contained herein, the parking requirements for any use conducted in the ORD-C, BMD, or EMD shall be determined based upon the applicable regulations set forth under Chapter 1105 hereof.
- C. Supplemental Parking Regulations in Residential Districts.** The provision of parking space, either open or enclosed, for the parking or storage of vehicles in a residential zoning district for residential uses shall be subject to the following:
- i. **Commercial Vehicles.** Trucks having dual tires on one (1) or more axles, or having more than two (2) axles, designed for the transportation of cargo and including tractor-trucks, trailers, and semi-trailers, shall not be permitted on a lot or parked on a street or alley in a residential zoning district.
 - ii. **Parking of Recreational Equipment.** The parking of recreational equipment and vehicles, including but not limited to travel trailers, motor homes, pickup campers, folding tent trailers, boats or boat trailers, and other similar recreational equipment and vehicles, semi-trailers, travel trailers, or other trailers or motor homes shall not be permitted on any street within the City,

REYNOLDSBURG ZONING CODE

other than for the purpose of loading or unloading such equipment or vehicle. When located on property in a residential district for the purpose of loading or unloading, travel trailers, motor homes, boats or boat trailers, and other similar recreational vehicles shall not exceed a loading or unloading time of 48 consecutive hours. Residents shall be permitted to park a maximum of one (1) recreational vehicle on property located in a residential district if such vehicle is located in an enclosed structure OR all of the following requirements are satisfied for a vehicle parked or store outside of an enclosed structure::

1. Such recreational equipment and vehicles shall be stored or parked at least three (3) feet from any dedicated right-of-way, walkway and/or property line.
2. Not more than one (1) item of recreational equipment shall be permitted to be stored outside on any property used for a residential purpose. All recreational vehicles must be registered and licensed (if applicable) to the resident of the property on which the items are parked or stored. For the purposes of this chapter, a boat stored on a boat trailer shall be deemed one (1) piece of recreational equipment.
3. Under no circumstances shall any recreational vehicle or equipment be occupied or used for living, sleeping, housekeeping, storage or business purposes.
4. No such recreational vehicle shall be parked in any manner in which such vehicle may be deemed, in the professional opinion of the Planning and Zoning Administrator, to obstruct the view of traffic in a manner that endangers the safety of motorists or pedestrian.

D. Conversion of Use. No parking or loading space (including a residential garage) which is required by this Zoning Code shall be removed or converted to another use unless the parking or loading requirement is satisfied by the existence or construction of an additional parking or loading space conforming to this Zoning Code.

E. Required Parking and Loading Spaces.

- i. Required Parking Spaces.** Except as otherwise provided herein, the number of off-street parking spaces provided for a use shall not be less than set forth in the table identified as "Table 1105.01A: Required Parking Spaces." The number of parking and loading spaces required for a use shall be as determined by the Zoning Administrator in conformance with the provisions of this Zoning Code.
- ii. Requirements for Unlisted Use.** For a use for which off-street parking requirements have not been specifically stated in this Zoning Code, parking and loading facilities shall be provided as determined by the Zoning Administrator to be sufficient for the parking and loading needs of the proposed use and structures, giving consideration to the following criteria:
 1. The number of off-street parking spaces required for a use listed in the table that is the most similar to the proposed use in terms of anticipated parking demand;
 2. The floor area of the proposed use;
 3. The anticipated number of employees and patrons; and
 4. Any evidence submitted regarding the parking demand for the same use on similar existing sites.

COMMON REGULATIONS

- iii. **Calculation for Certain Uses.** For uses for which required parking is based on number of dwelling units, floor area, seats, or beds, the number of required parking spaces shall be determined from drawings provided by the applicant and may be further confirmed by measurement of the actual built floor area. When calculation of required parking results in a fraction, then the fraction shall be rounded to the next higher whole number.
- iv. **Calculation for Mixed-Uses.** For properties having mixed or multiple uses, the number of required parking spaces shall be the sum of those required for the various uses computed separately, except as otherwise provided.

F. Minimum Off-Street Parking Space Requirement Reductions.

- i. **Minimum Off-Street Parking Space Reduction Standards.** The minimum number of off-street parking spaces required by Table 1105.01A may be reduced for a land use or land uses upon approval of an application demonstrating one or more of the off-street parking space reduction conditions set forth under Sections (F)(ii), F(v), F(vi), or F(vii) below; provided however, under no circumstances shall the cumulative reduction of minimum parking spaces exceed 30% of the minimum number of off-street parking spaces required for a land use.
- ii. **Shared Parking Plan.** Where a mix of land uses on one or more properties or within one or more buildings can demonstrate parking utilization in staggered peak periods, a shared parking plan may be approved by the Planning and Zoning Administrator to reduce the minimum number of required off-street parking spaces for the applicable land use(s). A shared parking plan for the reduction of off-street parking requirements may be submitted to the Planning and Zoning Administrator subject to the following requirements:
 - 1. Shared parking plans must incorporate parking facilities located within five hundred feet (500 ft.) of the subject property or subject properties; and
 - 2. To the greatest extent practicable, adjacent lots included in a shared parking plan shall be connected for vehicular passage and shall provide safe and efficient pedestrian access to all uses served by the parking facilities.
- iii. **Review of Shared Parking Plan.** A decision pertaining to an application for a shared parking plan shall be based on the following factors:
 - 1. The number of parking spaces otherwise required for the land uses that will share the parking facilities designated in the shared parking plan;
 - 2. Documentation that the peak parking utilization for the land uses occurs at different days and/or times;
 - 3. The demonstrated accessibility of the shared parking facilities; and
 - 4. Such other relevant documentation as the applicant(s) may provide to the City in conjunction with a parking reduction application.
- iv. **Effect of Approval of Shared Parking Plan.** When a shared parking plan application is approved, the modified number of required off-street parking spaces for the applicable land uses shall be the largest number of parking spaces needed for the applicable land uses during the most intensive time period of parking utilization as demonstrated by the evidence presented with the application.

REYNOLDSBURG ZONING CODE

- v. **Auto-Share Parking Spaces.** The required minimum number of off-street parking spaces for a land use may be reduced by up to four (4) off-street parking spaces for each off-street parking space that is reserved for auto-share parking; provided however the satisfaction of this parking reduction condition may not result in an off-street parking space reduction in excess of 10%. Auto-share parking spaces shall be designed in a plan to be submitted for review by the Planning and Zoning Administrator; such plan must propose how the auto-share parking spaces will be reserved for auto-share parking.
- vi. **Transit Proximity.** The required minimum number of off-street parking spaces for a land use or land uses may be reduced by up to 10% if more than 50% of the subject property is located within 1,200 feet of any public transit stop. If an existing transit stop is subsequently eliminated, any previously permitted parking reduction shall remain valid, provided that an active transit route remains within 1,200 feet of the development.
- vii. **Bike Lockers and Shower Facilities.** The required minimum number of off-street parking spaces for a non-residential development may be reduced by 5% if such development contains shower and clothing and bike locker facilities for bicycle commuting employees. The required minimum number of off-street parking spaces for a multi-family development may be reduced by 5% if such development contains interior bicycle parking for residents. In each case, the reduction shall apply only to that portion of the minimum off-street parking requirement attributable to the employees or residents that have access to the shower and locker facilities.
 - (1) **Bicycle Storage Requirements:**
 - a) **Retail Buildings:** Provide storage for 5% of regular building occupants, no fewer than 2 spaces per building.
 - b) **Residential Buildings:** Provide storage for 30% of peak occupancies, no less than 4 spaces per building.
 - c) **Office Buildings:** Provide storage for 5% of peak visitors, no less than 4 spaces per building.
 - d) **Institutional Buildings:** Provide storage for 5% of peak visitors, no less than 4 spaces per building.
- viii. **Review and Revocation.** Upon the grant of a reduction in the minimum number of off-street parking spaces hereunder, the Planning and Zoning Administrator shall periodically review the land uses associated with any approval to determine compliance with such approval. If the Planning and Zoning Administrator determines upon review of any approved application that the terms of any approved plan are not being complied with, then the Planning and zoning Administrator may revoke such approval, and the applicable land use shall be required to satisfy the minimum off-street parking requirement otherwise set forth under Table 1105.01A hereof.

G. Parking and Loading Design Standards

- i. **Location.** A parking space required for a dwelling unit shall be provided on the same lot as the dwelling unit. The standard size for a parking space installed in accordance with these provisions shall be 9' X 18.' A parking space required for a use other than a dwelling unit shall be located on the same lot as the use, except that some or all of such required spaces may be located on another lot within three hundred feet (300') of the use if authorized in the approval of the site plan. Parking or loading facilities shall not be permitted on the right-of-way of any publicly dedicated thoroughfare, except as provided by a public authority.

COMMON REGULATIONS

- ii. **Setbacks.** Off-street parking and loading facilities, with the exception of driveways leading from the public right-of-way to aisles or spaces, shall be located as follows:
1. Required unenclosed parking spaces for Attached Single-Family, Detached Single-Family, Two-Family, and Multi-Unit Dwellings may be provided on paved areas within the front yard required for such structure. Parking shall not be permitted on unpaved areas;
 2. No part of any parking lot shall be located closer than five feet (5') to a public right-of-way;
 3. Parking may be located in the required front yard in any industrial district, but not closer than twenty feet (20') to a public right-of-way;
 4. In any commercial district, parking shall not be located in the area between the frontage and the front setback. The area between the frontage and the front setback shall be improved as a grass and or planting area. Ingress and/or egress through this planting area shall be restricted to a driveway or driveways not to exceed thirty feet (30') in width. Under no circumstances will service roads and or driveways parallel to the right of way be permitted. the grass and/or planting area and driveways are to be made a part of the plot- grade-utility plan and are to be approved by the Service Director and City Engineer.
- iii. **Screening.** Any parking lot which contains more than ten (10) parking spaces and which is located closer than fifty feet (50') to the lot line of any lot which is used for a dwelling, school, hospital, or other institution for human care shall be screened by a fence, wall, or hedge of acceptable design installed at each edge of the parking lot which faces the use noted above. Such fence, wall, or hedge shall be no less than four feet (4') nor more than six feet (6') in height and shall be maintained in good condition without any advertising thereon. The space between such fence, wall, or hedge and the lot line of the adjoining premises shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition.
- iv. **Access.** Adequate ingress and egress from the public right-of-way and within the lot shall be provided for all parking and loading spaces. Access for all parking and loading facilities (except those required for Attached Single-Family, Detached Single-Family and Two-Family dwellings) shall be designed to permit any vehicle entering or leaving the premises to be traveling in a forward motion. Driveways shall be located to minimize conflict with vehicular and pedestrian traffic in the public right-of-way. Driveways and service roads shall not be located parallel to the right-of-way. Driveways for non-residential uses shall not exceed thirty feet (30') in width at the right-of-way line nor more than thirty feet (30') at the curb cut line of the street unless otherwise approved by the individual or administrative body reviewing the site plan for the subject property.

ANGLE OF PARKING	ONE-WAY	TWO-WAY
Parallel	13 ft.	20 ft.
Up to 50 degrees	13 ft.	22 ft.
50 up to 80 degrees	17 ft.	22 ft.
80 degrees or more	N/A	22 ft.

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- v. **ADA Requirements.** All parking facilities that require accessible parking spaces shall ensure that a portion of the total number of required parking spaces are specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in the federal Americans with Disabilities Act (ADA). The following standards apply:
 - 1. The closest parking spaces to the main entrance shall be devoted to the required accessible parking spaces; and
 - 2. At least one accessible parking space shall be 12 feet (12') wide to accommodate an accessible van or paratransit.
- vi. **Minimum Aisle Width.** Minimum aisle width to access parking spaces shall be as follows:
 - 1. Minimum Aisle Width (feet)
- vii. **Loading Spaces**
 - 1. Every building or lot used for non-residential purposes which customarily receives or distributes materials or services by motor vehicles shall provide sufficient space for all loading and service purposes. A loading space shall be provided as an area exclusive of required parking spaces, driveways, and aisles. Access to loading spaces shall be designed to prevent interference with the public right-of-way.
 - 2. At least one (1) loading space shall be provided for every building having a floor area of up to ten thousand (10,000) square feet and one (1) additional loading space shall be provided for each additional ten thousand (10,000) square feet, or major fraction thereof.
 - 3. Each loading space shall have minimum dimensions of twelve feet (12') in width, fifteen feet (15') in height and forty-five feet (45') in length for tandem trailers, or thirty feet (30') feet in length for two-axle trucks.
- viii. **Paving and Improvements**
 - 1. All required parking and loading facilities shall be paved with a durable, dust-free surface such as asphalt or concrete.
 - 2. Parking facilities shall be designed to direct surface water into an adequate storm drainage system. Drainage of surface water onto adjacent properties, walkways, or public streets is prohibited.
 - 3. Paint lines shall be installed and maintained to mark the locations of all parking and loading spaces. Wheel blocks shall be installed for all parking spaces which abut unpaved areas of a lot.
- ix. **Lighting.** Lighting may be installed and arranged as to direct the light away from adjoining properties and public rights-of-way.
- H. **Maintenance of Parking Lots Required.** All paved areas shall be maintained free of holes, litter, trash, and other debris. Within thirty (30) days of the date on which a non-residential use of a lot is terminated, the owner shall install a barricade at all points of vehicular access in a manner approved by the Zoning Administrator.
- I. **Reserved Parking Lot.** In conjunction with the site plan and design review, the applicable reviewing individual or administrative body may approve, upon request of the applicant and review of the site plan, construction of fewer parking spaces than required by Table 1105.01A for a proposed use and site development. In making such determination, the reviewing individual or administrative body shall nevertheless require that the additional area needed to accommodate the required number of parking spaces be reserved as landscaped open areas on the lot.

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The layout and design of the parking spaces, aisles, and drives of such reserved parking lot shall be indicated on the approved site plan and shall comply with provisions of this Zoning Code.

TABLE 1105.01A - REQUIRED PARKING SPACES	
USE	OFF-STREET PARKING SPACES REQUIRED
Dwelling - Attached Single-family	1 enclosed, 1 unenclosed
Dwelling - Detached Single-family	
Dwelling - Two-family	1 enclosed space and 1 unenclosed space per dwelling
Dwelling - Multi-Unit Building	
Dwelling - Multi-Unit Building Complex	Apartments - 1 per unit plus 1 per each 5 units to accommodate visitors
Dwelling - Assisted	1 per 8 beds plus 1 per employee based on the largest staff shift
Dwelling - Group	
Dwelling - Nursing	
Dwelling - Developmental Disability	
Adult Day Care	1 per employee based on largest staff shift plus 10 for visitors
Child Day Care - Center	
Child Day Care - In Home	
Event Center - Private Events and Conferences	1 for each 4 seats in the main space
Event Center Public Meetings and Conventions	
Religious Assembly	
Beverage - Brewing and Distilling	1 for each 200 s.f. of floor area
Beverage - Distribution	
Beverage - Non-Alcoholic Production	
Food Service - Commissary/Bakery	
Food Service - Processing	
Food Service - Production	1 for each 200 s.f. floor area
Beverage Sales - Liquor and Beer Sit Down/Bar Establishment	
Food Service - Deli	
Food Service - Fast Casual Restaurant	
Food Service - Full Service Restaurant	
Food Service - Quick Serve/Fast Food with Drive Thru	
Food Service - Quick Serve/Fast Food Without Drive Thru	

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TABLE 1105.01A - REQUIRED PARKING SPACES	
USE	OFF-STREET PARKING SPACES REQUIRED
Adult Oriented Businesses	1 for each 200 s.f. of floor area
Amusement Arcades	
Antique Shop	
Auction Facility	
Bakery – Retail	
Beverage Sales – Liquor Store	
Clothing Services - Dry Cleaning with drive thru	
Clothing Services - Dry Cleaning without drive thru	
Clothing Services - Tailor	
Financial Services and Banking - with drive thru	
Financial Services and Banking - without drive thru	
Food Sales – Farm Market	
Gallery - Art	
Garden Center - Indoor and Outdoor	
Personal Care and Beauty Services	
Retail - Large Format	
Retail - Medium Format	
Retail - Pharmacy	
Retail - Shopping Center - Enclosed	
Retail - Shopping Center - Outdoor	
Retail - Small Format	
Tattoo/Piercing Establishment	
Food Sales – Large Format Grocery	1 for each 300 s.f. of floor
Food Sales – Small Format Grocery	
Retail - Convenience with gasoline	1 per each two dispensing stations plus 1 per each 200 s.f. retail floor area
Retail - Convenience without gasoline	
School – College/University	Determined by the Board but not less than 1 space per each 5 seats in the main assembly room or 1 space per each classroom
School – Primary	
School – Secondary	
School – Trade	

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TABLE 1105.01A - REQUIRED PARKING SPACES	
USE	OFF-STREET PARKING SPACES REQUIRED
Boarding/Kennel	1 for each 200 sq. ft. of gross floor area
Health and Wellness – Clinic	
Health and Wellness – Fitness Facility/Gym	
Health and Wellness – Massage	
Health and Wellness – Physical Therapy	
Medical – Clinic	
Medical – Emergency Services	
Medical – Office	
Medical – Outpatient and Urgent Care	
Medical – Standalone Emergency Services	
Shelter	
Veterinary	
Medical – Full Service Hospital	1 per bed plus 1 per employee based on the largest staff shift
Medical – Psychiatric Facility - Standalone	
Library	1 for each 200 s.f. floor area
Live Theater	
Movie Theater	
Museum	
Visual Arts Center	
Manufacturing – Artisan	1 for each 200 s.f. of floor area
Manufacturing – Heavy	
Mineral Extraction/Processing	
Outdoor Processing – Agriculture	
Outdoor Processing – Composting	
Outdoor Processing – Concrete and Asphalt	
Research Facility/Laboratory	
Office - Corporate	1 for each 250 s.f. of floor area
Office - Data Processing/Call Center	
Office - Professional Services	
Printing and Publishing	

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TABLE 1105.01A - REQUIRED PARKING SPACES	
USE	OFF-STREET PARKING SPACES REQUIRED
Equipment Repair - Heavy	1 for each 500 s.f. of floor area
Equipment Repair - Light	
Vehicular Care Services - Major	
Vehicular Care Services - Minor	
Vehicular Repair -- Heavy	
Vehicular Repair -- Light	
Camping	1 for each 3 patrons
Community Facility - Outdoor Recreation	
Community Facility - Park	
Community Facility - Golf Course	
Outdoor Enterprise	
Indoor Enterprise	Club - 1 for each 100 s.f. floor area Recreation Facility - 1 for each 200 s.f. floor area
Private Club	
Shooting Range - Indoor Only	
Studio - Art	
Studio - Gymnastics/martial arts	
Community Facility - Activity Center	1 for each 200 sq. ft. of gross floor area
Community Facility - Detention and Corrections	
Community Facility - Government Administration and Courts	
Community Facility - Public Health Safety	
Overnight Lodging - Bed and Breakfast	1 per sleeping room or suite
Overnight Lodging - Boutique Hotel	
Overnight Lodging - Hotel	
Overnight Lodging - Limited Service	
Overnight Lodging - Resort	

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TABLE 1105.01A - REQUIRED PARKING SPACES	
USE	OFF-STREET PARKING SPACES REQUIRED
Junk storage and sales	1 per 1,000 sq. ft. of gross building area
Storage - Contractor	
Storage - Commercial Gases	
Storage - Self-Store	
Storage - Vehicular and Boat	
Warehouse - Large Format	
Warehouse - Small Format	
Air Transportation Services	1 for each 1,000 sq. ft. of sales area
Vehicle Care Services - Washes	To be Completed
Vehicular Sales - Boats	1 per 1,000 sq. ft. of gross building area
Vehicular Sales - Automobiles	
Vehicular Sales - Motorcycles	
Vehicular Sales - Recreational Vehicles	
Mortuary	1 for each 50 s.f. floor space
Temporary Uses	As determined by the Planning and Zoning Administrator

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SECTION 1105.03 SIGNS

TABLE 1105.03A PERMITTED PRINCIPAL SIGNS BY ZONE AND DISTRICT

DISTRICT/ZONE	MONUMENT SIGN	PROJECTING SIGN	WALL SIGN	AWNING SIGN	ROOF SIGN
Olde Reynoldsburg Neighborhood District (ORD-N)	MU or NR				
Olde Reynoldsburg Commercial District (ORD-C)	X	X	X	X	X
Brice and Main Street District (BMD)	X	X	X	X	
East Main Street District (EMD)	X	X	X	X	
Community Commercial (CC)	X	X	X	X	
Residential Zones (SR and RM)	NE or NR	NR			
Innovation Zone (I)	X	X	X	X	
Sign Key: MU - Multi-Unit Development NR - Non-Residential Development, excluding home occupation NE - Neighborhood Entry Sign					

- A. Purpose and Applicability.** This section regulates the type, number, design, size, time of display, location, maintenance, and other characteristics of signs in order to: protect the public health, safety, and welfare in all zones and districts; promote clarity in sign communications; promote harmony between and among the physical characteristics of signs and the physical characteristics of surrounding land, structures, and other development features; and to promote attractive and orderly appearance in all districts. The provisions of this section shall apply to all existing signs, to all signs erected or installed after the effective date of this Zoning Code, and to any sign which replaces an existing sign or component thereof.
- B. Zoning Sign Permits Required.** Every sign, except those specifically exempted by the provisions of this section, shall only be erected or installed subsequent to and in conformance with the provisions of a zoning sign permit issued by the Planning and Zoning Administrator. The Planning and Zoning Administrator shall not be required to issue a zoning sign permit to any use or business that does not have a valid zoning certificate or that is otherwise not in compliance with the Zoning Code, Building Code or Property Maintenance Code. For the purposes of approving a sign in conformance with the Zoning Code, a zoning sign permit shall have the same effect as a zoning certificate.

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C. Signs Requiring Permits

- i. **Signs in Zones and Districts.** Signs shall be permitted in the respective districts as established in Table 1105.03A: Permitted Signs and as further provided in this section.
- ii. **Signs in Olde Reynoldsburg Districts.** Subject to the approval of the Planning and Zoning Administrator or the ~~Planning Commission~~ Planning and Zoning Board, as applicable, in conjunction with the certificate of appropriateness process required under Section 1109.21, signs shall be permitted in Olde Reynoldsburg Districts as established in Table 1105.03A and in conformity with the following specific provisions:
 1. **Residential Signs – Olde Reynoldsburg Commercial District (ORD-C) and Olde Reynoldsburg Neighborhood District (ORD-N).** One (1) monument sign per entrance may be located on a lot or lots within a multi-dwelling unit development within the ORD-C or ORD-N. When located in the public right-of-way, all such signs shall be subject to a perpetual maintenance agreement and shall not be internally illuminated.
 2. **Non-Residential Use or Mixed-Use Signs – ORD-C.** The following sign types shall be permitted to be displayed on structures or buildings utilized for non-residential or mixed-use purposes in conformity with the following specific provisions:
- iii. **Sign Lighting.** The following types of lighting shall be permitted in the ORD-C: exterior illuminated, gooseneck lighting, shadow lit, bulb surround – non-flashing or blinking, and bulb surround – flashing or blinking.
- iv. **Changeable Copy Types.** The following changeable copy types shall be permitted in the ORD-C: channel letters.
- v. **Principal Signs.** A maximum of two (2) of any combination of the following sign types shall be permitted per lot in the ORD-C in accordance with the following provisions:
 1. **Wall Sign.** One (1) wall sign may be erected on the wall of a building which most nearly parallels a street, parking lot or service drive, as determined by the Planning and Zoning Administrator. The total permitted area for any wall sign is two (2) square feet per lineal foot of building façade or tenant space, as applicable. Any wall sign located in accordance with this subsection shall be attached parallel to the building wall, mounted on a raceway, or painted directly on a wall, provided no wall sign shall extend outward from the building wall more than twelve inches (12"). Where a building is located on a corner lot, one (1) additional wall sign may be permitted on both walls which parallel the intersecting streets. Wall signs shall be composed of wood or metal frames with a face of wood, metal or polycarbonate materials. Where a building is located on a corner lot, wall signs may be permitted on both walls which parallel the intersecting streets. Wall signs shall be composed of wood or metal frames with a face of wood, metal or polycarbonate materials.
 2. **Projecting Sign.** One (1) projecting sign constructed of wood or metal, including its mounting structure, may be mounted upon and be perpendicular to the wall of a building at a ninety (90) degree angle. The surface area of each face of such projecting sign shall be a maximum of six (6) square feet. It shall not project more than three feet (3') from the building façade, and shall not use a guy wire or angle iron support structure unless within the plane of the sign. A projecting sign shall be located no less than nine feet (9') above the sidewalk or ground level. Any applicant requesting a permit for a projecting sign which

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extends over a public right-of-way shall provide for a hold-harmless agreement with the City.

3. **Roof Sign.** One (1) roof sign constructed of metal with a maximum surface area of eighty (80) square feet may be located on the roof of a principal structure located in the ORD-C. Such roof sign shall be setback a minimum of five feet (5') from the edge of the roof of the principal structure and may be illuminated with a direct light.
 4. **Awning Signs.** A maximum of one (1) awning sign may be permitted in accordance with the provisions set forth under this subsection. All new awnings, or changes to awning colors shall be subject to a design and site plan review. Removal and replacement of awning materials that does not involve changes to the awning support structures shall be considered a sign face change. Changes to awning lettering that involve no material or color changes shall not require a zoning sign permit. Awning lettering may not exceed sixteen inches in height (16").
 5. **Monument Sign.** One (1) monument sign with a base constructed of brick may be installed in the ORD-C. The monument sign may be a maximum of six feet (6') in height with a maximum surface area of twenty-four (24) square feet. Any monument sign located in accordance with this subsection shall be setback a minimum of ten feet (10') from the front property line or easement line, as applicable.
- vi. **Signs in Residential Zones (SR and RM Zoning Districts).** Subject to the approval of the Planning and Zoning Administrator or the **Planning Commission Planning and Zoning Board**, as applicable, in conjunction with the site plan and design review process required under Section 1109.19, signs shall be permitted in the SR and RM zones as established in Table 1105.03A and in conformity with the following specific provisions:
1. **Sign Lighting.** The following types of lighting shall be permitted in RM zones: exterior illuminated and gooseneck lighting. Sign lighting is not permitted in SR zones.
 2. **Changeable Copy Types.** Changeable copy types are not permitted in SR and RM zones.
 3. **Principal Sign Types.** The following sign types shall be permitted in the SR and RM zones in accordance with the following provisions:
 4. **Neighborhood entry sign.** One (1) or more permanent ground signs may be located on a lot or lots within a subdivision or multi-family dwelling development. When located in the public right-of-way, all such signs shall be subject to a perpetual maintenance agreement and shall not be internally illuminated.
 5. **Flags.** Flags are permitted as a supplemental sign type in SR and RM zones.
 6. **Real Estate Signs.** One (1) freestanding real estate sign per lot frontage is permitted on premises for individual lots or building until such lots are sold or rented in accordance with the following provisions:
 - (a) Maximum Sign Face. Six (6) square feet.
 - (b) Maximum Height. Five (5) feet.
 - (c) Location Requirements. At least one foot from street right of way and at least five feet from side or rear lot lines.
 - (d) Time Restrictions. Sold signs shall be removed within five (5) calendar days from closing on the sale of the subject property.

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7. **Temporary Signs.** Temporary signs are permitted provided that any temporary sign may have a maximum area of two (2) square feet and may be located a maximum of three feet (3') above grade. Any temporary sign located in accordance with these provisions shall be constructed of vinyl with metal supports.
- vii. **Signs in Commercial and Mixed-Use Zones. (BMD/EMD Districts, CC Zone, and Innovation Zone).** Subject to the approval of the Planning and Zoning Administrator or the **Planning Commission Planning and Zoning Board**, as applicable, in conjunction with the site plan and design review process required under Section 1109.19, signs shall be permitted in commercial and mixed-use zones as established in Table 1105.03A and in conformity with the following specific provisions:
 1. **Wall sign.** One (1) wall sign may be erected on the wall of a building which most nearly parallels a street, parking lot or service drive, as determined by the Planning and Zoning Administrator. The total permitted area for any wall sign is two (2) square feet per lineal foot of building façade or tenant space, as applicable. A wall sign shall be attached parallel to the building wall and shall not extend outward from the building wall more than fourteen inches (14"). A sign may be attached to a canopy, marquee or roof that projects beyond a structure provided that no part of such sign extends more than two feet (2') beyond such roof, canopy or marquee. Where a building is located on a corner lot, wall signs may be permitted on both walls which parallel the intersecting streets. Wall signs shall be composed of wood or metal frames with a face of wood, metal or polycarbonate materials.
 2. **Projecting Sign.** One (1) projecting sign, including its mounting structure, may be mounted upon and be perpendicular to the wall of a building and shall not extend beyond any other dimension of the wall. It shall not project more than four feet (4') from the wall, and shall not use a guy wire or angle iron support structure unless within the plane of the sign. A projected sign shall be located no less than eight feet (8') above the sidewalk or ground level and no closer than six feet (6') to a street's pavement or curb. Any applicant requesting a permit for a projecting sign which extends over a public right-of-way shall provide for a hold-harmless agreement with the City.
 3. **Awnings.** Awnings may be permitted in addition to or in lieu of a wall sign. Where awnings are used as the primary sign identification, the standards for wall signs shall apply. All new awnings, or changes to awning colors in the design review districts shall be subject to a certificate of appropriateness. Removal and replacement of awning materials that does not involve changes to the awning support structures shall be considered a sign face change. Changes to awning lettering that involve no material or color changes shall not require a zoning sign permit. Awning lettering may not exceed twelve inches (12") in height.
 4. **Monument Sign.** One (1) monument sign with a base constructed of stone or brick may be installed in commercial or mixed-use zones. In the EMD or BMD the base shall be constructed of brick only. The monument sign may be a maximum of six feet (6') in height with a maximum surface area of twenty-four (24) square feet. Any monument sign located in accordance with this subsection shall be setback a minimum of ten feet (10') from the front property line or easement line, as applicable.
- viii. **Signs in Open Space/Schools Zone.** Signs in the OS zone shall be subject to review and approval by the Planning and Zoning Administrator or the Planning and Zoning Board **Planning Commission** as applicable.

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D. Supplemental Signs Non-Residential Districts. In addition to the above-listed principal sign types the following supplemental sign types are exempt from zoning sign permits and may be permitted in non-residential districts, as specified below, in accordance with the following provisions:

- i. **Banner Signs.** In all non-residential districts a maximum of one (1) banner sign may be permitted in accordance with the provisions set forth under this subsection. Banner signs shall be a maximum of thirty-two (32) square feet and shall be located a maximum of eight feet (8') above grade. The display of banners shall be allowed for no more than forty-five (45) days per year.
- ii. **Flags.** Flags are permitted as a supplemental sign type in all non-residential districts.
- iii. **Sandwich Board Signs.** A maximum of one (1) sandwich board sign may be permitted in accordance with the provisions set forth under this subsection. Sandwich board signs shall have a maximum sign face area of six (6) square feet with a maximum board width of twenty-four inches (24") and a maximum board height of thirty-six inches (36"). Any sandwich board located in accordance with this subsection shall be constructed of wood and shall be displayed for a maximum of twelve (12) hours per day.
- iv. **Real Estate Signs.** Any combination of free-standing, wall or window real estate signs may be located upon any non-residential property for a total of three (3) signs, provided that such signs do not exceed the permitted dimensions for the corresponding sign-type in the zoning district that is applicable to the subject property. Notwithstanding anything to the contrary contained herein, if freestanding signs are not permitted in the zoning district applicable to the subject property, then one free-standing sign not exceeding seven (7) feet in height with a maximum sign face of twenty (20) square feet may be located upon the subject property. All real estate signs located in accordance with this subsection shall be removed within five (5) calendar days from closing on the sale of the subject property.
- v. **Window Sign.** Up to two (2) window signs no larger than thirty percent (30%) of the surface area of the window or windows on which such sign or signs are placed. Any window sign located in accordance with this subsection shall be located on a window or windows on the front façade of the principal building
- vi. **Temporary Signs.** Temporary signs are permitted provided that any temporary sign may have a maximum area of two (2) square feet and may be located a maximum of three feet (3') above grade. Any temporary sign located in accordance with these provisions shall be constructed of vinyl with metal supports.

E. Generally Applicable Regulations for all Signs.

- i. **Sign height.** The height of a sign shall be measured from the finished grade which shall be defined as that point where the grade line intersects the front wall of the building. The height of a sign may not be artificially increased beyond the permitted height by placement of the sign on an earth mound.
- ii. **Sign setbacks.** Signs shall be located in conformity with the side and rear yard requirements of the applicable zone or district.
- iii. **Sign colors.** No sign requiring a permit under the provisions of this chapter shall contain more than four (4) colors, including black and white. Where a corporate logo is used, the logo shall count as one of the four (4) colors. Where a multi-tenant sign is present, no individual sign face panel may contain more than four (4) colors.

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- iv. **Construction.** All signs shall be properly constructed and maintained to ensure that no safety hazard is created. All signs shall be built in conformity with the requirements of the Building Code and the procedures of the Building Division.
- v. **Location.** Except as otherwise provided in this Zoning Code, no sign or any part of any sign shall be placed in, over or extend into any public right-of-way.
- vi. **Lighting.** The level of illumination emitted or reflected from a sign shall not be so intense as to constitute a safety hazard to vehicular movement on any street from which the sign may be viewed, as determined by an average person. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent lots or streets.
- vii. **Concealment of Wires and Components.** Irrespective of the sign type permitted under this section, all wiring and components of such sign shall be concealed from public view.
- viii. **Contractor Identification.** All signs shall be plainly marked with the name of the person or company that installed the sign.
- ix. **Window Coverage.** Any object that obstructs the view of the interior of a commercial building will be subject to all applicable window sign regulations.
- x. **Maintenance and Repair Required:**
 - 1. The owner of a sign shall repair, support, clean, repaint, or perform any maintenance service necessary to maintain the reasonable and proper appearance and condition of the sign. Whenever the Planning and Zoning Administrator determines a sign to be in need of repair, support, cleaning, repainting or other maintenance, he/she may issue a notice to the sign owner to complete the needed repairs or maintenance.
 - 2. All sign face panels shall be intact and free from cracks. No sign shall be permitted to exist without an intact face panel. Whenever the Planning and Zoning Administrator determines that a sign face is cracked or not intact, he/she may issue a notice to the sign owner to replace the sign face.
 - 3. If the Planning and Zoning Administrator determines that the existing condition of the sign creates an immediate hazard to the public health, safety or welfare, he/she shall issue a notice to the owner requiring the sign to be removed immediately.

F. Nonconforming Signs.

- i. An existing sign that does not meet the requirements of this chapter shall be deemed a nonconforming sign.
- ii. A nonconforming sign shall exist and be maintained in accordance with the following:
 - 1. The size and shape of the sign structure shall not be altered, except that sign face panels may be replaced.
 - 2. If damage occurs to a sign to the extent of sixty percent (60%) or more of either the structure or its replacement cost at the time of destruction, the sign shall be brought into compliance with the provisions of this Zoning Code.

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- iii. A nonconforming sign shall not be structurally relocated or replaced, unless the new sign is in compliance with this chapter.

G. Abandoned Signs and Sign Faces.

- i. A sign or sign face shall be considered abandoned when:
 - 1. The sign or sign face remains after the discontinuance of a use. A use is considered to be discontinued if it is closed to the public for at least ninety (90) consecutive days.
 - 2. The sign or sign face is not maintained in accordance with the provisions of this chapter and the owner of the sign has not complied with notices to maintain the reasonable and proper appearance and condition of the sign.
- ii. Whenever the Planning and Zoning Administrator determines that a sign has been abandoned as defined in this chapter, the right to maintain and use such a sign shall terminate immediately. Physical removal of a sign may be accomplished pursuant to the nuisance abatement procedures and ordinances of the City.
- iii. Whenever the Planning and Zoning Administrator determines that a sign face is abandoned as defined in this chapter but the existing sign conforms to the Zoning Code, he/she may issue a notice to the sign owner to remove the abandoned panel and replace it with a blank. This shall not apply to signs maintained on lots that do not have any existing structure.
- iv. Whenever the Planning and Zoning Administrator determines that a sign face in a multi-tenant sign is abandoned but other panels on the sign are not abandoned, he or she may issue a notice to the sign owner to remove the abandoned panel and replace it with a blank.

H. Special Sign Regulations for Gasoline Stations. Gasoline stations present several unique challenges for signage purposes due to industry-wide advertisement of the price of fuels for sale. In order to address these unique challenges, ground signs on lots with gasoline stations shall be permitted to incorporate electronic signage. Exempted ground signs of this type shall be subject to the following special regulations:

- i. The electronic signage shall take up no more than one-third (1/3) of the sign area permitted by this chapter.
- ii. The electronic signage shall consist of a solid background with only one illuminated color per electronic panel.
- iii. Such signs shall be subject to all other sign regulations of this chapter, and of the applicable zone or district.

SECTION 1105.05 ACCESSORY STRUCTURES**A. Generally Applicable Regulations for Accessory Uses and Accessory Structures.** An accessory use or accessory structure shall be permitted in any district provided that:

- i. It is incidental to and customarily found in connection with the main use or main building permitted in the district;
- ii. It is subordinate to and serves the main use or building;

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- iii. It is subordinate to the main use or building in ground area, floor area, extent, and purpose;
- iv. It is located on the same lot as the main building or main use which it serves; and
- v. It contributes to the comfort, convenience, or necessity of occupants, business, or industry of the main use or main building served.
- vi. Except as otherwise provided by this Zoning Code, a use or structure which is interpreted by the Planning and Zoning Administrator or by the Planning and Zoning Board ~~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.
- vii. Except as otherwise provided in this Zoning Code, an accessory structure:
 - 1. 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;
 - 2. Shall not be located closer than three feet (3FT) to any rear lot line and not closer than three feet (3FT) to any side lot line;
 - 3. Shall not be located closer than ten feet (10FT) to a main building;
 - 4. Shall not occupy more than twenty percent (20%) of the required rear yard;
 - 5. In residential districts, the lot coverage of accessory structures shall not be more than fifty percent (50%) of the finished floor area of the main structure;
 - 6. In commercial districts, open-sided accessory structures such as pergolas are permitted in the required front or side yard;
 - 7. Except for accessory dwelling units, where permitted, shall not contain facilities for dwelling purposes; and
 - 8. Shall not exceed fifteen feet (15FT) in height.
- viii. For the purposes of this section, a storage building equal to or less than fifty square feet (50SF) in area, not permanently attached to the ground, is not considered a structure. Only one (1) such storage building may be placed on a lot without a zoning certificate. Any additional buildings shall be considered accessory structures and subject to the provisions of this section. Storage buildings of this type shall be located behind the main structure and shall conform with the minimum lot line setbacks listed in this section.
- ix. All accessory structures are permitted at the discretion of the Floodplain Administrator.

B. Accessory Dwelling Units

- i. Except as otherwise provided by this Zoning Code, a use or structure which is interpreted by the Planning and Zoning Administrator or by the Board of zoning appeals to be an accessory dwelling unit may only be established or constructed on a lot having a legally existing main use or main building.
- ii. Except as otherwise provided in this Zoning Code an Accessory Dwelling Unit
 - 1. Shall not be located any closer to any public right of way than the main building and shall not be located in the required front yard;
 - 2. Shall follow the side yard setbacks set forth in the applicable zoning district for the primary

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dwelling unit ;

3. Shall be no closer than 8 feet (8FT) from the rear lot line;
4. Shall not be located closer than ten feet (10FT) to a main building;
5. Shall not occupy more than 20% of the required rear yard;
6. The ADU may be no larger than six hundred square feet (600SF) or 50% of the size of the primary dwelling unit whichever is less;
7. ADU's that are attached to the primary dwelling unit are not permitted to be located in a portion of the primary dwelling unit that encroaches a required yard setback;
8. Exterior finish materials must be compatible with existing primary dwelling unit;
9. Only one entrance is allowed and must be located on the primary façade facing the street.

C. Garage Standards

- i. All garages in a residential district facing the street shall not be located more than eight (8) feet in front of the front façade of the structure.
- ii. **In the Suburban Residential District Only.** No garage door or combination of garage doors facing the street shall occupy more than sixty percent (60%) of the width of the ground level façade.

D. Service Structures

- i. Electrical transformers, generators, storage tanks, utility vaults and heating or cooling units which extend beyond the surface may be built in the rear and side yard.
- ii. Service structures shall maintain a three (3) foot setback from any lot line.

E. Deck and Patio Standards

- i. Decks and Patios may encroach into the front, side, and rear yard setbacks provided that there is a three (3) feet distance from the vertical plane of the lot line.
- ii. Decks and Patios may be constructed of either wood, metal, or plastic composite deck board capable of withstanding weathering and decay.
- iii. Garden rooms, sunrooms, canopies, awnings, lanai or any exterior enclosures connected to the principal building will be considered a deck or patio.

SECTION 1105.06 RESIDENTIAL DESIGN STANDARDS

- A. **Purpose and Intent.** The following design standards are intended to enhance the character, aesthetics, and architectural consistency of residential development in the Suburban Residential (SR) and Residential Medium (RM) Districts.
- B. **Entry to Residential Buildings**

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- i. Entries shall be visible from the front of the building and shall be connected to a paved driveway or sidewalk by a clearly delineated pedestrian walkway.
- ii. At least two building materials should be used for exterior walls (excluding trim and cornices) on all building facades with road frontage.

C. Building Articulation and Openings

- i. All dwellings must incorporate design features such as offsets, balconies, projections, recesses or covered entrances, windows, doors, window reveals, or similar elements to create horizontal and vertical relief and avoid box-like forms.
- ii. Incorporate at least three of the following features, consistent in design style, that provide articulation and design interest consistently throughout the project:
 - 1. Decorative trim elements that add detail and articulation, such as door surrounds with at least a two-inch depth, decorative eave detailing, belt courses;
 - 2. Pitched / variegated roof forms;
 - 3. Roof overhangs at least 12 inches deep;
 - 4. Variety in use of materials, especially at ground level stories, for detailing at porches / entry areas, paneling at bays or at special parts of the building;
 - 5. Building base (typically bottom three feet) that is faced with a stone or brick material, or is delineated with a channel or projection; and/or
 - 6. Railings with a design pattern and materials such as wood, metal, or stone which reinforces the architectural style of the building.

D. Garage Standards.

- i. Side entry garages shall have windows on the front facing wall.
- ii. Garages in a residential district facing the street shall not be located more than eight (8) feet in front of the front façade of the structure.
- iii. For detached single-family only: No garage door or combination of garage doors facing the street shall occupy more than sixty percent (60%) of the width of the ground level façade.

E. Driveway Standards

- i. Driveways shall be located at least 3 feet away from the property line unless the driveway is extended into the nearest front private or public right-of-way.
- ii. ~~Driveways are permitted to be 10 feet in width for each primary garage space.~~
- iii. ~~No driveway is permitted to be located beyond the front setback line of the primary structure unless there is a side entry garage, in which case the garage may not extend beyond the rear of the primary structure.~~

F. Building Orientation, Height, and Form

- i. Divide massing of a structure by limiting building length, or designing buildings with two or more of the following special features to break up building bulk, including:

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1. Horizontal and vertical setbacks and stepbacks (instead of a long flat wall);
2. Changes in roof form and height; and/or
3. Major full-height recesses (typically at least 10 feet deep) along the length of the building that successfully break the building into smaller discrete masses.

G. Architectural Design/Materials

- i. Avoid combining structural and decorative characteristics from different architectural styles into a single building.
- ii. Incorporate the surrounding architecture when building in an established neighborhood.
- iii. Utilize durable, high-quality building materials that will last for the life of the building.
- iv. Use exterior siding materials such as stucco, wood siding, masonry, tile, wood shingles, metal panels, and glass panels. Vinyl siding and other plastic materials may be used only in conjunction with other natural materials. Scored plywood (T1-11 or similar), corrugated metal, and cinderblock used for exterior cladding are not permitted.

H. Windows

- i. Design window recesses, window trim, and other window elements to create architectural interest. Incorporate at least one of the following window features throughout the project:
 1. Minimum depth of at least two inches from glass to exterior of trim;
 2. Minimum depth of at least six inches from glass to wall edge around windows if there is no trim (this is only appropriate for certain architectural styles such as Spanish Revival or Modern); and/or
 3. Decorative trim elements that add detail and articulation, such as window surrounds with at least a two-inch depth.

I. Remodeling and Additions.

- i. Design remodeling projects and additions such that the exterior appearance of the building demonstrates design integrity in the following ways:
 1. Use complementary materials for exterior facades;
 2. Use window types that are similar in size, shape, and proportion of the windows on the original building and are characteristic for the architectural style; and/or
 3. Use consistent roof materials and roof forms.
- ii. Do not remove or cover high-quality original finish materials and ornamentation integral to the design integrity of the building.

SECTION 1105.07 LANDSCAPING AND BUFFERING**A. Purpose and Intent.** These standards are intended to establish landscaping regulations that:

- i. Improve the aesthetic appearance of setback areas, common open space areas, public rights-of-

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- way and off-street vehicular parking areas;
- ii. Encourage the preservation of existing trees and natural features;
- iii. Promote compatibility among different land uses;
- iv. Promote the use of generally accepted landscape design principles; and

MINIMUM PLANT SIZE	
PLANT TYPE	PLANT SIZE
Deciduous trees	Two inches (2") caliper, measured one foot (1') above ground
Ornamental trees	One and one half inches (1 1/2") caliper, measured one foot (1') above ground
Evergreen trees	Six feet (6') in height
Shrubs	Eighteen inches (18") in height or eighteen inches (18") spread, depending on growth characteristics

- v. Protect public health, safety and welfare by minimizing the impact of all forms of physical and visual pollution, controlling soil erosion, screening unsightly areas, preserving the integrity of neighborhoods and enhancing pedestrian and vehicular traffic and safety.
- B. Application.** The Planning and Zoning Administrator may require a landscape plan and/or tree survey to be submitted in conjunction with any application for a zoning certificate, a variance, a conditional

MAXIMUM USE OF SAME SPECIES	
NUMBER OF TREES ON SITE	MAXIMUM % OF SAME SPECIES
10-19	50%
20-39	33%
40-59	25%
Over 60	15%

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use permit, a similar use determination, a subdivision plat, or a site plan and design review approval. Such landscape plan and/or tree survey shall include the following:

- i. The present location, size, and description of all existing major trees, with a designation of existing major trees sought to be removed.
- ii. The location, size and description of landscaping materials proposed to be placed on the lot in order to comply with this section.
- iii. The location and size of any structures presently on the lot, and those proposed to be placed on the lot.
- iv. The proposed location and description of screening to be placed on the lot in order to comply with this section.

C. General Landscape Provisions.

- i. When required by the Planning and Zoning Administrator, a landscape plan shall be approved in accordance with this chapter prior to granting a zoning certificate, a variance, a conditional use permit, a similar use determination, a subdivision plat, or a site plan and design review. A zoning certificate is not required for the addition of pervious surface including grass, mulched groundcover, other planted areas, and/or permeable or pervious pavers or paving that facilitates the infiltration of water into the soil.
- ii. No landscaped area shall be used for display and/or storage purposes.
- iii. The species, location and spacing of trees and shrubs planted in all public rights-of-way and on all sites shall be subject to approval by the Planning and Zoning Administrator.
- iv. No Certificate of Occupancy shall be granted until all conditions herein have been met; however, in the event landscaping cannot be completed due to weather conditions, or peculiar conditions related to the development of the subject property such as conditions related to phased development, the applicant shall provide financial security, in a form acceptable to the City, in the amount of one hundred twenty-five percent (125%) of the cost of materials and installation of all remaining landscaping to be completed and an estimate of such costs in order to be eligible for a Certificate of Occupancy.
- v. When phasing development upon a property, a proportionate share of landscaping acceptable to the City shall be installed and maintained with each phase based on the size of the proposed phase and shall be considered completed for the purposes of these regulations when such proportionate share of landscaping has been installed, unless special circumstances warrant the installation of a greater amount of landscaping with any phase.
- vi. The developer and/or property owner shall be responsible for the installation and maintenance of all landscaping, buffering, perimeter treatment and screening improvements in a healthy condition. This provision shall also apply to single-family and two-family dwellings.

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- vii. Bare earth shall not be considered landscaping or a landscaped area for the purposes of meeting the landscape requirements herein. Land area shall be considered “covered” if it is used for growing grass, shrubs, trees, plants or flowers, or if covered by decorative rock, stone or wood chips, or otherwise landscaped as provided herein. This provision shall also apply to single-family and two-family dwellings.
 - viii. These landscaping provisions are not intended to require multiple or overlapping setbacks, buffers and perimeter treatments. When more than one (1) such standard applies, that standard which results in the higher landscaping or buffering requirement shall apply. Buffering and perimeter treatments may be located within the required setbacks and may be counted toward required open space except not as usable open space.
 - ix. Utility easements which conflict with required buffer yards, perimeter treatment, parkway or median standards may require an alternative design approach to address such conflicts.
- D. Tree Preservation.** Unless exempted in accordance with this subsection, all existing major trees shall be preserved. The Building Inspector may approve the cutting down, removal or destruction of a major tree/trees when the tree or trees interferes with the proper development of the lot, provided that the lot is the subject of an application for approval of a zoning certificate, development plan approval or variance, such application is approved and one of the following applies:
- i. The tree or trees will be located within the public right of way.
 - ii. The subject property cannot be arranged in a manner to avoid removal of the tree or trees at the same time permitting the desirable and logical development of the lot.
 - iii. The tree/trees are located within the proposed driveway to service a single-family home, and such driveway cannot otherwise be relocated.
 - iv. The tree is damaged or diseased or can be proven to be of poor quality.
 - v. The tree/trees are an undesirable species in its present location.
- E. Tree Replacement.** Each existing major tree removed in accordance with subsection (d) above shall be replaced with one (1) tree, having a minimum caliper of one and three-quarters inch (1 3/4”) as measured one foot (1’) above ground level.
- F. General Landscape Standards.**
- i. The following standards shall ensure that landscaping is used to improve the aesthetic quality of a development or site in addition to providing a functional purpose and year-round interest and/or screening.
 - ii. The size of landscape elements and materials shall meet minimum standards and be consistent with the size of the project and any existing streetscape. Minimum plant sizes are as follows:
 - iii. Landscaping in parking areas, driveway entrances and intersections shall be designed to meet the minimum clear sight triangle as defined in the Zoning Code.
 - iv. Monoculture, or the extensive use of a single species of trees, shall be limited in order to minimize the potential for disease or pests to strike a particular species resulting in significant same-species loss. The following limits shall apply:
 - v. Plant materials used in conformance with the provisions of this section shall conform to the

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- specifications of the American Association of Nurserymen (AAN) for number one grade and shall have all wire and twine removed prior to planting. All trees shall be balled and burlapped or equivalent. Grass sod shall be clean and free of weeds and noxious pests or diseases. Plant materials which are known to be intolerant of the area in which they are proposed to be installed, or whose physical characteristics may be injurious to the public shall not be specified for use.
- vi. If any trees or other plant materials die or become diseased and must be removed, the property owner shall be responsible for replacing all materials that were removed. In the event that existing preserved trees die or become diseased and must be removed; the replacement shall be based on the tree credits Table 1105.07A. If trees or shrubs are removed for convenience purposes, the property owner shall be responsible for replacing all removed materials elsewhere on the site. If adequate space is not available on the site, the replacement shall occur at a location approved by the City. Upon issuance of a citation, corrective action shall be completed within sixty (60) days unless the Development Director or designee determines that weather constraints require one additional sixty (60) day period. Failure to meet the requirements of this section shall constitute a violation of this Zoning Code and the penalty requirements shall apply.
 - vii. Trees and shrubs shall be planted so that at maturity they do not interfere with utility service lines and traffic safety. Trees planted near public sidewalks shall be installed in such a manner as to prevent physical damage to sidewalks, curbs, gutters, pedestrian ways, bike paths and other public improvements. A protective tree grate and vault shall be provided when trees are planted in paved areas such as plazas or sidewalks. This provision shall also apply to single-family and two-family dwellings.
 - viii. When an applicant presents that the placement of all trees and shrubs as required in this section would create an impractical landscape effect, a portion of the trees and shrubs may be located in alternative locations on the same site, subject to approval by the Development Director or designee.
 - ix. In no event shall a landscaped setback be less than six feet (6') in width, nor shall the width of the landscaped setback be inadequate to allow for the installation and healthy growing condition for the required amount of trees or shrubs.
 - x. In order to promote efficient irrigation and maintenance measures, berms shall not exceed a slope of three to one (3:1) and shall be graded to appear as smooth, rounded, naturalistic forms.
 - xi. To insure that landscape materials do not constitute a driving hazard, a clear "sight triangle" shall be observed at all street and access drive intersections. In the case of a city street intersection, the sight triangle shall consist of the area between points twenty feet (20') along both intersecting streets from their respective edge of pavements. Ground cover, perennials, shrubs and trees shall be permitted within the sight triangle provided that perennials and shrubs do not exceed a maximum height of eighteen inches (18") and tree trunks shall be devoid of limbs to a height of eight feet (8').
- G. Street Tree Requirements.** It shall be required in all zones and districts that applicants plant trees along public streets of their development. Trees shall be planted in such manner, type, quantity and locations as approved by the Planning and Zoning Administrator or the Planning and Zoning Board ~~Planning Commission~~ in conjunction with the site plan and design review process, as defined by the following conditions, and that any undeveloped street or existing street with undeveloped frontage shall conform to these requirements at the time of the development.

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- i. Trees planted shall be on the list of approved street trees maintained by the City of Reynoldsburg.
- ii. The minimum spacing between this and other trees shall be 35 feet for large trees (mature height of fifty feet (50') or more), twenty-five feet (25') for medium trees (mature height of between thirty and fifty feet (30'-50') and fifteen feet (15') for small trees (range from ten to thirty feet (10'-30') at maturity).
- iii. The maximum spacing between trees shall be forty-five feet (45') for large trees, thirty-five feet

TABLE 1105.07C - CREDIT FOR EXISTING TREES (IN AGGREGATED INCHES)	
CALIPER AT FOUR AND HALF FEET (4.5') ABOVE GROUND	NUMBER OF TREE CREDITS
20 total inches	4 (equal to 4 trees)
13 - 19 total inches	3 (equal to 3 trees)
8 - 12 total inches	2 (equal to 2 trees)
2 - 7 total inches	1 (equal to 1 trees)

- (35') for medium trees, and twenty-five feet (25') for small trees.
- iv. The minimum distance between the tree and the edge of the street shall be two and one-half feet (2 ½') for a large tree, two feet (2') for medium tree and one and one-half feet (1 ½') for a small tree. In areas where a sidewalk exists or is proposed, the minimum distance between the tree trunk and both the edge of the street and the sidewalks shall be two feet (2') for a large tree, two feet (2') for a medium tree and one and one-half feet (1 ½') for a small tree, as defined in approved street tree list.
- v. Trees shall be located so that a twenty-foot (20') sight triangle is maintained at street intersections.
- vi. A small tree shall be used when planting under or within ten (10) lateral feet of overhead utility wires. A small or medium tree shall be used when planting within ten to twenty (10-20) lateral feet of overhead utility wires.
- vii. At the time of platting, the developer shall develop a street tree plan that establishes the species and size of trees to be planted along the streets of the proposed subdivision.
- viii. The developers shall be required to maintain all trees for a period of one (1) year after any installation and replace any tree which fails to survive or does not exhibit normal growth characteristics of health and vigor within such one (1) year period. Upon completion of a street tree planting, the landscape contractor shall contact the Department of Development for a preliminary inspection. The one-year guarantee period shall begin after the approval of the Department of Development. A final inspection shall be made at the end of the guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the city's inspection, shall be promptly replaced at the expense of the developer. Upon replacement, the one-year guarantee period shall recommence for those materials having been replaced.

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TABLE 1105.05B: SUMMARY OF BUFFER REQUIREMENTS

ZONE OR DISTRICT REQUIRING BUFFER	ADJACENT ZONE OR DISTRICT TO REQUIRED TO PROVIDE BUFFER	BUFFER REQUIREMENTS
SR or RM	ORD-C, EMD, or BMD	10 foot (10') buffer along all common boundaries; - One (1) tree for every forty feet (40') of linear boundary or fraction thereof; - Continuous six foot (6') high planting, hedge, fence, wall, earth mound or combination thereof.
SR or RM	CC	15 foot (15') buffer along all common boundaries; - One (1) tree for every forty feet (40') of linear boundary or fraction thereof; - Continuous six foot (6') high planting, hedge, fence, wall, earth mound or combination thereof.
Any residential use in any zoning district	Any non-residential use in SR or RM	5 foot (5') buffer along all common boundaries; - One (1) tree for every fifty feet (50') of linear boundary or fraction thereof; - Continuous six foot (6') high planting, hedge, fence, wall, earth mound or combination thereof.
SR, RM, or residential use in other zoning district	I	15 foot (15') buffer along all common boundaries; - One (1) tree for every twenty feet (20') of linear boundary or fraction thereof; - Continuous ten foot (10') high planting, hedge, fence, wall, earth mound or combination thereof.
Any zone (except for Innovation)	Adjacent freeway or arterial	- Twenty feet (20') for residential zones and fifteen feet (15') for all other zones adjacent to a freeway or arterial - One (1) tree for each thirty feet (30') of linear boundary, or fraction thereof; - Continuous six foot (6') high planting, hedge, fence, wall, earth mound or combination thereof.
Any zone (except for Innovation) adjoining a railroad	Any property with a railroad	- Twenty feet (20') for residential zones and fifteen feet (15') for all other zones adjacent to railroad boundaries; - One (1) tree for each thirty feet (30') of linear boundary, or fraction thereof; - Continuous six foot (6') high planting, hedge, fence, wall, earth mound or combination thereof.

- ix. All street trees along any one street shall be of the same species and variety to promote a continuous landscape treatment. A change in variety will only be permitted at intersections and other logical beginning and ending points.
- x. The minimum trunk caliper measured one foot (1') above the ground for all street trees shall be no less than two inches (2").

H. Interior Lot Landscaping.

- i. For all new construction or land development for which a building permit and/or a zoning certificate is required, trees shall be provided for within the structure-related property lot lines, equal to or in excess of the following total tree trunk diameters (as measured one foot (1') from

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the ground level) for the specified building ground coverage square footage or land area square footage, by building and/or land use type, as follows:

1. All residences and residential land uses, per dwelling unit, there must be planted one-half inch (1/2") in trunk diameter for every 3,000 square feet of lot size or fraction thereof, with a minimum of two inches (2") of total trunk diameter.
2. All commercial structures, including commercial-related parking, loading and trash storage areas, and all industrial, warehouse, and storage uses and their associated parking, loading, and trash storage areas:
 - (a) Up to twenty thousand (20,000) square feet: one inch (1") trunk diameter for every two thousand (2,000) square feet or fraction thereof with a minimum of two inches (2") of total trunk diameter.
 - (b) Twenty thousand and one to fifty thousand (20,001 - 50,000) square feet: a total trunk diameter of ten inches (10"), plus one-half inch (1/2") of trunk diameter for every two thousand (2,000) square feet over twenty thousand (20,000) square feet or fraction thereof.
 - (c) Over fifty thousand (50,000) square feet: a total trunk diameter of twenty inches (20"), plus one inch (1") of trunk diameter for every four thousand (4,000) square feet over fifty thousand (50,000) square feet or fraction thereof.
 - 1) All office uses, institutional uses, convalescent and nursing homes and child daycare facilities, including related parking, loading and trash storage areas:
 - (d) Up to nineteen thousand and five hundred (19,500) square feet: one inch (1") in trunk diameter for every fifteen hundred (1,500) square feet or fraction thereof, with a minimum of two inches (2") of total trunk diameter.
 - (e) Nineteen thousand, five hundred and one to forty-nine thousand and five hundred (19,501 - 49,500) square feet: a total trunk diameter of thirteen inches (13"), plus two inches (2") of trunk diameter for every two thousand (2,000) square feet over nineteen thousand and five hundred (19,500) square feet or fraction thereof.
 - (f) Forty-nine thousand, five hundred and one (49,501) square feet and more: a total trunk diameter of twenty-five inches (25"), plus two inches (2") of trunk diameter for every three thousand (3,000) square feet over forty-nine thousand and five hundred (49,500) square feet or fraction thereof.
- ii. Existing healthy trees and shrubs shall be preserved and incorporated into the overall site and landscape design to the maximum extent practical as determined by the City. Existing trees may be credited toward minimum tree planting requirements as follows:
 1. Existing trees, which are preserved, may be credited toward the tree planting requirements of this section according to Table 1105.05A - Credit for Existing Trees. Tree credits shall be given as long as all other provisions and the intent of this Zoning Code are met. Fractional caliper measurements shall be attributed to the next lowest category.
 2. No credit shall be given for existing preserved trees that are:
 - (a) Not located on the actual development site;
 - (b) Not properly protected from damage during the construction process;

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- (c) Prohibited species under the caliper size of thirteen inches (13") measured at four and one-half feet (4 ½') above the ground; or
 - (d) Dead, dying, diseased, or infested with harmful insects.
- iii. In order to apply for credit, existing trees must be protected during construction. All existing trees shall be protected by the placement of an orange construction fence around the perimeter of the tree/trees. In order to protect the root system of the existing trees, said fence shall be installed at a minimum radius from the trunk. The minimum shall be one foot (1') of radius per one inch (1") of caliper of the tree. (ex. On a six inches (6") diameter tree, the fence shall be placed a minimum of six feet (6') from the trunk of the tree.)
 - iv. No new tree plantings shall be required if existing trees to remain on the site after development, and the aggregate trunk sizes of such trees, meet or exceed the requirements as set forth above.
 - v. Any combination of existing and new trees may be used to meet the requirements of this section.

I. Property Buffer Requirements.

- i. **Grass or Ground Cover Required.** Grass or ground cover shall be planted on all portions of the required buffer not occupied by other landscape material. Trees do not have to be equally spaced but may be grouped. All landscape requirements shall be met by the applicant if his/her property is contiguous to property fully developed prior to the passage of this chapter. A landscape plan meeting the requirements of this section shall be approved by the Planning and Zoning Board **Commission** or the Planning and Zoning Administrator in conjunction with the site plan and design review process before the commencement of construction on the subject property.
- ii. **Buffer Requirements.** When one zoning classification abuts another zoning classification, a minimum buffer zone shall be required as follows:
 - 1. Any residential zone adjoining the EMD, BMD, or ORD-C; required buffer zone is ten feet (10') adjacent to all common boundaries except street frontage and shall include one (1) tree for each forty feet (40') of linear boundary, or fraction thereof, and a continuous six foot (6') high planting, hedge, fence, wall, earth mound, or combination thereof.
 - 2. Any residential zone adjoining the CC required buffer zone is fifteen feet (15') adjacent to all common boundaries except street frontage and shall include one (1) tree for each forty feet (40') of linear boundary, or fraction thereof, and a continuous six foot (6') high planting, hedge, fence, wall, earth mound or combination thereof.
 - 3. Any residential use adjoining a property located in a residential zone operating with a conditional use; required buffer zone is fifteen feet (15') adjacent to all common boundaries except street frontage and shall include one (1) tree for each forty feet of linear boundary, or fraction thereof, and a continuous six foot (6') high planting, hedge, fence, wall, earth mound or combination thereof.
 - 4. Any residential zone or any residential use in any zoning classification adjoining an Innovation (I) District required buffer zone is twenty feet (20') adjacent to all common boundaries except street frontage and shall include one (1) tree for each twenty (20) feet of linear boundary, or fraction thereof, and a continuous six foot (6') high planting, hedge, fence, wall, earth mound or combination thereof.
 - 5. Any zone adjoining a freeway or arterial street prohibiting driveways; required buffer zone is

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twenty feet (20') for residential zones and fifteen feet (15') for all other zones adjacent to a freeway or arterial and shall include one (1) tree for each thirty feet (30') of linear boundary, or fraction thereof, and a continuous six foot (6') high planting, hedge, fence, wall, earth mound or combination thereof.

6. Any zone (except Innovation) adjoining a railroad; required buffer zone is twenty feet (20') for residential zones and fifteen feet (15') for all other zones adjacent to railroad boundaries and shall include one (1) tree for each thirty feet (30') of linear boundary, or fraction thereof, and a continuous six foot (6') high planting, hedge, fence, wall, earth mound or combination thereof.

J. Parking Area Landscaping Standards.

- i. Parking lots containing more than six thousand (6,000) square feet of area or twenty (20) or more vehicular parking spaces, whichever is less, shall provide interior landscaping of the peninsular or island types of uncompacted, well-drained soil that contains a minimum of six inches (6") of top soil mix, as well as perimeter landscaping.
- ii. For every ten (10) parking spaces or fraction thereof, the applicant shall provide not less than two hundred (200) square feet of interior landscaped parking lot areas containing at least one (1) tree with a minimum diameter of two inches (2") and four (4) shrubs.
- iii. The minimum landscape area permitted shall be two hundred (200) square feet with a minimum planting width of ten feet (10').
- iv. In order to encourage the required landscape areas to be properly dispersed, and to break up large expanses of parking, no individual landscape area shall be larger than five hundred (500) square feet in size in vehicular use areas less than thirty thousand (30,000) square feet and no individual landscape area shall be larger than two thousand (2,000) square feet in vehicular use areas over thirty thousand (30,000) square feet. Individual landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum total.
- v. All parking lots shall provide perimeter landscaping. Parking lots shall have perimeter landscaping of a minimum width of ten feet (10') exclusive of vehicle overhang. The perimeter landscaping shall consist of a continuous evergreen hedge, evergreen trees, earthen mound or a combination thereof as required to provide a continuous opaque screen, a minimum of thirty-six inches (36") in height, within one (1) year of installation. The perimeter landscape shall also contain a minimum of one (1) deciduous tree per fifty (50) linear feet of parking perimeter.
- vi. Parked vehicles may hang over the interior landscaped area no more than two and one-half feet (2 ½'). Concrete or other wheel stops shall be provided to ensure no greater overhang on the landscaped area. Where parked vehicles will overhang, a four-foot (4') minimum spacing shall be provided from the edge of pavement to all trees.
- vii. Grass or ground cover shall be planted on all portions of the required landscaping area not occupied by other landscape material. Such material fulfills required interior or perimeter landscaping.

K. Screening and Landscaping for Service Structures.

- i. In order to properly screen service structures from the main building and neighboring lots, the following screening requirements shall apply:

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- ii. Location of screening. Either a solid, opaque fence or wall or earth berm, with a continuous planting of evergreen plant material shall enclose any service structure on all sides, unless such structure must be frequently accessed, in which case screening on all but one (1) side is required. The average height of the screening fence or wall shall be one foot (1') more than the height of the enclosed structure but shall not exceed the maximum permitted height of fences and walls of the District.
- iii. Mechanical equipment and service functions associated with a building shall, to the maximum extent feasible, be incorporated into the overall design theme of the building and the landscape so that these functions are out of view from public ways and adjacent properties while allowing convenient access.
- iv. Plant material required for screening of service structures shall not count towards the fulfillment of other landscape requirements in this section. No interior landscaping shall be required within an area screened for service structures.
- v. Curbs to protect plant material. Whenever plant material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regular basis, a curb to contain the placement of the container shall be provided adjacent to the plant material. The curbing shall be at least one foot (1') from the material and shall be designed to prevent possible damage to the plant material when the container is moved or emptied.
- vi. Service structures shall be grouped together whenever possible.
- vii. The provisions of this section shall not apply to service structures located on lots with single family and two-family dwellings, except that any generator located within six feet (6') of any lot line shall be screened in accordance with this section.

L. Natural Preservation Zones.

- i. **Applicability.** Natural preservation zones are areas that protect both the aesthetic appearance and environmental significance including, but not limited to, woodlands, wetlands, ravines, flood plains, streams, lakes, ponds, and/or steep slopes and can provide effective buffers between different or same land uses. Such zones should be designated on the concerned property. It is the intent of this section to encourage the use of these preservation zones in new developments including single family subdivisions, multi family, commercial and industrial construction. It is the further intent of this section not to preclude and/or prevent development, but to protect and preserve environmentally significant areas by fostering the use of buffer zones that could be integrated within the development. Preservation zones shall be used in a manner to promote and protect the public safety, convenience, comfort, prosperity, and general welfare of the City.
- ii. **Determination of Preservation Zones.**
 - 1. Environmentally significant areas shall be required to have a preservation zone(s). (The natural resources maps A and B in the Reynoldsburg Planning Guide are guides in determining the environmentally significant areas. These maps shall be a guide in determining areas that shall be required to have preservation zones.)
 - 2. However, this shall not preclude the Planning and Zoning Administrator or the Planning and Zoning Board **Planning Commission** from recommending and/or approving preservation zones in other areas that are considered to be environmentally significant. In determining preservation zones, the Planning and Zoning Administrator or the Planning

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and Zoning Board **Planning Commission** determines that the area needs to be protected from development and which could serve as a buffer between different or same uses.

iii. Approval of Preservation Zones. Preservation Zones shall be approved in accordance with the following procedures:

1. The Planning and Zoning Board **Planning Commission** shall have the authority to approve a preservation zone for a subdivision and/or a planned district. This approval shall occur during the preliminary plat stage and shall follow the procedures set out in Chapter 1111. The Planning and Zoning Administrator may recommend to the Planning and Zoning Board **Planning Commission** the location of a preservation zone.
2. Preservation zones shall become part of the final plat or final development plan for subdivisions by the Planning and Zoning Board **Planning Commission** and approved by Council. Preservation zones shall become part of the site plan that is part of the certificate of appropriateness approval.

iv. Protection of Preservation Zones.

1. Before any activity, clearing, and/or construction begins, the entire preservation zone shall be enclosed with at least three foot (3') high orange construction fencing to prevent any access to the area. Such fencing shall protect the root systems of vegetation within the preservation zone. The fencing can only be taken down for an individual lot when an occupancy permit has been issued for the structure on the concerned lot. The fencing shall remain on the undeveloped lots until occupancy permits are granted for each lot.
2. Said preservation zone shall not be disturbed any time before, during, or after said construction except for necessary access as approved by the Planning and Zoning Administrator.
3. No permanent or temporary structure, building, or fence shall ever be placed upon, in, or under said preservation zone.
4. Utilities and roadways in preservation zones may only be installed consistent with an Environmental Plan and/or Mitigation Plan.
5. No development, clearing, thinning, construction, or work shall be performed in the preservation zone except for necessary construction as deemed necessary by the Planning and Zoning Administrator. If a preservation zone is disturbed at any time (including but not limited to utility construction and/or easement, building or grading construction) by the developer, contractor, subcontractor, house builder, property owner, or a representative, such disturbances that occur shall be restored to an approved condition. Diseased trees and/or diseased vegetation may be removed with the approval of the Planning and Zoning Administrator. Obnoxious weeds and/or brush of less than one inch (1") caliper may be removed without destroying the integrity of the preservation zone.

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6. No dirt, stones, wood, or debris shall be placed within the preservation zone.
7. Trees located in a preservation zone that have been pushed over, cut apart, blown over, or fallen due to aging and/or deterioration are the property owner's responsibility to remove from the preservation zone.
8. A utility company servicing and/or installing utilities in the designated preservation zone shall also be subject to these restrictions.
9. These restrictions shall be printed on the final plat, the final development plan, and/or site plan.
10. Drainage shall not be changed in a manner that will damage the preservation zone..
11. The developer shall notify all contractors, utility companies, and/or cable companies doing work in the concerned subdivision of the preservation zone requirements.

SECTION 1105.09 EXTERIOR LIGHTING

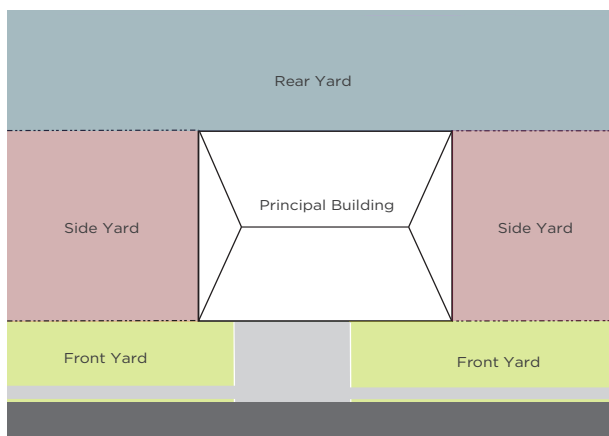
- A. Purpose and Applicability.** The purpose of this section is to ensure that all exterior site and building lighting shall not affect the reasonable use and enjoyment of adjacent properties but provide minimum levels to enhance safety of individuals and property. Lighting standards shall also protect the safety and operation of vehicles on the public rights-of-way from levels of illumination that are emitted or reflected from light sources of an intensity sufficiently to constitute a safety hazard to vehicular movement. Lighting standards shall apply to all lots except those developed with single family or two-family dwellings.
- B. Exterior Lighting Regulations.** Exterior site lighting shall be designed, located, constructed and maintained to minimize light and reflected light trespass and spill over off the subject property. Glare shall be minimized from all light sources.
- i. The average horizontal illumination level on the ground shall not exceed three footcandles (3FC). The light level along a property line adjacent to a residentially-zoned or used property shall not exceed an average intensity of one-half footcandle (0.5FC).
 - ii. The height of parking lot lighting shall not exceed twenty feet (20') above grade and shall direct light downward, i.e. cut-off type fixtures. In conjunction with a major site plan review, the Planning and Zoning Board **Planning Commission** may require a lower standard based upon specific characteristics of the site.
 - iii. The color of parking lot lighting poles and other lighting infrastructure shall match or complement the colors of the building's architecture, as approved by the Planning and Zoning Board **Planning Commission**.
 - iv. For pedestrian areas, decorative low light fixtures shall be used and the height of the fixture shall not exceed fourteen feet (14') above grade.
 - v. Exterior building illumination shall be from concealed sources. Strobe or flashing lights and exposed neon lights are not permitted. Lighting fixtures shall not generate excessive light levels, cause glare, or direct light beyond the facades onto neighboring property, streets, or the night sky. The maximum illumination of any vertical surface or angular roof surface shall not exceed four footcandles (4FC).

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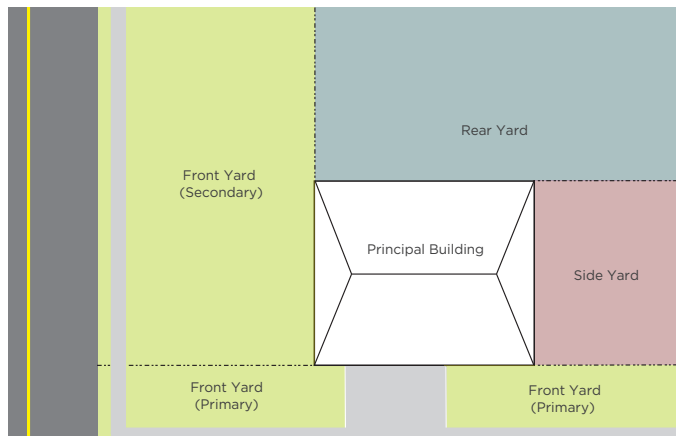
SECTION 1105.11 FENCES AND SCREENING.

TABLE 1105.11A FENCE MATERIALS								
SUMMARY OF PERMITTED FENCE MATERIALS								
DISTRICT/ZONE	LUMBER	VINYL	WROUGHT-IRON	STONE	BRICK	CHAIN LINK	METAL	BARBED-WIRE
ORD-N	X	X	X	X	X			
ORD-C	X	X	X	X	X			
BMD	X	X	X	X	X			
EMD	X	X	X	X	X			
Community Commercial (CC)	X	X	X	X	X			
Residential Zones (SR and RM)	X	X	X	X	X	X ^R		
Innovation Zone (I)	X	X	X	X	X	X	X	X ^A
Open Space/Schools Zone (OS)	X	X	X	X	X			

INTERIOR LOTS



CORNER LOTS



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TABLE 1105.11B FENCE HEIGHT, SETBACKS AND OPACITY

SUMMARY OF FENCE HEIGHT, SETBACKS AND OPACITY

	FRONT AND CORNER YARD FENCES			REAR AND SIDE YARD FENCES		
DISTRICT/ZONE	MAX. HEIGHT	MINIMUM SETBACK	MAXIMUM OPACITY	MAX. HEIGHT	MINIMUM SETBACK	MAXIMUM OPACITY
ORD-N	4 ft.	3 ft. from ROW	50%	6 ft.	0 ft. from property line	100%
ORD-C	4 ft.	3 ft. from ROW	50%	4 ft.	0 ft. from property line	100%
BMD	4 ft.	3 ft. from ROW	50%	4 ft.	0 ft. from property line	100%
EMD	4 ft.	3 ft. from ROW	50%	4 ft.	0 ft. from property line	100%
Community Commercial (CC)	4 ft.	3 ft. from ROW	50%	4 ft.	0 ft. from property line	100%
Residential Zones (SR and RM)	4 ft.	3 ft. from ROW	50%	6 ft.	0 ft. from property line	100%
Innovation Zone (I)	4ft.	3ft. from ROW	50%	10 ft.	0 ft from property line	100%
Open Space/Schools Zone (OS)	4ft.	5 ft from ROW	50%	10 ft.	0 ft from property line	100%

Fences. The following regulations shall apply to the location and appearance of fences in the front, side, and rear yards of properties located in the City of Reynoldsburg.

- vi. **Fences in Olde Reynoldsburg Neighborhood District.** The following regulations shall govern fences located upon properties in the Olde Reynoldsburg Neighborhood District:
1. **Front and Corner Yard Fences—Height.** Between the front setback line for structures and the front facade of the principal structure, fences shall be no higher than four feet (4FT).
 2. **Front and Corner Yard Fences—Setback.** Front and corner yard fences shall be no closer to the right-of-way than three feet (3FT).
 3. **Front and Corner Yard Fences—Opacity.** Front and corner yard fences shall be constructed of an open design, which is defined as at least fifty percent (50%) open. For picket fences, the distance between pickets shall be no less than the width of the pickets themselves.

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4. **Rear and Side Yard Fences—Height.** Between the rear setback line or side setback line for structures and the rear façade or side of the principal structure, fences shall be no higher than six feet (6FT).
 5. **Rear and Side Yard Fences—Setback.** Rear and side yard fences **shall** be placed on the property line of the subject property **unless, at the descretion of the Planning and Zoning Administrator, there are substantial grounds to deviate.**
 6. **Rear and Side Yard Fences—Opacity.** Rear and side yard fences may be constructed of materials with a maximum opacity of 100%.
 7. **Fence Materials.** Fences in residential districts shall be constructed of materials that match or compliment any existing structures on a lot. This includes but is not limited to, painted or treated lumber, vinyl, wrought iron, painted aluminum, brick, and stone. All lumber fences shall be constructed so that the finished boards hide the vertical and horizontal posts when viewed from adjacent lots unless the fence is constructed in such a manner that the finished look of both sides of the fence is the same.
- vii. **Fences in Residential Districts.** The following regulations shall govern fences located upon properties in residential zoning districts:
1. **Front and Corner Yard Fences—Height.** Between the front setback line for structures and the front facade of the principal structure, fences shall be no higher than four feet (4FT).
 2. **Front and Corner Yard Fences—Setback.** Front and corner yard fences shall be no closer to the right-of-way than three feet (3FT).
 3. **Front and Corner Yard Fences—Opacity.** Front and corner yard fences shall be constructed of an open design, which is defined as at least fifty percent (50%) open. For picket fences, the distance between pickets shall be no less than the width of the pickets themselves.
 4. **Rear and Side Yard Fences—Height.** Between the rear setback line or side setback line for structures and the rear façade or side of the principal structure, fences shall be no higher than six feet (6FT).
 5. **Rear and Side Yard Fences—Setback.** Rear and side yard fences **shall** be placed on the property line of the subject property **unless, at the descretion of the Planning and Zoning Administrator, there are substantial grounds to deviate.**
 6. **Rear and Side Yard Fences—Opacity.** Rear and side yard fences may be constructed of materials with a maximum opacity of 100%.
 7. **Fence Materials.** Fences in residential districts 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, stone and chain-link (rear yard only). All lumber fences shall be constructed so that the finished boards hide the vertical and horizontal posts when viewed from adjacent lots unless the fence is constructed in such a manner that the finished look of both sides of the fence is the same.
- viii. **Fences in Commercial and Mixed-Use Zones and Districts.** The following regulations shall govern fences located upon properties in commercial and mixed-use zones and districts:

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1. **Front and Corner Yard Fences—Height.** Between the front setback line for structures and the front facade of the principal structure, fences shall be no higher than four feet (4FT).
 2. **Front and Corner Yard Fences—Setback.** Front and corner yard fences shall be no closer to the right-of-way than three feet (3FT).
 3. **Front and Corner Yard Fences—Opacity.** Front and corner yard fences shall be constructed of an open design, which is defined as at least fifty percent (50%) open. For picket fences, the distance between pickets shall be no less than the width of the pickets themselves.
 4. **Rear and Side Yard Fences—Height.** Between the rear setback line or side setback line for structures and the rear façade or side of the principal structure, fences shall be no higher than eight feet (8FT).
 5. **Rear and Side Yard Fences—Setback.** Rear and side yard fences **shall** be placed on the property line of the subject property **unless, at the discretion of the Planning and Zoning Administrator, there are substantial grounds to deviate.**
 6. **Rear and Side Yard Fences—Opacity.** Rear and side yard fences may be constructed of materials with a maximum opacity of 100%.
 7. **Fence Materials.** Fences in mixed-use districts shall be constructed of materials that match or compliment any existing structures on a lot. This includes but is not limited to, painted or treated lumber, vinyl, wrought iron, painted aluminum, brick, and stone. All lumber fences shall be constructed so that the finished boards hide the vertical and horizontal posts when viewed from adjacent lots unless the fence is constructed in such a manner that the finished look of both sides of the fence is the same.
- ix. **Fences in Innovation Zone.** The following regulations shall govern fences located upon properties in the Innovation Zone:
1. **Front and Corner Yard Fences—Height.** Between the front setback line for structures and the front facade of the principal structure, fences shall be no higher than four feet (4FT).
 2. **Front and Corner Yard Fences—Setback.** Front and corner yard fences shall be no closer to the right-of-way than three feet (3FT).
 3. **Front and Corner Yard Fences—Opacity.** Front and corner yard fences shall be constructed of an open design, which is defined as at least fifty percent (50%) open. For picket fences, the distance between pickets shall be no less than the width of the pickets themselves.
 4. **Rear and Side Yard Fences—Height.** Between the rear setback line or side setback line for structures and the rear façade or side of the principal structure, fences shall be no higher than ten feet (10FT).
 5. **Rear and Side Yard Fences—Setback.** Rear and side yard fences **shall** be placed on the property line of the subject property **unless, at the discretion of the Planning and Zoning Administrator, there are substantial grounds to deviate.**
 6. **Rear and Side Yard Fences—Opacity.** Rear and side yard fences may be constructed of materials with a maximum opacity of 100%.
 7. **Fence Materials.** Fences in the Innovation Zone shall be constructed of materials that

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match or compliment any existing structures on a lot. This includes but is not limited to, painted or treated lumber, vinyl, wrought iron, painted aluminum, brick, and stone. All lumber fences shall be constructed so that the finished boards hide the vertical and horizontal posts when viewed from adjacent lots unless the fence is constructed in such a manner that the finished look of both sides of the fence is the same. Metal, non-chain-link, fences are permitted in the Innovation Zone.

8. **Barb-Wire Fences—Innovation Zone.** Fences containing barbs may be erected as rear fences to secure properties in the Innovation Zone. The Planning and Zoning Administrator shall only grant a fence permit for a fence of this type after determining that the nature and location of the fence is not a danger to the public or intended to injury persons engaged in lawful activity.
- x. **Fences in the Open Space/Schools Zone.** The following regulations shall govern fences located upon properties in the Open Space/Schools Zone:
1. **Front and Corner Yard Fences—Height.** Between the front setback line for structures and the front facade of the principal structure, fences shall be no higher than four feet (4FT).
 2. **Front and Corner Yard Fences—Setback.** Front and corner yard fences shall be no closer to the right-of-way than five feet (5FT).
 3. **Front and Corner Yard Fences—Opacity.** Front and corner yard fences shall be constructed of an open design, which is defined as at least fifty percent (50%) open. For picket fences, the distance between pickets shall be no less than the width of the pickets themselves.
 4. **Rear and Side Yard Fences—Height.** Between the rear setback line or side setback line for structures and the rear façade or side of the principal structure, fences shall be no higher than ten feet (10FT).
 5. **Rear and Side Yard Fences—Setback.** Rear and side yard fences shall be placed on the property line of the subject property unless, at the discretion of the Planning and Zoning Administrator, there are substantial grounds to deviate.
 6. **Rear and Side Yard Fences—Opacity.** Rear and side yard fences may be constructed of materials with a maximum opacity of 50%.
 7. **Fence Materials.** Fences in the Open Space/Schools Zone shall be constructed of materials that match or compliment any existing structures on a lot. This includes but is not limited to, painted or treated lumber, vinyl, wrought iron, painted aluminum, brick, and stone. All lumber fences shall be constructed so that the finished boards hide the vertical and horizontal posts when viewed from adjacent lots unless the fence is constructed in such a manner that the finished look of both sides of the fence is the same.
- C. **Corner Lots.** In the case of a corner lot, one side will be designated as the primary front yard, i.e the principal front of the building and the second side will be designated as the secondary front yard. Setbacks in primary and secondary front yard shall be placed three (3) feet from the Right-of-Way.
- D. **Service Fences.** Waste containers, air conditioning units, and electrical generators may be screened with fence materials allowable in the property's district and shall be considered decorative fences and not require a permit.
- E. **Temporary Fences.** Temporary fences may be constructed without a permit for the following reasons:

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- 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 feet (4FT) in height, and not enclose an area larger than five hundred square feet (500SF).
- v. Temporary fences may be constructed of materials or in a manner not consistent with the provisions of this chapter, but shall not be constructed in a manner designed to cause a hazard to public safety.
- vi. In the event a temporary fence exists for a period of thirty (30) days or more, and the Planning and Zoning Administrator determines that it is a hazard to public safety, the Planning and Zoning Administrator may require a fence permit or that the fence comply with any provision of this chapter.

F. Generally Applicable Fence Regulations.

- i. All fences, unless specifically exempt by this chapter, shall require a fence permit from the Planning and Zoning Administrator. No fence shall be erected, constructed, altered, relocated or rebuilt prior to obtaining a fence permit. An existing fence that requires new vertical posts to be set shall be considered an altered fence, and subject to a new permit. For the purposes of this chapter, a fence permit shall have the same effect as a zoning certificate in proving conformance with the Zoning Code.
- ii. Fences shall only be constructed in conformance with the provisions of this chapter and of the fence permit issued by the Planning and Zoning Administrator.
- iii. 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:
 - 1. Shadow box fences and fences of an open design, which is defined as at least fifty percent (50%) open will be the preferred fence styles. For picket fences, the distance between pickets shall be no less than the width of the pickets themselves.
 - 2. Privacy fences shall provide a gap between the vertical boards and the ground of no less than two inches (2IN).
- iv. 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 and Zoning 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.
- v. 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.

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- vi. 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.
- vii. Chain-link fences may not be utilized as a means of support for wooden privacy fences.

SECTION 1105.13 SUPPLEMENTARY USE CONDITIONS

- A. Temporary Land Use.** The Planning and Zoning Administrator shall have the power to grant permits authorizing temporary special land uses for the following types of temporary events ~~sales~~: tent sales, sidewalk sales, or seasonal sales of produce, plants, firewood, or Christmas trees.
- i. Zoning Districts Where Permitted.** Temporary special land uses for tent sales, sidewalk sales, or seasonal sales of produce, plants, firewood, or Christmas trees shall only be permitted in the Community Commercial Zone (CC), the Brice & East Main Street District (BMD) and the East Main Street District (EMD).
 - ii. Application and Fee.** Every person, firm or corporation desiring to obtain a temporary special land use permit, as required by this section, shall file an application with the Planning and Zoning Administrator together with an application fee. The application for a temporary special land use permit shall be accompanied by plans and specifications as required by the Planning and Zoning 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.
 - iii. Time Limitations**
 - 1. A temporary special use permit for a tent or sidewalk sale shall 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 Olde Reynoldsburg Commercial District, the Brice and East Main Street District, and the East Main Street District.
 - 2. A temporary special land use permit for the sale of Christmas trees shall 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 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 seasonal sales of produce, plants, or firewood shall be issued for any given location within a single calendar year.
 - 4. The Planning and Zoning Administrator or the Planning and Zoning Board ~~Board of~~

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~~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 and Zoning Administrator or the ~~Commission~~ Board in order to further the goals and principles of the Zoning Code.

- iv. **Regulations.** A temporary special use permit shall only be granted if the Planning and Zoning Administrator determines that the proposed use, including the erection of any temporary building or structure, will:
 1. Provide adequate light and ventilation between buildings and structures.
 2. Provide adequate automobile and pedestrian traffic flow.
 3. Provide adequate off-street parking.
 4. Will meet the intent of the Zoning Code or otherwise not interfere with the protection of public health, safety, and general welfare.
 5. 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 feet (1,000FT).
 6. No temporary special use shall be permitted if it reduces the parking on a lot by greater than twenty-five percent (25%).
 - v. **Vacant Lots.** 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.
 - vi. **Accessory Structures.** Tents and other temporary structures are subject to building permits and other regulation by the Building Division.
 - vii. **Variance.** The Planning and Zoning Administrator or the Planning and Zoning Board ~~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 and Zoning Administrator or the Planning and Zoning Board ~~Board of Zoning and Building Appeals~~ in order to further the intent of the Zoning Code or otherwise protect the public health, safety, and general welfare.
- B. **Special Events and Community Activities.** The following regulations apply to the approval and operation of special events and community activities.

- i. **Exceptions.** 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.
- ii. **Exceptions—Open Space Districts.** 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 Open Space/Schools District provided that the special event or festival meets the following conditions:
 1. The special event or festival takes place entirely on the lot or parcel associated with the existing approved semi-public use.
 2. 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.
- iii. **Exceptions—Non-Profit or Charitable Organizations.** A temporary special land use permit

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shall not be required for a special event or community activity conducted on a commercial parcel that is organized by a 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, **unless in consultation with the Director of Parks and Recreation and Public Service, the Planning and Zoning Administrator deems it appropriate to grant a permit.**

- iv. **Applicability.** Except as otherwise provided herein, the Planning and Zoning Administrator may require temporary special land use permit for any other type of special event.
 - v. **Accessory Structures.** Tents and other temporary structures for festivals and special events are subject to building permits and other regulation by the Building Division.
- C. **Regulations Applicable to Swimming Pools, Fish Ponds, and Water Parks.** A swimming pool, fish pond, or water park shall conform with all yard and setback requirements for accessory structures in the district in which it is located, as well as the following requirements:
- i. **Private Swimming Pool.** A private swimming pool, where in-ground or above-ground shall be permitted in any commercial, mixed-use or residential district as an accessory use provided that it complies with the following conditions and requirements:
 - 1. Use. The pool shall be intended and used solely for the enjoyment of the occupants of the main use of the lot on which it is located.
 - 2. The pool, including any walks or paved areas or accessory structures adjacent thereto, shall not be located closer than ten feet (10') to any lot line, shall not be closer than 10' from the principle structure and any accessory structures, and shall not be closer to any frontage than a distance ten feet (10') greater than the setback required for a principal building.
 - 3. The area of the swimming pool, exclusive of decks, walks, and other appurtenances, shall not exceed ten percent (10%) of the area of the lot.
 - 4. No lights, diving board, or other equipment or accessory shall project more than ten feet (10') above the average finished grade of the pool site.
 - 5. In ground pools are required to have a fence around the pool or the property, minimum height of 4 feet with a locking gate. Above ground pools are required to have a fence around the pool or the property, minimum height of 4 feet with a locking gate or a removable ladder that is able to be locked up
 - 6. A swimming pool shall be installed or constructed subsequent to and in conformance with the regulations of the Building Code and a permit issued by the Building Inspector. The Building Inspector shall not issue any permit for a swimming pool until he has submitted the application for a swimming pool to the Zoning Officer who shall determine compliance with the Zoning Code and issue a zoning certificate.
 - ii. **Community or Club Swimming Pool.** A community or club swimming pool means any pool constructed by an association of property owners or by a private club for use and enjoyment by members of the association or club and their families. Community and club swimming pools are permitted in any district, but shall comply with the following conditions and requirements:
 - 1. A community or club swimming pool shall be intended and used solely for the enjoyment of the members, their families and guests, and guests of the association or club under whose

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ownership or jurisdiction the pool is operated.

2. A community or club swimming pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than one hundred feet (100') to any lot line.
3. A community or club swimming pool and all of the area used by the bathers, including all adjacent deck areas, shall be so walled or fenced as to prevent uncontrolled access by children.

iii. Fish Pond, Water Garden. A body of water designed and used as a fish pond or as a water garden shall conform with all yard and setback requirements for accessory structures in the district in which it is located, as well as the following requirements.

1. Water depth shall not exceed twenty-four inches (24") unless enclosed by a fence forty-eight inches (48") in height with a locking gate.
2. Water surface area shall not exceed one hundred (100) square feet.

D. Portable Temporary Storage Units. A zoning certificate shall be obtained from the Zoning Administrator prior to the placement of a portable temporary storage unit on a property when the unit will be on the property for a period of more than seven days. No more than one unit is permitted on a property at any given time, the duration of which shall not exceed a period of fourteen days total. The unit must be placed on a hard surface (not grass), and must be on the property for which it is being used. The use of these units shall be limited to no more than twice in any twelve month period. Permission to exceed these limitations may be granted by the Planning and Zoning Board **Board of Zoning and Building Appeals**. A portable temporary storage units is not permitted as a permanent accessory structure regardless of the proposed location of the unit on a parcel.

i. Calamity exception. If the portable temporary storage unit is being used to store personal property as a result of major calamity (e.g. fire, flood, or other event where there is significant property damage), the Planning and Zoning Board **Board of Zoning and Building Appeals** or Zoning Administrator may extend these time periods.

ii. Approved construction project. If the portable temporary storage unit is being used to store materials as part of an approved construction project, the portable temporary storage unit may remain onsite as long as there is a valid open building permit obtained through the City of Reynoldsburg.

E. Outdoor Storage. The following regulations shall apply to the approval and operation of outdoor storage as an accessory use:

- i. Outdoor storage shall only be permitted in areas identified on the approved site plan. No such activity shall be located closer than fifty feet (50FT) to a residential zoning district boundary or road right-of-way abutting any residential zoning district or within ten feet (10FT) of any road right-of-way. Such activities shall not occupy any required parking area or driveway;
- ii. Any outdoor storage area located closer than one hundred feet (100FT) to a residential district shall, if determined to be visible from such district, be screened by a landscape buffer strip or other means indicated on the approved site plan;
- iii. Illumination of outdoor storage areas shall be designed to prevent glare or direct light from the

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- illumination source into residential areas;
- iv. Outdoor displays shall be maintained in a neat and orderly fashion. Waste material shall be contained within a storage area completely surrounded by a gated masonry wall six feet (6FT) in height or other screening approved by the Board. Such screening shall be set back from residential districts at least six feet (6FT) and landscaped according to the approved site plan;
 - v. The site plan submitted with an application for a conditional use permit shall indicate the types of merchandise or materials to be stored, and, if applicable, any seasonal changes of merchandise or materials;
 - vi. Outdoor repair, preparation, cleaning, assembly, disassembly, or other similar activities shall not be permitted unless the nature and location of such activity is specifically identified in the application and approved by the Planning and Zoning Administrator or the Planning and Zoning Board ~~Board of Building and Zoning Appeals~~.
- F. Self-Store.** The following regulations shall apply to the approval and operation of mini-storage facilities:
- i. All storage shall be within an enclosed building unless the nature and location of outdoor storage has been specifically approved by the Board in conformance with the supplementary regulations for outdoor sales, storage, or display;
 - ii. Loading and unloading areas shall be paved and shall be located only as approved by the Board;
 - iii. A minimum of five (5) parking spaces shall be provided near the leasing office. Sufficient space shall be provided in the paved lanes serving the storage units to accommodate on-site movement of vehicles and the parking and loading/unloading of the trucks, vans, trailers, and automobiles of persons using the units;
 - iv. An on-site leasing office shall be provided;
 - v. Fencing of the perimeter shall be provided as determined by the Planning and Zoning Administrator or the Planning and Zoning Board ~~Board of Zoning and Building Appeals~~ in a manner which promotes security and presents an appropriate appearance to abutting properties;
 - vi. A landscaped yard of at least twenty-five feet (25FT) in width shall be provided along any lot line of the subject site which abuts a residential area. This area shall not be covered by buildings, parking or drives;
 - vii. Door openings facing residential areas shall not be permitted unless approved by the Planning and Zoning Administrator or the Planning and Zoning Board ~~Board of Zoning and Building Appeals~~;
 - viii. Activities on the site shall be limited to the storage of property only. Other activities, such as the operation of tools, rummage sales, temporary residency, shall be prohibited unless specifically permitted by the Planning and Zoning Administrator or the Planning and Zoning Board ~~Board of Zoning and Building Appeals~~;
 - ix. Hours of operation shall only be as approved by the Planning and Zoning Administrator or the Planning and Zoning Board ~~Board of Zoning and Building Appeals~~; after consideration of the impact of the proposed use upon the character, safety, and tranquility of the neighborhood.
- G. Indoor Storage Facilities.** The following regulations apply to the approval and operation of indoor storage facilities:

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- i. A minimum of twenty percent (20%) of the floor area of any structure proposed to be used as an indoor storage facility shall be used for other uses permitted within the respective zoning district, unless otherwise specifically approved by the Board on the approved site plan.
- ii. All storage shall take place within an enclosed individual storage unit that is rented or leased on an individual basis. Storage shall be prohibited outside of the structure or within designated aisle areas with exception of vehicle and recreational vehicle storage areas clearly shown on the plan.
- iii. A rental or leasing office shall be required to be located on-site.
- iv. No more than one (1) external garage-door entrance shall be provided for each twenty (20) storage units within the structure.
- v. A landscaped yard of at least twenty-five feet (25FT) in width shall be provided along any lot line of the subject site which abuts a residentially zoned property. A reduction of this buffer may be approved by the Board if alternate means of screening are provided and specifically approved on the site plan.
- vi. Caretaker/residential units are prohibited.
- vii. One (1) parking space shall be located on the site for each seventy-five (75) storage units, in addition to other required parking for all other uses on the site.

H. Childcare Centers. The following regulations shall apply to conditional use permits for childcare centers:

- i. No zoning permit or conditional use permit for a childcare center shall be issued for a lot that is within one hundred fifty feet (150FT) of any lot or parcel with an approved gasoline station use, or which is likely to generate noxious fumes or vapor.
- ii. All outdoor play areas shall meet the minimum requirements outlined by the State agency with oversight of childcare centers. No play area shall be located adjacent to a loading space, loading dock or other area where vehicles are likely to idle. No play area shall be constructed in a manner that allows children access to any electrical or telecommunications box/vault.
- iii. No childcare center shall be permitted to operate between the hours of 7:00 p.m. and 6:00 a.m. the following morning unless specifically approved by the Planning and Zoning Administrator or the Planning and Zoning Board ~~Board of Zoning and Building Appeals~~.

I. Home Occupations. The following regulations shall apply to the approval and operation of a home occupation as an accessory use in a dwelling:

- i. No person who is not a permanent resident of the dwelling shall be employed in the home occupation;
- ii. The home occupation shall be clearly incidental and subordinate to the dwelling use. No more than fifteen percent (15%) of the floor area of all buildings on the lot shall be used in the conduct of the home occupation;
- iii. There shall be no change in the outside appearance of the dwelling or lot, or other visible evidence of the conduct of the home occupation. No sign is permitted.
- iv. The home occupation shall not generate traffic in greater volumes than would normally be expected in a residential neighborhood.

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- v. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises.
 - vi. Prior to establishing a home occupation, the owner or occupant of the dwelling shall apply and receive approval for a zoning certificate from the Planning and Zoning Administrator.
- J. Pawnbrokering, Bookmaking, Betting, Adult Oriented Businesses.** The following requirements shall apply to the approval and operation of pawnbrokering, bookmaking, betting, scheme/game of chance, massage establishment, body piercing establishment, tattoo establishment, adult bookstore, adult motion picture theater, adult video store: No such conditional use for these uses shall be conducted within one thousand feet (1,000FT) of the property line of any church, childcare center, public or private school, public library, public park lands, or any premises that sell or distribute alcoholic beverages.
- K. Gasoline Stations.** The following regulations shall apply to the approval and operation of gasoline stations:
- i. Parking of employee vehicles, vehicles used in the operation of the business, vehicles awaiting servicing or return to customers after servicing, and vehicles held for disposal shall only be permitted in the locations approved on the site plan. Parking and storage of vehicles not related to the principal use of the site shall not be permitted.
 - ii. Vehicle sales, service, rental, or leasing shall not be permitted on the site unless specifically approved.
 - iii. Retail sales of products other than vehicular fuels shall be permitted only within an enclosed structure which shall comply with all provisions of the district, including requirements for parking. Outdoor display, storage, or sale of goods shall not be permitted on the site unless specifically approved in the conditional use permit and in conformance with the supplementary standards for outdoor display, storage, and sale.
 - iv. Temporary outdoor storage of discarded materials, vehicle parts, scrap and other waste prior to collection shall only be permitted within a storage area completely surrounded by a gated masonry wall six feet (6FT) in height or other screening approved by the Planning and Zoning Administrator or the Planning and Zoning Board **Board of Zoning and Building Appeals**. Such screening shall be set back from residential districts at least ten feet (10FT) and landscaped according to the approved site plan.
 - v. Fuel pumps and canopies shall conform to all requirements of this chapter with regard to height, setbacks, and signs.
 - vi. Air compressor pumps (e.g., for tire inflation) and other outdoor equipment shall be identified on the site plan and shall be located in a manner which minimizes noise impacts on residential areas.
 - vii. Curb cuts shall be limited to two (2) per site. On corner lots, curb cuts shall be limited to one (1) per street.
- L. Drive-Thru Service.** The following regulations shall apply to the approval and operation of drive-thru

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establishments:

- i. Loudspeakers shall be located and designed, with volume and hours of operation controlled, in a manner to minimize noise impacts on nearby residential uses.
- ii. Lanes required for vehicle access to and waiting for use of a drive-thru facility shall be designed to have sufficient length to accommodate the peak number of vehicles projected to use the facility at any one (1) time, to provide escape/abort lanes for vehicles desiring to leave the stacking lanes or to avoid disabled vehicles, and to minimize impacts on the use of other required parking or drives or on the use of abutting streets and hazards to pedestrians. The Planning and Zoning Administrator or Planning and Zoning Board **Board of Zoning and Building Appeals**, as applicable, may require a traffic study which documents the projected vehicular use of the proposed facilities and evidence of compliance with the provisions of this Zoning Code.
- iii. The Planning and Zoning Administrator or Planning and Zoning Board **Board of Zoning and Building Appeals**, as applicable, may impose restrictions on the hours of operation in order to reduce inappropriate impacts on abutting uses and on street traffic and to ensure compatibility with normal vehicular activity in the district.
- iv. The applicant shall so design the site plan or otherwise provide assurances as to reduce the impacts of lighting, litter, noise, and exhaust resulting from the facility, especially impacts on nearby residential uses.

M. Solar Panels and Solar Panel Arrays. The following regulations shall apply to the installation of solar panels and solar panel arrays:

- i. **Accessory Use.** A solar panel or a solar panel array, in each case, whether freestanding or roof mounted, shall be classified as a permitted accessory use in all zoning districts in the city, subject to the regulations set forth herein. Any solar panel or solar panel array shall be installed in accordance with all applicable building and electrical codes. Except as otherwise, provided herein, solar panels and solar panel arrays shall be installed and located in accordance with the zoning regulations for the base zoning district in which such panels or arrays are to be installed. A zoning certificate is required for freestanding solar panels or solar panel arrays only.
- ii. **Roof mounted solar panels and solar panel arrays.** Roof-mounted solar panels or solar arrays shall be located in accordance with the following regulations.
 1. **Roof Line.** A roof-mounted solar panel or solar panel array shall not be located so that it extends beyond the roof line in any direction including above and beyond the roof peak.
 2. **Roof Height Projection.** When located on a flat roof, solar panels or solar panel arrays shall not be project vertically more than ten feet from the surface of the flat roof. For purpose of this subsection, "flat roof" shall mean any roof that is less than seventeen (17) degrees or 2/12 pitch.
 3. **Glare.** Roof mounted solar panels or solar panel arrays shall not be positioned so as to create glare on to adjacent roads, buildings, lots, or rights-of-way.
- iii. **Freestanding solar panels and solar panel arrays.** Free-standing solar panels or solar arrays shall be located in accordance with the following regulations.
 1. **Location.** Freestanding solar panels or solar panel arrays shall not be located in front of any principal building and shall not project past the width of the principal building.
 2. **Height.** The maximum height for any freestanding solar panel or solar panel array shall be

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the maximum height of an accessory structure in the base zoning district in which the solar panel or solar panel array is located.

3. **Glare.** Freestanding solar panels or freestanding solar panel arrays shall be located so as not to create glare onto adjacent roads, buildings, lots, or rights-of-way.
 4. **Lot Coverage.** The maximum lot coverage for any freestanding solar panel or freestanding solar panel array shall be ten percent (10%) of the total lot area with the lot coverage being determined based upon the area of the face of the solar panels.
 5. **Screening.** All freestanding solar panels or freestanding solar panels with a ground storage battery shall secure such battery with a secure cover.
 6. **Wind Resistance.** All freestanding solar panels and freestanding solar panel arrays shall be able to withstand velocities of no less than one -hundred and ten (110) miles per hour.
- iv. **Site Plan.** Any application for a solar panel or solar panel array under this section shall be accompanied with a site plan depicting the following items:
1. The location of the panels or panel array;
 2. The height of the panels or panel array;
 3. For roof mounted panels and panel arrays, an overhead view of the roof identifying all vents, chimneys, or other appurtenances, including vertical objects (e.g. trees), that may affect the location of panels;
 4. For freestanding panels and panel arrays, a calculation of the lot coverage of the panels or panel array;
 5. An indication of whether any freestanding panel or panel array has a ground storage battery, and, if so, how such battery will be secured;
 6. The manufacturer cut sheet for the model to be installed; and
 7. Such other information as the Planning and Zoning Administrator may determined to be necessary to evaluate compliance with this section and with the Zoning Code.
- v. **Decommissioning.** The Planning and Zoning Administrator shall be notified in writing by the owner of any previously permitted solar panel or solar panel array upon the permanent discontinuance of energy production, and panels and/or arrays shall be completely removed within nine (9) months of discontinuance of use and the affected area shall be fully restored to its preconstruction condition or better within three (3) months of the date of such removal.
- N. **Licensed Medical Marajuana Cultivation, Processing, and Dispensaries.** The following regulations shall apply to conditional use permits for any medical marajuana facility:
- i. Any and all medical marajuana facilities in the City shall be licensed by the Department of Commerce and under Chapter 785 of the Codified Ordinances of the City of Reynoldsburg.
 - ii. No medical marajuana facility shall be located within a five hundred (500) feet radius of another such medical marajuana facility measured from the centerline of the front door of the establishment.
 - iii. No medical marajuana facility shall be located within a five hundred (500) feet radius of any public park, residential district, or school, as measured from the centerline of the front door of the establishment.

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- iv. The exterior of any medical marijuana facility shall be properly screened such that activities, with the exception of administrative tasks, occurring within the facility cannot be observed from any public right of way.
- v. Any Medical Marijuana Cultivation or Processing Facility shall not be permitted with any other use located on the same parcel of land or located within the same building.

SECTION 1105.15 TELECOMMUNICATIONS FACILITIES

- A. In recognition of the quasi-public nature of cellular and/or wireless telecommunication systems, it is the purpose of these regulations to: accommodate the need for cellular or wireless telecommunications towers and facilities for the provision of personal wireless/cellular services while regulating their location and number in the City; minimize adverse visual effects of telecommunication towers and support structures through proper siting, design, and screening; to minimize the adverse impacts that telecommunication facilities may have on the health, safety and welfare of the public; to avoid potential damage to adjacent properties from telecommunication tower and support failure; and to encourage the joint use of any new and existing telecommunication towers and support structures to minimize the number of such structures. The following requirements shall apply to conditional use permits for wireless telecommunication facilities:
 - B. **Special Application Requirements.** A site plan shall include the following:
 - i. The total area of the lot;
 - ii. The existing zoning of the site and all adjoining lots;
 - iii. All public and private right-of-way and easements located on the lot;
 - iv. The location of all existing buildings and structures on the lot; all buildings or structures and uses within five hundred feet (500FT) of the tower site; and the proposed location of the wireless/cellular communication tower and all wireless/cellular communication support structures including dimensions, heights, and, where applicable, the gross floor areas;
 - v. The location and dimensions for all curb cuts, driving lanes, off-street parking spaces, grades, surfacing materials, drainage plans, illumination of the facility, and landscaping;
 - vi. The location of all proposed fences, screening and walls;
 - vii. Any other information as may be required by the Board.
 - viii. A report prepared by a licensed professional engineer documenting the height, design, proof of compliance with nationally accepted structural standards, and a description of the tower's capacity, which shall include the number and types of antennae it can accommodate.
 - ix. For the purpose of demonstrating the necessity for the erection of any new telecommunication tower, any applicant requesting permission to install a new tower shall provide evidence of written communication with all other wireless/cellular service providers who supply service within a one (1) mile radius of the proposed facility requesting use of the other providers' towers for collocation of the applicant's antennae. The contacted provider shall be requested to respond in writing to the inquiry within thirty (30) days. The applicant's letter(s) as well as the responses received shall be presented to the Board to demonstrate the need for a new tower.

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- x. The applicant shall also provide evidence of written communication with owners of nearby tall structures within a one (1) mile radius of the proposed tower site, asking permission to install the wireless/cellular antennae on those structures. Tall structures shall include, but not be limited to: smoke stacks, water towers, buildings over fifty feet (50FT) in height, other communication towers, and roadway light poles.
 - xi. The facility owner/operator shall present a maintenance plan demonstrating responsibility for the site.
 - xii. The applicant shall provide a copy of a permanent easement or appropriate leasehold estate providing for access to the tower site. The access to the tower sight must be maintained regardless of other development that may take place on the site.
 - xiii. The communication company must demonstrate proof to the City that the company is licensed by the Federal Communications Commission (FCC).
- C. The following additional regulations shall apply to wireless telecommunications facilities:
- i. Wireless or cellular telecommunication sites shall be located at least two hundred fifty feet (250FT) from any residential zoning district.
 - ii. The setback between the base of the tower or any guy wire anchors and any property line shall be located a distance which is at least forty percent (40%) of the tower's height or fifty feet (50FT), whichever is greater.
 - iii. The maximum height of a telecommunication tower shall be two hundred feet (200FT). The maximum height of the equipment building shall be thirty-five feet (35FT).
 - iv. Maximum size of an equipment building shall be seven hundred and fifty square feet (750SF).
 - v. The minimum lot size and area restriction shall be the same as permitted for any other use in the Innovation Zone.
 - vi. A security fence eight feet (8FT) in height with barbed wire around the top shall completely surround the tower, the equipment building and any guy wires.
 - vii. Towers and antennae shall be designed to withstand wind gusts of at least one hundred miles per hour (100MPH).
 - viii. The tower shall be painted in a non-contrasting gray or similar color to minimize its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
 - ix. No graphics advertising is permitted anywhere on the facility.
 - x. Buffer planting shall be located around the perimeter of the security fence as follows: An evergreen screen shall be planted that consists of either a hedge or evergreen trees that shall provide a minimum of seventy-five percent (75%) opacity year round.
 - xi. The tower shall not be artificially lighted except to assure safety or as required by the FAA.
 - xii. Warning signs shall be posted around the facility with an emergency telephone number of whom to contact in the event of an emergency.
 - xiii. The owner/operator of any telecommunications facility shall design such facility so that additional service providers may add their antennae, platforms, and associated hardware to the

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- structure at a later date. The owner/operator shall negotiate in good faith with other providers for the collocation of other service providers' antennae at the facility, shall cooperate with the City in identifying other wireless/cellular service providers for the purpose of negotiating sublease agreements for collocation of other service providers' antennae at the facility, and shall not interfere or hinder service providers from utilizing the facility.
- xiv. Where possible, an antenna or tower for use by a wireless/cellular service providers shall be attached to an existing structure or building. A new wireless communication facility shall not be erected if there is a technically suitable space for wireless communication facility available on an existing wireless communication tower or other suitable structure within the applicant's search area. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing structure or that bona fide efforts to negotiate location on structures have been rejected.
 - xv. Any owner of a tower whose use will be discontinued shall submit a written report to the Planning and Zoning Administrator indicating the date on which such use shall cease. If at any time the use of the facility is discontinued for one hundred eighty (180) days (excluding any dormancy period between construction and the initial use of the facility), the Board may declare the facility abandoned. The tower owner and the owner of the property upon which the tower is located shall receive written instruction from the Board to either reactive the use within one hundred eighty (180) days or dismantle and remove the facility.
 - xvi. If reactivation does not occur within said period, the City may thereafter proceed to move the facility and assess the costs of removal to the owner, as well as certify those costs to the County Auditor as a lien against the property.
 - xvii. In addition to the foregoing requirements, the following standards, items A. through D., shall apply to wireless or cellular telecommunications facilities permitted on a property with an existing use:
 - 1. The existing use on the property may be any permitted use or lawful nonconforming use in the Innovation Zone, and said use need not be affiliated with the wireless/cellular telecommunication provider.
 - 2. The telecommunication facility shall be fully automated and unattended on a daily basis.
 - 3. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 - 4. Subsequent to approval of a conditional use permit for a telecommunication tower, the owner shall submit building permit applications to the City for any additional antennae proposed to be placed on the tower. A new zoning certificate will not be required, unless the Planning and Zoning Administrator determines that such additions do not conform with the approved conditional use permit.

SECTION 1105.17 CONVERSION OF DWELLING UNITS

- A. In the SR, RM, and ORD-N, a structure may be converted to accommodate an increased number of dwelling units, provided that the proposed dwellings and lot conform with all requirements for new dwellings in the district, including the permitted number of dwellings, all yard and lot dimensions, floor area for each dwelling, and required parking spaces.

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SECTION 1105.19 PERFORMANCE STANDARDS

- A. **Applicability.** Every permitted use and conditional use permit shall conform to the performance standards in this chapter and to the laws and regulations of the State of Ohio and of the federal government. Any use permitted by this Zoning Code may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the performance standards. Compliance with these standards shall be required during all times of operation of the approved activity or use.
- B. **Existing Use.** An existing use which does not conform with these performance standards shall not be enlarged or remodeled if: the enlargement or remodeling will cause greater noncompliance with the performance standards which exist at the time of the proposed enlargement or remodeling; or if the nonconforming conditions are not brought into compliance as a result of or concurrently with the enlargement or remodeling.
- C. **Measurement Procedures.** Methods and procedures for the determination of compliance with these performance standards shall conform to applicable methodologies prescribed by this Zoning Code or to applicable standard measurement procedures published by the American National Standards Institute, New York, N.Y., the Manufacturing Chemists' Association, Inc., Washington, D.C. and the United States Bureau of Mines, the National Fire Protection Association, the Ohio Environmental Protection Agency, and other recognized organizations whose standards are acceptable to the Zoning Official.
- D. **Studies to Demonstrate Compliance.** When the Planning and Zoning Administrator or the Planning and Zoning Board **Board of Zoning and Building Appeals** determines that either the information provided by the property owner is not sufficient to determine compliance with the performance standards without providing additional studies or expert advice, or that the information provided by the owner is of such nature, complexity, or quantity that the Planning and Zoning Administrator or the Board is not able to make a determination of compliance without additional studies or expert advice, then the Planning and Zoning Administrator shall advise the owner that such studies or advice are required. The Planning and Zoning Administrator and the Board may accept the required studies prepared by qualified professionals engaged by the owner or the owner shall deposit funds with the City as required to pay for such studies or expert advice.
- E. **Control of Objectionable Processes and Operations.** The Planning and Zoning Administrator or Planning and Zoning Board **Board of Zoning and Building Appeals**, prior to the issuance of a zoning certificate, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements, including those described in the following performance standards, involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.
- F. **Performance Standards.** The following performance standards shall be applicable to the operation of any use permitted under this Zoning Code.
 - i. **Fire Hazards.** Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

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- ii. **Radioactivity or Electrical Disturbance.** No activity shall emit dangerous radioactivity at any point or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- iii. **Noise and Vibration.** All activities shall comply with the provisions of Section 509.11 of the Code of Ordinances and all other regulations of the City relating to noise and vibration.
- iv. **Smoke Emission.** Smoke shall not be emitted with a density greater than No. 1 on the Ringelmann Chart as issued by the U. S. Bureau of Mines except for flow-off periods of ten minutes duration of one per hour when a density of not more than No. 2 is permitted.
- v. **Odors.** No malodorous gas or matter which is offensive or produces a public nuisance or hazard on any adjoining lot shall be permitted.
- vi. **Air Pollution.** No pollution of air by fly-ash, dust, vapor or other substance which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling shall be permitted.
- vii. **Glare.** No direct or reflected glare which is visible from any lot outside any Industrial District or from any public street, road or highway shall be permitted.
- viii. **Erosion.** No erosion, by either wind or water carrying objectionable substance onto neighboring properties shall be permitted.
- ix. **Water Pollution.** Pollution of water shall be subject to the requirements and regulations established by the State Water Pollution Control Board.
- x. **Toxic or Noxious Matter.** No use, operation, or activity shall emit or discharge toxic or noxious matter in any form, particularly as identified on the USEPA Extremely Hazardous Substances List, which may be detrimental to the public health, safety or general welfare or which may endanger the natural environment. Provisions for the proper storage, use, and disposal of hazardous and/or toxic materials shall conform to the standards and requirements for such materials established by the USEPA and OEPA.

1107

NON-
CONFORMITIES

Non-Conformities

SECTION 1107.01 ADMINISTRATION OF NON-CONFORMITIES

- A. The following sets forth the rights of a property owner to continue, enlarge, repair, alter, replace, or discontinue a non-conforming use or structure.
- B. Table 1107.01 A summarizes the decisions relative to nonconformities and the role of each of the administrative, quasi-judicial, quasi-legislative, and legislative reviewing parties.

SECTION 1107.03 APPLICABILITY

- A. Non-conforming uses are declared by this Code to be incompatible with permitted uses in the zones and districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of structure and land in combination, shall not be extended or enlarged after passage of this 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 zone or district involved.

SECTION 1107.05 EFFECT OF ACTUAL CONSTRUCTION

- A. To avoid undue hardship, nothing in this 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 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 commenced, such substantial excavation, demolition or removal shall be deemed to be actual construction, provided that work is carried on diligently after such excavation, demolition or removal. For the purposes of this Section 1107.05 substantial excavation, demolition or removal shall mean the completion of at least 75% of the scope of applicable work.

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TABLE 1107.01 A		
DETERMINATIONS OF:	ZONING ADMINISTRATOR	PLANNING AND ZONING BOARD (PZB)
ENLARGEMENT		
Application Submitted To:	X	
Decision By:		X
Appeal To:		
REPAIR OR ALTERATION		
Application Submitted To:	X	
Decision By:	X	
Appeal To:		QJ
REPLACEMENT		
Application Submitted To:	X	
Decision By:	X	
Appeal To:		QJ
DISCONTINUANCE		
Application Submitted To:	X	
Decision By:	X	
Appeal To:		QJ
KEY		
QJ	Quasi-Judicial Decision	

SECTION 1107.07 SINGLE-FAMILY DWELLINGS

- A. In any zone or 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 Code notwithstanding limitations imposed by other provisions of this 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 or zone, 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 or zone in which such lot is located, except that the minimum side yards may be reduced ten percent (10%) of the width of the lot, provided that no side yard shall be less than the least of the applicable district or zone regulation and three feet (3FT). Variance of yard requirements shall be obtained only through action of the Planning and Zoning Board (PZB) ~~BZBA~~.

NON-CONFORMITIES

SECTION 1107.09 CONTIGUOUS LOT

- A. If two (2) 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 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 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 Code, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this Code.

SECTION 1107.11 ALTERATION OF NON-CONFORMING STRUCTURE

- A. No such non-conforming structure may be enlarged or altered in a manner which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. If lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Code that would not be allowed in the district under the terms of this Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- i. No existing structure devoted to a use not permitted by this Code in the zone or 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 zone or district in which it is located.
 - ii. Any non-conforming 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 Code, but no such use shall be extended to occupy any land outside such building.
 - iii. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the applicable zone or district, and the non-conforming use may not thereafter be resumed.
 - iv. Where a non-conforming use has been discontinued, meaning that the structure containing the use has remained vacant, unoccupied, unused or has ceased the daily activities or operations which had occurred, for a period of 3 or more continuous months, the non-conforming use shall be permanently terminated.
 - v. Any non-conforming structure damaged to an extent of more than 75% of its then fair market value, exclusive of foundations, shall not be restored or reconstructed, used or occupied as a non-conforming use. If such damage amounts to 75% or less of the fair market value, the non-conforming structure may be restored, provided a building permit is obtained and that such restoration shall begin within one year from the time of damage. The PZB ~~BZBA~~ may approve the reconstruction of a non-conforming structure damaged to a greater extent than permitted herein upon review of a site and design plan submitted in accordance with the requirements for site and design plan submittal under Chapter 1109.

SECTION 1107.13 CONTINUATION OF NON-CONFORMITY

- A. If lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Code that would not be allowed in the district under the terms of this Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- i. No existing structure devoted to a use not permitted by this Code in the zone or 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 zone or district in which it is located.
 - ii. Any non-conforming 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 Code, but no such use shall be extended to occupy any land outside such building.
 - iii. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the applicable zone or district, and the non-conforming use may not thereafter be resumed.
 - iv. Where a non-conforming use has been discontinued, meaning that the structure containing the use has remained vacant, unoccupied, unused or has ceased the daily activities or operations which had occurred, for a period of 3 or more continuous months, the non-conforming use shall be permanently terminated.
 - v. Any non-conforming structure damaged to an extent of more than 75% of its then fair market value, exclusive of foundations, shall not be restored or reconstructed, used or occupied as a non-conforming use. If such damage amounts to 75% or less of the fair market value, the non-conforming structure may be restored, provided a building permit is obtained and that such restoration shall begin within one year from the time of damage.
 - vi. The PZB ~~BZBA~~ may approve the reconstruction of a non-conforming structure damaged to a greater extent than permitted herein upon review of an application for variance submitted pursuant to Chapter 1109 of this Code.

SECTION 1107.15 REPAIRS AND ALTERATIONS

- A. Repairs, alterations and maintenance work as required to keep said non-conforming structure in sound condition and repair may be made to a non-conforming structure; provided that the total repairs and alterations shall not exceed 50% of the structure's then fair market value.
- B. Nothing in this 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.

NON-CONFORMITIES

SECTION 1107.17 EFFECT OF PRIORI REGULATIONS

- A. Chapter 1195 of Ordinance 37-69 (passed May 12, 1969) established requirements for certificates for those lawful non-conforming uses which were established prior to the effective date of that ordinance. The adoption of this Code shall not repeal or diminish those requirements or rights which were applicable to the lawful non-conforming 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 Code, which use or structure does not conform with one (1) or more of the provisions of this Code, shall be deemed a non-conforming use or structure under the provisions of this Code. Provided that such non-conforming use or structure was established in conformance with the zoning provisions in effect prior to adoption of this 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 non-conforming use or structure and shall be permitted to continue under the provisions of this Code.

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ADMINISTRATION AND PROCEDURES

Administration and Procedures

SECTION 1109.01 REVIEW AND APPROVALS SUMMARY

- A. This Chapter sets forth the powers and duties of the Planning and Zoning Administrator and the Planning and Zoning Board ~~Board of Zoning and Building Appeals (BZBA), and the Planning Commission~~ relative to the administration and enforcement of this Zoning Code.
- B. The following table summarizes the applications and role of each of the administrative, quasi-judicial, quasi-legislative, and legislative reviews set forth in this Title and the responsible reviewing party:

TABLE 1109.01A			
APPLICATION TYPE	ZONING ADMINISTRATOR	PLANNING AND ZONING BOARD (PZB)	COUNCIL
ZONING CERTIFICATES			
Application Submitted To:	X		
Decision By:	A		
Appeal To:		QJ	
VARIANCES			
Application Submitted To:	X		
Decision By:		QJF	
Appeal To:			
CONDITIONAL USES			
Application Submitted To:	X		
Decision By:	A	QJF (optional)	
Appeal To:			

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TABLE 1109.01A			
APPLICATION TYPE	ZONING ADMINISTRATOR	PLANNING AND ZONING BOARD (PZB)	COUNCIL
SIMILAR USE DETERMINATION			
Application Submitted To:	X		
Decision By:		QJ	
Appeal To:			QJ
SITE PLAN REVIEW AND DESIGN REVIEW			
Application Submitted To:	X		
Decision By:	A Standard Plan	QJ Major Plan	
Appeal To:			
ZONING TEXT AND MAP AMENDMENT			
Application Submitted To:	X		X
Decision By:	A	QL	LS
Appeal To:			

KEY	
A	Administrative Decision
QJ	Quasi-Judicial Decision
QJF	Quasi-Judicial Decision-Final Appealable Decision
QL	Quasi-Legislative Decision
LS	Legislative Decision
X	Responsible for Application Intake and Determination of Completeness

ADMINISTRATION AND PROCEDURES

SECTION 1109.03 PLANNING AND ZONING ADMINISTRATOR

- A. Unless otherwise directed by the Director of Development, the Planning and Zoning Administrator shall have the following responsibilities and powers:
- i. Enforce the provisions of this Code and interpret the meaning and application of its provisions;
 - ii. Receive, review and make determinations on applications for zoning certificates;
 - iii. Issue zoning certificates as provided by this Code and keep a record of same with notations of special conditions involved;
 - iv. Review and process standard site and design plans pursuant to the provisions of this Code;
 - v. Make determinations on whether violations of this Code exist, determine the nature and extent thereof, and notify the owner in writing pursuant to the procedures in this Code;
 - vi. Conduct inspections of buildings and uses of land to determine compliance or noncompliance with this Code;
 - vii. Review, process, and approve or deny applications for conditional use permits pursuant to the provisions of this Code.
 - viii. Maintain permanent and current records required by this Code, including, but not limited to, the Zoning Map, zoning certificates, inspection documents and records of all variances, amendments and Conditional Uses, which shall be made available for use of the Council and Planning and Zoning Board ~~, Planning Board, the Board of Zoning and Building Appeals (BZBA)~~ and the public;
 - ix. Determine the existence of any violations of this Code and enforce this Code;
 - x. Revoke a Zoning Certificate or approval issued contrary to this Code or based on a false statement or misrepresentation on the application;
 - xi. Administer the Flood Plain regulations set forth under Chapter 1103 of this Code; and
 - xii. Such other administrative duties as specifically granted to them from time to time by the Mayor or the Director of Development

SECTION 1109.05 PLANNING AND ZONING BOARD PLANNING COMMISSION

- A. The City of Reynoldsburg Planning and Zoning Board ~~Planning Commission~~ is established and organized in accordance with Section 7.01, Article VII of the Charter.
- B. The Planning and Zoning Board ~~Planning Commission~~ shall have the following powers and duties under this Code and in furtherance of the Charter:
- i. Initiate advisable Zoning Map changes, or changes to the text of the Code where the same will promote the best interest of the public in general through recommendation to the City Council;
 - ii. Review all proposed amendments to this Code, whether map amendment or text amendment;
 - iii. Review plats and subdivision regulations in accordance with Chapter 1111;

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- iv. Review and approve or deny approval of certificates of appropriateness, as provided in Chapter 1109.21 hereof;
- v. Review of site plans in accordance with Chapter 1109.19 hereof;
- vi. Establish such reasonable conditions, regulations, and standards in the approval of a district change, site plan and design approval, certificate of appropriateness, or other official action as necessary to ensure a project complies with the purpose and intent of this Code and of the ordinances of the City;
- vii. Exercise any powers, duties or functions provided to municipal planning Boards by state law that do not otherwise conflict with City Council's ordinances or resolutions, this Code or the Charter; and
- viii. Such other official action consistent with the powers, duties, or authorities of the Board ~~Commission~~ as set forth by the provisions of the Charter, this Code, or assigned by City Council.
- ix. ~~To permit exceptions to and variances from the provisions of this Code, as provided in Chapter 1109.13 hereof;~~
- x. ~~To authorize or deny a conditional use permit where the Planning and Zoning Administrator has forwarded an application to the PZB BZBA for review;~~
- xi. ~~To authorize the operation of a similar use through the similar use determination process set forth under Chapter 1109.17 hereof;~~
- xii. ~~To establish such reasonable conditions, regulations, and standards in the approval of a, conditional use, 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 Code and of the ordinances of the city;~~
- xiii. ~~To make interpretations, upon request of the Planning and Zoning Administrator or upon appeal from any property owner of the city, of the meaning and application of the provisions and illustrations of this Code and of the Zoning Map of the city including:~~
 - 1. ~~Determination of the exact boundary lines of districts or zones;~~
 - 2. ~~Determination of the meanings of the permitted uses and conditional uses as listed in the districts or zones;~~
 - 3. ~~Determination of the rules applicable to the filing of applications, review procedures, and permit issuances; provided however, the PZB BZBA shall not make such interpretations as the City Attorney may determine should be a matter of legislative action by City Council;~~
- xiv. ~~To grant or deny a zoning certificate when the question of the issuance of such certificate is referred to it by the Planning and Zoning Administrator, or when the provisions of this Zoning Code indicate that the Board shall consider such question;~~
- xv. ~~To overrule or amend any official action of the Planning and Zoning 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 Code. For such purpose, the Board may make null and void any zoning certificate issued or any action taken by the Planning and Zoning Administrator by notifying the Planning and Zoning Administrator and the principal interested party or parties in writing;~~
- xvi. ~~To hear appeals from the Property Maintenance Code as provided for in that code; and~~

ADMINISTRATION AND PROCEDURES

- xvii. Such other official action consistent with the powers, duties, or authorities of the Board as set forth by the provisions of the Charter this Code or assigned by City Council.
- C. In furtherance of its duties and powers under this Code and the Charter, the Planning and Zoning Board ~~Planning Board~~ shall operate in accordance with the following procedures:
 - i. ~~Three (3)~~ Four (4) members present shall constitute a quorum of the Planning Board.
 - ii. All actions taken by the Planning and Zoning Board ~~Planning Board~~ shall be initiated by motion and shall be recorded in the minutes.
 - iii. The Planning and Zoning Board ~~Planning Board~~ shall keep minutes of its proceedings showing the vote of each member upon each application or questions, or, if a member is absent or fails to vote, the minutes shall indicate such fact.
 - iv. ~~Three (3)~~ Four (4) affirmative votes shall be required for the adoption of any motion.

SECTION 1109.07 ~~BOARD OF ZONING AND BUILDING APPEALS (BZBA)~~

- A. ~~The City of Reynoldsburg Board of Building and Zoning Appeals (BZBA) is established and organized in accordance with Section 7.02, Article VII of the Charter.~~
- B. ~~The powers and duties of the BZBA shall be as follows:~~
 - i. ~~To permit exceptions to and variances from the provisions of this Code, as provided in Chapter 1109.13 hereof;~~
 - ii. ~~To authorize or deny a conditional use permit where the Planning and Zoning Administrator has forwarded an application to the BZBA for review;~~
 - iii. ~~To authorize the operation of a similar use through the similar use determination process set forth under Chapter 1109.17 hereof;~~
 - iv. ~~To establish such reasonable conditions, regulations, and standards in the approval of a conditional use, 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 Code and of the ordinances of the city;~~
 - v. ~~To make interpretations, upon request of the Planning and Zoning Administrator or upon appeal from any property owner of the city, of the meaning and application of the provisions and illustrations of this Code and of the Zoning Map of the city including:~~
 - 1. ~~Determination of the exact boundary lines of districts or zones;~~
 - 2. ~~Determination of the meanings of the permitted uses and conditional uses as listed in the districts or zones;~~
 - 3. ~~Determination of the rules applicable to the filing of applications, review procedures, and permit issuances; provided however, the BZBA shall not make such interpretations as the City Attorney may determine should be a matter of legislative action by City Council;~~
 - vi. ~~To grant or deny a zoning certificate when the question of the issuance of such certificate is referred to it by the Planning and Zoning Administrator, or when the provisions of this Zoning~~

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- Code indicate that the Board shall consider such question;
- vii. ~~To overrule or amend any official action of the Planning and Zoning 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 Code. For such purpose, the Board may make null and void any zoning certificate issued or any action taken by the Planning and Zoning Administrator by notifying the Planning and Zoning Administrator and the principal interested party or parties in writing;~~
 - viii. ~~To hear appeals from the Property Maintenance Code as provided for in that code; and~~
 - ix. ~~Such other official action consistent with the powers, duties, or authorities of the Board as set forth by the provisions of the Charter this Code or assigned by City Council.~~
- C. ~~In furtherance of its duties and powers under this Code and the Charter, the BZBA shall operate in accordance with the following procedures:~~
- i. ~~Three (3) members present shall constitute a quorum of the BZBA;~~
 - ii. ~~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~~
 - iii. ~~Three (3) affirmative votes shall be required for the passage of any motion.~~

SECTION 1109.0705 APPLICATIONS

- A. All requests for a decision or approval under this Code begins with the property owner or agent thereof filing an application with the Planning and Zoning Administrator on forms provided from time to time.
- B. A complete application shall include all required submissions and the payment in full of all applicable fees, which shall be proposed from time-to-time by the Mayor and approved by Council.
- C. The Planning and Zoning Administrator will determine whether an application is complete and is ready to be processed. In some instances, an additional application may be deemed necessary by the Planning and Zoning Administrator and, if so, an application will not be deemed to be complete unless and until the all applications are submitted and reviewed and determined to be in accordance with all submittal requirements. The applicant will be notified in writing of any deficiencies in the completeness of the application and shall have 30 days from the date thereof to complete the application or the application will be deemed null and void.
- D. If a decision on the application is to be made by someone other than the Planning and Zoning Administrator, then the complete application shall be forwarded to the appropriate body for review in accordance with this Code.
- E. Unless otherwise prescribed by this Code or requested by the applicant, the applicable decision-making body or administrator shall render a decision on all applications within sixty (60) days from the original hearing.

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- F. The Planning and Zoning Administrator, in consultation with the Director of Development, BZBA, or any additional City staff shall publish application procedures and additional requirements in a document to be known as the Development Handbook, which shall be incorporated here by reference. The Planning and Zoning Administrator shall make the most current version of this document available to the public in a manner that is easily accessible.
- G. 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 conditional uses, similar use determinations, 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.
- H. Unless otherwise prescribed by this code or requested by the applicant, the Board shall render a decision on all applications within sixty (60) days from the original hearing.

SECTION 1109.0911 ZONING CERTIFICATE

- A. The submission and review of zoning certificates shall be conducted in accordance with the provisions set forth hereunder.
- B. 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 Planning and Zoning 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 Planning and Zoning Administrator subsequent to completion of all procedures and approvals required by this Code. The Planning and Zoning Administrator shall not be required to issue a zoning certificate where the subject property is not in compliance with the Zoning Code, Building Code, or Property Maintenance Code.
- C. Except as otherwise provided in this Code, a zoning certificate shall be required before:
- D. An application for a zoning certificate shall be submitted to the Planning and Zoning Administrator and shall include, a plan or plans drawn to scale showing:
 - i. The dimensions and the shape of the lot to be used or built upon;
 - ii. The sizes and locations of existing structures and uses on the lot;
 - iii. The dimensions and locations of proposed structures and uses;
 - iv. The heights of existing and proposed structures;
 - v. A statement detailing the proposed use, which shall be signed by the applicant; and
 - vi. Such other documentation as may be necessary to determine conformance with the provisions of this Code.
- E. When the Planning and Zoning Administrator determines that an application for a zoning certificate does not comply with the provisions or intent of this Code, or that an application does not provide

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sufficient information to determine compliance with this Code, then the Planning and Zoning Administrator shall deny the application and shall not issue a zoning certificate.

- F. The Planning and Zoning Administrator may refer zoning certificates to the PZB ~~BZBA~~ for review.
- G. Within fourteen (14) days of the Planning and Zoning Administrator's denial of a zoning certificate, the applicant may file a written appeal with the PZB ~~BZBA~~. Any applicant who does not file an appeal within fourteen (14) days of the date of denial by the Planning and Zoning.

SECTION 1109.11~~13~~ VARIANCES

- A. The provisions set forth hereunder shall apply to the review and grant of variances under this Code.
- B. An applicant seeking a variance shall submit a written request for variance on forms provided by the Planning Zoning Administrator together with the applicable fee. In addition to information relating to the subject property and the applicant, the request for a variance shall include the following information:
 - i. A 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;
 - ii. A statement of hardship; and
 - iii. Such other information and exhibits as may be appropriate to establish the facts of the appeal and the grounds for relief.
- C. Before approving or denying a request, the PZB ~~BZBA~~ shall hold at least one public hearing on the matter. The PZB ~~BZBA~~ shall cause notice of the hearing to be made to the public by seven (7) days advance publication, in a newspaper of general circulation in the City, of the place, time, date and the nature of the variance applied for. The PZB ~~BZBA~~ shall also cause the subject property to be posted with a notice of hearing at least seven (7) days prior to the day of the hearing. The notice of hearing shall state thereon the nature of the request and the time and place of the public hearing.
- D. No variance from the strict application of the provisions of this Code shall be granted unless the PZB ~~BZBA~~ makes specific findings of fact, based on the evidence presented to it, which support conclusions that the variance conforms to the following standards:
 - i. The variance is in accord with the general purpose and intent of the regulations imposed by this Code in the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
 - ii. The variance will not permit the establishment of any use which is not otherwise listed as a permitted use or a conditional use in the zone or district in which the subject property is situated.
 - iii. There exist special circumstances or conditions, fully described in the findings, applicable to the land or structures for which the variance is sought, which are peculiar to such land or structures and which do not apply generally to land or structures in the area, and which are such that the strict application of the provisions of this Code would deprive the property owner of

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- the reasonable use of such land or structures. There must be a deprivation of the beneficial use of land, as opposed to mere loss in value as justification for the variance.
- iv. There is proof of hardship or practical difficulty created by the strict application of this Code, beyond simply a showing that greater profit will result if the variance is granted. Economic hardship is not grounds for the variance. Furthermore, the hardship complained of is not self-created nor is it established on this basis by one who purchased with or without knowledge of the restrictions. The hardship results from the application of this Code and is suffered directly by the property in question.
 - v. The variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.
 - vi. The variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
 - vii. The variance will not confer on the property owner any special privilege that is unduly denied by this Code to other land, structures, or buildings in the same district.
 - viii. No nonconforming use of neighboring land or structures in the same district and no permitted or nonconforming use of land or structures in other districts are considered as grounds for approval of the variance.
 - ix. The variance is not a matter of convenience when other remedies are available within the provisions of this Code.
- E. In granting any variance, the PZB ~~BZBA~~ shall establish such conditions as are necessary to secure substantially the objectives of this Code. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a violation of this Code.
 - F. No action of the PZB ~~BZBA~~ granting a variance shall be valid for a period longer than twelve (12) months from the date of such action unless the zoning certificate is obtained within such period, and the erection or alteration of a structure is started or the use is commenced within such period, provided however, notwithstanding anything to the contrary herein, such twelve (12) month period may be extended by the Planning and Zoning Administrator upon the demonstration by the applicant that any delay in the commencement of the erection or alteration of a structure is the result of factors beyond the control of the applicant, in which case, the Planning and Zoning Administrator may elect to grant an extension of up to six (6) months.
 - G. The PZB ~~BZBA~~ shall not accept a new application for a variance that has been previously denied within twelve (12) months of denial.

SECTION 1109.1315 ~~1315~~ CONDITIONAL USES

- A. Reviews of applications for conditional uses shall be conducted by the Planning and Zoning Administrator in accordance with the provisions set forth under this section; provided however, if, the Planning and Zoning Administrator determines in his or her professional opinion that an application warrants public review, then the Planning and Zoning Administrator shall forward such application to the PZB ~~BZBA~~ for review. The intent of the procedure for authorizing a conditional use is to set forth

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the development standards and criteria for locating and developing conditional uses in harmony with the character of the surrounding area, conditions of development and with regard to appropriate laws.

- B. In addition to such standard information regarding the subject property and the applicant, the application for a conditional use shall contain the following:
- i. Description of the zoning district and existing uses of adjacent lots;
 - ii. A statement of the conditional use for which the application is submitted,
 - iii. Including a description of the activities proposed on the subject property, the goods and services sold or provided, hours of operation, anticipated number of employees, nature and volume of delivery activity, and other information which will assist the PZB ~~BZBA~~ with understanding the nature of the proposed use and its potential impacts;
 - iv. A plan of the proposed site and improvements showing the proposed location of all structures, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping, and other relevant features;
 - v. A narrative statement describing the compatibility of the proposed use with the existing uses of adjacent lots and with the Land Use Plan, including an evaluation of the effects on adjoining lots of such elements as traffic circulation, noise, glare, odor, fumes, vibration, and storm water, and any measures proposed to mitigate such effects;
 - vi. A narrative addressing each of the applicable criteria set forth in the standards and requirements for all conditional uses set forth below and, as applicable, the supplementary requirements for special uses set forth under the applicable district or zone regulations.
 - vii. Such other information as the PZB~~BZBA~~ deems necessary to make a determination of the compliance of the proposed use with the applicable standards and regulations. Such additional information may include, but shall not be limited to:
 1. Traffic impact analysis;
 2. Storm water impact analysis; and/or
 3. Utility impact analysis.
- C. When review of an application for a conditional use permit is forwarded by the Planning and Zoning Administrator to the PZB ~~BZBA~~, before approving or denying a request for a conditional use, the PZB ~~BZBA~~ shall hold at least one public hearing on the matter. The PZB ~~BZBA~~ shall cause notice of the hearing to be made in accordance with its standard process for providing notice of a hearing. The notice of hearing shall state thereon the nature of the request and the time and place of the public hearing.
- D. Upon reviewing an application for a conditional use, the Planning and Zoning Administrator or the PZB ~~BZBA~~, as applicable, shall consider whether the application provides adequate evidence that the proposed conditional use is consistent with the following standards:
- i. The proposed use shall be in harmony with the existing or intended character of the zone or district and nearby affected zones and districts and shall not change the essential character of the zones and districts;
 - ii. The proposed use shall not adversely affect the use of adjacent property;

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- iii. The proposed use shall not adversely affect the health, safety, morals, or welfare of persons residing or working in the neighborhood;
 - iv. The proposed use shall be served adequately by public facilities and services such as, but not limited to, roads, police and fire protection, storm water facilities, water, sanitary sewer, and schools;
 - v. The proposed use shall not impose a traffic impact upon the public right-of-way significantly different from that anticipated from permitted uses of the zone or district;
 - vi. The proposed use shall be in accord with the general and specific objectives, and the purpose and intent of this Zoning Code and the Land Use Plan and any other plans and ordinances of the City;
 - vii. The proposed use complies with the applicable specific provisions and standards of this Code;
 - viii. The proposed use shall be found to meet the definition and intent of a use specifically listed as a conditional use in the zone or district in which the subject property is situated.
- E. After review of the application and any additional information presented by the applicant, the Planning and Zoning Administrator or the PZB **BZBA**, as applicable, shall take action to:
- i. Approval the conditional use, based upon findings of compliance with the standards and requirements of this Code and subject to conditions to ensure compliance with this Code; or
 - ii. Deny the conditional use, upon finding that the application does not comply with the provisions of this Code
- F. In approving a conditional use, the Planning and Zoning Administrator or the PZB **BZBA**, as applicable, may impose such conditions as deemed necessary to protect the public welfare, preserve the purpose and intent of this Code, to protect the character of the surrounding properties and neighborhood affected by the proposed use, and to mitigate the special impacts of the use. Such conditions may include, but shall not be limited to:
- i. Locations, setbacks, and configurations of structures and of uses of interior and exterior space;
 - ii. Screening comprised of landscaping, walls, fencing or other materials or construction;
 - iii. Access points and traffic management provisions, including those impacting vehicular and pedestrian access, and the locations and design of parking facilities;
 - iv. Noise control measures, including those regulating loudspeakers or irregular vehicular or equipment noise;
 - v. Other features of construction, including but not limited to paving and parking, signs, and landscaping;
 - vi. Hours and method of operation;
 - vii. Maintenance of the site, structures, and landscaping;
 - viii. Means of controlling glare, vibration, odors, dust, smoke, hazardous materials, refuse matter, water-carried waste, and storm water; and
 - ix. A time limit for operation of the use, if temporary operation is determined to be a typical characteristic of the proposed use or otherwise appropriate given unique circumstances of the proposed use.
- G. Subsequent to approval by the Planning and Zoning Administrator or the PZB **BZBA**, and compliance

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with all applicable conditions of such approval and of this Zoning Code, the Planning and Zoning Administrator shall issue a zoning certificate stating the conditional use and all conditions of its approval.

- H. Approval of a conditional use shall be void upon the occurrence of any or all of the following:
- i. The applicant fails to commence construction of the structure in which the approved conditional use is to be conducted within one (1) year of the date of approval;
 - ii. The applicant fails to commence the operation of the conditional use within six (6) months of the date of the approval, where such use is to be conducted in an existing structure; and/or
 - iii. The conditional use is operated in a manner which violates any condition of the approval.
- I. The Planning and Zoning Administrator shall review all approved conditional use permit applications six (6) months after final action to determine if the approved use is in operation and otherwise in compliance with all conditions of approval. Upon such six (6) month review the Planning Zoning Administrator shall proceed in accordance with the circumstances outlined below:
- i. If the Planning and Zoning Administrator finds the conditional use to be in operation and in compliance with the conditions of approval, the Planning and Zoning Administrator shall notify the PZB **BZBA** of such compliance.
 - ii. If the Planning and Zoning Administrator finds that construction has not begun, the Planning and Zoning Administrator shall record that information for an additional six (6) month review, and shall notify the **BZBA** of such inaction.
 - iii. If the Planning and Zoning Administrator finds a use in an existing structure or building not to be in operation, the permit and zoning certificate shall be deemed revoked and the Planning and Zoning Administrator shall notify the applicant of such revocation as well as the PZB **BZBA**. Upon such revocation, the applicant shall have the right to appeal that decision of the Planning and Zoning Administrator to the PZB **BZBA** and request the PZB **BZBA** allow up to one (1) additional six (6) month period to begin operation following the administrative appeal procedure.
- J. Whenever the Planning and Zoning Administrator determines that a conditional use is being operated in a manner that violates any condition of the use's approved permit, the permit and zoning certificate shall be considered revoked. The Planning and Zoning Administrator shall notify the permit holder as such, who shall immediately discontinue operation of the use:
- i. If this determination is made in conjunction with the six (6) month review procedure for an approved permit, the Planning and Zoning Administrator shall also notify the PZB **BZBA**. The applicant shall have the right to appeal this determination of the Planning and Zoning Administrator to the PZB **BZBA** following the administrative appeal procedure. Upon appeal, the PZB **BZBA** shall (a) approve upholding the revocation, (b) overturn the revocation and reapprove the conditional use permit or (c) overturn the revocation and modify of the conditions of approval.
 - ii. If this determination is made at any other time, the Planning and Zoning Administrator shall notify the PZB **BZBA**. The applicant shall have the right to appeal this determination of the

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- Planning and Zoning Administrator following the normal administrative appeal procedure. Upon appeal, the PZB ~~BZBA~~ shall have the power to uphold the revocation or reapprove the permit.
- K. If this determination is made in conjunction with the six (6) month review procedure for an approved permit, the Planning and Zoning Administrator shall also notify the PZB ~~BZBA~~. The applicant shall have the right to appeal this determination of the Planning and Zoning Administrator to the PZB ~~BZBA~~ following the administrative appeal procedure. Upon appeal, the PZB ~~BZBA~~ shall (a) approve upholding the revocation, (b) overturn the revocation and reapprove the conditional use permit or (c) overturn the revocation and modify of the conditions of approval.
 - L. The conditions of an approved conditional use permit may be amended upon request of the permit holder. Any amendment proceeding shall be conducted in accordance with the procedures, requirements, and standards applicable to review of a new conditional use permit.
 - M. Subsequent to disapproval of an application for a conditional use permit, a period of at least one (1) year shall elapse before another application for the same conditional use at the location may be considered by the Planning and Zoning Administrator or the PZB ~~BZBA~~.
 - N. Appeals of decisions of the Planning and Zoning Administrator may be taken to the PZB ~~BZBA~~ pursuant to the procedures set forth under Chapter 1109.25 hereof. Appeals of decisions of the PZB ~~BZBA~~ may be taken to the Franklin County Court of Common Pleas as allowed by Ohio Revised Code Chapter 2506.

SECTION 1109.1517 SIMILAR USE DETERMINATION

- A. The conditions of an approved conditional use permit may be amended upon request of the permit holder. Any amendment proceeding shall be conducted in accordance with the procedures, requirements, and standards applicable to review of a new conditional use permit.
- B. Subsequent to disapproval of an application for a conditional use permit, a period of at least one (1) year shall elapse before another application for the same conditional use at the location may be considered by the Planning and Zoning Administrator or the PZB ~~BZBA~~.
- C. Appeals of decisions of the Planning and Zoning Administrator may be taken to the PZB ~~BZBA~~ pursuant to the procedures set forth under Chapter 1109.25 hereof. Appeals of decisions of the PZB ~~BZBA~~ may be taken to the Franklin County Court of Common Pleas as allowed by Ohio Revised Code Chapter 2506.
 - i. Such use is not listed in any other zone or district as a permitted use;
 - ii. Such use has characteristics and impacts consistent with those of one (1) or more of the permitted uses in the district; and such use has characteristics and impacts more consistent with those of the permitted uses of the zone or district than with the permitted uses of any other district;
 - iii. The establishment of such use in the zone or district will not significantly alter the nature of the district;
 - iv. Such use does not create dangers to health and safety and does not create offensive noise,

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- vibration, dust, heat, smoke, odor, glare, traffic, or other objectionable impacts or influences to an extent greater than normally resulting from permitted uses listed in the zone or district; and
- v. Such use does not typically require site conditions or features, building bulk or mass, parking lots or spaces, or other requirements dissimilar from permitted uses; and the typical development of site and buildings for such use is compatible with those required for permitted uses and can be constructed in conformance with the standard regulations for height, lot dimensions, setbacks, and other provisions of the zone or district.
- D. A similar use shall be heard by the PZB ~~BZBA~~ in accordance with the notice provisions applicable to a conditional use.
 - E. Based upon the application of the foregoing factors, the PZB ~~BZBA~~ shall determine whether a proposed use should be or should not be determined to be a similar use for the district or zone. Appeals of any similar use determination shall be heard by City Council in accordance with the appeals provisions set forth under Chapter 1109.25 hereof.
 - F. Following the approval of any similar use determination, the Planning and Zoning Administrator shall conduct the six (6) month review applicable to conditional uses and make such determinations and reports as provided for under Chapter 1109.15(J) hereof.
 - G. Within fourteen (14) days of the PZB ~~BZBA's~~ denial of a similar use determination, the applicant may file a written appeal with City Council. Any applicant who does not file an appeal within fourteen (14) days of the date of denial by the PZB ~~BZBA~~ shall have waived such right to appeal, and the decision of the PZB ~~BZBA~~ shall become final.

SECTION 1109.1719 SITE PLAN AND DESIGN REVIEW

SITE PLAN AND DESIGN REVIEW	WHEN APPLICABLE....
Minor Site Plan and Design Review	Any non-residential development, or site improvement which involves under five thousand square feet (5,000SF) of structure or building, other than a fence or accessory structure.

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SITE PLAN AND DESIGN REVIEW	WHEN APPLICABLE...
Major Site Plan and Design Review	Any development, which involves more than five thousand square feet (5,000SF) of structure or building; Any development impacting or adjacent to an environmentally sensitive feature; Any development which in the professional opinion of the Planning and Zoning Administrator, warrants public review.

- A. Applicability.** Except as otherwise provided herein or elsewhere in this Zoning Code, minor site plan and design review or major site plan and design review is required in accordance with the provisions contained herein. The Planning and Zoning Administrator shall conduct minor site plan and design review and the Planning and Zoning Board ~~Planning Commission~~ shall conduct major site plan and design review, in each case, as provided below.
- B. Minor Site Plan and Design Review.** Minor site plan and design review shall be required for any non-residential development or site improvement which involves under five thousand square feet (5,000 SF) of structure or building other than a fence or accessory structure.
- C. Minor Site Plan and Design Review—Application.** An application for minor site plan and design plan review shall be submitted to the Planning and Zoning Administrator and shall include the following information:
- i. A vicinity map showing the location of the proposed development in relationship to the surrounding area including major thoroughfares.
 - ii. A site plan illustrating the following:
 1. The dimensions of property lines, parcel dimensions and adjoining rights-of-way.
 2. The current zoning of the parcel and all adjacent parcels.
 3. The location of proposed buildings and structures.
 4. The location of existing water bodies, streams, drainage ditches, stands of trees and other pertinent features within one hundred fifty feet (150 ft.) of the proposed development.
 5. Setbacks and building separations shall be noted in accordance with zoning requirements.
 6. A landscape concept plan, including approximate location of all new landscape material and plantings, that addresses the applicable district requirements.
 7. A transportation and parking plan, including location and number of all parking and loading spaces and location of all proposed walkways and bike/pedestrian access points, that addresses the applicable district requirements.
 - iii. An architectural plan, including exterior building materials, colors, and lighting features, that addresses the applicable district requirements; and
 - iv. Such other information as the Planning and Zoning Administrator or Planning and Zoning Board ~~Planning Commission~~ may require so as to carry out the full intent of the Zoning Code. Any applicant requesting review of a major site and design plan shall submit to the Planning and Zoning Administrator an application form and as many copies of the required materials as may be required by the Planning and Zoning Administrator or the Planning and Zoning Board

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- Planning Commission.** The Board shall act upon the application for major site and design plan review based upon the adopted regulations, standards, and design guidelines of the City.
- D. Minor Site Plan and Design Review—Review and Approval or Denial.** Any applicant requesting minor site plan and design review shall submit to the Planning and Zoning Administrator an application form and as many copies of the required materials as the Planning and Zoning Administrator may require. Within thirty (30) days of filing a complete application, the Planning and Zoning Administrator shall act upon the application for minor site plan and design review based upon the applicable district regulations, and other applicable regulations, standards, and design guidelines of the City. If the Planning and Zoning Administrator determines that the proposed development complies with the applicable standards of the applicable districts, then, the Planning and Zoning Administrator shall issue a zoning certificate. If the Planning and Zoning Administrator determines that the proposed development does not comply with the applicable standards of the applicable district, then the Planning and Zoning Administrator shall deny the application and state the reasons for such denial in writing.
- E. Major Site Plan and Design Review.** Major site plan review shall be required for the following forms of development in any district:
- i. Any development, which involves more than five thousand square feet (5,000SF) of structure or building;
 - ii. A development impacting or adjacent to an environmentally sensitive feature; or
 - iii. A development which in the professional opinion of the Planning and Zoning Administrator, warrants public review.
- F. Major Site Plan and Design Review—Application.** An application for major site plan and design review shall be submitted to the Planning and Zoning Administrator and shall include the following information:
- i. All materials required for minor site plan and design review as set forth above;
 - ii. A basic utility plan;
 - iii. Where applicable an engineers staff report will be conducted by the City Engineer, where further recommendations could be made. The cost for any engineering study or report prepared by and/or for the City shall be assumed by the Applicant as part of the cost of the application;
 - iv. Where required a plot-grade utility plan shall be submitted to the Director of Development for

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- Planning Commission** review and approval subsequent to and in conformance with an approved site plan;
- v. Such other information as the Planning and Zoning Administrator or Planning and Zoning Board **Commission** may require so as to carry out the full intent of the Zoning Code. Any applicant requesting review of a major site and design plan shall submit to the Planning and Zoning Administrator an application form and as many copies of the required materials as may be required by the Planning and Zoning Administrator or the Planning and Zoning Board **Planning Board**. The Board **Commission** shall act upon the application for major site and design plan review based upon the adopted regulations, standards, and design guidelines of the City.
- G. Site Plan and Design Review—Conditions.** In accordance with the site plan and design review procedures contained in this chapter, the Planning and Zoning Administrator or the Planning and Zoning Board **Planning Commission**, as applicable, may place such reasonable conditions on the approval of a site plan that may be required to address the standards for review set forth herein or are otherwise consistent with the purpose and intent of this Zoning Code.
- H. Approved Site Plan—Modifications.** The Director of Development or his or her designee, may approve such adjustments to an approved site plan as are required for engineering purposes such as proper function of utilities or to accommodate soil conditions. Such adjustments shall meet the following conditions:
- i. The adjustment is required in order to ensure the life-safety, proper function of the site utilities or building, or to comply with the regulations of a State or Federal agency;
 - ii. The adjustment is as minimal as possible to correct the engineering issue;
 - iii. The adjustment does not increase the impervious surface on the subject property by more than one hundred square feet (100SF) as compared to the impervious surfaces contemplated on the approved site plan;
 - iv. The adjustment shall not be used to add any additional uses or tenants;
 - v. The adjustment does not increase the number of curb cuts on a public street; and
 - vi. The adjustment does not violate any specific condition of the approved site plan.
- I. Approved Site Plan—Amendment.** Any amendment to an approved site and design plan shall be considered by the applicable approving body based on the standards applicable to such amendment; provided however, any amendment that in the direction of the Planning and Zoning Administrator constitutes a minor amendment may be reviewed and approved by the Planning and Zoning Administrator even if such amendment pertains to a major site and design plan. **In the case that a signage package is not included in the approved site and design plan, the Planning and Zoning Administrator may administratively approve a subsequent application for additional signage.**
- J. Site Plan—Appeals.** The Planning and Zoning Board **BZBA** shall hear all appeals of individuals who are directly affected by a decision of the Planning Board or Planning and Zoning Administrator when such appeal is properly and timely filed as required by this chapter. An applicant refused such certificate shall appeal in writing to the PZB **BZBA** within thirty (30) days of the date of refusal by the applicable decision-making body. The PZB **BZBA** shall set a date for a hearing on the appeal and render a decision

on the appeal within thirty (30) days of the receipt of such written request.

SECTION 1109.19²¹ CERTIFICATE OF APPROPRIATENESS—OLDE REYNOLDSBURG DISTRICTS.

- A. Certificate of Appropriateness (COA).** A certificate of appropriateness must be obtained prior to commencing new construction or any exterior remodeling, reconstruction or other exterior building modifications of non-residential structures located within the Olde Reynoldsburg Districts. The Planning and Zoning Administrator shall not issue a zoning certificate prior to the Planning and Zoning Board ~~Commission~~ review and approval of a certificate of appropriateness in accordance with the provisions of this chapter. The Planning and Zoning Administrator shall review all zoning certificate applications for projects within the design review districts exempted from a COA by this section or any other section of this Zoning Code, for compliance with the standards of Section design guidelines adopted by the Planning and Zoning Board ~~Commission~~ or City Council. If in the professional opinion of the Planning and Zoning Administrator, the proposed project does not meet those standards or design guidelines, a certificate of appropriateness from the Planning and Zoning Board ~~Commission~~ shall be required.
- B. Application for COA.** All applications and attachments for a COA shall be made to the Planning and Zoning Administrator at least fourteen (14) days prior to a regularly scheduled meeting of the Planning Board.
- C. Exception to COA.** A certificate of appropriateness shall not be required in the case of customary building maintenance activities that do not alter the building material types or exterior colors.
- D. COA Review.** The Planning and Zoning Board ~~Commission~~ shall review an application for a COA to determine if proposed new construction or alteration to an existing non-residential structure promotes, preserves and enhances the overall architectural character and integrity of the Olde Reynoldsburg Neighborhood District or Olde Reynoldsburg Commercial District, as applicable, and to endeavor to assure that the proposed structure or alteration would not be at variance with existing non-residential structures within such district. In considering the new construction or alteration, the Planning and Zoning Board ~~Commission~~ shall evaluate the application based whether the proposal:
 - i. Enhances the attractiveness and desirability of the district;
 - ii. Encourages the orderly and harmonious development in a manner in keeping with the overall character of the district.
 - iii. Improves residential amenities in any adjoining residential neighborhood.
 - iv. Enhances and protects the public and private investment in the value of all land and improvements within the district.
 - v. Satisfies the applicable guidelines set forth under Chapter 1103; and
 - vi. Overall effects of the project or development on the appearance and environment of the district.
- E. Time for Decision on COA.** The Planning and Zoning Board ~~Commission~~ shall render a decision on all applications within sixty (60) days from the original hearing of the Planning Board unless additional time is requested by the applicant. Upon approval by the Planning and Zoning Board ~~Commission~~,

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the Planning and Zoning Administrator shall issue a COA to the applicant.

- F. **Other Land Use Approvals.** An application for a COA in which the design under consideration would require a variance granted by the Planning and Zoning Board ~~Commission~~ or a site plan and design review by the Planning and Zoning Board ~~PZB~~ prior to construction shall not be considered until a final determination has been made on all required variances or site plan and design reviews. If during the course of a review, the PZB ~~BZBA or Planning Commission~~ determines that a zoning variance or other approval will be required in order to implement the proposal under consideration, it shall suspend further action on the application until such time as the additional approval has been heard and approved by the ~~BZBA~~ or the application has been amended to eliminate the need for such additional approval.
- G. **Appeal of COA.** The PZB ~~BZBA~~ shall hear all appeals of individuals who are directly affected by a decision of the Planning Board when such appeal is properly and timely filed as required by this chapter. An applicant refused such certificate shall appeal in writing to PZB ~~BZBA~~ within thirty (30) days of the date of refusal by the Planning and Zoning Board ~~Commission~~. The PZB ~~BZBA~~ shall set a date for a hearing on the appeal and render a decision on the appeal within thirty (30) days of the receipt of such written request. A resolution stating the decision of PZB ~~BZBA~~ shall be introduced and passed at the next regular meeting following the hearing.

SECTION 1109.21-23 ZONING MAP (REZONING) AND TEXT AMENDMENTS

- A. In conformance with the provisions of the City Charter, ordinances or resolutions establishing, amending, revising, changing, or repealing zoning districts, uses, regulations, or other provisions of this Zoning Code shall be initiated by a member of Council.
- B. Any person having an interest in property in the City may petition City Council to initiate such ordinance or resolution by making an application to the Planning and Zoning Administrator. The Planning and Zoning Administrator shall review the application for compliance with the provisions of this chapter and forward it to the Clerk of Council.
- C. The Planning and Zoning Board ~~Commission~~ may recommend amendments, revisions, changes, or repeals of zoning districts, uses, regulations, or other provisions of this Zoning Code. When the Planning ~~Commission~~ makes an advisory recommendation to City Council, the application requirements and fees shall not apply.
- D. When a person or persons having an interest in a lot or lots in the City petitions City Council for an amendment to the Zoning Code which involves changing the zoning district assigned to the lot(s), then such petition shall be made in the following form which shall be known as the development plan, unless such requirements are waived by City Council:
 - i. Correct legal description of the lot(s);

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- ii. The names and addresses of the owners of lot(s) contiguous or directly across the street from the subject lot(s);
 - iii. Existing topography at two-foot (2 ft.) contour intervals of the subject lot(s) and extending at least three hundred feet (300 ft.) outside of the proposed lot, including lot lines, easements, street rights- of-way, existing structures, trees and landscaping features thereon;
 - iv. The proposed vehicular and pedestrian traffic patterns;
 - v. The location of all existing and all proposed structures;
 - vi. The proposed assignment of use and subdivision of land including private land and common land;
 - vii. Preliminary plans of all structure types;
 - viii. Deed restrictions and protective covenants;
 - ix. A schedule for construction;
 - x. Traffic impact study;
 - xi. Utilities impact study;
 - xii. Drainage impact study; and
 - xiii. Such other relevant information as City Council may require to determine the propriety of initiating the ordinance for district change.
- E. In conformance with the Charter, subsequent to initiation by a member of Council of an ordinance or resolution establishing, amending, revising, changing, or repealing zoning districts, uses, regulations, or other provisions of this Zoning Code, the presiding officer of Council shall, immediately after the first reading and initial public hearing of the ordinance or resolution, set a date for a public hearing before the Planning and Zoning Board **Commission**, to be held not earlier than fifteen (15) days after the first reading.
- F. Immediately after the first read and initial public hearing before Council, a copy of the ordinance or resolution establishing, amending, revising, changing, or repealing zoning districts, uses, regulations, or other provisions of this Zoning Code and, if applicable, the development plan, shall be referred to the Planning and Zoning Board **Commission**. The Planning and Zoning Board **Commission** shall recommend such conditions or amendments with respect to the ordinance or resolution and, if applicable, the development plan, as it deems reasonable and necessary. Within thirty (30) days of referral, the Planning and Zoning Board **Commission** shall return to the Clerk of Council the written recommendations of a majority of the members of the Planning and Zoning Board **Commission**.
- G. The Planning and Zoning Board **Commission** and City Council shall give consideration to the following standards in making recommendations and taking action with regard to proposed district changes:
- i. The compatibility of the proposed zoning district and the features of the proposed development plan with the characteristics of the site and of the surrounding areas;

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- ii. The potential impacts of the proposed uses of the district in terms of traffic, storm water, utility demand, noise, and other impacts;
 - iii. The impacts of the proposed district and development plan on the health, safety, welfare, and morals of the community; and
 - iv. The compatibility of the proposed district and development plan with a comprehensive plan, or any area plans, to surrounding zoning districts, and to existing and planned land uses.
- H. At the next meeting of Council subsequent to receiving the recommendations of the Board, the ordinance or resolution shall be given its second reading.
- I. Council may adopt, deny, or adopt with modifications the recommendations of the Planning and Zoning Board ~~Commission~~. A development plan, along with any conditions or amendments to the petition, shall, upon adoption by Council, become part of the district change and shall be deemed incorporated by reference into legislation amending the district. The development plan, conditions, and amendments shall bind any future development or use of the subject lots.
- J. A concurring vote of at least three fourths ($\frac{3}{4}$) of the membership of Council shall be necessary to pass any zoning ordinance or resolution which differs from the written recommendations of the Planning Board, but in no event shall an ordinance or resolution be considered as having passed unless it receives at least a majority vote of the members of Council. Any petition for zoning ordinance or resolution filed under subsection 1109.23(d) that does not receive the required number of votes for approval shall be deemed to have been denied.
- K. After a proposed district change is denied by City Council, at least twelve (12) months shall elapse before another petition for a district change for the same lot(s) to the same district can be considered.
- L. The development is intended to show that the proposed use is consistent with the comprehensive plan and the proposed zoning district change and is not intended to replace the major site plan, variance or conditional use process. ~~A development plan may be amended following the same procedure and standards for approval of the original district amendment. If, in the professional opinion of the Planning and Zoning Administrator, a proposed amendment to a development plan does not contain any substantial deviation from the original development plan, the amendment may be approved by majority vote of the members of the Planning and Zoning Board Commission.~~
- M. ~~The development plan as approved by Council, shall constitute an amendment of the official Zoning Map and a supplement to the Zoning Code as it applies to the land included in the approved district amendment.~~
- N. An extension of the time limit may be approved by the Planning and Zoning Board ~~Commission~~. Such approval shall be given upon a finding of evidence of reasonable effort toward the accomplishment of the original development plan within the time limit, and that such extension is not in conflict with the general health, safety and welfare of the public or the development standards of this Code.
- O. When Council reviews an ordinance proposing one or more zoning district changes, whether initiated by Council or an applicant, notice shall be published pursuant to Section 4.11(a) of the Charter of the City of Reynoldsburg. The Planning and Zoning Board ~~Commission~~ shall also cause the subject property to be posted with a notice of hearing at least seven (7) days prior to the day of the hearing. The notice of hearing shall state thereon the nature of the request and the time and place of the public hearing.

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- P. to the PZB ~~BZBA~~, provided that a written application for appeal is filed within fourteen (14) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted or the provisions of this code do
- Q. Unless otherwise provided in this Code, an applicant refused such approval, exception, certificate or variance shall appeal in writing to Council within thirty (30) days of the date of refusal by the PZB ~~BZBA~~. The Council shall set a date for a hearing on the appeal and render a decision on the appeal within thirty (30) days of the receipt of such written request. A resolution stating the decision of Council shall be introduced and passed at the next regular meeting following the hearing.

SECTION 1109.2527 VIOLATIONS; REMEDIES

- A. In the event of a violation of any provision of this Code, or imminent threat thereof, the City, or the owner of any contiguous or neighboring property who would be especially damaged by such violation, in addition to any other remedies provided by law, may institute a suit for injunction to prevent or terminate such violation. The City may file for a judgment for damages if the violation is deemed to have caused damages to the City.
- B. Unless otherwise provided in this Code, all zoning certificates, permits or other approvals granted by the Planning and Zoning Administrator, Planning and Zoning Board ~~Commission or BZBA~~, shall be valid for a period of one (1) year from date of approval by the PZB ~~BZBA~~ or date of issue by the Planning and Zoning Administrator.
- 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. Within that period, that applicant must complete the following for the proposed improvement:
 - i. If required, submit a subsequent zoning application;
 - ii. If required, secure a building permit; and
 - iii. If no other permits are required, construct the proposed improvement.
- E. Any application that is incomplete or otherwise un-issued by the Planning and Zoning Administrator shall expire one (1) year from the date of application.
- F. One (1) additional period of six (6) months may be granted by the Planning and Zoning Administrator upon finding that unique circumstances warrant the additional time and that the conditions upon which approval was granted have not changed.
- G. Any person, firm or corporation who violates any regulation, provision or amendment of this Code, or fails to obey any lawful order of the Planning and Zoning Administrator, shall be fined not more than two hundred fifty dollars (\$250.00). A separate offense shall be deemed committed for each and every day during or upon which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use occurs or continues.

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SUBDIVISION REGULATION

Subdivision Regulations

SECTION 1111.01 VARIANCES

- A. In cases where it is deemed that hardships, topography or other factual deterrent condition prevail, variations and exceptions from the dimensional standards and improvement requirements as set forth in the Subdivision Regulations may be recommended by the Planning and Zoning Board **Commission**, but must be approved by Council

SECTION 1111.03 APPROVAL OF SUBDIVISION WITHOUT PLAT

- A. Notwithstanding any other provisions of the Subdivision Regulations, a proposed division of a parcel of land along an existing public street, whether the parcel to be divided fronts on the street or has access to it by private right of way or private driveway, not involving more than five lots after the original tract has been completely subdivided, may be submitted to the Planning and Zoning Board **Commission** for approval without plat. If the Planning and Zoning Administrator, acting on behalf of the Planning and Zoning Board **Commission**, is satisfied that the proposed subdivision complies with all applicable platting, subdividing or zoning regulations, they shall approve the proposed subdivision and, on presentation of a conveyance of the parcel, shall stamp the same "approved by the Planning and Zoning Board **Commission**; no plat required." The Planning and Zoning Administrator may require the submission of a sketch and such other information as is pertinent to determining compliance with this section. No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

SECTION 1111.05 PRELIMINARY PLAT

- A. **Sketch may be Submitted for Suggestions.** The owner of land who desires to subdivide it shall submit a sketch of the plat to the Planning and Zoning Board **Commission** for its comments and suggestions. The owner can then make such corrections and changes as agreed upon before preparing and submitting his preliminary plat for consideration.

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- B. Copies of Preliminary Plat To Be Submitted.** The owner of land who desires to subdivide it shall submit six (6) copies of a preliminary plat along with six (6) 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 Planning and Zoning Board **Commission** twenty-one (21) days prior to a regular meeting of the Board **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 Planning and Zoning Board **Commission** for a minimum period of seven (7) days before consideration for approval.
- C. Fees.** A fee shall be paid at the time of submission of the preliminary plat as stated in this Code.
- D. Contents of Preliminary Plat**
- i. The preliminary plat shall contain the following, and be prepared by a licensed professional engineer in the State of Ohio:
 1. The scale, with a minimum of one inch to equal one hundred feet;
 2. The proposed name of the subdivision;
 3. Key map showing location within the City;
 4. Names and addresses of owners, developers and the surveyor who made the plat;
 5. Date;
 6. North point; and
 7. Legal description of parcel being subdivided.
 - ii. The following existing conditions shall be shown on the plat:
 1. Boundary lines and approximate acreage included matching the provided legal description;
 2. Locations, widths and names of all existing or previously platted streets or alleys, and proposed thoroughfare locations as shown on the official City Thoroughfare Plan, railroad and utility rights of way, parks and public open spaces, permanent buildings and structures, all section and corporation lines within or adjacent to the tract;
 3. Existing sewers, water mains, culverts and other underground facilities within the tract, indicating pipe sizes, elevations and grades, if readily available, and locations, if known or available;
 4. Boundary lines of adjacent tracts of unsubdivided and subdivided land;
 5. Existing zoning restrictions;
 6. Existing contours, with intervals of five feet where the slope is greater than ten percent and not more than two feet where the slope is less than ten percent;
 7. Drainage channels, wooded areas, water courses and other significant physical features;
 8. Existing and proposed easements.
 - iii. All elevations on the preliminary plat shall be based on NAVD (North American Vertical Datum)

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1988 datum.

- iv. The following proposed conditions shall be shown:
 - 1. Layout of streets and right-of-way widths;
 - 2. Layout, numbers and dimensions of lots including total square footage;
 - 3. Parcels of land intended to be dedicated or temporarily reserved for public use;
 - 4. Building setback lines shown graphically with dimensions;
 - 5. Indication of any lot on which a use other than residential is proposed by the owner;
 - 6. Names of new streets which shall not duplicate names of any existing dedicated street within the County and/or its incorporated areas;
 - 7. New streets which are extensions of or in alignment with existing streets which shall bear the names of the existing streets of which they are extensions or with which they are in alignment;
 - 8. Bearings and dimensions of lot, parcel, and right-of-way boundaries; and
 - 9. Proposed landscaping, if any.
- v. All new streets shall be named in the following manner and shall be subject to the approval of the Planning and Zoning Board **Commission**:

GENERAL DIRECTION	OVER 1,000 FEET IN LENGTH	UNDER 1,000 FEET IN LENGTH
North and south	Streets	Places
East and west	Avenues	Courts
Diagonal	Roads	Ways
Curving	Drives	Circles

- vi. The general layout of all site improvements attached to the preliminary plat shall be for the entire tract of property even if the owner or developer only intends to initially develop a part of the entire tract and such general layout is to provide for the extension of improvements to the boundary of the proposed subdivision to serve adjoining land.

E. Approval of Preliminary Plat. When a plat is filed with the Planning and Zoning Board **Commission**, the Planning and Zoning Administrator shall examine it to determine whether or not it complies with the requirements of Section 1111.01(A) through (D). The Planning and Zoning Administrator shall then refer the plat to the City Engineer. If the plat does not meet the requirements, the Planning and Zoning 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 Planning and Zoning Administrator shall lay it before the Planning and Zoning Board **Commission** at its next meeting. The **Commission** shall thereupon examine it and approve it or conditionally approve it within thirty (30) days if it is satisfied that it complies, or will comply after minor changes, in all respects with this chapter. The approval or the conditions of approval of the Planning and Zoning Board **Commission** will be indicated in writing on two (2) copies of the preliminary plat which will be returned to the owner and surveyor. The remaining four (4) copies bearing the notation of approval shall remain on file, 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 and Zoning Board **Commission**.

SECTION 1111.07 FINAL PLAT

- A. The general layout of all site improvements attached to the preliminary plat shall be for the entire tract of property even if the owner or developer only intends to initially develop a part of the entire tract and such general layout is to provide for the extension of improvements to the boundary of the proposed subdivision to serve adjoining land.
- B. The general layout of all site improvements attached to the preliminary plat shall be for the entire tract of property even if the owner or developer only intends to initially develop a part of the entire tract and such general layout is to provide for the extension of improvements to the boundary of the proposed subdivision to serve adjoining land.

SECTION 1111.09 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.
 - i. Boundary of plat based on an accurate traverse with angular and lineal dimensions;
 - ii. True angle and distance to the nearest street intersection, accurately described on the plat;
 - iii. Municipal, township, county or section lines accurately tied to the lines of all chord dimensions;
 - iv. Radii, internal angles, points of curvature, tangent bearings and lengths of all chord dimensions;
 - v. All lot numbers and lines with accurate dimensions in feet and hundredths and bearings in degrees and minutes;
 - vi. Accurate location of all monuments, which shall be composed and/or located as follows:
 - 1. Be composed of a durable material;
 - 2. Be a minimum length of thirty inches (30IN);
 - 3. Of a minimum cross-section area of material of two tenths square inches (one inch (1IN) in diameter);
 - 4. Be identified with a durable marker bearing the Surveyor's Ohio Registration number and/or name or company name;
 - 5. Be detectable with conventional instruments for finding ferrous or magnetic objects;
 - 6. Placed with the top at the existing grade elevation.
 - 7. 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 Official shall confirm that lot pins are in place on the final occupancy permit.
 - vii. Exact location, width and name of all streets or other public ways; and

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- viii. 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 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:

- i. A certificate by a registered professional land surveyor that the plat represents a completed survey and that the monuments shown exist as located or will be set following construction and that all dimensional and geodetic details are correct.
- ii. 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.
- iii. Proper form for the approval of the Planning and Zoning Board ~~Commission~~ with space for the signature of the Chairman.
- iv. Space for approval by signature of the City Engineer and Director of Public Service.
- v. Proper form for approval and acceptance by Council, showing ordinance number and provisions for signature by the Clerk of Council.
- vi. Space for approval, by signature of the City Engineer and Director of Public Service, of easements added to or revised on the final plat.
- vii. 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.
- viii. A topographic survey prepared by an Ohio registered professional surveyor using the North American Vertical Datum of 1988 (NAVD88) reflecting flood way, floodway fringe, base flood elevations and property lines of the plat under consideration for development.

C. Copies to be filed with Clerk. One (1) 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.

D. Copies to be filed with Clerk. One (1) 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.

- i. The subdivider shall not transfer any lot, parcel or tract of a proposed subdivision, until approval is received of the final plat.

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- ii. The subdivider shall not proceed with any construction work on any lot until approval is received of the final plat and compliance is made with all other provisions of the Subdivision Regulations, unless it is for the exact purpose of building model units. The subdivider may be granted a building permit for not more than two units, in the case of single family detached housing and not more than one building of eight units or less, in the case of townhouse for sale or condominium housing, providing the following conditions have been met:
 - 1. Proof of ownership of that portion of subdivision to be used for models;
 - 2. The proposed models have legal frontage on an existing public roadway, water and sanitary sewer;
 - 3. Insurances have been granted to the City in the form of bond, escrow funds, letters of credit or other assurances the City deems necessary to insure installation of improvements;
 - 4. Occupancy permit shall not be issued until Section 1111.09 has been complied with.
- E. **Transfer of Lot Contrary to Plat Prohibited.** The owner of the subdivision shall make no conveyance of any lot smaller in width or area than indicated on the plat, except for the purpose of increasing the area of another lot.
- F. **Project 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 City Engineer. The City Engineer shall provide the owner or developer with project representation at the expense of the owner or developer during installation of the improvements.
- G. **Bond Letter of Credit for Improvements: Deposit and Insurance**
 - i. 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 (1) 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 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 (1) year beginning with the date of acceptance of the said improvement(s) by the Director of Public Service and City Engineer.
 - ii. The owner or developer shall prior to construction, deposit with the Director of Public Service and with the approval of the City Engineer a sum of money as prescribed by the Director of Public Service and the 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 Director of Public Service. These and other documents detailing the development process can be obtained from the Public Service Department. For inspections the owner or developer shall deposit with the Public Service Department a sum of money based on

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- an approved cost of construction schedule, and be approved by the 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 City Engineer and the Director of Public Service. Upon completion and acceptance of the improvements, any unexpended balance shall be refunded to the owner or developer.
- iii. The subdivider shall hold the City harmless for any claims for damages of every nature arising or growing out of the construction of such improvements, and shall defend at his cost and expense, each suit or action brought against the City by reason thereof, until the improvement has been accepted by the City and the developer notified in writing within thirty days. The subdivider shall furnish proof to the City, prior to the time of commencing construction of possession of Comprehensive General Liability Insurance, naming the City of Reynoldsburg as an additional insured. These Certificates of Insurance shall contain a provision that coverage afforded in the policies will not be canceled unless at least thirty days prior written notice has been given to the City. Limits on bodily injury shall not be less than five hundred thousand dollars (\$500,000) for personal injury to any one person and a total of not less than one million dollars (\$1,000,000) each accident. Limits on property damage shall be not less than two hundred thousand dollars (\$200,000) per occurrence, or five hundred thousand dollars (\$500,000) aggregate for each accident. Umbrella Excess Liability Insurance to extend existing policies to the required limits will be accepted.
 - iv. If any violation of or noncompliance with, any of the provisions and stipulations of this chapter occurs, the City shall have the right to stop the work without delay and utilize the bond, certified check or an irrevocable letter of credit for the completion of the improvement or use the certified check or proceeds thereof for such purpose.

H. Modification, Alteration, Amendment or Vacation, In Whole or In Part Of Plat After Approval.

No modification, alteration, amendment, or vacation, in whole or in part, of a final plat except for the addition of appropriate easements as approved by the City Engineer shall be made in or to a final plat approved by Council under the provisions of this chapter or another political subdivision prior to annexation unless such modification, alteration, amendment, or vacation, in whole or in part, is first submitted to and accepted by the Service Director, is recommended by the Planning and Zoning Board **Commission**, and Council approves such modification, alteration, amendment, or vacation, in whole or in part, by ordinance. If the modified, altered, amended, or vacated, in whole or in part, final plat is approved by Council, the owner shall file and record the plat with the County Recorder within sixty days. If the final plat has already been recorded then the owner shall file and record the ordinance and an authenticating affidavit executed by the Clerk of Council with the County Recorder within sixty days, wherein the modified, altered, amended, or vacated, in whole or in part, plat shall be indexed or cross-referenced with the original plat. If the plat is not filed with the County Recorder within sixty days, the modification, alteration, amendment, or vacation, in whole or in part, is void and is of no effect.

SECTION 1111.11 REQUIRED IMPROVEMENTS

A. Improvements to be Paid for By Subdivider

- i. The owner of land who desires to subdivide it shall provide and pay the entire cost of

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improvements to such land as follows:

1. Before the construction of any building, street improvements shall consist of grading the right of way for full width; construction of permanent curbing and roadway; construction of drainage structures and appurtenances. Two roof drain openings shall be provided in the curb for each lot;
 2. Sanitary sewers, including manholes, services and all appurtenances;
 3. Water distribution system, including mains, services, valves, fire hydrants and all appurtenances;
 4. Curbs and sidewalks on existing streets as determined by the City Engineer; Storm sewers, including manholes, inlets and all appurtenances.
- ii. All phases of the improvement shall be approved by the City Engineer and shall be constructed in accordance with City specifications.
 - iii. The City may require other improvements not listed in this section, if they are deemed necessary by the City Engineer for the protection of public health, safety or welfare.
 - iv. The City shall require a plot-grade-utility-plan approval for all residential subdivisions in accordance with the provisions of Chapter 1109.19.

B. Inspection During Installation

- i. The construction of all improvements shall be inspected by the City Engineer at the time of installation. Under no circumstances are such installations to be made without an inspector on the job. The City Engineer shall be notified three days before any construction work is begun.
- ii. If any violation of, or noncompliance with, any of the provisions of this chapter occurs, the City shall withhold the issuance of the occupancy permit until the violation or noncompliance is corrected.

C. Construction Drawings; Dimensions; Revision

- i. All construction drawings for improvements shall be on a horizontal scale of one inch to fifty feet and vertical scale of one inch to five feet. The sheet size shall be twenty-two inches by thirty-six inches.
- ii. Upon approval and acceptance of all improvements, the original construction drawings for the improvements shall be revised to reflect the actual construction. All drawings including the master grade plan or reproductions thereof on tracing cloth shall become the property of the City and shall be on file in the office of the City Engineer.

D. Service Roads

- i. Service Roads Authorized. When it is determined by the City Engineer that the roadways provided in the Subdivision Regulations are not satisfactory for the needs of special circumstances, additional roadways, designated "service roads," may be prescribed by the City Engineer. These service roads will be shown on the plat of a subdivision in such locations as are determined by the City Engineer, subject to plat approval as provided by the Subdivision

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- ii. **Service Road Right of Way.** When it is determined that service roads may be included in a subdivision plat, the right of way for the road shall be no less than thirty-two feet in width and shall be dedicated to public use in the same manner as prescribed in the Subdivision Regulations for all other public roads.
- iii. **Service Road Specifications.** Service roads shall be constructed of materials and to design section as shown on the revised standard construction drawing File R-23A as presently constituted and as hereafter amended on file with the City Engineer.
- iv. **Sidewalks Not Required.** No sidewalks or other provision for traffic, other than motor vehicular traffic, shall be required in conjunction with the construction of any service road.

SECTION 1111.13 STREET LIGHTS

- A. Design and Layout.** The design and layout for the street lighting, the underground wiring and other pertinent equipment to be used shall be designed by a registered engineer, and approved by the City Engineer.
 - i. All energy lines leading to the light standard shall be underground in new developing subdivisions.
 - ii. All street lighting designs are to be coordinated with the supplier of electric energy. Two drawings for each street lighting layout shall be submitted to the supplier of electric energy for record purposes.
 - iii. Street lights using poles and light assemblies as shown on standard drawings R-46 and R-47, respectively, are to be installed with not less than 160 feet spacing nor more than 240 feet spacing. Street lights using the alternate residential luminaire and pedestal pole, as shown on standard drawing R-46A, are to be installed with not less than 125 feet spacing nor more than 160 feet spacing. Street lights shall be installed alternating on opposite sides of the street.
 - iv. The alternate residential luminaire and pedestal pole detail, as shown on standard drawing R-46A, shall be used in all residential areas. The pole detail and light assembly (commonly referred to as a “cobra light”), as shown on standard drawing R-46 and R-47, respectively, shall be used in all commercial corridors, unless otherwise approved by Council through adoption of streetscape standards or other such action to permit consideration of alternative styles, or as may otherwise be approved by any other Board of Commission having jurisdiction to approve or permit the use of alternative styles as part of its review of an overall design concept.
 - v. The drawings are specification sheets for street light standards, luminaries, mercury vapor lamps and pedestal termination points and will be available at the Director’s office.
 - vi. All connections to supplier of electric energy secondary service locations shall be made by supplier.
- B. Lights to Be Installed.** Any person, firm or corporation desiring final acceptance of a street, shall, before final acceptance is granted, have the street lights installed and ready for use.
- C. Maintenance of Lighting Is Responsibility of City.** It shall be the responsibility of the City to secure the energy for lighting and to maintain the installations.

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- D. Damages to distribution system.** Any contractor or agent for the developer, while in the process of installing street lights, who damages the distribution system of an electric energy supplier shall be liable for such damages and for any other cost as a result of such damages, and the energy supplier may charge and receive payment for such damages from the party responsible.
- E. Completion Bond Required.** If conditions are such that street lights cannot be installed prior to the acceptance of the streets upon which street lights are to be installed as required in Section 1111.13, the person, firm or corporation requesting acceptance of such streets shall deposit with the City Auditor an amount of cash or collectable funds, or a performance bond in form satisfactory to the City Attorney equal to one and one-half times the estimated cost of the installation of street lights as security for the installation of such lights, which installation shall be completed within six months of the date of deposit of such funds or bond. Failure on the part of such person, firm or corporation to complete the installation within six months shall be cause for the Public Service Director to order installation by such other contractor as he may choose and cause the cost of installation to be paid from the funds or bonds so deposited. That portion of such funds not used for the installation shall be returned to the depositor at the completion and acceptance by the City of the street lighting installation.
- F. Easement for Energy Lines to Light Standards.** The developer shall provide the necessary easement for street lighting. The City Engineer will coordinate with the developer, where necessary, the easement leading to the electric lighting standard so that lighting may be properly spaced.

SECTION 1111.15 STANDARDS

A. Street Standards

- i. **Street Design.** Streets shall be dedicated to public use by the owner. Minor residential streets shall be so designed as to discourage their use by nonlocal traffic. Except where necessitated by local conditions, dead-end streets and cul-de-sacs will not be approved in residential districts. Dead-end alleys are prohibited in all districts. Easements for utilities must be provided along side or rear lot lines where possible. Street rights of way shall have the following minimum widths:
 1. Major arterial, which include Federal, State and County roads which are main arteries of access to the City: one hundred (100FT); an additional width of forty-five feet (45FT) 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 (80FT);
 3. Neighborhood collector, which are within a new subdivision: sixty feet (60FT);
 4. Minor residential, which are completely residential in nature: fifty feet (50FT);
 5. Alleys: twenty feet (20FT);
 6. Easements: as required.
- ii. **Minimum Pavement Widths.** Minimum pavement widths shall be as follows:
 1. Major arterial: variable as conditions may require;
 2. Minor arterial: thirty-six feet (36FT);

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3. Neighborhood collector: thirty-two feet (32FT);
 4. Minor residential: twenty-six feet (26FT);
 5. Alleys: eighteen feet (18FT);
 6. Service drives: twenty feet (20FT);
 7. Sidewalks: minimum four feet (4FT) along non-arterial and minimum width along arterial streets to be as approved by the City Engineer, in accordance with the provisions of Section 909.02.
- iii. Maximum Grades. The maximum grades shall be:
 1. Major arterial: four percent (4%);
 2. Minor arterial: five percent (5%);
 3. Neighborhood collector, minor residential streets and alleys: six percent (6%)
 - iv. Minimum Grade. The minimum grade for any street shall be one-half of one percent at the gutter, unless otherwise approved by the City Engineer. Street intersections shall be rounded by radii not less than twenty feet (20FT) at the curbline.
 - v. Standards. All street construction and specifications for materials shall be in conformity with standards required by the City as published by the City Engineer.
 - vi. Plans. 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.

B. Private Roadways

- i. 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.
- ii. 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.
- iii. 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.
- iv. The minimum pavement width for private roadways shall be twenty-six feet (26FT) and the maximum grade shall be six percent (6%), however, the minimum grade for private roadways shall be one- half of one percent at the gutter, unless otherwise approved by the City Engineer.
- v. 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 and Zoning Board ~~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 and Zoning Board ~~Commission~~ shall consider whether such cul-de-sac or turn-around will be used for parking vehicles.

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- vi. 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.

C. Sanitary Sewers

- i. 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.
- ii. Sanitary sewer plans must bear the approval of the Director of Public Service and the City Engineer and the Superintendent of Water/Wastewater. Places shall be provided for their signatures.

D. Water Distribution

- i. 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.
- ii. 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. Places shall be provided for their signatures.

E. Storm Sewer System

- i. Proposed storm sewers, including grades, pipe sizes, manholes, inlets and appurtenances may be shown on the street improvement plans. Installation and materials shall be in conformity with City standards published by the City Engineer.
- ii. The owner or developer shall follow the recommendations of the 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.
- iii. The storm sewer 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 Floodplain Administrator. Place shall be provided for their signature.

F. Lots and Blocks

- i. 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 (10FT). 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.

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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 on both front and sides of lot. The maximum length of blocks may not exceed eighteen hundred feet (1,800FT) except where topographic conditions require longer blocks, nor shall they be less than four hundred feet (400FT) in length. Wherever blocks are longer than nine hundred feet (900FT), crosswalks or crosswalk easements not less than ten feet (10FT) 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.

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

G. Drainage

- i. The Planning and Zoning Board ~~Commission~~ shall not approve any subdivision having inadequate storm drainage or other physical drainage impairment as determined by the City Engineer. In areas known to be subject to periodic floods, such drainage improvements must be made as to satisfy the Director of Public Service and the City Engineer in order that the health and welfare of the people will be protected.
- ii. No natural drainage course shall be altered and no fill, buildings or structures shall be placed in it unless provisions are made for the flow of water in a manner satisfactory to the City Engineer. An easement shall be provided on both sides of any existing important surface drainage course adequate for the purpose of protecting, widening, deepening, enclosing or otherwise improving such stream for drainage purposes.
- iii. A master grade plan shall be prepared for all subdivisions and shall be presented to the for review and approval by the City Engineer. The grading plan shall show the existing topography, the proposed street grades and the proposed storm sewers with pipe sizes and grades. It shall also show the proposed elevation at each lot corner, the proposed finish grades at the house and shall delineate the method of rear yard drainage by showing proposed swales and direction of surface slope by arrows. The grading plan shall follow the standards as established for such grading by the City Engineer.
- iv. 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 City Engineer, with approval of such drainage subject to inspection by the City Engineer along with the inspection of other storm sewer installations.

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- v. The Planning and Zoning Board **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 City Engineer that such development or subdivision has been designed to be in full compliance with the design requirements contained in the Stormwater Management Policy and Design Manual.
- vi. 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, the Stormwater Management Policy and Design Manual as hereafter amended in the most recent edition published by City Engineer.

H. Public Use Areas

- i. 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, another public agency, or reserved for acquisition by the City within a period of five (5) years by purchase or other means.
- ii. Where required, the developer and the City shall work out an arrangement for parks and recreational facilities.
- iii. 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 and Zoning Board **Commission**.
- iv. Natural features of beauty such as trees, brooks, topography and views shall be preserved whenever possible in designing any subdivision.

I. Underground and Electric Telephone Lines

- i. The term "subdivision" as used in this section refers only to residential subdivisions of more than eleven (11) lots platted subsequent to July 1, 1967.
- ii. 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.
- iii. The preliminary plan with respect to the subdivision shall be submitted to the City Engineer 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 City Engineer and such utility companies shall be submitted to the Planning and Zoning Board **Commission** by the owner of the subdivision together with the plat of the subdivision. Prior to signing the plat of the subdivision, the Planning and Zoning Board **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 and Zoning Board **Commission** deems necessary to ensure that the owner shall makes or has made provision for all utility services, including underground electric and telephone distribution wires, conduits, cables, gas pipelines, sewer and water lines in accordance with this section, adequate for the anticipated needs of the subdivision.

SUBDIVISION REGULATIONS

- iv. The construction of all underground facilities shall meet the minimum requirements of any code approved by the Public Utilities Commission of Ohio.
- v. 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 and Zoning Board **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 and Zoning Board **Commission** shall hold a hearing, at which the applicant and any other interested person may appear, at its regularly scheduled meeting, after the submission of an application for exemption. Notice of the hearing shall be given by certified mail by the applicant, at the applicant's expense, to each interested utility and owner no less than seven (7) days prior to such hearing. If the Planning and Zoning Board **Commission** denies the application following the notice and hearing, the applicant may file a written appeal therefrom with the Clerk of Council, stating the reasons therefor, within thirty (30) days following the announcement of such decision by the Planning and Zoning Board **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 and Zoning Board **Commission**.

J. Separability. If any court of competent jurisdiction determines that any clause, section or portion of Section 1111.15(I) is invalid or unconstitutional, such finding shall in no way affect the validity of unconstitutionality of the balance of Section 1111.15(I).

K. Erosion and Sediment Control

- i. 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.

L. 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 established and updated from time to time.

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GLOSSARY OF TERMS

Glossary of Terms

A.

Accessory Dwelling Unit (ADU). An accessory dwelling unit (ADU) is a smaller, secondary home on the same lot as a primary dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. ADUs can be detached structures or attached to the primary structure. One ADU is permitted per lot. ADUs are subject to all applicable regulations in section 1105.05 of this code.

Accessory Structure. A building or structure that is subordinate to the principal building or structure upon the same lot and serving a purpose customarily incidental to the principal structure.

Accessory Use. A use that is subordinate to the principal use of the land and serving a purpose customarily incidental to the principal use or structure.

Adult Booth. Any area of an adult oriented business set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

Adult Day Care. A licensed facility for the daytime care of an adult with a mental or cognitive impairment.

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Adult Entertainment. See Section 795.02, Codified Ordinances of the City of Reynoldsburg.

Adult material. Any of the following, whether new or used:

- A. Books, magazines, periodicals, or other printed matter, or digitally stored materials that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
- B. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
- C. Instrument, novelties, devices, or paraphernalia that are designed for use in connection with specified sexual activities, or that depict or describe specified anatomical areas.

Advertising structure. Any outdoor display for the purpose of advertisement, notice or announcement located apart from the premises or product referred to in the display.

Agriculture. Farming; ranching; aquaculture; algaculture meaning the farming of algae; apiculture and related apicultural activities, production of honey, beeswax, honeycomb, and other related products; horticulture; viticulture, winemaking, and related activities; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

Aisle. That part of an off-street parking or loading area which provides vehicular access to parking or loading spaces, exclusive of driveways.

Alterations, structural. Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Antique Shop. Any premises used for the sale or trading of articles of which 80 percent (80%) or more are over thirty (30) years old or have collectible value. Antique shop does not include a thrift or second-hand store.

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Applicant. Any Person or authorized agent of a Person, that applies for a Zoning Permit, Certificate of Appropriateness, Map Amendment or other land use process or approval pursuant to this chapter.

Application. The process by which an Applicant submits a request to be granted any land use approval or land use approvals under the provisions of this chapter. An Application includes all attachments to the form promulgated by the city from time to time, as well as all verbal statements and representations made by the Applicant throughout the review process.

Auction facility. A building, area, or areas within a building used for the public sale of goods, wares, merchandise, or equipment to the highest bidder. This definition excludes therefrom an auction, the principal purpose of which is the sale of livestock or motor vehicles.

Awning. A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

Awning, Back-lit. Any awning, fixed or retractable, which incorporates any transparent or translucent material in its covering and is illuminated by a light source placed behind the covering.

Awning, Fixed. A fixed structure supported by a frame or bracketing extending outward from the wall of a building which does not retract or roll up and is constructed to provide shade or shelter.

Awning, Retractable. A structure fastened to the wall of a building which, in a closed or rolled up position, does not extend beyond 8 inches from the face of the building and, when extended, is constructed to provide shade or shelter.

Awning Sign. A non-illuminated sign affixed flat to the surface of an awning (known as the base material) or which does extend vertically or horizontally beyond the limits of such an awning.

B.

Bakery-Retail. An establishment primarily engaged in the retail sale of baked products for consumption

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off site. The products may be prepared either on or off site. Such use may include incidental food service. A bakery shall be considered a general retail use.

Banner. A temporary sign composed of light weight material not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by the movement of the atmosphere. Includes those used to announce open houses, grand openings, make special announcements, or communicate events.

Basement. A story all or partly underground but having at least one-half (1/2) of its height below the average level of the adjoining ground.

Berm. A mound of earth, higher than the surrounding grade, used for screening or buffering, definition of space, noise attenuation and/or decoration in landscaping.

Beverage – Brewing and Distilling. An establishment where beer, malt beverages or spirits are made on the premises and then sold or distributed, and which produces less than 15,000 barrels (~465,000 gallons) per year. The brewer may sell to a retailer or directly to a customer.

Beverage – Distribution. A facility where beverages are received and/or stored for delivery to the ultimate customer at remote locations.

Beverage - Non-Alcoholic Production. A facility that manufactures and distributes non-alcoholic beverages, such as soft drinks, to other distributors or retailers.

Beverage Sales - Liquor and Beer Sit Down/Bar Establishment. An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

Beverage Sales - Liquor Store. Any business selling general alcoholic beverages, also known as sale of distilled spirits or hard liquor, and may include wine and beer sales, for off-premises consumption.

Block. A parcel of land which is bound by other lots, streets, highways, railroad rights-of-way, parks or open space, undeveloped land, water courses or bodies of water, channels or a combination thereof.

~~**Board of Zoning and Building Appeals or Board.** The Board of Building and Zoning Appeals (BZBA) of the City of Reynoldsburg, as established by the Charter.~~

GLOSSARY OF TERMS

Boarding / Kennel. Any structure or premises on which five (5) or more dogs or cats over three (3) months of age are housed, bred, boarded, or trained overnight.

Buffer. The promotion of separation and compatibility between land uses of different intensities within or adjacent to a development, or along roadways or other public areas through the use of setbacks, natural vegetation, berms, fences, walls or a combination thereof. The term “buffer” may also be used to describe the method(s) used to promote compatibility such as a landscape buffer.

Buffer Yard. Area intended to provide buffering between land uses of different intensities or along public rights-of-way.

Building. A structure enclosed with exterior walls used or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Building, Accessory. See “Accessory Structure”.

Building Code. Part Thirteen of the Codified Ordinances of the City of Reynoldsburg, Ohio.

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

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 street not listed as a primary street.

Building, Height. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the ~~coping of a flat roof~~ ~~the roof for flat roofs~~, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building, Main. A building in which is conducted the main use of the lot on which the building is located.

Building Materials and Hardware (Retail). An establishment for the retailing, wholesaling or rental of building supplies or construction equipment. This use classification includes lumberyards, home improvement sales and services, tool and equipment sales or rental establishments.

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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.

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

Business Sign. A sign containing product advertisements or other detailed information about the operation of a business. Specifically, such sign is one which contains brand names of goods sold or services rendered on the premises, a listing of numerous specific types of goods or services, prices or special sale information, telephone number or other similar information. A business sign may also include items permitted on an identification sign.

Building, Temporary. A building located on a lot for a limited duration.

C.

Camping. Any parcel or tract of land under the control of any person, organization, or governmental entity wherein sites are offered for the use of the public or members of any organization for the establishment of temporary living sites for two or more recreational vehicles, tents or camping units.

Canopy. A permanent or temporary structure other than an awning or marquee, attached to a building over an entrance and carried by a frame supported by the ground or sidewalk, extending from the entrance to or over the public sidewalk for the purpose of providing shade or shelter to pedestrians walking from the sidewalk to the building's entrance.

Cemetery. Land used or intended to be used for the burial of the human dead and dedicated as a cemetery for such purposes.

Certificate of Appropriateness. A certificate issued by the Planning and Zoning Administrator stating that the proposed modification to a structure complies with the provisions of Chapter 1109.21.

Changeable Copy Sign (Automatic). A sign or portion thereof on which the copy changes automatically or animation is displayed through electrical or electronic means (e.g., time and temperature units and message centers); considered a business sign.

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Changeable Copy Sign (Manual). A sign or portion thereof on which copy is changed manually through placement of letters or symbols on a sign panel; considered a business sign.

Channel. A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

Charter. The charter of the City, the same as may be amended from time to time.

Child Care, Type A. A permanent residence in which child care or publicly funded childcare is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which childcare is provided to four (4) to twelve (12) children at one time if four (4) or more children at one time are under the age of two (2).

Child Care Center, Type B. A permanent residence of the provider in which child care is provided for one to six (6) children at one time in which no more than three (3) children are under the age of two (2) at one time.

Child care – in home. A private home licensed by the state of Ohio in which more than six (6) but not more than twelve (12) minor children are given are and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

Child day care – center. Any place operated by a person, society, agency, corporation, institution, or any other group that is licensed by the state of Ohio wherein twelve (12) or more children under 17 years of age who are not related to the facility operator and whose parents or guardians are not residents in the same house and with such person, society, agency, corporation, or institution responsible for the control and care of children enrolled therein.

City. The City of Reynoldsburg, Ohio, a municipal corporation, acting by and through its City Council.

City Attorney. The elected Law Director of the City.

City Council. The elected members of the City Council of the City.

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City Engineer. The City Engineer of the City.

Clerk of Council. The Clerk of the City Council.

Clothing Services – Dry Cleaning with Drive Thru. An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry via a counter or drive-through without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

Clothing Services - Dry Cleaning without Drive Thru. An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry via a counter without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises. Drive-through pick-up or delivery is not permitted.

Clothing Services - Tailor. An establishment or place of business primarily engaged in the provision of frequent or recurrent services related to the alteration or hand-made creation of clothing.

Code. The Code of Ordinances of the City.

Common Area. Land in any development held in common or single ownership that is not reserved for the exclusive use or benefit of an individual tenant or owner.

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.

Community Facility. Existing, planned and proposed parks, playgrounds, schools and other public lands and buildings located within the City.

Community Facility – Activity Center. A building or other enclosed structure open to residents of a subdivision or the general public, which is owned and operated by a private entity, a public agency, or a nonprofit organization, and that is used predominantly for cultural, educational, recreational, or social purposes.

Community Facility - Detention and Corrections. A facility for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include an adult detention center, juvenile delinquency center, jail, and prison. These facilities house prisoners who are in the custody of city/county/ law enforcement and the facilities are typically government owned.

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Community Facility - Government Administration and Courts. A facility devoted to the operations of the City, County or State, but not including detention and corrections.

Community Facility - Outdoor Recreation. Non-commercial recreation premises consisting of woodlands, water courses, and fields used for active recreational activities that do not require modifying the existing setting, including but not limited to, paintball, laser tag, and orienteering.

Community Facility – Park. A natural or landscaped area, buildings, or structures, provided by a unit of government, to meet the active or passive recreational needs of people.

Community Facility - Public Health Safety. Facilities operated by public agencies including fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

Community Facility – Trail. A public path exclusively for pedestrians and bicycles, but not including a sidewalk or street.

Comprehensive Plan. A plan, or any portion thereof, adopted by the Planning Commission and Council of the City showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools and other community facilities. This plan establishes the goals, objectives and policies of the community.

Conditional Use. A special use that allows the Board of Zoning and Building Appeals to review and place conditions on development standards such as location, design, size, density, operation, intensity of use, generation of traffic and traffic movement, processes and equipment employed, and the amount and kinds of public facilities and services required. These conditions ensure that each proposed use is consistent with the intent and objectives of the particular district in which it is to be located, and protects adjacent properties and the general health, safety and welfare of the public.

Conditional Use Permit. A permit issued by the Planning and Zoning Administrator upon approval by the Planning and Zoning Administrator or the Board of Zoning and Building Appeals, as applicable, to allow a use designated as such in the applicable district or overlay.

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Council. The Council of the City.

County. Collectively, as applicable, any of Franklin, Fairfield or Licking Counties in Ohio.

County Recorder. The office of official land records for the County.

Curb Cut. A location, approved by the City, at which vehicular access is permitted from the traveled portion of a public street to or from a private driveway. Such location may involve or require the alteration or cutting of the curb abutting the street pavement to allow for at-grade vehicular movement onto the street pavement.

D.

Deed. A written instrument for the conveyance of real property from one person to another.

Deciduous. A plant with foliage that is shed annually.

Deck. An uncovered platform or floor, supported above the ground and open to the sky.

Density. A unit of measurement; the number of dwelling units per acre of land.

- A. Gross density. The number of dwelling units per acre of the total land to be developed.
- B. Net density. The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Developer. Any person, subdivider, partnership, owner or corporation or duly authorized agent who constructs or contracts to construct improvements on subdivided land.

Development. The improvement of a tract or parcel of land, which results in an alteration of land or vegetation.

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Development Agreement. An agreement between a Developer and the City and which contains the following components:

- A. Summary and Affidavit;
- B. Preliminary Development Plan;
- C. Final Development Plan;
- D. Restrictive Covenants; and
- E. Attachments.

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

Development Plan. Reports, applications, maps, technical drawings, illustrations, and other matter describing the intended use and construction of improvements of land, particularly relating to a request for amendment of a zoning district or for creation of a planned unit development.

Directional Sign. On-premise sign used to direct vehicles to parking areas or indicate points of entry or exit for a facility or off-street parking lot. Such signs may contain information such as “Lot A”, “Green Lot”, “in”, “enter”, “entrance”, “out”, “exit”, “do not enter” or similar directives. Such signs shall not include any business information other than the business logo and/or name.

District. A section of the City for which zoning regulations governing the use of land and buildings, the height of buildings, the sizes of yards and the intensity of uses are uniform. Boundaries of the districts are shown on the Official Zoning Map.

Drainage Features and Improvements. Natural features of land or designed features of land, buildings, and other improvements, including storm sewers, natural and manmade watercourses, swales, yard drains, catch basins, curbs, retention facilities, and other features affecting the flow of storm water or designed to direct or manage the flow of storm water.

Driveway. A paved way providing access from a street or other means of access to the subject premises.

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Drive-Thru. A building or portion thereof that, by design, permits customers to receive goods or services while remaining in a motor vehicle.

Dwelling. Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or mobile home, boarding or rooming house or hotel.

Dwelling, Assisted. A residential facility for elderly persons (age 60 or older) and their spouses, or for persons having such disabilities as to require assistance with daily living tasks, as suggested by their physician. The facility contains four or more dwelling units and/or rooming units, and provides, through on-site personnel, such exclusive resident services as meal preparation, laundry services and room cleaning.

Dwelling – Attached Single-Family. A dwelling unit that is attached to one or more dwelling units, each with independent exterior access and each with no less than two exterior walls. This type of dwelling includes condominiums and townhouses.

Dwelling – Detached Single-Family. A building designed for or occupied by one family or housekeeping unit.

Dwelling - Developmental Disability. A dwelling devoted to two or more persons who have a physical or mental impairment or handicap, or both, that substantially limits one or more major life activities, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, learning, breathing, or working. A physical or mental impairment may include orthopedic, visual, speech, or hearing impairments, Alzheimer's disease, presenile dementia, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, autism, or emotional illness.

Dwelling Floor Area. The sum of the gross horizontal inside dimension areas of the floors of a dwelling, including stairways, halls, and closets, but not including basements, porches, garages, breeze ways, utility rooms, laundry areas, or carports.

Dwelling, Group. A housing unit classified further as one of the following:

- A. **Group Home, Class I.** A facility providing 24-hour care in a protected living arrangement for not more than fifteen (15) residents. This classification includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons 60 years of age and older, and maternity homes.
- B. **Group Home, Class II.** A facility providing 24-hour care in a protected living arrangement for not

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more than fifteen (15) residents. This classification includes homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, halfway houses providing residence to those needing correctional and mental institutionalization. This classification also includes emergency shelter during crisis intervention for not more than fifteen (15) victims of crime, abuse, or neglect, and residential rehabilitation for alcohol and chemical dependence for 15 or fewer individuals.”

Dwelling, Mobile Home. Any non-self-propelled vehicle so designed, constructed, reconstructed or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation when connected to utilities, whether resting on wheels, jacks, blocks or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of 4,500 pounds and an overall length of thirty (30) feet.

Dwelling, Multi-Unit Building. A building containing three or more dwelling units.

Dwelling, Multi-Unit Building Complex. A site containing two or more multi-unit buildings situated in relation to one another, which may include common facilities such as a clubhouse and/or swimming pool and common parking areas.

Dwelling, Nursing. 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.

Dwelling - Two-Family. A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling Unit. One or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single household maintaining a household.

E.

Easement. A right granted by a written instrument from one owner of land to another for use of a specified

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portion of the grantor's real property for a specific purpose or purposes as set forth in an easement agreement.

Easement Area. The particularly described area of exclusive or non-exclusive legal interest in, on, under, over or through a portion of a parcel of land or appurtenance thereto.

Educational/Public Service sign. A sign designed to provide information on school or public events, community recognition and/or promotes information about good health and safety.

Emergency. A reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.

Engineer. Any engineer licensed by the State of Ohio State Board of Registration for Professional Engineers.

Equipment Repair – Light. Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance, electronic, computer, or bicycle/scooter repair shops.

Equipment Repair – Heavy. Establishments that repair commercial or personal automotive vehicles, equipment, or recreational vehicles and may have associated vehicle storage for no longer than 60 days on a paved surface.

Essential Public Services and Utilities. The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, water transmission or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety of general welfare, but not including buildings.

Event Center – Private Events and Conferences. A commercial event center used to host private events and conferences such as weddings and other personal events, but not including funerals, and private business or industry conferences.

Event Center – Public Meetings and Conventions. A public event center used to host events and

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conferences such as trade shows, conferences, and other public events.

Evergreen. A plant with foliage that persists and remains green year-round.

F.

Façade. A side of the exterior of a building (exclusively of permitted encroachments), especially the front, but also sometimes the sides and rear.

Fee. A charge, as required by this Zoning Code, paid by an applicant or other person, for the purpose of paying some or all of the costs incurred by the City in processing and reviewing requests for zoning amendments, site plans, zoning permits, and other administrative activities relating to zoning.

Fence. A structure, hedge or other landscape material positioned up to or on top of the property line, easement line, right-of-way, or setback line, as applicable for the purpose of separating properties, or for screening, enclosing, and/or protecting the property within its perimeter.

Fence, decorative. A fence, hedge or other landscaping material used for decorative purposes only and not intended for use as an enclosure, barrier, or means of protection or confinement. Decorative fences shall not be site obscuring.

Financial Services and Banking – with Drive Thru. A facility including provisions for the conduct of banking services directly to the occupants of motor vehicles for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

Financial Services and Banking - without Drive Thru. A freestanding building without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

Finished Grade. The average level of the finished surface of the ground adjacent to the exterior walls of a building.

Fire Pit. An aboveground structure together with a seating area, installed, constructed and designed for the

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setting of small-scale fires in accordance with the regulations applicable to the subject property upon which such structure and seating area are located.

Flood plain. Land under and along a watercourse which is subject to inundation by a 100-year flood, as determined by the Federal Emergency Management Agency (FEMA) or other source determined acceptable to the city.

Flood, Regional. Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the 100-year recurrence interval flood.

Floodway. That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

Floodway Fringe. That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

Floor. That part of a room or story which forms its lower, horizontal enclosing surface.

Floor area, gross. The total square feet of all main and accessory buildings which are enclosed, measured from the exterior building face or from the centerline of common walls separating building units.

Food Sales - Farm Market. Retail sales of agricultural products and items grown or produced in and around the City.

Food Sales - Large Format Grocery. A retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies at least 25,000 square feet of gross floor area. At least 1,000 square feet of a large format grocery shall be devoted to the sale of fresh produce at all times.

Food Sales - Small Format Grocery. A retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies at least 500 square feet but not more than 25,000 square feet of gross floor area. At least 10 percent of a small format grocery shall be devoted to the sale of fresh produce at all times.

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Food Service - Commissary/Bakery. A facility that produces food and baked goods for distribution or sale to restaurants and retail bakeries. *Any on-site, direct-to-consumer sales are only for consumption off the premises.*

Food Service – Deli. An establishment where food is sold for consumption off- premises and no counters or tables for on- premises consumption of food are provided, but excludes groceries and supermarkets.

Food Service - Fast Casual Restaurant. An establishment where food is preparing and purveying food on a full-service basis where customers order at the counter and where their prepared food is either delivered to them or carried by them to a table for on-premises consumption or carried out for off-premises consumption.

Food Service - Full Service Restaurant. An establishment maintained, operated, and/or advertised or held out to the public as a place where food and beverage are served to the public on demand from a menu during stated business hours, served in and on reusable containers and dinner- ware, to be consumed on the premises primarily inside the building at tables, booths, or counters, with chairs, benches, or stools. This use may include incidental delivery service using no more than two delivery vehicles.

Food Service – Processing. Manufacturing establishments processing foods for human consumption and certain related products. Includes: (1) bakery products, sugar and confectionery products (except facilities that produce goods only for on-site sales with no wider distribution); (2) dairy products processing; (3) fats and oil products (not including rendering plants); (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and by-products; (6) meat, poultry, and seafood canning, curing, and byproduct processing (not including facilities that also slaughter animals); and (7) miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants.

Food Service – Production. Manufacturing establishments producing foods for human consumption and certain related products. Includes rendering plants and animal slaughterhouses.

Food Service - Quick Serve/Fast Food with Drive Thru. An establishment engaged primarily in the business of preparing food and purveying it on a self-serve or semi self-serve basis. Customer orders and/or service may be by means of a walk-up counter or window designed to accommodate vehicular traffic. Consumption may be either on or off the premises.

Food Service - Quick Serve/Fast Food without Drive Thru. An establishment engaged primarily in the business of preparing food and purveying it on a self-serve or semi self-serve basis. Customer orders and/or service may be by means of a walk-up counter. Consumption may be either on or off the premises.

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Forestry. Facilities, activities, or equipment used to plant, raise, manage, harvest, and remove trees on private land. The term includes site preparation, fertilization, pest control, and wildlife management.

Freestanding Sign. A sign which is not attached to a building and which is either attached directly to the ground or elevated on a supporting structure attached to the ground.

Freestanding solar panel. A solar panel or an array of solar panels that is not attached to a structure and is mounted on a structure that is attached to the ground.

Frontage. The principal elevation of a building, which is most often the elevation that abuts a street. In the context of the location of any building typology described under the Zoning Code, frontage means the street or right-of-way type that a building is permitted to abut.

G.

Gable. The triangular section of 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.

Gallery – art. An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries.

Garage, Private. An accessory building or part of a principal building used for the storage of motor vehicles as an accessory use and in which no business or industry connected directly or indirectly with the repair or servicing of such motor vehicles is carried on.

Garden center – indoor and outdoor. A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouse, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

Golf Course. A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses.

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Gasoline Station. See “Retail – Convenience with gasoline”.

Grade. The elevation of land surrounding a structure or the slope of a road, in each case expressed as a percentage.

Ground Sign. A display sign supported by uprights or braces in or upon the ground surface.

H.

Health and Wellness – Clinic. An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians practicing medicine together.

Health and Wellness – Fitness Facility/Gym. Any fitness center, gymnasium, health, studio fitness center and athletic club, which may include any of the following: aerobics instruction, exercise machines, sauna, spa or hot tub facilities; indoor tennis, handball, racquetball and other indoor athletic amenities and events.

Health and Wellness – Massage. A private establishment that provides therapeutic or medical massage of a non-sexual nature provided by a licensed practitioner.

Health and Wellness - Physical therapy. An outpatient office establishment that provides physical rehabilitation or occupational therapy for individuals with an injury or disability.

Height or Above Ground Level. When referring to a tower or other structure, the distance measured from the finished grade at the base of the tower/structure to the highest point on the tower or other structure, including the base pad and any antenna.

Home Occupation. An occupation conducted in a dwelling unit, provided that no more than one person other than members of the family residing on the premises shall be engaged in such occupation. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than thirty-five percent (35%) of floor area of the dwelling unit shall

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be used in the conduct of the home occupation. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building. No traffic shall be generated by the conduct of such home occupation and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Zoning Ordinance, and shall not be located in a required front yard.

Homeowners Association (HOA) or Property Owners Association (POA). An incorporated, non-profit organization established by a developer, subdivider or an association of property owners whose membership shall consist of individual property owners within a subdivision.

Household. A person living alone or two (2) or more persons living together as a single housekeeping unit as distinguished from two or more persons living together in any congregate or group housing. For purposes of these Regulations, the following shall create a rebuttable presumption that the group is not a single housekeeping unit:

- A. Keyed lock(s) on any interior door(s) to prevent access to any area of the dwelling unit with sleeping accommodations;
- B. Members of the group have separate leases, or sub-leases and/or make separate rent payments to a landlord; or
- C. The group significantly reforms over the course of a twelve (12) month period by losing and/or gaining members.

I.

Identification Sign. A sign identifying or naming a business institution, residential development or other use. Specifically, such sign may indicate the name, owner, or manager and address of an existing building, business or other use, including the general type of goods sold or services rendered, but without a listing of numerous specific goods or services and without reference to brand names, prices, “sales” or telephone numbers.

Illuminated Sign. Any sign illuminated by electricity, gas or other artificial light including reflecting or phosphorescent light.

Improvements. Any additions to the natural state of the land which increases its value or utility, including

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pavements, curbs, gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, landscaping and other appropriate facilities or plantings.

- A. “Site improvements” means the improvements made to the land outside the exterior limits of a structure or structures.
- B. “Public improvements” means all improvements financed entirely or in part by public funds or which have been dedicated to public use by plat, easement or deed of transfer.
- C. “Final Plat Improvements” mean those improvements set forth in the final plan submitted to and approved by the City in accordance with these regulations.
- D. “Drainage Improvements” means those improvements determined by the City Engineer to be necessary to facilitate satisfactory drainage in accordance with these regulations, including but not limited to underground pipe, inlets, catch basins, ditches, and/or retention basins.

Independent Living, Age-Restricted. A private development comprised of individual dwelling units designed for occupancy by individuals who are over a threshold age, which is typically fifty-five (55) years old.

Indoor Recreation Enterprise. Any business which is operated as a recreational enterprise, either publicly or privately owned, for profit. Examples include, but are not limited to, arcades, bowling alleys, theaters, etc.

Indoor Storage Facility. Climate-controlled storage within an enclosed structure containing separate, individual, and private storage spaces of varying sizes leased or rented on an individual basis for varying periods of time, with no unit having direct external access, but being served by common indoor access aisles.

Information Window/Wall Sign. Window or wall signage bearing only information about entry and exit, business hours, authorized service representative information and/ or discount, credit systems accepted in that establishment (e.g. American Express, MasterCard, Visa, Golden Buckeye Card, etc.), and business directives (e.g. no soliciting, no firearms, etc.).

Institutional/Government Offices. A building or location that provides for community meetings and/or activities including, but not limited to, City Hall, Township Hall, school administration building, recreation center (public or private), property listed on the National Register of Historic Places, Chamber of Commerce building, Arts Council building, library, or other public buildings owned or operated by the City.

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J.

Junk. Old or scrap copper, brass, rope, gas, trash, waste, batteries, paper or rubber, junked, dismantled or wrecked, automobiles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous materials.

Junk Storage and Sales. Any lot, land, or structure, or part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in operating condition, and for the sale of parts thereof.

K.

No definitions.

L.

Landscaped Area. An area with plants, trees, natural turf or other vegetation planted in accordance with a landscape plan.

Landscaping. Physical improvements consisting of plants, shaped earth, walls and fences, rocks, and other related features, typically installed to beautify a premises and/or to screen negative impacts or protect certain uses from one another.

Land Use Plan. The long-range plan for the desirable use of land in an area as adopted by the Planning Commission and Council; one purpose of the Plan, among other purposes, is to serve as a guide in future development and zoning for the community.

Library. A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

Live Plantings. Trees, shrubs and organic ground cover which are in healthy condition.

Live Theater. A structure used for dramatic, operatic, or other live performance, for admission to which

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entrance money is received.

Loading Space, Off-Street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right of way.

Logo (or trademark). A letter or group of letters (usually stylized) or a symbol or symbols that represent a word, group of words, or business name. Usually used as part of a business identification scheme that is meant to identify goods, products, services or a business entity itself.

Lot. A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership and/or for building purposes or development, having fixed boundaries and designated on a plat or survey together with the required open spaces and having frontage on a public street or a private street.

Lot Coverage. The ratio of enclosed ground floor area of all buildings and structures on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Line Adjustment. A process that is used to change property lines of existing parcels for the purpose of combining two (2) or more adjacent parcels into one (1) parcel, alter and/or correct the boundary between two (2) or more parcels, or reconfigure the shape of parcels, without creating any additional parcels.

Lot Measurements. The method of measurement for a lot under this chapter, which shall be conducted as follows:

- A. Depth means the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- B. Width means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the minimum required building setback line.

Lot, Minimum Area of. The area of a lot is computed exclusive of any portion of the right of way of any public or private street.

Lot of Record. A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

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Lot Types. Means, as follows:

- A. “Corner lot” means a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
- B. “Interior lot” means a lot with only one frontage on a street.
- C. “Through lot” means a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- D. “Reversed frontage lot” means a lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

M.

Maintenance bond. An agreement by a subdivider or developer with the City, for a percentage of the established construction cost, used as a guarantee against any deficiencies which might develop between commencement of a development by a subdivider or developer and formal acceptance of dedication by City Council.

Major Thoroughfare Plan. The portion of comprehensive plan adopted by the City Planning Commission indicating the general location recommended for arterial, collector and local thoroughfares within the appropriate jurisdiction.

~~**Major Tree.** Any tree measured with a diameter-at-breast height equal to or greater than 4”.~~

Manufactured Home. Any non-self propelled vehicle transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards.

Manufactured Home Park. Any tract of land upon which three or more manufactured homes are located for residential use, either free of charge or for revenue purposes, including any roadway, building, structure,

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vehicle, or enclosure used or intended to be used as a part of the facilities of such park.

Manufacturing – Artisan. An establishment, not exceeding 3,000 square feet of floor area, for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items. Odors, fumes or excess noise may not be produced at the facility.

Manufacturing – Heavy. Any use in which the major activity is the treatment, processing, rebuilding, repairing, or bulk storage of material, products, or items, and where the finished product is not acquired by the ultimate user on the premises and produces any externally perceptible noise, fumes, odors, vibrations, or outdoor storage.

Manufacturing, Light. Manufacturing establishments engaged in and undertaking the assembly, fabrication and conversion of already processed raw materials into products, the production of which does not cause excessive noise, odor or other similar impacts on surrounding land uses

Marquee. A permanent structure fastened entirely to the building and projecting from the wall above an entrance and extending over the street right-of-way to provide shelter for automobile passenger loading and unloading entrance.

Marquee sign. A display sign attached to or hung from and supported by the building and extending beyond the building wall or front facade.

Medical - Clinic. A facility other than a hospital, emergency room or urgent care where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include: offices for physicians, dentists, chiropractors, or other health care professionals; outpatient care facilities; urgent care facilities; and other allied health services. These facilities may also include incidental medical laboratories. Patients are not provided with room and board and are not kept overnight on the premises. Medical Services and medical clinics include medical and dental laboratories incidental to the medical office use.

Medical – Emergency Services. A 24-hour outpatient facility, operated by a hospital or health organization, and staffed by doctors and nurses that provides immediate emergency care services similar to what would be expected in a hospital. Urgent care facilities are not considered emergency care facilities.

Medical – Full Service Hospital. An institution in which sick or injured persons are provided medical care

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and assistance and, in the course of same, may be housed overnight, fed and provided nursing and related services. Hospital shall comprise any related, accessory facilities such as laboratories, outpatient departments, training facilities, food service facilities, central service facilities and staff offices which are integral parts of the principal hospital facility.

Medical – Office. A building used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no over- night patients shall be kept on the premises.

Medical - Outpatient and Urgent Care. Outpatient-only medical services that apply to medical issues whereby a patient requires more immediate attention or care than can be provided by an appointment with a family doctor or general practitioner. Emergency ambulance services may not be provided.

Medical - Psychiatric Facility – Standalone. An establishment where human patients who may or may not be lodged overnight are admitted for examination and treatment by a group of professionals licensed by the state of Ohio to treat mental health issues or addiction.

Medical - Standalone Emergency Services. Stand-alone emergency medical facilities, which provide emergency services, including basic imaging and laboratory services that may be an off-campus emergency center associated with a hospital, or a non-affiliated, licensed medical care provider.

Medical Marajuana Facility - Cultivation. Any entity that has been issued a certificate of operation by the Ohio Department of Commerce to grow, harvest, package, and transport medical marajuana as permitted under R.C. Chapter 3796.

Medical Marajuana Facility - Dispensary. Any entity licensed pursuant to R.C. §§ 3796.04 and 3796.10 and any rules promulgated thereunder to sell medical marajuana to qualifying patients and caregivers.

Medical Marajuana Facility - Processing. Any entity in the business of obtaining medical marajuana from one or more licensed cultivators, processing medical marajuana from one or more licensed cultivators, delivering and/or selling medical marajuana to one or more licensed retail dispensaries, and licensed under Ohio Revised Code Section 3796.19.

Meeting Facility. Facilities typically accommodating groups of students in multiple instructional spaces. Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities;

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martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. This definition also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

Mineral Extraction / Processing. The exploration for or extraction of surface or subterranean compounds and materials; this includes oil and gas exploration and production, and the mining of metallic and nonmetallic minerals, sand, gravel, and rock.

Mini-Storage Facility. A building consisting of individual, self-contained spaces that are leased or owned for the storage of business goods, household goods, or contractor supplies.

Minor Subdivision. A proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and involving no more than five lots after the original tract has been completely subdivided, that may be submitted to the authority having approving jurisdiction of plats under the provisions of R.C. 711.05, 711.09 or 711.10 for approval without plat.

Mobile Home Park. Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle or enclosure used or intended for use as a part

Mobile Home. Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four thousand five hundred (4,500) pounds and an overall length of thirty (30) feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974.

Mobile home subdivision. A subdivision as defined in this section in which three or more mobile homes used for habitation are parked, including any roadway, building, structure, vehicle or enclosure used or intended for use therein.

Monuments. Permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot comers, boundary line comers and points of change in street alignment.

Monument Sign. A sign, with one or two (2) sides, attached to a permanent foundation or fastened to a base, and not attached or dependent upon any structure, pole, post or similar

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Mortuary. A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; and (e) facilities for cremation. Where a mortuary is permitted, a mortuary chapel shall also be permitted.

Motor Vehicle. A vehicle which is designed and manufactured to be self-propelling or self-moving upon the public street or highway. More specifically, as referred to in this ordinance, it includes: automobiles, trucks, tractors and scooters and motorcycles.

Movie Theater. A specialized theater for showing movies or motion pictures. The primary structural difference between a theater and a movie theater is the projection screen. However, many movie theaters can easily be adapted for stage performances and many stages have folding screens for movie projections. Although screen shapes are mostly rectangular, they come in a variety of shapes. Also, some special-purpose multimedia movie theaters use multiple screens, one on each wall face, or the entire ceiling surface, which are sometimes curved or geodesic in shape.

Multi-Family (2-4 Units). A building designed for two families, or housekeeping units, living independently of each other in separate dwelling units.

Multi-Family. A building or portion thereof designed for or occupied by five (5) or more families, or housekeeping units, living independently of each other in separate dwelling units which are accessible by interior hallways. This type of dwelling unit excludes a hotel.

Multi-Family Rental Office/Management Site. A residential apartment structure, permitted in multi-family residential districts, that is used by an apartment owner, employee or realtor to demonstrate construction and to display built-in amenities to prospective apartment tenants and to promote the rental or lease of apartment units. The rental office may be staffed and furnished.

Museum. A room or building for exhibiting, or an institution in charge of, a collection of books, or artistic, historical, or scientific objects.

N.

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Nonconformities. A building, structure or use of land existing at the time of enactment of this Zoning Ordinance which does not conform to the regulations of the district or zone in which it is situated.

O.

Office – Corporate. An establishment primarily engaged in providing internal office administration services as opposed to customer service in a single building or a campus setting; for example, the headquarters, regional offices or the administrative offices for a corporation. Generally, the majority of the traffic generated from corporate offices comes from employees and not the general public.

Office - Data processing / Call Center. A facility containing equipment for telecommunications or data processing/storage including switches, routers, operation centers, and other infrastructure critical for telecommunication companies, internet servers, data firms, fiber-optic cable, and other technology providers.

Office – Professional Services. Professional offices including: accounting, auditing and bookkeeping services; advertising agencies; architectural, engineering, planning, and surveying services; attorneys; counseling services; court reporting services; data processing and computer services; detective agencies and similar services; educational, scientific, and research organizations; employment, stenographic, secretarial, and word processing services; government offices including agency and administrative office facilities; management, public relations, and consulting services; photography and commercial art studios; writers and artists offices outside the home. Does not include medical offices or offices that are incidental and accessory to another business or sales activity that is the principal use. Incidental offices that are customarily accessory to another use are allowed as part of an approved principal use.

Official Zoning Map. The Official Zoning Map of the City of Reynoldsburg, as the same may be amended from time to time in accordance with this Zoning Ordinance.

Off-Premises Sign. Any sign unrelated to a business or profession conducted or to a commodity or services sold or offered upon the premises where such sign is located.

On-Premises Sign. Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.

Opacity. The degree or extent that light is obscured. 100% opacity meaning fully obscured, 0% meaning fully transparent.

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Open/Closed Sign. A window or wall sign bearing only information indicating if the business is open or closed. This does not include the hours of operation. Signs that include both the open/closed information and the hours of operation shall be deemed to be an information sign.

Open Space. An area of land that is intended and used for environmental, scenic, or recreational purposes and which may include lawns, landscaping, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, and wooded areas. Open space shall not be deemed to include paved areas such as roads, driveways, or parking lots, and shall not be deemed to include spaces required for minimum yards. That portion of a natural or man-made water body which shall be interpreted as open space shall be determined by the Planning Commission.

Ornamental Tree. A deciduous tree planted primarily for its ornamental value or for screening and which will typically be smaller than a shade tree.

Outdoor Recreation Enterprise. Any business which is operated as a recreational enterprise, either publicly or privately owned, for profit. Examples include but are not limited to horse stables, fisheries, wilderness preserves, golf course, mini-golf courses, amusement parks and campgrounds.

Outdoor Processing – Agriculture. Activities involving a variety of operations on crops or livestock which may generate dust, noise, odors, pollutants, or visual impacts that could adversely affect adjacent properties. These uses include but are not limited to slaughterhouses, mills, canneries, and milk processing plants.

Outdoor Processing – Composting. An establishment for the processing of organic waste in a controlled environment to produce a stable fertilizing product by microbiologically degrading organic matter under aerobic conditions.

Outdoor Processing - Concrete and Asphalt. An industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or concrete products.

Outdoor Storage. The keeping of property in an open area of a lot for the purpose of sales, storage, or display.

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Overnight Lodging – Bed and Breakfast. An owner-occupied residential single-family, detached structure wherein lodging and breakfast only are provided to transient guests for compensation.

Overnight Lodging – Boutique Hotel. A small-scale hotel in a historic structure, or a structure with façade made of a high-quality material such as wood, brick, masonry, tile, stone, granite, limestone, or another natural material, that has fewer than thirty (30) rooms. Rooms must be accessed from an interior hallway.

Overnight Lodging – Hotel. A place of transient occupancy which includes any structure consisting of one or more buildings containing any combination of more than five (5) guestrooms that are each approved by the Chief Building Official and the fire chief as meeting the requirements for transient sleeping rooms, or as having features of such sleeping rooms and dwelling units within the same room, and such structure is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where transient sleeping accommodations are offered for pay to persons. “Hotel” does not include agricultural labor camps, apartment houses, apartments or other similar places of permanent personal residence, lodging houses, rooming houses, or hospital or college dormitories.

Overnight Lodging – Resort. A group or groups of buildings containing more than five dwelling units and/or guest rooms and providing outdoor recreational activities that may include golf, horseback riding, swimming, shuffle- board, tennis and similar activities. A resort may furnish services customarily furnished by a hotel, including a restaurant, cocktail lounge, and convention facilities.

Owner. Any individual, firm, association, syndicate, co-partnership, corporation, trust, or other legal entity having sufficient proprietary interest in real property to commence and maintain proceedings with respect to any land use approval sought hereunder.

Overlay. An area depicted on the official zoning map, within which, through super-imposition of a special designation, certain regulations and requirements apply in addition to those of the base zoning districts to which such designation is added.

P.

Pad. A building site prepared by artificial means, including grading, excavation or filling, or any combination thereof.

Panel Sign. A sign which is mounted, attached, painted, or displayed on a sign panel.

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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.

Parcel. A division of real property contained in a single legal description that is recorded in the official land records of the Recorder's office.

Park. See "Community Facility - Park".

Parking Area or Structure. An off-street area or structure for required parking or loading spaces, including driveways, access ways, aisles, parking and maneuvering space necessary for the parking or loading areas.

Parking Space, Off-Street. An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right of way.

Patio. An outdoor seating area, covered or uncovered, constructed, installed and located upon a property in accordance with all local and state laws and regulations, including this zoning ordinance, applicable to the subject property upon which such seating area is located.

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

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

Perimeter Treatment Plan. A plan designed for the installation and perpetual maintenance of improvements intended to provide visual and noise protection for the outer edges of developments which border arterial or major collector streets. Said plan shall include materials, techniques and sizes of buffering treatments such as landscaping, fencing, screen walls, berms, or a combination thereof sufficient to provide adequate buffering. The perimeter treatment plan may be incorporated into the landscape plan.

Performance Bond or Surety Bond. An agreement by a subdivider or developer with the City for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

GLOSSARY OF TERMS

Person. Any firm, association, organization, limited partnership, general partnership, trust, company or corporation as well as any natural person.

Personal Care and Beauty Services. Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors and similar activities. These uses may also include accessory retail sales of products related to the services provided.

Pet Grooming. An establishment to which owners of domestic pets bring such pets for grooming services, including nail clipping, bathing, haircuts and related services; provided however, such establishment shall not keep animals overnight or offer general veterinary services.

Planned Development or Planned Unit Development. An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a preplanned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

Planning and Zoning Administrator. The public official of the City of Reynoldsburg designated to administer and enforce this Zoning Ordinance.

~~**Planning Commission or Commission.** The Planning Commission of the City of Reynoldsburg, established pursuant to Article VII, Section 1 of the Charter.~~

Plant Cultivation. The production of crops, fruit trees, nursery stock, truck garden products, or similar plant materials outside of structures such as greenhouses.

Planting Area. Any area utilized for landscape material installation having a minimum area of fifty (50) square feet.

Plants. Living vegetation. Artificial plants are not included in this definition.

Plat. The map, drawing or chart on which the developer's plan of subdivision is presented to the City Planning Commission for approval and, after such approval, to the County Recorder for recording.

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Plat, final. The final map, drawing or chart made by a surveyor registered in the State of Ohio, and supplementary information, based upon the approved preliminary plat, in which the subdivider's plan is presented to the City Planning Commission for approval and which, if approved, will be certified and submitted to the County Recorder.

Plat, preliminary. The preliminary map, drawing or chart, and supplementary information, on which the layout and design of a proposed subdivision is submitted to the City Planning Commission for consideration and tentative approval.

Plot-Grade-Utility Plan. Drawings and other documents describing the approved grading, drainage features and improvements, vehicular facilities, utilities, and other improvements for a development.

Political Sign. Signs having reference to a political official, candidate, question, issue or opinion.

Portable Sign. A sign which is designed to be moved and is not permanently attached to any part of a building or to the ground.

Power Generation Facility. A facility that converts one or more energy sources, including but not limited to water power, fossil fuels, nuclear power, or solar power, into electrical energy or steam. A power generation plant may also perform either or both of the following: (a) operation of a transmission system that conveys the energy or steam from the generation facility to a power distribution system; (b) operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers.

Power Substation Facility. An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public, provided that in residence districts an electric substation shall not include rotating equipment, storage of materials, trucks or repair facilities, housing of repair crews, or office or place of business.

Primary Street. A primary street as referred to in this section includes Main Street, Brice Road, and Livingston Avenue.

Printing and Publishing. Any business publishing of newspapers, magazines, brochures, business cards and similar activities either for profit or nonprofit.

GLOSSARY OF TERMS

Private Club. A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests.

Private Swimming Pool. Any structure that contains water over 24 inches (610 mm) in depth and which is used, or intended to be used, for swimming or recreational use and which is available only to the family and guests of the property owner. This includes inground, aboveground, portable and inflatable swimming pools, hot tubs and spas.

Professional Office. A building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations.

Projecting Sign. A display sign which is attached directly to the building wall and which extends more than fifteen (15) inches from the face of the wall.

Public Access Easement. An easement granted to the public for all the purposes for which a public sidewalk may be used, including but not limited to, pedestrian and travel.

Public Service Facility. The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping station, sewage disposal or pumping plants, and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public or private water and sewage service.

Public Street. A public right-of-way used for vehicular traffic that is permanently maintained by the City of Reynoldsburg, by the State of Ohio, or by the federal government.

Public Swimming Pool. Any outdoor structure, chamber, or tank containing a body of water for swimming, diving, recreational use, or sanctioned event that is intended to be used collectively for swimming, diving, recreational use, or sanctioned event and is operated by any person whether as the owner, lessee, operator, licensee, or concessionaire, regardless of whether or not a fee is charged for use.

Public Uses. Public parks, schools, and administrative, cultural, and service buildings, not including public land or buildings devoted solely to the storage or maintenance of equipment and material.

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Public Way. An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right of way, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle path or other ways in which the general public or a public entity have a right, or which are dedicated whether improved or not.

Q.

No definitions.

R.

R.C. The Ohio Revised Code.

Real Estate/Model Home Sign. A temporary sign promoting the development, construction, rental, sale or lease of property.

Recreation Facility, Commercial. Recreation facilities open to the public, established and operated for a profit, such as commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, race tracks, carnivals, and similar commercial enterprises.

Recreation Facility, Institutional. Recreation-type facilities open to the public, established and operated for a profit and offering a learning environment. Such activities may include but are not limited to gymnastics, karate studio, exercise/gym facility, ceramics, photography and similar commercial enterprises.

Recreation Facility, Noncommercial. Any business which is operated as a recreational enterprise, either publicly or privately owned, for nonprofit. Examples include, but are not limited to: fishing areas, parks, archery ranges, etc.

Recreational Vehicle. A vehicle type unit primarily designed as temporary living quarters for recreation, camping, or travel use only, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: boat, travel trailer, camping trailer, truck camper, and motor home.

GLOSSARY OF TERMS

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

Religious Assembly. A permanently located church, cathedral, synagogue, temple, mosque, or other place dedicated to religious worship. As part of its functions it may include the following incidental and subordinate uses subject to applicable federal, state and local regulations: offices, residences for clergy, religious instruction, educational institutions, private and special schools, day care centers, emergency shelters, and community and recreational activities.

Research Facility / Laboratory. A facility primarily for medical, optical, orthotic, prosthetic, or dental laboratory services, photographic, analytical, or testing services and/or engaged in the research, development and controlled production of high technology electronic, industrial or scientific products or commodities for sale.

Reservation. Any reservation of public land made by a developer in accordance with the provisions of these regulations.

Residential (Upper Floor). Where permitted, dwelling units located on a floor other than the ground floor.

Residential Care and Congregate Residential. An establishment operated for the purpose of providing special care or rehabilitation to the occupants, as defined in R.C. 5119.341 and 5123.19, including the following:

- A. Assisted living;
- B. Developmental disability dwelling;
- C. Elderly Care;
- D. Life Care or Continuing Care Services;
- E. Mental Health or Substance Abuse; and
- F. Nursing care.

Residential Model Home. A residential structure, permitted in all residential districts that is used by a licensed home builder/developer, real estate workers or realtor to demonstrate construction, display built-in amenities and color selection charts to prospective home buyers and promote the sale or lease of housing units. The model home may be staffed and furnished. (Ord. 25-97. Passed 6-12-97 :)

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Restricted Open Space. Open space within any subdivision that is restricted from further development in accordance with a deed restriction or similar restrictive covenant.

Retail – Convenience with gasoline. A facility associated with the sale of gasoline products that also offers for sale prepackaged food items and tangible consumer goods, primarily for self- service by the consumer. Hot beverages, fountain-type beverages, and pastries may be included in the food items offered for sale.

Retail – Convenience without gasoline. A small retail establishment, usually located within or associated with another use, that offers for sale convenience goods, such as prepackaged food items, tobacco, periodicals, and other household goods.

Retail – Large format. A retail establishment containing consumer goods that exceeds 20,000 square feet.

Retail – Medium format. A retail establishment containing consumer goods that is between 5,000 and 20,000 square feet.

Retail – Pharmacy. A business substantially devoted only to the sale of pharmaceutical items, supplies, and equipment such as prescription drugs.

Retail – Shopping center – enclosed. A group of commercial establishments planned, constructed, and managed as a total entity shopping center with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations, and protection from the elements.

Retail – Shopping center – outdoor. A group of commercial establishments planned, constructed, and managed as a total entity shopping center with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations, whereby access to individual shops requires outdoor access from a shared sidewalk or road.

Retail – Small format. A retail establishment containing consumer goods that is no greater than 5,000 square feet.

GLOSSARY OF TERMS

Right-of-Way. A strip of land taken or dedicated for use as a public or private way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped area, viaducts and bridges.

Road. See “Street”.

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.

S.

School – College / University. A post-secondary institution for higher learning that grants associate or bachelor’s degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor’s degrees or certificates of completion in business or technical fields.

School – Primary. A public, private, or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in schools within the state.

School – Secondary. A public, private, or parochial school offering instruction at the junior, and/or senior high school levels in the branches of learning and study required to be taught in the public schools within the state.

School – Trade. A school established to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum.

Screening. Improvements such as landscaping and fencing, or the intentional arrangement and location of uses, structures, and open spaces in a manner intended to mitigate or conceal negative impacts of one use upon another or to improve the appearance of the use.

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Seat. For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews or space for loose chairs.

Semi-Nude. A state of dress or undress in which clothing covers no more than the human genitals, anus, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices or by other minor accessory apparel such as hats, gloves, and socks.

Semi-Public Uses. Places of worship, Sunday schools, parochial schools, colleges, hospitals, and other institutions of an educational, religious, charitable, or philanthropic nature.

Service Director. The Director of Public Service of the City of Reynoldsburg, as defined by the Administrative Code or City Charter.

Setback. A line established by these regulations and/or Zoning Ordinance or resolution, generally parallel with and measured from the front lot line, defining the limits of a front yard in which no building or structure may be located above ground, except as may be provided in such Codes.

Setback Line. A line established by the Zoning Ordinance generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in such Zoning Ordinance.

Sewage and Water Facilities. Sewage collection and/or water distribution systems provided or franchised by a public authority.

Sewage Disposal System, Group. An approved sewage disposal system which provides for the combined collection and disposal of sewage from a group of residential, commercial, or industrial buildings.

Sewage Disposal System, On-Site. A septic tank installation on an individual lot which utilizes an anaerobic bacteriological process for the elimination of solid wastes and provides for the proper and safe disposal of the effluent, subject to approval of health and sanitation officials having jurisdiction.

GLOSSARY OF TERMS

Sewers, Central or Group. An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

Sewers, On-Site. A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Shade Tree. A deciduous tree planted primarily for its high crown of foliage or overhead canopy and which typically reaches a height of at least forty (40) feet.

Shed. A storage structure constructed and located upon a property in accordance with the regulations applicable to the subject property the purpose of which is for the storage of yard equipment, recreational equipment or other consumer goods to be utilized by the residents of the subject property upon which such structure is located.

Shelter. A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

Shooting Range – Indoor. A building open to the general public wherein the shooting of firearms is permitted for the practice of marksmanship, except indoor shooting galleries maintained or operated by any police department which is not available to the general public.

Shrub. That area which the City requires maintenance in order to preserve the sight distance and safety of motorists, pedestrians and bicyclists by requiring an unobstructed line of sight necessary for most drivers stopped at an intersection to see an approaching vehicle to avoid a collision. Further information is provided in Section 1105.07.

Sidewalk. That portion of the road right of way outside the roadway, which is improved for the use of pedestrian traffic.

Sight triangle. A triangle at an intersection, formed by the two roads or rights-of-way and a third line, which must be kept clear of obstructions such as hedges so that people in one road can see cars approaching on the other.

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Sign. Any display, figure, painting, placard, poster, drawing, letter, word, symbol, number, or any combination of these or any other device visible, with or without verbiage, which can be seen from the right-of-way and is designed to inform or attract the attention of persons not on the premises on which the sign or street graphic is located. Used to convey a message, advertise, inform or direct attention to a person, institution, organization, activity, place, object or product.

Sign Area. The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure or similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. The area of a sign having more than one display shall be computed as the total of the exposed exterior display surface area.

Sign, Bulletin Board. A structure containing a surface upon which is displayed the name of a religious institution, school or library, auditorium, stadium, athletic field or area of similar use for the announcement of services or activities to be held therein.

Sign, Construction. A sign indicating the names of architects, engineers, contractors and similar persons involved in the design and construction of a structure or project.

Sign Face. The surface of the sign upon, against or through which the message of the sign is exhibited.

Sign, Flashing. Any illuminated sign on which the artificial light or any part thereof has conspicuous or intermittent variation in intensity or color.

Sign, Governmental. A sign erected at the side of or above roads to give instructions or provide information to road users.

Sign Height. The vertical distance from the uppermost point used in measuring the area of the sign to the crown of the road on which the property fronts.

Sign, Moving. Any sign which in part or total, rotates, revolves or otherwise is in motion.

Sign, Name Plate. A sign designating only the name and address or the name and professional occupation and address of a person or persons residing in or occupying space in such building or premises.

Sign Panel. A structural object or portion of a structural object designed to form a distinct background area or frame for the display of a sign's information.

GLOSSARY OF TERMS

Sign, Painted Bulletin. An advertising structure on which advertising design is painted and posted, and which may incorporate the use of cutouts and/or other embellishments.

Sign, Poster Panel. An advertising structure measuring not more than twelve (12) feet by twenty-five (25) feet overall on which posters are displayed.

Sign, Promotional. A temporary sign, the function of which is to announce a special event.

Sign, Roof. Any sign which is erected over the roof or parapet above the roofline and/or receives any or all its support from the roof structure.

Sign Structure. The supports, uprights, bracing or framework for signs.

Sign, Warning. Any sign indicating danger or a situation which is potentially dangerous.

Site Plan. A drawing and other documents, subject to review and approval by the City, describing the planned improvements of a lot. A site plan is one of the following types:

- A. **Major Site Plan.** A plan review required for any development that meets the requirements on Section 1109.19, and which is subject to review and approval by the Planning Commission;
- B. **Minor Site Plan.** A plan review required for any development which does not qualify for a major site plan review and consists of an improvement other than a single family dwelling, two-family dwelling, or a dwelling within a planned development, and which is subject to review and approval by the Planning and Zoning Administrator and other City staff; or
- C. **Residential Site Plan.** A plan review required for a single family dwelling, two-family dwelling, or a dwelling within a planned development, and which may be approved by the Planning and Zoning Administrator. (Also see Section 1109.19)

Site Obscuring Structure. Opaque or having such qualities as to constitute a complete visual barrier to persons outside the perimeter of the site obscuring object. A fence, which partially obscures a site, shall not be considered site obscuring if it has maintained at least 40% transparency.

Skirting. The rigid physical attachments to a mobile home designed and intended to completely screen,

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shelter, and protect such mobile home's base and entire area between the floor surface and the ground, which includes, but not limited to, all electrical and plumbing conduits, insulation material, and undercarriage.

Solar Panel. A solar photovoltaic panel, solar hot air or hot water panel collector device, or other type of energy system which relies upon solar radiation as a source for the generation of electricity or transfer of stored heat.

Solar Panel Array. An integrated assembly of solar panels with a support structure or foundation and other components.

Sold Sign. A temporary sign announcing that a property has been sold, leased or is no longer available.

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.

Specified Sexual Activities. Any of the following activities, the fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts; or Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; masturbation, actual or simulated; or Human genitals in a state of sexual stimulation, arousal or tumescence; or excretory functions as part of or in connection with any of the activities set forth above.

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

Storage – commercial gases. Any establishment whereby the primary activity is, or necessitates, the storage of compressed gasses.

Storage – Contractor. An unenclosed portion of the lot or parcel upon which a construction contractor maintains its principal office or a permanent business office. Designation of the lot or parcel as a contractor's storage yard would allow this area to be used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor.

Storage – Self-Store. A building or group of buildings designed and used solely for the purpose of leasing

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interior space for the storage of personal property, household items and the inventory of commercial businesses where storage units are individually leased or rented and where access to storage units is infrequent. Outdoor storage and the storage of junk, explosives, flammable materials and other noxious or dangerous materials are specifically prohibited.

Storage – vehicular and boat. An enclosed or outdoor facility used solely for the storage of land-, air-, or water-based vehicles.

Storm Water Design Manual. The most current copy of the “Storm Water Design Manual”, which provides guidelines for developing proper and adequate storm water collection and disposal facilities will be on file in the office of the City Engineer. The Storm Water Design Manual is that manual prepared by the Mid-Ohio Regional Planning Commission.

Story. That portion of a building other than a cellar included between the surface of any floor and the surface of the floor above it or if there is not floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if it is used for living quarters or if two-thirds of its volume is above the average finished grade of the adjoining ground. See also, “Basement”.

Street. The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- A. “Alley” means minor ways used primarily for vehicular service access to the back or side of properties abutting on other streets.
- B. “Arterial street” means a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
- C. “Collector street” means a thoroughfare, whether within a residential, industrial, commercial or other type of development, which carries traffic from local streets to arterial highways, including principal entrance streets of residential developments and primary circulation routes within such development.
- D. “Cul-de-sac” means a local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- E. “Dead-end street” means a street or a portion of a street with only one vehicular traffic outlet.
- F. “Expressway” or “freeway” means a thoroughfare which carries relatively large volumes of traffic at a relatively high speed over long distances. Expressways are usually multi-lane highways for through traffic with all crossroads separated in grade and with full control of access.
- G. “Half-street” means a street or a portion of a street with only one-half of the width paved and having

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proper right of way. Usual access at edge of subdivision where the centerline is also the plat boundary

- H. “Local street” means a street primarily for providing access to residential, commercial or other abutting property.
- I. “Loop street” means a type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the 180 degree system of turns are not more than 1,000 feet from such arterial or collector street, nor normally more than 600 feet from each other.
- J. “Major arterial street” or “principal arterial street” means a throughway which carries through traffic, usually intra-city, on a continuous route. Major arterial streets will have no curb parking and will have no curb parking and will use of marginal access roads, including limited access highways.
- K. “Marginal access streets” means a local street parallel and adjacent to an arterial highway, providing access to abutting properties and protection from the major street or arterial highway.
- L. “Minor arterial street” means a throughway which carries crosstown traffic from several neighborhoods, thereby servicing several residential collector streets.

The comprehensive plan gives additional guidance on street classification and definitions.

Street Tree. A tree planted in close proximity to a street in order to provide canopy over the street to provide shade and soften the street environment.

Structure. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground.

Structured Parking. Structured parking means a building or structure consisting of one or more levels for parking motor vehicles as the primary use of the building or structure. Where Structured Parking is permitted, the building shall be subject to the height and setback requirements of other buildings in the district.

Studio – Art. Work space for one or more artists or artisans, including the accessory sale of art produced on the premises, or gallery space.

Studio – Gymnastics/martial arts. A space used for physical indoor exercise which is offered in a class or organized format for activities such as gymnastics, martial arts, dance, aerobics, pilates, or circuit training.

Subdivider. Any individual, owner, developer, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under these regulations as an applicant to affect a subdivision of land hereunder for himself or for another.

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Subdivision.

- A. The division of any parcel of land shown as a unit or as contiguous units on or before January 1, 1976 into two or more parcels, sites or lots, any one of which is less than five acres for the purposes, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easement of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
- B. “Commercial Subdivision” means the improvement of one or more parcels of land for commercial 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; or
- C. “Industrial Subdivision” means the improvement of one or more parcels of land for 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; or
- D. “Minor Subdivision”. See “Minor Subdivision”.

Subdivision Regulations. The Subdivision Regulations of the City of Reynoldsburg, Chapter 1111 of Part Eleven, Land Use and Subdivision Regulations, of the Codified Ordinances of Reynoldsburg.

Swimming Pool. A body of water of artificial construction, used for swimming or recreational bathing, which is over eighteen inches (18”) in depth at any point, and has more than one hundred (100) square feet of area on the water surface when filled to capacity, and including the bottom and sides of the pool, and the equipment appurtenances thereof.

T.

Tattoo/Piercing Establishment. A place, as defined by the Ohio Revised Code or the Ohio Administrative Code, where tattoo or body piercing services are provided.

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Temporary Sign. A display sign, banner or other advertising device constructed of cloth, canvas, fabric or other light temporary material with or without a structural frame, intended for a limited period of display, including decorative displays for holidays or public demonstrations.

Temporary Special Land Use. A temporary use of land for a set amount of time, permitted in conjunction with the display or the display and sales of merchandise, goods, or materials.

Temporary Use. A temporary use of land for a set amount of time, permitted in conjunction with the display or the display and sales of merchandise, goods, or materials.

Tenants-in-Common. That form of real property ownership described in R.C. 5302.19, as the same may be amended from time to time.

Thoroughfare. See “Street”.

Thoroughfare Plan. A plan, adopted by City Council, which shows general locations and extent of existing, planned, and proposed streets and other transportation facilities of the City.

Tract. A continuous expanse of land.

Traditional or 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. A large woody plant having one (1) or several self-supporting stems or trunks and numerous branches and which may be deciduous or evergreen.

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

U.

Unit of a Building or Building Unit. A space occupying a portion of a building, containing an entrance from the building exterior, and separated from other such spaces by a party wall or walls.

GLOSSARY OF TERMS

Use. The specific purposes for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.

Use, Accessory. A use located on the same lot with, and of a nature customarily incidental and subordinate to, the main use. Examples include: a parking lot for a commercial or industrial business; administrative and sales offices for an industrial plant; or a home occupation.

Use, Main. A use which is the dominant or principal activity or use of a lot.

Use, Permitted. A use which is permitted by right in a district, as listed on Table 1103.01A or as otherwise permitted by right in this Code, provided that such use shall comply with all provisions of this Code.

Use, Prohibited. A use which is not identified in this Zoning Code as either a permitted use or a conditional use.

Use, Similar. A use which is not identified in this Code as a permitted use or a conditional use in any district, but which is determined by action of the Board of Zoning Appeals and City Council to be a use sufficiently like or compatible with other uses in a district as to be allowed as a conditional use in that district.

V.

Variance. An adjustment to the development standards of the zoning regulations, that does not apply to use or required density that is reviewed and approved, modified, or denied by the Board of Zoning Appeals after at least one public hearing.

Vehicular Care Services – Major. General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service.

Vehicular Care Services – Minor. The replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstering service. Above stated is applied to passenger automobiles and trucks not in excess of 7,000 pounds gross weight.

REYNOLDSBURG ZONING CODE

Vehicle Care Services – Washes. The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Vehicular Sales – Automobiles. The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new motor vehicles, or used motor vehicles as an ancillary use of a lot, and any warranty repair work and other repair service conducted as an accessory use.

Vehicular Sales – Boats. The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new boats or watercraft, or used boats or watercraft as an ancillary use of a lot, and any warranty repair work and other repair service conducted as an accessory use.

Vehicular Sales – Motorcycles. The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new motorbikes or motorcycles, or used motorbikes or motorcycles as an ancillary use of a lot, and any warranty repair work and other repair service conducted as an accessory use.

Vehicular Sales - Recreational Vehicles. The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new recreational vehicles or campers, or used recreational vehicles or campers as an ancillary use of a lot, and any warranty repair work and other repair service conducted as an accessory use.

Vehicular Sign. A sign mounted upon, painted upon, or otherwise erected on a trailer, truck, automobile or other vehicle parked or placed so that the signs thereon are visible from a public street or right of way.

Veterinary. A structure or premises utilized for the diagnosis and treatment of ill and injured animals and the short-term boarding incidental to the clinical use. A veterinary clinic cannot be implicitly interpreted as a kennel.

Vicinity Map. A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

Visual Arts Center. A facility open to the public that is devoted to the visual arts.

GLOSSARY OF TERMS

W

Walkway. A public or private way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

Wall, of a building. An external, vertical surface enclosing a portion of a building.

Wall, front. That wall of a building which most nearly parallels the front lot line of the lot on which the building is located or, for the purpose of locating a wall sign on a space within a multi-occupant building, that wall which is declared by the Planning Administrator to be the front wall, generally that wall which faces a common, central parking lot or drive.

Wall Sign. A display sign which is painted on or attached directly to the building wall and which extends not more than fifteen inches from the face of the wall.

Warehouse – large format. An enclosed storage facility which is used to store goods or parts, or for any part of the shipping process, that is greater than 50,000 square feet and includes cross-dock facilities.

Warehouse – small format. An enclosed storage facility which is used to store goods or parts, or for any part of the shipping process, that is under 50,000 square feet and does not include cross-dock facilities.

Warehousing, Public. A person or business whose primary purpose and profit motive is the receiving, storing and shipping of merchandise or commodities for one or more unrelated persons or businesses.

Weed. Any ground cover or shrub which is typically not installed for the purposes of landscaping; which is not typically propagated by the horticultural or nursery trades; or which presents a particularly noxious allergenic or growth characteristic.

Wholesale and Distribution. An establishment that engages in the sale of goods, merchandise and commodities for resale by the purchaser.

Window Sign. A sign painted, attached or affixed to the interior or exterior surface of windows or doors of a building or suspended on the inside or outside of the windows or doors.

REYNOLDSBURG ZONING CODE

Working day. The days occurring Monday through Friday, excluding legal holidays. The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except that when the last day falls on the weekend or a legal holiday, the act may be done on the next succeeding day that is not the weekend or a legal holiday. ·

Y.

Yard. A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot upward; provided accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

Yard, front. A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

Yard, rear. A yard extending between side lot lines across the rear of the lot and from the rear lot line to the rear of the principal building.

Yard, side. A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Z.

Zoning Certificate. A document issued by the Zoning Inspector authorizing the occupancy or use of a building or structure or the actual use of lots or lands in accordance with the previously issued zoning permit.

Zoning District or District. An area depicted on the official zoning map comprised of properties and land uses that are otherwise intended to reflect the comprehensive plan.

Zoning Code. The part of the Codified Ordinances of the City of Reynoldsburg known and referred to as the

GLOSSARY OF TERMS

City of Reynoldsburg Planning and Zoning Code, as it may be amended from time to time.

Zoning Permit. A document issued by the Planning and Zoning Administrator authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

REYNOLDSBURG ZONING CODE

A. Terms Applicable to Landscape Requirements

Crown Spread. The distance measured across the greatest diameter of the above ground portions of a plant.

Decorative Walls and Fences. Barriers constructed of wood, masonry or other appropriate material.

Developed Area. That a portion of a plot or parcel of land upon which a building, structure, pavement, landscaped material or other improvements, excluding public rights-of-way, have been placed.

Diameter at Breast Height (DBH). The diameter of the tree as measured at four and a half (4½) feet above grade. If a tree splits into multiple trunks below 4½ feet above grade, the trunk is measured at its most narrow point below the split.

Earth Mounds. Earthen physical barriers which block or screen a view, which have vegetation capable of preventing erosion, and have a maximum permitted slope of three feet horizontal to one vertical (3:1) where mounds are to be mowed.

Ground Cover. Landscape materials such as natural mulch or low growing plants installed in such a manner so as to form a continuous cover over the ground.

Interior Landscaping. The use of landscape materials within the boundaries of the parcel, exclusive of the perimeter landscaping.

Landscape Buffer. Landscape materials installed between certain land uses [i.e. (1) between multifamily and single-family uses, (2) between any residential and commercial uses, and (3) between any manufacturing and residential or commercial use], between thoroughfares and land uses, and between thoroughfares and off-street parking in order to reduce glare, unsightly views, and noise.

Landscape Material. Materials such as, but not limited to, living trees, shrubs, vines, lawn grasses, ground cover, landscape water features and non-living, durable material commonly used in landscaping, including, but not limited to, rocks, pebbles, sand, decorative walls and fences, earthen mounds, but excluding pavements or surfaces for

GLOSSARY OF TERMS

Native Plant Species. A plant species, other than noxious weeds, that are indigenous to the area and usually do not need human intervention to grow or reproduce.

New Structure. Any structure newly constructed or erected, except for fences, decks, signs, trash enclosures, swimming pools, playground equipment and accessory structures under 250 sq. ft., which requires location on the ground. Additions to, alterations to and/or reconstruction of an existing structure or building shall not be considered a new structure.

Opacity. The required percent of visual screening from adjacent properties in a vertical plane extending from the established grade to a required height.

Service Structures. Equipment or elements providing service to a building or a site including but not limited to loading docks, storage tanks, trash containers or receptacles, electrical transformers, utility vaults which extend above the surface, cooling towers, and heating and cooling units.

Shrub. A perennial plant which has persistent multiple woody stems from a common root and differing from a tree by its low stature and habit of branching from the base.

Substantial Expansion. When an existing structure or vehicular access area is expanded, altered, or enlarged where such expansion, alteration, or enlargement exceeds twenty-five (25) percent of the area of the existing structure or vehicular access area.

Tree. Any self-supporting, woody perennial plant which normally grows to an overall height of at least fifteen (15) feet.

Tree, Deciduous. Trees which normally shed their leaves in the fall.

Tree, Large. Any tree which normally attains a mature height equal to or greater than forty (40) feet.

Tree Lawn. That part of the street right of way not covered by sidewalk, bike path or other paving, lying between the sidewalk and street.

Tree, Major. An existing living tree with a DBH of at least eighteen (18) inches.

REYNOLDSBURG ZONING CODE

Tree, Measurement. The diameter in inches of a tree trunk measured six (6) inches above grade for trees equal to or less than six (6) inches in diameter or measured at DBH for trees larger than six (6) inches in diameter.

Tree, Medium. Any tree which normally attains a mature height greater than twenty-five (25) feet and less than forty (40) feet.

Tree, Small. Any tree which normally attains a mature height greater than fifteen (15) feet and less than twenty-five (25) feet.

Tree, Standard. A tree planted with a trunk caliper (diameter) of at least one and 3/4 (1¾) inches measured 6" above grade.

Vehicle Encroachment. Any protrusion of a vehicle outside of a parking space, display area, storage area, access way, or access aisle into a landscape area.

Vehicular Use Area. Any paved surface area, excepting public rights-of-way, used by any type vehicle, whether moving or at rest for the purpose of (including but not limited to) driving, parking, loading, unloading, or storage.

GLOSSARY OF TERMS

B. Terms Applicable to Wireless Telecommunication Structures

Antenna. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Antenna Support Structure. Any building or other structure other than a Tower which can be used for location of Wireless Telecommunications Facilities.

Co-location. The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

Engineer, Radio Frequency. An engineer who possesses the additional qualifications of holding a FCC General Radiotelephone Operator License and who has successfully completed training in electromagnetic field theory and antenna theory.

Equipment Shelter. The structure in which the electronic receiving and relay equipment for a Wireless Telecommunications Facility is housed.

FAA. The Federal Aviation Administration and any legally appointed, designated or elected agent or successor.

FCC. The Federal Communications Commission and any legally appointed, designated or elected agent or successor.

Height or Above Ground Level. When with respect to Chapter 1105.13, the distance measured from the finished grade at the base of the tower/structure to the highest point on the tower or other structure, including the base pad and any antenna.

Monopole. A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

Open Space. An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools and tennis courts,

REYNOLDSBURG ZONING CODE

any other recreational facilities that the Planning Commission deems permissive. Streets, parking areas, structures for habitation and the like shall not be included.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, wireless telecommunications towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Towers, Pre-existing and Pre-existing Antennas. Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this chapter, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Viewshed. The area surrounding a Wireless Telecommunications Facility or Antenna Support Structure, within which the Facility or Structure is visible from street level.

Wireless Telecommunications Facilities. Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a Person seeks to locate or has installed upon a Tower or Antenna Support Structure. However, the term Wireless Telecommunications Facilities shall not include: (1) Any satellite earth station antenna two meters in diameter or less which are located in an area zoned industrial or commercial; (2) Any satellite earth station antenna one meter or less in diameter, regardless of zoning category; (3) Antennas used by amateur radio operators are excluded from this definition.

REYNOLDSBURG ZONING CODE

REYNOLDSBURG, OH
2023

City Attorney's Office**Chris Shook****7232 E. Main Street****Reynoldsburg OHIO 43068****6143226869 Phone****ORDINANCE REQUEST**

DATE: January 23, 2023**TO: Finance and Administration Committee****RE:**

Approval:

Completed Joe Begeny	Skipped Chris Shook	Completed Stephen Cicak
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CHAPTER 171 REYNOLDSBURG COMMUNITY COMMISSION

§ 171.01 ESTABLISHMENT.

The Reynoldsburg Community Commission of the City of Reynoldsburg is hereby formed to address and to make recommendations to the Mayor and City Council regarding matters such as arts and beautification, diversity and inclusion, traffic, and veteran services.

§ 171.03 DUTIES AND FUNCTIONS.

(A) The Reynoldsburg Community Commission shall perform the following duties:

- (1) Provide feedback and/or make recommendations to the Mayor and City Council regarding the display of arts, crafts, and related subjects in the City of Reynoldsburg.
- (2) Provide feedback and/or make recommendations to the Mayor and City Council regarding the beautification and maintenance of city property, including, but not limited to, right of way, street poles, entry features, and structures.
- (3) Provide feedback and/or make recommendations to the Mayor and City Council on diversity, equity, and inclusion strategies that strengthen connections among diverse community groups and city government.
- (4) Provide feedback and/or make recommendations to the Mayor and City Council to address traffic safety and circulation, public transportation, and to promote alternative forms of travel in the City such as walking, running, and cycling.
- (5) Engage in planning and promotion, and to provide feedback and/or make recommendations to the Mayor and City Council, regarding the conduct of veterans' ceremonies and events to include, but not necessarily limited to, Memorial Day and Veterans Day.
- (6) Provide feedback to the Mayor and City Council regarding programs honoring or otherwise supporting veterans, and to maximize the input and participation of military veterans and their families in the community.
- (7) Directly allocate funds appropriated by City Council for the purposes of the Reynoldsburg Community Commission to further the stated goals of the Commission.

(B) The Reynoldsburg Community Commission shall act, as part of its responsibilities, in an advisory capacity to the Mayor and to City Council and shall provide at least two annual reports to City Council.

(C) The Reynoldsburg Community Commission shall comply with Section 3.07 of the Charter of the City of Reynoldsburg regarding the conduct of open meetings.

§ 171.05 BOARD MEMBERS

The Reynoldsburg Community Commission shall be comprised of as many resident members as City Council deems necessary to fulfill the duties of the Commission, except that at no time shall the Commission have less than three members. All members shall be appointed by Council, with recommendations submitted by the Mayor, and shall serve three year terms, subject to alteration as Council deems necessary to accomplish a staggering of the expiration of terms. Terms shall commence upon appointment and end on December 31 in the year of the completed term.

City Attorney's Office**Chris Shook****7232 E. Main Street****Reynoldsburg OHIO 43068****6143226869 Phone****ORDINANCE REQUEST**

DATE: January 23, 2023

TO: Finance and Administration Committee

RE: Hotel Tax Revisions

Approval:

Completed Joe Begeny	Skipped Chris Shook	Stephen Cicak
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An Ordinance to Amend Section 192.02 Hotel Tax of the Codified Ordinances of the City of Reynoldsburg

WHEREAS, the Council of the City of Reynoldsburg desires to allocate a certain percentage of hotel tax revenue to the Reynoldsburg Community Commission; and

WHEREAS, the Council of the City of Reynoldsburg desires to designate the appropriate convention and visitor bureau for hotel tax purposes by annual Resolution as opposed to annual Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG:

Section 1. That Section 192.02 of the Codified Ordinances of the City of Reynoldsburg shall be amended as set forth in the attached Exhibit A.

City Attorney's Office**Chris Shook****7232 E. Main Street****Reynoldsburg OHIO 43068****6143226869 Phone**

Section 2. Upon approval of Council, this Ordinance shall be effective thirty days after the signature of the Mayor.

192.02 IMPOSITION OF TAX.

- (A) For the purpose of providing revenue with which to meet the needs of the City, for use of the General Fund of the City and for the further purpose of providing revenues to promote and publicize the City, an excise tax is hereby levied on transactions by which lodging by a hotel or transient accommodation is or is to be furnished transient guests.
- (B) The tax is six percent (6%) of the amount paid or to be paid by the transient guest for lodging.
- (C) The tax applies and is collectable at the time the lodging is furnished regardless of the time when the price is paid. The tax does not apply to lodging furnished to the federal government or any of its agencies, when such lodging is provided and paid directly by the federal government or any of its agencies; the government of the State of Ohio or any of its agencies, when such lodging is provided and paid directly by the State or its agencies; any charitable organization for the lodging of transient indigent individuals, when such charitable organization pays the hotel or transient accommodation for such lodging.
- (D) For the purpose of the proper administration of this chapter and to prevent the evasion of the tax, it is presumed that all lodging furnished by hotels or transient accommodations in this City to transient guests is subject to tax until the contrary is established.
- (E) On and after January 1, 2023, all revenues generated by the provisions of this chapter shall be disbursed as follows:
- (1) Seventy-five percent (75%) of the revenues shall be placed into the General Fund to be reappropriated by Council for any lawful purpose, and a minimum of two percent (2%) of the revenue not otherwise placed into the account set forth under Section(E)(2) shall be appropriated for use by the Reynoldsburg Community Commission.
 - ~~(2)~~ (2) Twenty-five percent (25%) of the revenues shall be placed into an account established by the Auditor and revenues shall be paid to a designated convention and visitor bureau(s) operating within Franklin, Fairfield, and/or Licking County on a monthly basis. Council shall identify the appropriate convention and visitor bureau(s) to receive such revenues, such designation made by annual Ordinance Resolution prior to January 1 of the year in which the payments are to be made.

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City Attorney's Office**Chris Shook****7232 E. Main Street****Reynoldsburg OHIO 43068****6143226869 Phone****ORDINANCE REQUEST**

DATE: **January 23, 2023**

TO: **Finance and Administration Committee**

RE: **Visitor's Bureau Designation**

Approval:

Completed Joe Begeny	Skipped Chris Shook	Stephen Cicak
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Emergency/Suspension: Emergency

Reason For Emergency: Financial needs of the City's government

**AN ORDINANCE DESIGNATING THE REYNOLDSBURG VISITORS AND
COMMUNITY ACTIVITIES BUREAU TO RECEIVE TWENTY-FIVE PERCENT
(25%) OF HOTEL TAX REVENUE PURSUANT TO SECTION 192.02(E)(2) OF THE
CODIFIED ORDINANCES OF THE CITY OF REYNOLDSBURG, AND DECLARING
AN EMERGENCY**

WHEREAS, the Council of the City of Reynoldsburg elects to designate the Reynoldsburg Visitors and Community Activities Bureau as the chosen convention and visitor bureau operating in the City of Reynoldsburg, eligible to receive funds from the revenue created by the City's hotel tax.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG:

City Attorney's Office**Chris Shook****7232 E. Main Street****Reynoldsburg OHIO 43068****6143226869 Phone**

Section 1. That the Reynoldsburg Visitors and Community Activities Bureau is designated as the convention and visitor bureau to receive twenty-five percent (25%) of hotel tax revenue pursuant to Section 192.02(E)(2) of the Codified Ordinances of the City of Reynoldsburg.

Section 2. That this Ordinance is deemed to be an emergency measure necessary for the financial needs of the City's government and to allow the Reynoldsburg Visitors and Community Activities Bureau to plan and budget for 2023. Wherefore upon adoption by Council, this Ordinance shall be in effect immediately upon signature by the Mayor.

City Attorney's Office**Chris Shook****7232 E. Main Street****Reynoldsburg OHIO 43068****6143226869 Phone****ORDINANCE REQUEST**

DATE: January 23, 2023

TO: Development, Parks and Recreation Committee

RE: Rezoning Application for 8555 East Main Street

Approval:

Completed Joe Begeny	Skipped Chris Shook	Stephen Cicak
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Skilken Gold Real Estate Development, on behalf of property owner John A. Shepard, is requesting a rezoning of the 3.0 acres at the Southeast corner of Taylor Road and Main Street from Innovation District to Community Commercial District with the attached development plan. As a first read, Council must request that the Planning and Zoning Board review this application and make a recommendation to Council.

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE CITY OF REYNOLDSBURG FOR A PROPERTY LOCATED AT 8555 EAST MAIN STREET FROM INNOVATION DISTRICT (I) TO COMMUNITY COMMERCIAL DISTRICT (CC)

WHEREAS, the Reynoldsburg Planning and Zoning Board, after conducting a public hearing on the application and considering the issue, has recommended that this property be or not be rezoned to Community Commercial District (CC); and,

WHEREAS, the Reynoldsburg Planning and Zoning Board believes that this property is suitable for the zoning classification of Community Commercial District (CC).

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REYNOLDSBURG, COUNTIES OF FRANKLIN, LICKING AND FAIRFIELD, STATE

City Attorney's Office**Chris Shook****7232 E. Main Street****Reynoldsburg OHIO 43068****6143226869 Phone****OF OHIO, THAT:**

Section 1. That 3.0 +/- acres of the property located at 8555 East Main Street, Reynoldsburg, Ohio 43068, known as Licking County Parcel No. 013-027540-00.000, currently zoned Innovation District (I), shall be and is hereby rezoned, in part, Community Commercial District (CC) as reflected in the attached Exhibit A.

Section 2. The Development Plan attached as Exhibit A shall be incorporated into this District change and shall bind any future development or use of the subject lots. As reflected in Exhibit A, Parcels A shall be rezoned Community Commercial District (CC) . Parcel B (approx. 13+/- acres) shall remain zoned Innovation District (I).

Section 3. The provisions of Section 1109.23(K) are hereby waived for this application as the applicant has reduced the prior denied rezoning request from 6.5+/- acres to 3.0+/- acres.

Section 4. The Planning and Zoning Administrator be and is hereby authorized to make said changes to the official zoning map of the City of Reynoldsburg.

Section 5. That upon adoption by the Council, this Ordinance shall become effective thirty days following the signature of the Mayor.



DEC - 2 2022

Michael T. Shannon
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054

P: 614.335.9327
F: 614.335.9329
mike@uhlfirm.com

December 2, 2022

Eric Meyer
Development Director
Reynoldsburg City Hall
7232 E Main Street
Reynoldsburg, Ohio 43068

Via Hand Delivery

Good afternoon Eric,

I am filing the revised above referenced applications this afternoon. As a courtesy, please find attached a copy of the submission as well as a "compare write" copy for ease of review.

Suffice it to say that Sheetz is enthusiastic about the opportunity to reach accord with the City on this 7.5 million dollar proposed project.

I would like to highlight the major concessions my clients have made to address some of the perceived issues of previous applications.

First of all, we want to be respectful of the Innovation Zoning District that the City covets. For this reason we are reducing the original Community Commercial Rezoning request from 6.4 acres to +/- 3.0 acres, a reduction of over 50%.

Secondly, true to the spirit of the Innovation District, we will be adding Electrical Vehicle charging stations as an additional component of the Development.

Thirdly, we will be exceeding the recommended traffic improvements in our Traffic Impact Study by extending the road improvements on Taylor Rd. SW from our proposed access on Taylor Rd., all the way north to Main St. to accommodate additional traffic that the Innovation District may attract as it is developed.

Again, we are optimistic that these CONCESSIONS will inure positive feedback from the respective City Administrative offices, Boards and Commissions and City Council.

Thanks Eric for your continued assistance in this matter.

Respectfully,

Mike

Attachment: 8555 E Main Street, 2022-5468 & 2022-5469 resubmissions (Rezoning Application for 8555 East Main Street)

DEC - 2 2022

2022-5468
12/2/22

Reynoldsburg

Department of Development

Planning & Zoning Division

100 East Main Street

Reynoldsburg, Ohio

☐ ϕ

I. PROPERTY INFORMATION

PLANNING COMMISSION APPLICATION

Property Address Name of Plot 8555 E. Main St. Reynoldsburg Ohio 43068		FOR MAP AMENDMENT ONLY
Description of Location SEC of Taylor Rd SW. + E. Main St.		
Parcel ID(s) 013-02745-00.000		Community Council 34- Acres
Number of Lots 1	Present Zoning INNOVATION	Present Use Mobile Home Park
Complete Where Applicable Engineer/Surveyor Marink and SMITH		
Builder/Developer Skidlen Gold Real Estate Development		

II. PROPERTY OWNER OF RECORD

Property Owner Name(s) JOHN A. SHEPARD	Property Owner Address
---	------------------------

III. APPLICANT INFORMATION

Applicant Michael T. Shannon 8000 Walton Parkway			
☐	☐	☐	☐

IV. PROJECT TYPE

☒ District Change (Rezoning)
Resubmittal
New Rezoning

☐ Amendment of Development Plan

☐ Major Site Plan
\$350 Application Fee \$500
Review Fee \$3000 (min)

All items must be

Signature of Michael T. Shannon
Agent of the property

11-30-2022

Additional Notes:

OFFICE USE ONLY

Zoning Information

☐ Zoning District

Additional Approvals Required

☐ BZBA

Planning Com. Meeting Date: _____ ☐ Approved as Submitted ☐ Approved with Conditions ☐ Tabled ☐ Denied	City Council Meeting Date: _____ ☐ Approved as Submitted ☐ Approved with Conditions ☐ Tabled ☐ Denied
P&Z Admin _____ Date: _____	
Chief of Council: _____ Date: _____	

DEC - 2 2022

RE: Narrative for Planning Commission Submittal for Rezoning a portion of Parcel ID # 013-027540
Date: 11/30/2022

Planning Commission,

Skilken Gold Real Estate Development is in contract to purchase parcel ID# 013-027540 in Reynoldsburg, Ohio. The approximately 17-acre parcel is at the southeast corner of Main Street (State Route 40) and Taylor Road. Our plan is to develop three acres of the northeast corner of the site. The site will require a conditional use approval within the Community Commercial zoning district.

Our team is proposing to rezone a 3+/- acre tract from Innovation District to Community Commercial District for the corner as indicated on the submitted site plan 1/1.

Deed restrictions, covenants, cross access agreements, drainage agreements and maintenance will be formalized with all tenants. Sheetz has defined restrictive covenants in their lease.

Construction Schedule: Start January 2023 and Open August 2023.

Impact Studies: Carpenter Marty Transportation has been contracted: 1. Develop a Memorandum of Understanding for the traffic impact study. 2. Perform Data Collection 3. Provide Analysis using HCS 7 software to perform capacity analysis. 3. Develop a report 4. Report Analysis and report revisions.

Utilities: Water and sanitary have been identified to service the area via a will serve letter provided by the city. Capacity analysis will be addressed as each site is developed, with the Facilities Demand Worksheet required at each Major Site Plan submittal. Storm water management will be addressed by each lot with detention and water quality to meet City requirements. Adequate outlet exists for the rezoning area in similar scenario as the current existing conditions reflect, with release to a 15" storm line in the Taylor Road right-of-way at the SW corner of the rezoning area. Individual lots may use a combination of underground and above ground detention basins. Sheetz Facility Demand Worksheet is provided with this submittal and will be included with the Major Site Plan application.

Thank you for your consideration.

Cordially,

Michael T. Shannon

Attachment: 8555 E Main Street, 2022-5468 & 2022-5469 resubmissions (Rezoning Application for 8555 East Main Street)

Development Handbook

FACILITIES DEMAND WORKSHEET

PAGE 1

1. Water:

a) What will the total demand for water be in gallons per day (gdp) for this proposed site improvement?

1,650 gdp

b) How much pressure is required?

45 psi

Coordinate with the City Engineer to determine if a Water Usage/Flow Study is required.

2. Sanitary Sewer

a) What will the total anticipated flow in gallons per day for this proposed site improvements?

2500 gdp

Coordinate with the City Engineer to determine if a Utility Study is required.

3. Traffic

a) Definitions:

i) Traffic Access Study: This type of study is to be used for small scale projects generating 50- 200 trip ends during the peak hour of the adjacent street or during the peak hour of the generator, whichever is higher. These studies are applicable to projects that do not have a significant impact on the overall transportation system, but will have impacts on site access points. Analysis is typically limited to review of access point location, type, and size. Analysis of turn lane requirements on the public road at the proposed access point may also be reviewed.

ii) Traffic Impact Study: An impact study is to be completed for uses that generate more than 200 trip ends during the peak hour of the adjacent street or during the peak hour of the generator, whichever is higher. This type of evaluation usually includes all access points and nearby intersections. The scope of the Traffic Impact Study is to be determined by affected agencies and the Applicant.

iii) Regional Traffic Analysis: This type of analysis is suited for large scale or groups of smaller projects that impact a large geographical area significant enough in the judgment of City to require an evaluation of impacts on a Comprehensive or Thoroughfare Plan Scale. Road segments, intersections, and perhaps alternative road networks shall be analyzed and long term needs identified. The scope is to be determined by affected agencies and the Applicant.

Development Handbook

FACILITIES DEMAND WORKSHEET

PAGE 2

b) What are the anticipated Average Daily Traffic (ADT), Generator Peak Traffic, Adjacent Street Peak Traffic volumes, generated by the site improvement and what are the Peak Hours of operation (using ITE Trip Generation Manual).

		<u>2,746</u> ADT
Generator Peak	Adjacent Street Peak	Peak Hour
<u>256</u> AM	<u>336</u> AM	<u>7:00-8:00</u> AM
<u>244</u> PM	<u>276</u> PM	<u>4:00-5:00</u> PM

c) USE FOR ZONING DISTRICT CHANGES: Is a zoning district being requested for uses that can generate 200 or more peak hour trip ends that the current zoning does not anticipate?

_____ Yes, Traffic Impact Study or Regional Traffic analysis is required.

_____ No, Traffic Access Study Required.

d) USE FOR MAJOR SITE PLANS: Check the following as applicable to the site development:

_____ There are 200 or more Peak Hour trips anticipated
(Traffic Impact Study or Regional Traffic Study is required.)

_____ There are between 50-200 Peak Hour trips anticipated.
(Traffic Access Study is required.)

_____ There are less than 50 Peak Hour trips anticipated (No additional requirements)

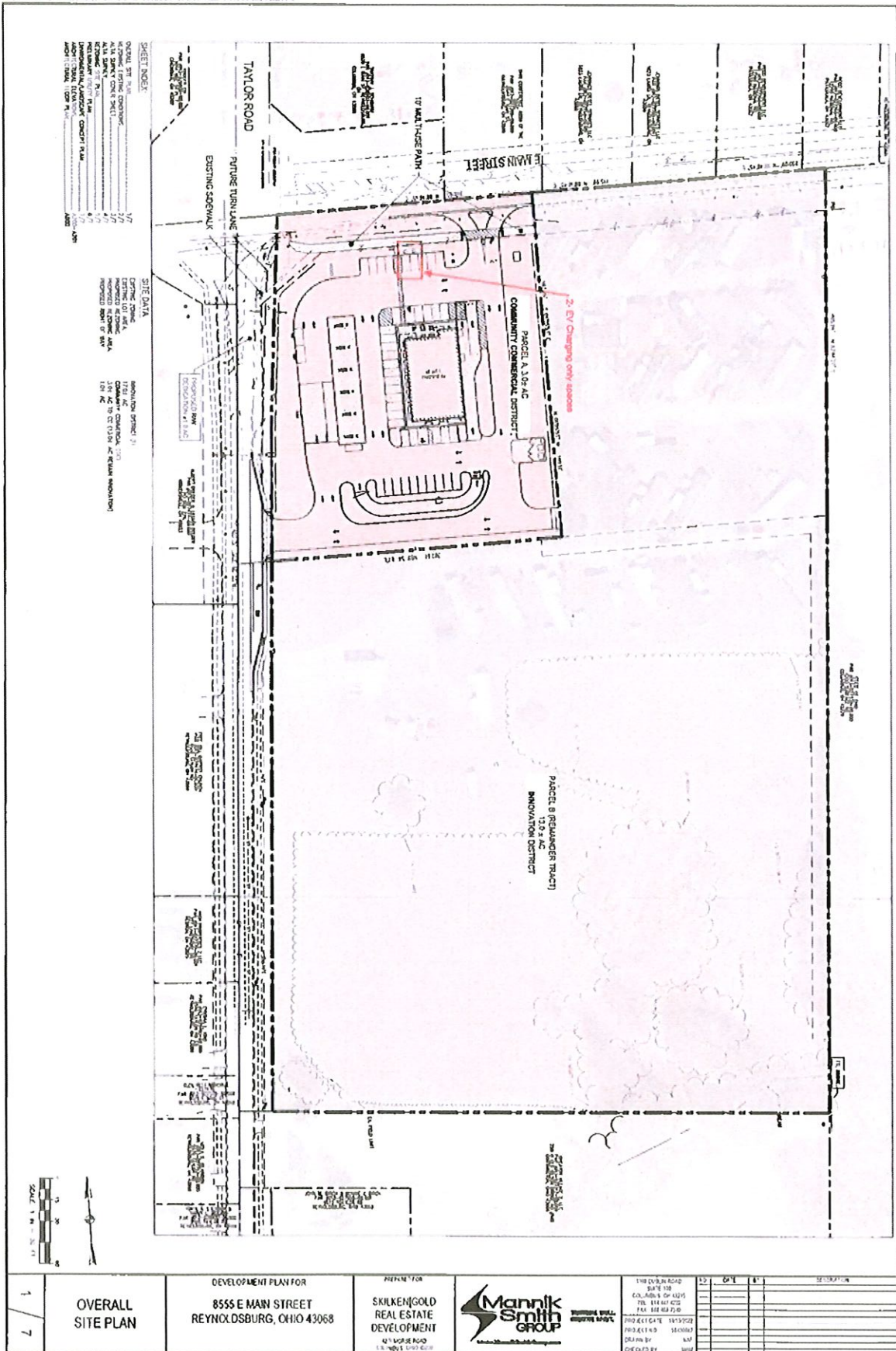
e) The information presented in this section is to assist the applicant with the requirements for traffic analysis within the City of Reynoldsburg. The City reserves the right to change these requirements if special conditions exist. If a Traffic Impact Statement or Regional Traffic Analysis is required, the applicant and the City Engineer must schedule a scope verification meeting with the City and any other local, state, or federal agencies affected by the proposed site improvements.

I certify that the information provided with this application is correct and accurate to the best of my knowledge, in filing this application with the City of Reynoldsburg.

Michael D. Shum
Applicant's Signature

11/30/2022
Date

DEC - 2 2022



Attachment: 8555 E Main Street, 2022-5468 & 2022-5469 resubmissions (Rezoning Application for 8555 East Main Street)



STEWART TITLE INSURANCE COMPANY

SITUATED IN THE COUNTY OF CLICKING, IN THE STATE OF OHIO, AND IN THE TOWNSHIP OF ETNA, NOW CITY OF REYNOLDSBURG, AND BEING A PART OF THE NW $\frac{1}{4}$ OF SECTION 16 AND THE SW $\frac{1}{4}$ OF SECTION 9, TOWN 16, RANGE 20, OF THE REFUGEE LANDS.

PROPOSER'S ADDRESS AS LISTED IN THE TITLE COMMITMENT

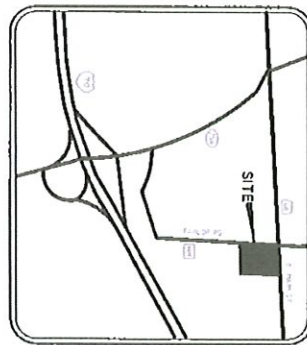
QUESTION

LEGAL DESCRIPTION OF SUBJECT MATTER

[illegible]STCW APT TITC INSURANCE COMPANY
2100 W. 12TH AVE. SUITE 100
DENVER, CO 80202
TEL: 303.733.1234
FAX: 303.733.1235
WWW.STCW.COM

SCENARIO DESCRIPTION

- [illegible]



OCCUPATION MAP

Save your seat

Received 22 May 2006; accepted 12 July 2006
Published online 12 September 2006 in Wiley InterScience (www.interscience.wiley.com). DOI: 10.1002/anie.200601101

[illegible]

6.4.1.1. $\text{C}_2\text{H}_5\text{Br}$ and $\text{C}_2\text{H}_5\text{I}$ are used as solvents.

$\rightarrow \text{if } \frac{1}{2} \leq \alpha < 1$, then $\lim_{n \rightarrow \infty} \frac{1}{n} \sum_{k=1}^n \frac{1}{k^\alpha} = \frac{1}{1-\alpha}$
 $\rightarrow \text{if } \alpha = 1$, then $\lim_{n \rightarrow \infty} \frac{1}{n} \sum_{k=1}^n \frac{1}{k} = \infty$
 $\rightarrow \text{if } \alpha > 1$, then $\lim_{n \rightarrow \infty} \frac{1}{n} \sum_{k=1}^n \frac{1}{k^\alpha} = 0$

NOTES

[illegible]FLUOROPOLYMERIZATION

The authors thank the referees for their constructive comments and suggestions. The authors also thank the editor for his/her valuable comments and suggestions. The authors also thank the editor for his/her valuable comments and suggestions.

DEFINITION

[illegible]

EXISTING UNDERGROUND UTILITIES NOTE:

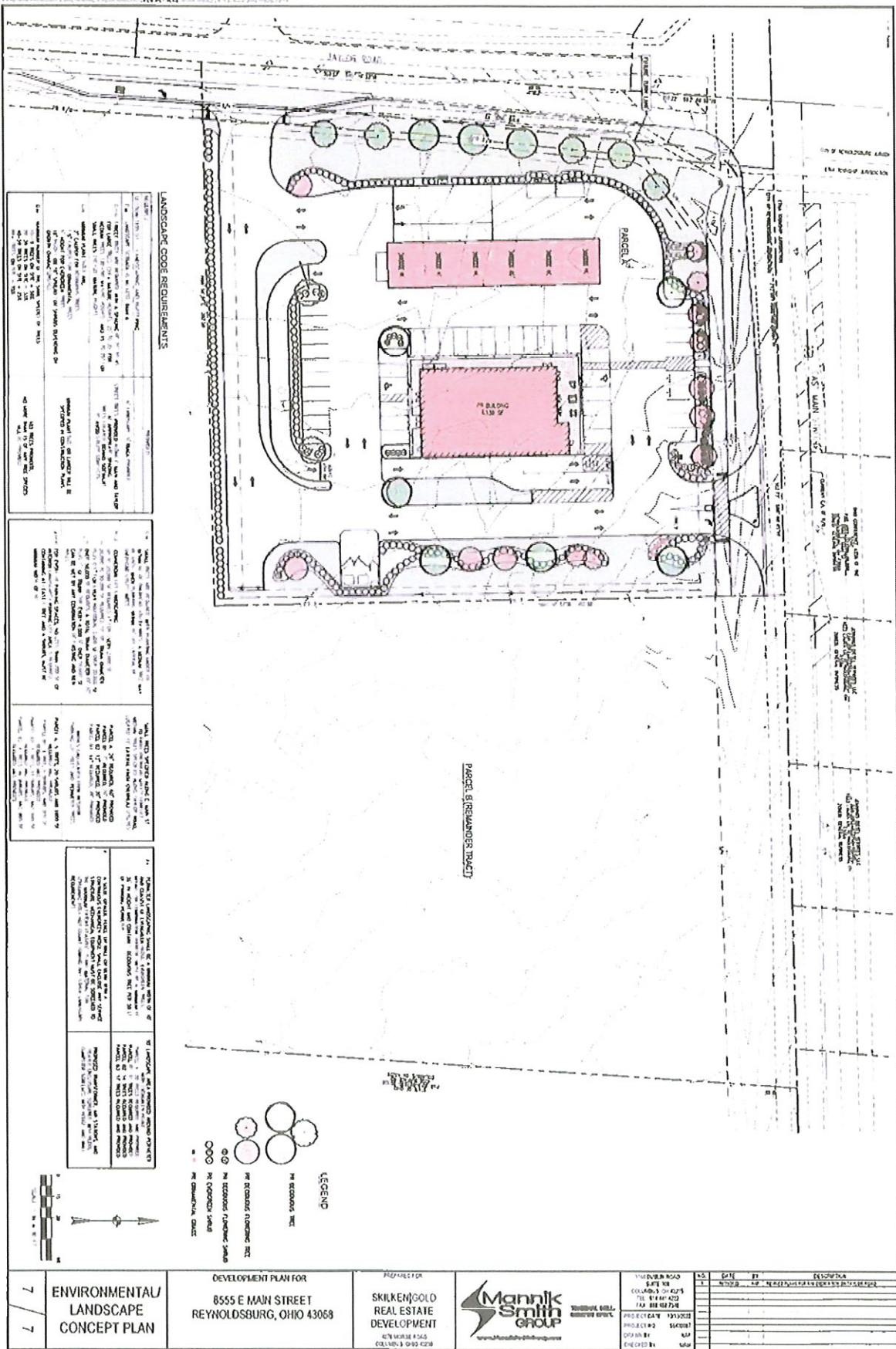
[illegible]

4	ALTA SURVEY	SHEETZ #062	SK KEN GOLD	 Mannik Smith GROUP www.MannikSmithGroup.com	ONE PENNA. PROP. CIRCLE REYNOLDSBURG, OH 43068 TEL: 614.862.2222 FAX: 614.862.1000	NO. 10 DATE 10/1/08 BY: [blank]	PROJECT NO. 10-0000 PROJECT NAME: [blank] DRAWN BY: [blank] CHECKED BY: [blank]
2		8555 E. MAIN ST REYNOLDSBURG, OH 43068	ATTENTION: 40 10-0000-0000				







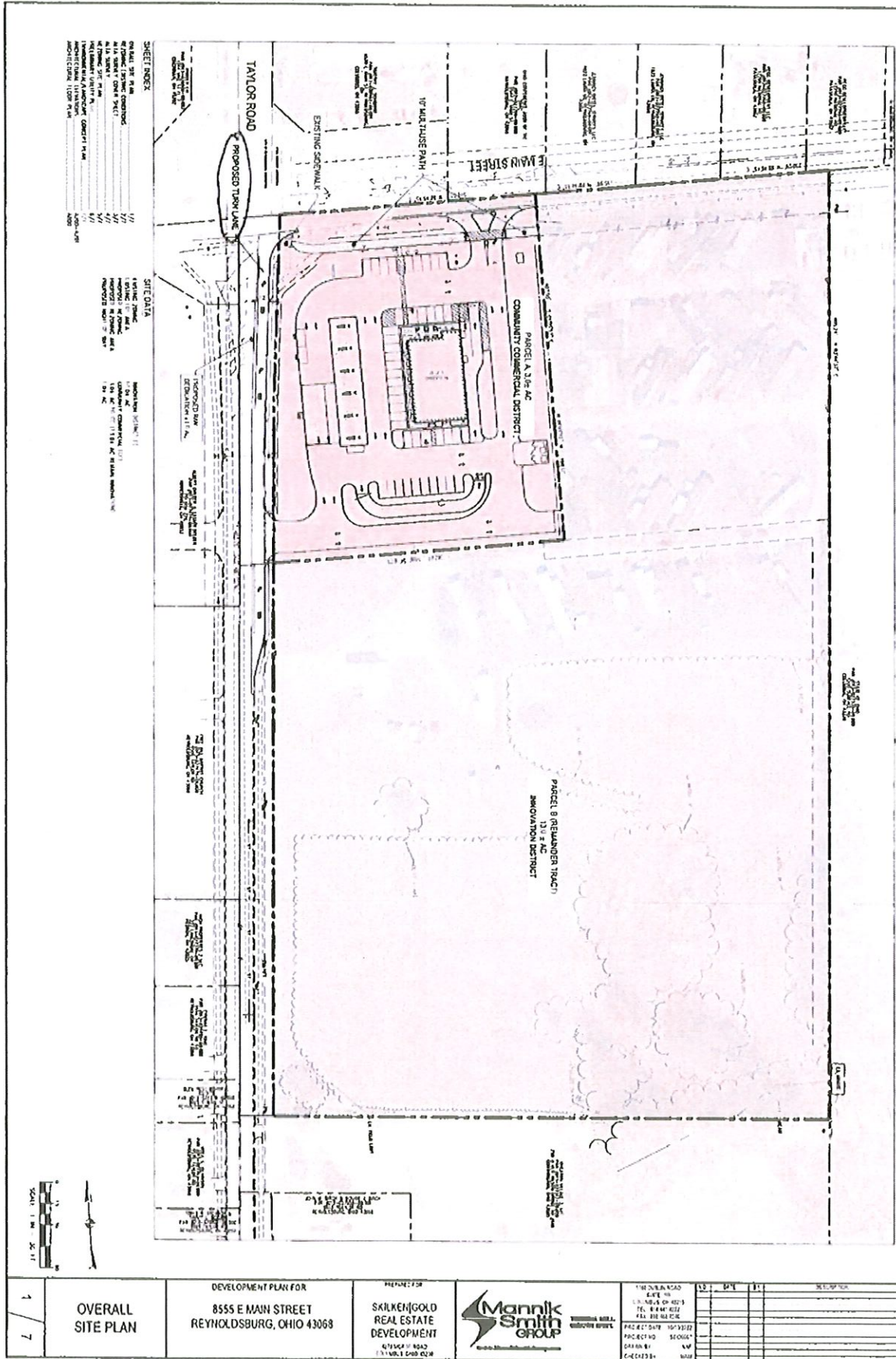








TAYLOR RD TURNLANE AT EAST MAIN STREET



Parcel Number	Engineer PIN	OWNER1	OWNER2
012-027280-00.000" "	16200371300000003000""	OHIO CONFERENCE ASSN OF THE S D ,	
012-028902-00.001" "	16200371300000002000""	SCHWARM, TIMOTHY J ,	
012-027768-00.000" "	16200371300000006000""	PEGG DEVELOPMENT LLC, ,	
012-028314-00.000" "	16200371300000009000""	RP OHIO INVESTMENTS LLC, ,	
012-028608-00.000" "	16200371300000007000""	PEGG DEVELOPMENT LLC, ,	
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013-028800-00.000" "	16200370700000005000""	STEVison, TONYA R ,	MCCABE, T
013-028908-00.002" "	16200371200000001000""	KROGER CO, ,	
013-028908-00.002" "	16200371200000002000""	KROGER CO, ,	
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013-027312-00.000" "	16200370200000002200""	WHEATON VILLAGE 2 L L C, ,	
013-027540-00.000" "	1620RB002000000011000""	SHEPARD, JOHN A ,	
013-027558-00.001" "	16200370200000002100""	BIRCH, JOHN M ,	BIRCH, BOB
013-027330-00.001" "	1620RB002000000013000""	OHIO - STATE OF, ,	

Address	City	State	Zip Code
	null	null	null
8520 E MAIN ST	REYNOLDSBURG	OH	43068
12290 NATIONAL RD	PATASKALA	OH	43062
8670 E MAIN ST	REYNOLDSBURG	OH	43068
12290 NATIONAL RD	PATASKALA	OH	43062
8029 E MAIN ST	REYNOLDSBURG	OH	43068
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9594 TAYLOR RD	REYNOLDSBURG	OH	43068
1014 VINE ST FL 7	CINCINNATI	OH	45202
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10852 ZION RD	THORNVILLE	OH	43076
9613 TAYLOR RD	REYNOLDSBURG	OH	43068
4200 SURFACE RD	COLUMBUS	OH	43228

Reynoldsburg

Department of Development
Planning & Zoning Division
7232 East Main Street
Reynoldsburg, Ohio

DEC - 2 2022

App./Case#: 2022-5469
Date Submitted: 12/2/22
Fee Amount: ϕ
☐ Paid:

I. PROPERTY INFORMATION

BOARD OF ZONING & BUILDING APPEALS

Property Address: 8555 E. Main St. Rey. 0 43068	Parcel ID#(s): 013-027540-00.000
--	-------------------------------------

II. PROPERTY OWNER OF RECORD

Property Owner Name(s): JOHN A. SHEPARD	
Contact Email:	Contact Phone Number:

III. BUSINESS/TENANT INFORMATION (IF APPLICABLE)

Business Name: SHEETZ	Contact Name:
Contact Email: 614-361-8783	Contact Phone Number:
Description of Use: SHEETZ GAS, CONVENIENCE & DRIVE THRU	

IV. APPLICANT INFORMATION

Applicant Name: Michael T. Shannon	Applicant Address: 8000 WALTON PKWY. New Albany
Applicant Phone Number: 614-579-1880	Applicant Email: Mike@UHlawfirm.com 43054
☐ Property Owner ☐ Business Owner/Tenant ☐ Contractor ☐ Architect/Engineer	

PROJECT INFORMATION

CHECK AND DESCRIBE IF APPLICABLE:

☐ Single-Family Detached Residential (SFR) ☐ Residential (R) _____

☒ Conditional Use Permit (CUP) _____

Please review the attached checklist and note the items you are responsible for submitting with this application. All required items must be submitted to the Planning & Zoning Administrator.

Applicant Signature: _____

Convenience Store with Drive Thru/Gas

Date: 11/30/22

By signing this application, I certify that I am the owner of the property or the owner's agent, and that the work is submitted with the full knowledge of the owner.

OFFICE USE ONLY

Additional Notes:	<u>Zoning Information</u>	BZBA Meeting Date: _____ ☐ Approved as Submitted ☐ Approved w/ Conditions ☐ Tabled ☐ Denied
	Zoning District: _____	
	☐ Historic District	
	Add'l Approvals Req'd	
	☐ Planning Commission ☐ Other: _____	P&Z Admin. _____ Date: _____

DEC - 2 2022

RE: Narrative for Sheetz - Conditional Use Parcel ID # 013-027540 8555 Main Street Reynoldsburg, OH 43068

Date: 11/30/2022

Section 1109.15 – Conditional Uses

iii. Include a description of the activities proposed on the subject property, the goods and services sold or provided, hours of operation, anticipated number of employees, nature and volume of delivery activity, and other information which will assist the BZBA with understanding the nature of the proposed use and its potential impacts;

The applicant proposes to develop, construct upon, occupy, and use the proposed site for a prototypical Sheetz Convenience Store, operating twenty-four (24) hours per day, seven (7) days per week, with retail, self-service sale of gasoline, auto diesel, and other petroleum products, EV charging stations, food and beverage sales, indoor and outdoor seating, red back-lit canopies, signage, a drive thru, adequate adjacent parking, and a license to sell beer and wine.

The proposed Sheetz typically employs a total 30-35 local employees with 2-10 employees working at the location at any given time. Food delivery trucks arrive daily either in the early morning or late afternoon while fuel trucks frequent the site roughly 4 times per week.

v. A narrative statement describing the compatibility of the proposed use with the existing uses of adjacent lots and with the Land Use Plan, including an evaluation of the effects on adjoining lots of such elements as traffic circulation, noise, glare, odor, fumes, vibration, and storm water, and any measures proposed to mitigate such effects;

The proposed site is intended to be rezoned Community Commercial Zone (CC) which is intended to promote development patterns and businesses that are consistent with larger retail while also providing convenience of access on heavily-traveled corridors. Per section 1109.21 of the Reynoldsburg Zoning Code, future development patterns in the CC Zone should accommodate changes in retail and transportation, including smaller lots and smaller format retail uses.

The subject property, located on the southeast corner E Main Street (SR-40) and Taylor Road. The site is situated on a heavily-traveled retail corridor with similar, nearby & adjacent uses including a pharmacy, a grocery store and fuel center

There are two proposed access points on the Site. The first is a right in right out access point on E Main Street. The second access point is a full access on Taylor road that is aligned with the pharmacy property across the street. The proposed site is being

developed with future adjoining sites in mind and it includes a common site drive that will provide internal circulation to all adjoining lots.

RE: Narrative for Sheetz - Conditional Use Parcel ID # 013-027540 8555 Main Street Reynoldsburg, OH 43068

Date: 11/30/2022

In terms of noise, glare, odor, fumes, and vibration, the site is strategically situated to not influence any adjacent uses, tenants, or occupants in those regards. Lighting will be provided onto the site and comply with the RZC Section 1105.09. Stormwater runoff for this development is planned to be addressed with an underground stormwater detention system.

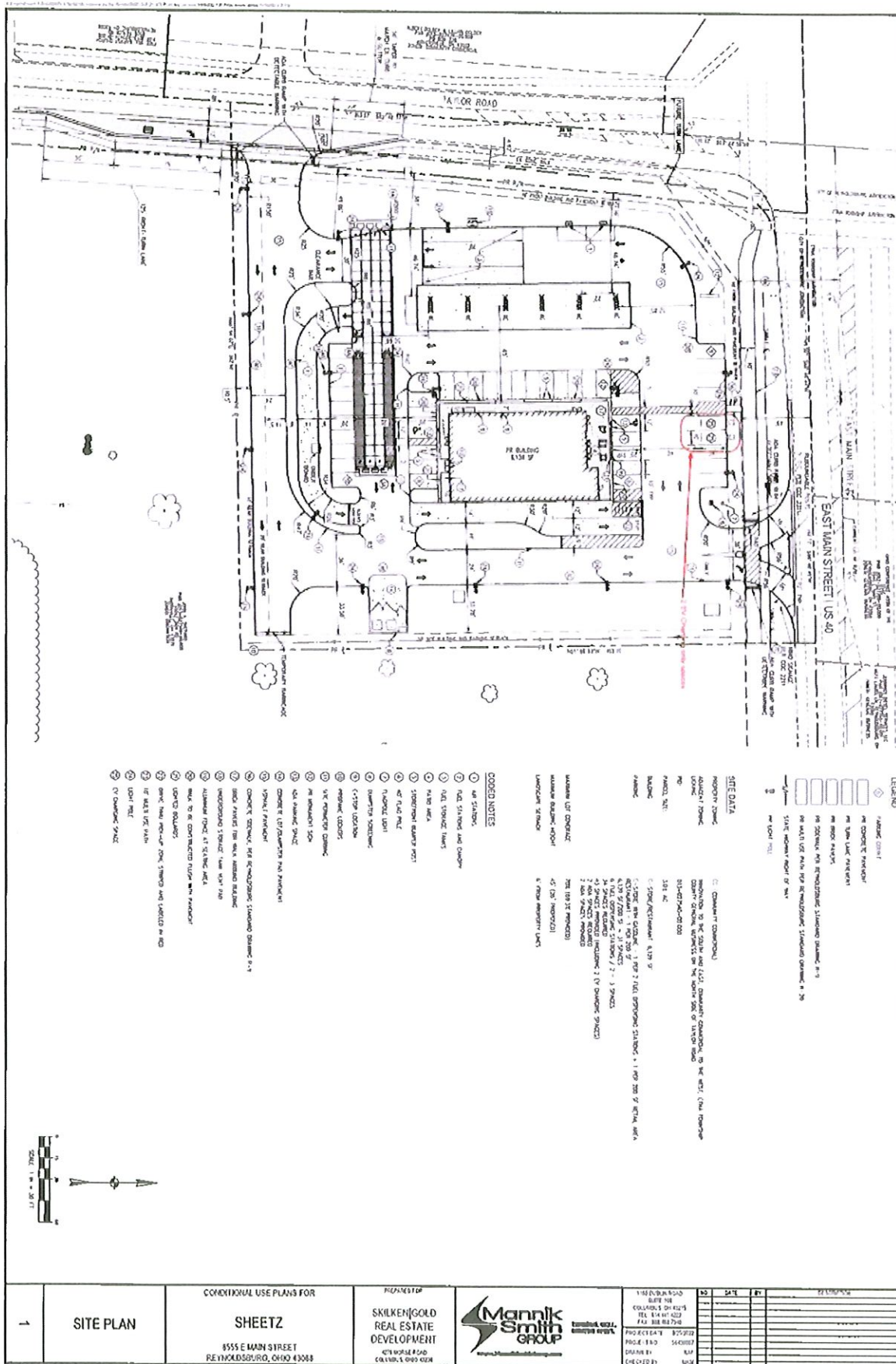
vi. A narrative addressing each of the applicable criteria set forth in the standards and requirements for all conditional uses set forth below and, as applicable, the supplementary requirements for special uses set forth under the applicable district or zone regulations.

The proposed use and site shall comply with the applicable criteria set forth in the standards and requirements for all conditional uses as well as any supplementary requirements for special uses. The desired use is a single-tenant retail user which is similar to adjacent uses as well as other tenants / occupants along the heavily-trafficked corridor. More specifically, the tenant aims to provide a vibrant use for the area which incorporates a made-to-order restaurant, convenience store with drive-thru, and fuel sales with EV charging stations and minimal outdoor display.

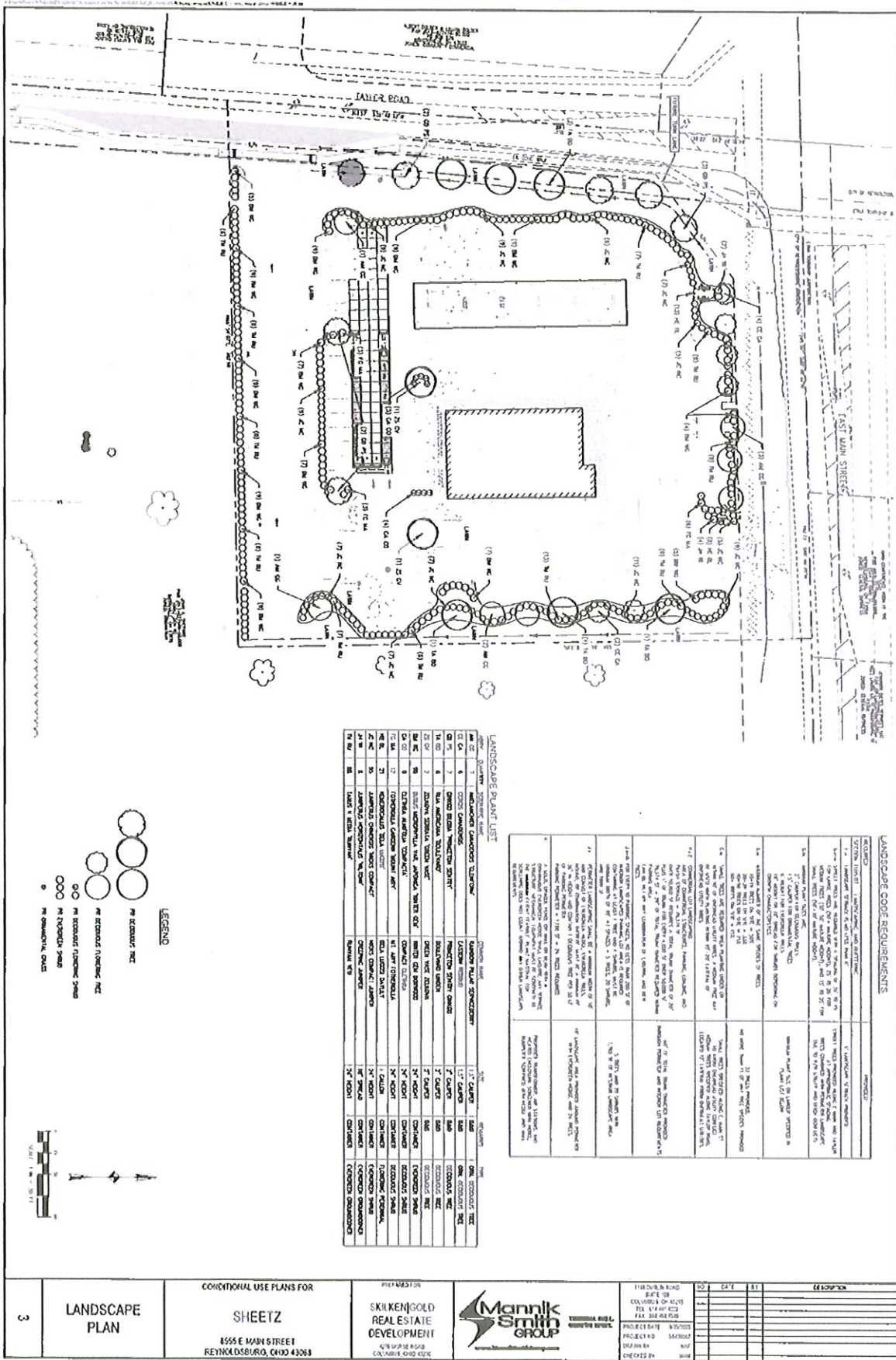
The proposed use aims to provide a convenient service to on-going traffic along the corridor which shall compliment adjacent auto-oriented, convenience, and other retail-based services and ultimately contribute to the character of the area in a beneficial manner. Given the existing, nearby auto-oriented uses in the area, the proposed Sheetz development will not contribute adversely to the area, nor will it affect the health, safety, morals, or welfare of persons residing or working in the neighborhood. Additionally, the site shall be served adequately in regards to any public facilities / utilities.

The proposed site does not suggest impacting the traffic of public right-of-ways and shall utilize private drives of the master development for its access and circulation. Furthermore, the proposed development aims to comply with all the standards set forth in the Reynoldsburg Zoning Code and Land Use Plan while also meeting the definition and intended use specifically listed as a conditional use in the CC Zone.

Additionally, Applicant has conceded to make additional improvements to Taylor Road not required by the Traffic Impact Study, but requested by the City of Reynoldsburg. Namely, the turn lane on Taylor Road will be extended northerly pass our proposed access all the way to Main Street, at significant expense.



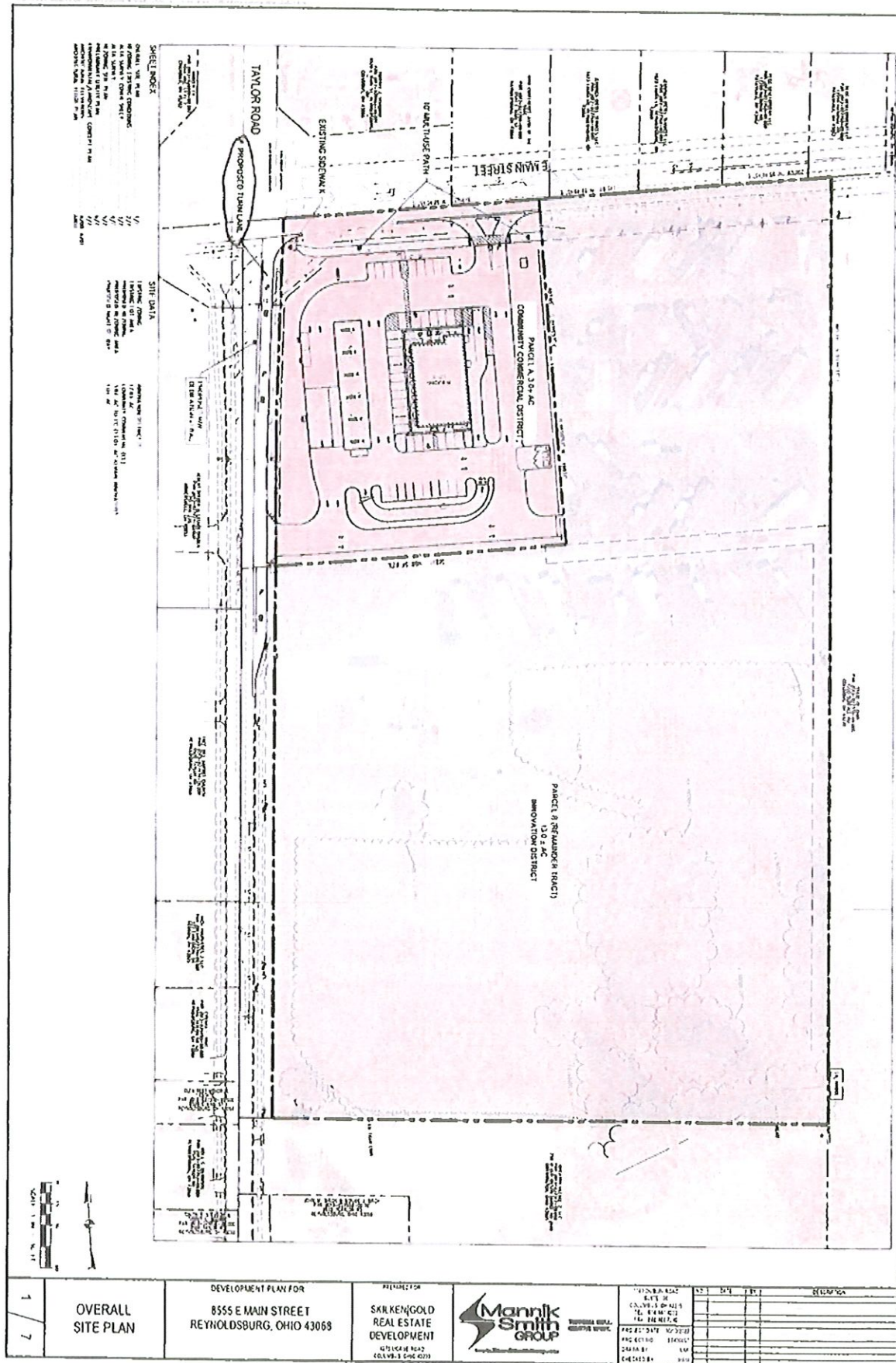




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10852 ZION RD	THORNVILLE	OH	43076
9613 TAYLOR RD	REYNOLDSBURG	OH	43068
4200 SURFACE RD	COLUMBUS	OH	43228

TAYLOR RD TURN LANE AT EAST MAIN STREET



Clerk of Council**Mollie Prasher****7232 East Main Street****Reynoldsburg OH 43068****614-322-6836 Phone****ORDINANCE REQUEST**

DATE: January 23, 2023**TO: Public Safety, Law and Courts Committee****RE: Tobacco Retailer License**

Approval:

Completed Joe Begeny	Skipped Chris Shook	Stephen Cicak
-------------------------	------------------------	---------------

**AN ORDINANCE ADOPTING CHAPTER 723 TOBACCO RETAIL LICENSE OF
THE CODIFIED ORDINANCES OF THE CITY OF REYNOLDSBURG TO
ESTABLISH THE TOBACCO PRODUCTS SALES LICENSING PROGRAM**

WHEREAS, the City of Reynoldsburg is dedicated to promoting and supporting the health and wellbeing of its residents; and

WHEREAS, there has been dramatic increase in the use of electronic smoking devices and vaping products by persons under the age of twenty-one (21), contributing to the addiction of a new generation of users to tobacco and nicotine; and

WHEREAS, the City of Reynoldsburg desires to ensure proper training and enforcement of the restrictions on the sales of nicotine-containing products to those under the age of 21; and

WHEREAS, in order to promote better training and enforcement on the restrictions of underage sales of nicotine-containing products, the City desires to adopt a Tobacco Retail License Program (the “Program”); and

Clerk of Council

Mollie Prasher

7232 East Main Street

Reynoldsburg OH 43068

614-322-6836 Phone

WHEREAS, the City of Reynoldsburg desires to appoint Franklin County Public Health as its licensing agent for implementation and administration of the Program; and

WHEREAS, the City of Reynoldsburg is a home-rule charter municipality, enabling the City to establish the Program as a proper exercise of the powers of local self government established by the Constitution and laws of the State of Ohio

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Reynoldsburg, Ohio:

Section 1. That Chapter 723 of the Reynoldsburg Codified Ordinances, entitled “TOBACCO PRODUCT SALES” is hereby adopted to read as follows:

SEE ATTACHED EXHIBIT A

Section 2. The Mayor is hereby authorized to negotiate and enter into a contract with Franklin County Public Health to be its licensing agent for the Tobacco Retail License Program.

Section 3. All deliberations and actions of the public body relating to this Ordinance were taken in an open meeting in compliance with Section 121.22 of the Ohio Revised Code.

Section 4. That upon adoption by Council, this Ordinance shall be in effect thirty days following signature by the Mayor.

CHAPTER 723 TOBACCO RETAIL LICENSE

723.01 DEFINITIONS.

As used in this chapter:

- (a) “Compliance Check” means the system that the City uses to conduct store audits, investigate and ensure compliance with the requirements of this Chapter or the system that Franklin County Public Health uses to conduct store audits to ensure compliance with the requirements of this Chapter.
- (b) “Delivery Sale” means the sale of any tobacco or electronic smoking device or product to any person for personal consumption and not for resale when the sale is conducted by any means other than an in-person, over-the-counter sales transaction in a licensed tobacco retail establishment. Delivery Sale includes, but is not limited to, the sale of any tobacco or electronic smoking device or product conducted by telephone, other voice transmission, mail, the internet, or app-based service. Delivery Sale includes delivery by licensees or third parties by any means, including curbside pick-up.
- (c) “Electronic Smoking Device” means any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including, but not limited to, an electronic cigarette, electronic cigar, electronic hookah, vaping pen, or electronic pipe. The phrase includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).
- (d) “Moveable Place of Business” means any form of business that is operated out of a kiosk, truck, van, automobile, or other type of vehicle or transportable shelter and that is not a fixed address or other permanent type of structure licensed for over-the-counter sales transactions.
- (e) “Person” means any natural person.
- (f) “Purchaser” means any person who obtains or attempts to obtain a tobacco product or electronic smoking device.
- (g) “Sale” means any transfer of good for money, trade, barter, or other consideration.
- (h) “Self-Service Display” means any display from which customers may select a tobacco product or electronic smoking device with assistance from the tobacco retailer or the tobacco retailer’s agent or employee and without a direct person-to-person transfer between the purchaser and the tobacco retailer or tobacco retailer’s agent or employee. A vending machine is a form of self- service display.

- (i) “Tobacco Product” means any product that is made of or derived from tobacco or that contains any form of nicotine, if it is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, an electronic smoking device, a cigar, a hookah, pipe tobacco, chewing tobacco, snuff, or snus. The phrase also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, blunt or hemp wraps, and liquids used in electronic smoking devices, whether or not they contain nicotine. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).
- (j) “Tobacco Retail Establishment” means any place of business where tobacco products or electronic smoking devices are available for sale to the general public. The term includes, but is not limited to, grocery stores, tobacco product shops, kiosks, convenience stores, gasoline service stations, bars, and restaurants.
- (k) “Tobacco Retail License” means the license and Certificate of Compliance issued by the City, through Franklin County Public Health as the City’s licensing agent, to a Tobacco Retail Establishment.
- (l) “Tobacco Retailer” means any person, partnership, joint venture, society, club, trustee, trust, association, organization or corporation who owns, operates, or manages any tobacco retail establishment. The term does not include non-management employees of any tobacco retail establishment.
- (m) “Vending Machine” means any mechanical, electric or electronic, or other type of device that dispenses tobacco products upon the insertion of money, tokens, or other form of payment into or onto the device by the person seeking to purchase the tobacco product.
- (n) “Youth-oriented Facility” means any facility with residents, customers, visitors, or inhabitants of which 25% or more are regularly under the age of 21 or that primarily sells, rents, or offers services or products that are consumed or used primarily by persons under the age of 21. Youth-oriented Facility includes, but is not limited to, schools, playgrounds, recreation centers, and parks.

723.03 LICENSE REQUIRED

- (a) Each tobacco retailer engaging in the sale of tobacco products shall secure and display at all times, a Tobacco Retail License (TRL) Certificate of Compliance issued by Franklin County Public Health under the authority of this Chapter before engaging in or continuing to engage in such business.
- (b) No tobacco retailer shall sell tobacco products without a valid Tobacco Retail License (TRL) Certificate of Compliance.

723.05 APPLICATION FOR TOBACCO RETAIL ESTABLISHMENT LICENSE; FEE

- (a) Application for a Tobacco Retail Establishment License shall be made to Franklin County Public Health, the City's licensing agent.
- (b) The application for a Tobacco Retail License shall be maintained by Franklin County Public Health and available online.
- (c) The applicant shall be required to pay a nonrefundable fee in the amount of five hundred dollars (\$500.00), determined to be sufficient to pay the cost of administering this Chapter. The fee may be reduced or waived by the Mayor, in consultation with Franklin County Public Health.

723.07 ISSUANCE OF TOBACCO RETAIL ESTABLISHMENT LICENSE

- (a) Franklin County Public Health shall issue a Tobacco Retail License (TRL) Certificate of Compliance or a renewal of a Tobacco Retail License (TRL) Certificate of Compliance to an applicant pursuant to this Chapter, unless it is found:
 - (1) That the applicant is under 21 years of age;
 - (2) That the applicant has had a license to sell tobacco products revoked within the preceding 12 months of the date of the application;
 - (3) The applicant or licensee is giving, selling, or offering to sell tobacco products by or from a vending machine;
 - (4) That the applicant has failed to post signage as required by this Chapter;
 - (5) That the applicant has outstanding fines pursuant to this Chapter;
 - (6) That the applicant fails to provide any of the information required by 723.05;
 - (7) That the applicant provides false or misleading information;
 - (8) That the applicant was convicted within the past 5 years of any violation of a federal, state, or local law or regulation relating to tobacco products;
 - (9) An order by a court of competent jurisdiction that a tobacco retail location owned and/or operated by the licensee constitutes a public nuisance;
 - (10) That the applicant or licensee fails to comply with U.S. Food and Drug Administration regulations, Ohio Revised Code, and city codes relating to building,

health and fire.

(11) The business for which the tobacco retailer license is requested is a moveable place of business. Only fixed-location retail establishments are eligible to be licensed.

- (b) Franklin County Public Health shall provide the applicant either a TRL Certificate of Compliance or a written statement that the application was denied and the reason thereof. The tobacco retail license or written statement of denial may be provided electronically.
- (c) Any person who has been denied a TRL Certification of Compliance may appeal such denial in accordance with 723.15.

723.09 POSTING OF SIGNS

- (a) No tobacco retailer shall sell, permit the sale of, or distribute tobacco products in the City of Reynoldsburg unless both the tobacco retail license and a printed notice(s) as outlined herein Section 723.02(b) are posted at any location where tobacco products are available for purchase.
- (b) All notices must be posted in a manner conspicuous to both employees and consumers, unobstructed from view in their entirety, and within six feet of each register where tobacco products are available for purchase and must state "It is illegal for any person under the age of 21 to purchase tobacco products, including electronic cigarettes." The City of Reynoldsburg shall provide the tobacco retail license and notice upon approval or renewal of the license or by request by the licensee. The notice(s) must be at least 14" by 11" and the words on the notice must be legibly printed in high contrast red color with capitalized letters at least one-half inch high. Additional copies of the tobacco retail license shall be printed by the licensee in accordance to the instructions provided by the Department upon approval of the license application.

723.11 LICENSE EXPIRATION AND RENEWAL

- (a) Franklin County Public Health shall issue Tobacco Retail Licenses on a calendar year basis (January 1 to December 31) or any part thereof and such license(s) shall expire on December 31 following the date of issuance.
- (b) Each Tobacco Retail Establishment shall apply for a renewal of the Tobacco Retail License with Franklin County Public Health no later than 30 days prior to the expiration of the current License.
- (c) A Tobacco Retail License shall not be transferrable. If the address, ownership, or operation of the Tobacco Retail Establishment transfers, the License shall automatically expire.

723.13 REQUIREMENTS FOR TOBACCO RETAIL ESTABLISHMENT LICENSE

Licensed Tobacco Retail Establishments shall comply with each of the following minimum requirements:

- (a) Prohibit the giving, selling, or offering to sell any tobacco products to any person under the age of 21.
- (b) Verify, before distributing any tobacco products that the purchase is at least 21 years of age pursuant to Section 537.18(a)(1)(a) of the Codified Ordinances of the City of Reynoldsburg.
- (c) Post a notice at least 14” by 11” in size at any location where tobacco products, tobacco product paraphernalia, or electronic smoking devices are available for purchase that states that “This Establishment shall not sell tobacco products, including electronic smoking devices, to any person under the age of 21,” posted in a conspicuous location, including at each entrance, clearly legible to a person of normal vision, and contain a telephone number for reporting violations.
- (d) Prohibit the sale or furnishing of tobacco products by means prohibited by federal, state, or other local law.
- (e) Must not be located within 1,000 feet of a youth-oriented facility, as measured by the shortest line from the property line of the location of the Tobacco Retail Establishment to the nearest property line of a Youth-Oriented Facility. This restriction does not apply to an applicant who has been licensed by the State of Ohio Department of Taxation to sell tobacco products in their location prior to the date this Chapter was enacted into law. This restriction further does not apply to an applicant who has been licensed through this Chapter prior to commencement of construction of a youth-oriented facility that would be located within 1,000 feet of the Tobacco Retail Establishment.

723.15 COMPLIANCE CHECKS

- (a) Licensed Tobacco Retail Establishments shall be subject to at least two unannounced Compliance Checks per year to be conducted by Franklin County Public Health.
- (b) Licensed Tobacco Retail Establishments shall be subject to unannounced follow-up Compliance Checks by Franklin County Public Health until compliance is established.
- (c) Compliance Checks may be conducted by the City.
- (d) Compliance Check results shall be published annually by the City and made available by the City or Franklin County Public Health to the public upon request.

723.17 LICENSE DENIAL, SUSPENSION, OR REVOCATION APPEAL

- (a) When the City or its licensing agent determines to deny a TRL application, or to suspend or revoke a TRL Certificate of Compliance, the city or licensing agent shall notify the applicant or licensee in writing by U.S. mail, electronic mail, by posting in a conspicuous place at the location, or other means reasonably calculated to promptly notify the applicant or licensee.
- (b) Any Tobacco Retail Establishment who has been denied a Tobacco Retail License (TRL) Certificate of Compliance or has had a Tobacco Retail License (TRL) Certificate of Compliance revoked may appeal that decision within five (5) days of the denial or revocation thereof by filing a written statement with Franklin County Public Health Attn: TRL Appeal. The written statement shall include the applicant's full name and contact information (including mailing address, phone number, and e-mail address), shall state the basis for the appeal, and shall include a summary of all relevant facts and circumstances.
- (c) The Franklin County Public Health Commissioner or his/her designee shall review the written statement, set a time and place for an administrative hearing, provide reasonable notice prior to such hearing, and establish the reasonable procedures, therefore. The hearing shall be held within ten (10) days of submitting the written appeal. The Health Commissioner or his/her designee shall issue a decision on whether to grant or deny the TRL Certificate of Compliance and that decision shall be final.

723.19 NON-RETALIATION

No person or employer shall discharge, refuse to hire or in any manner retaliate against any employee, applicant for employment or customer because such employee, applicant or customer reported violations of any provisions of this chapter.

723.21 SEVERABILITY

In the event any subsection of this Chapter shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this Chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional

723.99 ENFORCEMENT AND APPEALS

- (a) The City shall have authority to implement and enforce all provisions of this Chapter. Franklin County Public Health, as the City's licensing agent, shall have authority to conduct Compliance Checks and all licensing functions.

- (b) “Violation” including violation of 537.18 of the Codified Ordinances or a substantially equivalent offense, does not require that the person has been criminally convicted of the violation of 537.18 of the Codified Ordinances or substantially equivalent offense. The city or its licensing agent may determine that a violation has occurred even if no criminal charge has been filed. Acquittal or dismissal of a charge under 537.18 of the Codified Ordinances or any substantially equivalent offense, shall not necessarily absolve a licensee; Chapter 723 is civil in nature, and so the city or its licensing agent may find a violation based upon a preponderance of evidence, rather than proof beyond a reasonable doubt, and are not otherwise required to observe rules of criminal procedure, the exclusionary rule, or confrontation of witnesses;
- (c) Sale of multiple items in violation of 537.18 of the Codified Ordinances or substantially equivalent applicable law, where the sales occur in a single transaction, shall constitute one violation. For example; sale of three packs of cigarettes and a vial of liquid nicotine to a 19-year old in one transaction shall constitute one violation. Sale of one pack of cigarettes to one 19-year old, one pack of cigarettes to the 18-year old next in line, in two transactions, shall constitute two violations.
- (d) In addition to the denial, suspension, or revocation of a tobacco retail license, the city may impose the following civil penalties for violations of 537.18 or any substantially equivalent offense and as a violation of this Chapter:
 - (1) For a first violation, a fine of no less than \$500;
 - (2) For a second violation within a 36-month period, a fine no less than \$750 and the Tobacco Retailer shall be prohibited from distributing tobacco products for a minimum of 7 days;
 - (3) For a third violation within a 36-month period, a fine no less than \$1000 and the Tobacco Retailer shall be prohibited from distributing tobacco products for a minimum of 30 days;
 - (4) For a fourth and any subsequent violation within a 36-month period, a fine no less than \$1000 and the Tobacco Retailer shall be prohibited from distributing tobacco products for a period of three years.
- (e) The penalties associated with a violation of this Chapter are in addition to, not in lieu of, any other penalty applicable under Ohio law or any other legal remedy available to the City.
- (f) It is an affirmative defense for any Tobacco Retailer charged with a violation of this Chapter that that the Tobacco Retailer complied with the age verification process set forth in Sections 537.18(a)(1)(A) and 527.18(a)(2)(F). This affirmative defense shall apply unless there is clear and convincing evidence that no reasonable person could have concluded that the person presenting the identification is the same person as the purchaser or recipient of the tobacco products, tobacco product paraphernalia, or

electronic smoking device(s).

- (g) It is not a violation of this Chapter for a person younger than 21 years old who purchases or attempts to purchase tobacco products while under the direct supervision of City staff or authorized contractor agents for training, education, research, or enforcement purposes.
- (h) It is not a violation of this Chapter for a person under the age of 21 to handle tobacco products in the course of lawful employment by a tobacco retailer.
- (i) It is not a violation of this Chapter for a person to purchase tobacco products as a part of an indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice.
- (j) Enforcement Process. Franklin County Public Health is authorized to do Compliance Checks.
 - (1) If a Compliance Check establishes probable cause for violation(s) other than sale to an underage person, Franklin County Public Health may take one or more of the following actions to resolve the violation:
 - i. The Franklin County Public Health representative may speak to the Tobacco Retailer to establish compliance if such compliance may be established through immediate action.
 - ii. Franklin County Public Health may also send a certified letter to the Tobacco Retail Establishment at the address listed on the TRL Certificate of Compliance. The letter shall cite the section number of the code that is being violated and what must be done to bring the establishment into compliance. The letter will be signed by the Franklin County Public Health employee who has direct knowledge of the violation(s). The Tobacco Retailer shall be audited for compliance within seven (7) days of receipt of the certified letter by the Tobacco Retail Establishment.
 - iii. If the Tobacco Retail Establishment has not brought the establishment into compliance with this Chapter within seven (7) days of receipt of the certified letter referenced in subsection (ii) above, Franklin County Public Health shall refer the violation(s) to the City Attorney's Office to issue a civil penalty.
 - (2) If a Compliance Check established probable cause for selling to an underage person, Franklin County Public Health shall refer the violation(s) to the City Attorney's Office to issue a civil penalty.
- (k) When the City determines to issue a civil penalty for a violation, the city shall notify the violator in writing by U.S. mail, electronic mail, by posting in a conspicuous place

at the location, or other means reasonably calculated to promptly notify the violator.

- (l) The City shall not be required to conduct an evidentiary hearing prior to issuing a civil penalty.
- (m) The violator may file a written notice of appeal with the city within 14 days of the date the civil penalty was issued. The civil penalty shall take effect following the expiration of time to file the notice of appeal provided herein.
- (n) The appeal of a civil penalty shall be heard by a licensed attorney, designee of the Mayor.
- (o) During any appeal of a civil penalty under this section, the burden of proof by preponderance of the evidence shall be upon the City. The hearing shall be recorded and exhibits marked to create a record for use in further appeal provided, however, that transcripts need not be ordered unless a notice of appeal to the Court of Common Pleas or Franklin County Municipal Court Environmental Division has been timely filed under R.C. Chapter 2506.
- (p) The Mayor's designee hearing an appeal under this section shall rule on all preliminary and evidentiary matters, and in doing so shall not be strictly bound by the Rules of Evidence, the Rules of Civil Procedure, or the Rules of Appellate Procedure. The hearing officer may establish time limits for the presentation of evidence, determine any non-dispositive preliminary motions, and may continue any hearing on the motion of a party or on its own motion.
- (q) Appeals from decision under division (p) of this section shall proceed according to R.C. Chapter 2506.
- (r) Legal Action. The City may bring legal action to address any violation of this code, any enforcement order, any term or condition of a conditional use, site plan approval, variance or other entitlement issued by the City, or to collect unpaid fines.
- (s) ADDITIONAL REMEDIES. The remedies provided by this Chapter are cumulative and in addition to other remedies available at law or in equity, including injunctive relief.

Ohio Tobacco Retail License Model Policy

ORDINANCE NO. [_____]

AN ORDINANCE REGULATING THE SALE OF TOBACCO AND NICOTINE PRODUCTS AND RELATED DEVICES

PURPOSE

Responsible [CITY] retailers recognize the health risks associated with nicotine and tobacco use and addiction, especially for young people. However, U.S. Food and Drug Administration (FDA) data indicate that one in five Ohio retailers illegally sell these products to underage buyers. In addition, tobacco retailers may choose to concentrate near schools and in low-income neighborhoods. [CITY] believes that local licensing and regulation of retailers that sell nicotine and tobacco products offers the best opportunity to protect our children and other vulnerable populations while ensuring a level playing field for all retailers.

WHEREAS, commercial tobacco use is the foremost preventable cause of premature death in America, causing a half million deaths annually, and has been responsible for 20.8 million premature deaths in the U.S. since the first U.S. Surgeon General's report on smoking in 1964;

WHEREAS, [CITY] recognizes that young people are particularly susceptible to the addictive properties of tobacco and nicotine, and that youth who begin using tobacco and nicotine products are more likely to become lifelong users, reversing previous progress in the reduction of the overall tobacco use rate;

WHEREAS, [CITY] has the authority to protect life, health, and safety by requiring tobacco retailers within the [CITY] to obtain and maintain a tobacco retailer license ("TRL") as a condition for engaging in the business of selling tobacco products;

WHEREAS, TRL is an evidence-based strategy to reduce initiation to nicotine and tobacco through improved compliance with Minimum Legal Sales Age (MLSA) and other important tobacco sales regulations;

WHEREAS, TRL is a regulatory tool that further enables [CITY] to monitor tobacco sales, fund compliance efforts, and create effective penalty and suspension structures for repeated violations,

WHEREAS, TRL laws in other communities have been effective in reducing the number of illegal tobacco sales to underage purchasers; now, therefore,

BE IT ORDAINED by the Council of the [CITY], State of Ohio:

Note: The "Purpose" section is part of the ordinance and legislative record, but it usually does not become part of the municipal code. In addition to serving an educational purpose and building political and popular support for the ordinance, the findings can also serve a legal purpose. In the event of litigation, a "Purpose" section will provide a record of the legislature's intent and rationale for the policy. Common findings associated with a comprehensive tobacco control policy will identify health concerns and other problems related to use and/or access to commercial tobacco.

Findings specific to your jurisdiction, such as use rates among local teens and young adults, retailer violations rates, and high tobacco retailer density rates within your jurisdiction, will provide further rationale for your policy and should be included to the extent possible.

DEFINITIONS

Compliance Checks - The system the city uses to investigate and ensure that those authorized to sell tobacco products are following and complying with the requirements of this ordinance. Compliance Checks involve the use of persons over the age of 18, but under the age of 21 who purchase or attempt to purchase tobacco products. Compliance checks may also be conducted by the city or other units of government for educational, research, and training purposes or for investigating or enforcing federal, state, or local laws and regulations relating to tobacco products.

Delivery Sale - The sale of any tobacco product to any person for personal consumption and not for resale when the sale is conducted by any means other than an in-person, over-the-counter sales transaction in a licensed retail establishment. Delivery Sale includes but is not limited to the sale of any tobacco product when the sale is conducted by telephone, other voice transmission, mail, the internet, or app-based service. Delivery Sale includes delivery by licensees or third parties by any means, including curbside pick-up.

Electronic Smoking Device - Any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah. Electronic smoking device includes any component, part, or accessory of the device, and also includes any substance intended to be aerosolized or vaporized during the use of the device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration for cessation purposes, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

Moveable Place of Business - Any form of business that is operated out of a kiosk, truck, van, automobile or other type of vehicle or transportable shelter and that is not a fixed address or other permanent type of structure licensed for over-the-counter sales transactions.

Person - Any natural person.

Purchaser - Any person who obtains or attempts to obtain a tobacco product.

Sale - Any transfer of goods for money, trade, barter or other consideration.

Self-Service Display - Any display from which customers may select a tobacco product without assistance from the tobacco retailer or the tobacco retailer's agent or employee and without a direct person-to-person transfer between the purchaser and the tobacco retailer or tobacco retailer's agent or employee. A vending machine is a form of self-service display.

Tobacco Product - (1) any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; (2) any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or (3) any component, part, or accessory of (1) or (2), whether or not any of these contain tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, and pipes. Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration for cessation purposes, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

Tobacco Retail Establishment - Any place of business where tobacco products are available for sale to the general public. The term includes but is not limited to grocery stores, tobacco product shops, kiosks, convenience stores, gasoline service stations, bars, and restaurants.

Tobacco Retailer - Any person, partnership, joint venture, society, club, trustee, trust, association, organization, or corporation who owns, operates, or manages any tobacco retail establishment. Tobacco retailer does not mean the non-management employees of any tobacco retail establishment.

Vending Machine - Any mechanical, electric or electronic, or other type of device that dispenses tobacco products upon the insertion of money, tokens, or other form of payment into or onto the device by the person seeking to purchase the tobacco product.

Youth-Oriented Facility - Any facility with residents, customers, visitors, or inhabitants of which 25 percent or more are regularly under the age of 21 or that primarily sells, rents, or offers services or products that are consumed or used primarily by persons under the age of 21. Youth-oriented facility includes, but is not limited to, schools, playgrounds, recreation centers, and parks.

LICENSE REQUIRED

- A. Each tobacco retailer engaging in the sale of tobacco products, at each location in this city, shall secure, and display at all times, a tobacco retail sales license from the [Health Department] before engaging or continuing to engage in such business. No tobacco retailer may sell tobacco products without a valid tobacco retail sales license.

While Ohio law does require retail dealers of cigarettes to obtain a simple tax permit, it does not require retailers of tobacco products (electronic cigarettes, cigars, hookah, etc.) to obtain any kind of privilege permit or license. The state has no systematic way to know who is selling tobacco and nicotine products. A true tobacco retail license (TRL) should also include all tobacco and nicotine products.

- B. An application for a license to sell tobacco products must be made on a form provided by the [Health Department]. The application must contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the city deems necessary.

Ohio's Investigative Unit, an arm of the Ohio State Highway Patrol, is the designated enforcement agency. This unit is understandably designed to prioritize enforcement of criminal law. Tobacco sales are a critical health issue and local health departments are better-equipped to work with local retailers to ensure compliance.

- C. The [Health Department] may approve or deny the application for a license, or it may delay action for a reasonable period of time to complete any investigation of the application or the applicant deemed necessary. If the [Health Department] approves the application, the license will be issued to the applicant. If the [Health Department] denies the application, notice of the denial will be given to the applicant along with notice of the applicant's right to appeal the decision.

Licenses may be denied or fail to be renewed if:

1. The applicant is under 21 years of age;
2. The applicant has had prior suspensions or revocation;
3. The applicant fails to provide any of the information required on the licensing application or provision of false or misleading information;
4. The applicant was convicted within past 5 years of any violation of a federal, state, or local law, ordinance provision or other regulation relating to tobacco products;

5. The applicant has had a license to sell tobacco products suspended or revoked within the preceding 12 months of the date of application;
 6. The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license; or
 7. The business for which the license is requested is a moveable place of business. Only fixed-location retail establishments are eligible to be licensed.
- D. If a license is mistakenly issued or renewed to a person, the city will revoke the license upon the discovery that the person was ineligible for the license under this ordinance. The city will provide the license holder with notice of the revocation, along with information on the right to appeal.
- E. The fee for a tobacco retail sales license shall be set by the Health Department, who shall have the authority to adjust the fee amount from time to time. Such fees shall be calculated to recover the cost of administration and enforcement of this Ordinance, including, but not limited to, issuing licenses, administering the license program, retailer education, retailer inspection and compliance checks, documentation of violations, and prosecution of violators. All fees and interest on proceeds from fees shall be used to exclusively fund the administration and enforcement of this Ordinance.
- [CITY] should establish and insert the desired initial application and license fee amounts prior to enacting this ordinance. As a reference, the city of Cincinnati has a \$300 annual tobacco retailer license fee for applications filed in 2019 and authorizes the city council to adjust the license fee from time to time by resolution.
- F. All licenses issued are valid only on the premises for which the license was issued and only for the person to whom the license was issued. The transfer of any license to another location or person is prohibited.
- G. Such license shall be renewed annually and valid for a period beginning with the date of license to the first day of [Month] next succeeding the date of the license unless sooner revoked as allowed by penalties in this article, or unless the retailer to whom it was issued discontinues business, in either of which cases the holder of the license shall immediately return it to the [Health Department]. A license shall not be transferred from one retailer to another or from one location to another.
- H. A tobacco retail sales license cannot be renewed if the tobacco retailer has outstanding fines pursuant to this ordinance.
- I. The issuance of a license is a privilege and does not entitle the license holder to an automatic renewal of the license.
- J. No tobacco retail sales license shall be issued or renewed to a tobacco retail sales licensee unless the tobacco retailer signs a form stating that the tobacco retailer has read this ordinance and has provided training to all employees on the sale of tobacco products. Such training shall include information that the sale of tobacco products to persons under 21 years of age is illegal, the types of identification legally acceptable for proof of age, and that sales to persons under 21 years of age shall subject the tobacco retailer to penalties.
- K. Any business found to be selling tobacco products without a license may be issued a No Sales Order for Tobacco Products and be ineligible to receive a tobacco retail license for a period not to exceed three (3) years.

MINIMUM LEGAL SALES AGE FOR TOBACCO PRODUCTS

The sale of any tobacco product to a person under the age of 21 is prohibited.

AGE VERIFICATION

Before distributing any tobacco product, the tobacco retailer or the tobacco retailer's agent or employee shall verify that the purchaser is at least 21 years of age. Each tobacco retailer or tobacco retailer's agent or employee shall examine the purchaser's government-issued photographic identification. No such verification is required for a person over the age of 30. That a purchaser appeared to be 30 years of age or older shall not constitute a defense to a violation of this section.

Identification verification is not required in Ohio state code.

SIGNAGE

No tobacco retailer shall sell, permit the sale of, or furnish tobacco products in the City unless a notice is posted at any location where tobacco products are available for purchase. All notices must be posted in a manner conspicuous to both employees and consumers, unobstructed from view in their entirety, and within six feet of each register where tobacco products are available for purchase. The [Health Department] shall provide this notice, which shall state "NO PERSON UNDER THE AGE OF 21 MAY BE SOLD NICOTINE OR TOBACCO PRODUCTS, INCLUDING ELECTRONIC SMOKING DEVICES." The notice must be at least 14" by 11" and the words on the notice must be legibly printed in a high contrast red color with capitalized letters at least one inch high.

PROHIBITED SALES

No tobacco retailer or their employee or agent shall sell, offer to sell, or furnish tobacco products:

1. By means of any type of vending machine.
2. By means of self-service display. All tobacco products must be stored behind the sales counter, in a locked case, in a storage unit, or in another area not freely
3. By means of delivery sales. All sales of tobacco products must be conducted in person, in a licensed retail establishment, in over-the-counter sales transactions.
4. By any other means, to any other person, or in any other manner or form prohibited by federal, state, or other local law, ordinance provision, or other regulation.

EDUCATION

The [Health Department] shall engage in a continuing public health education program to explain and clarify the purposes and requirements of this ordinance to persons affected by it, and to guide tobacco retailers and their agents or employees in their compliance. The program may include publication of a brochure for affected tobacco retailers explaining the provisions of this ordinance and signage mandated by this ordinance.

PROXIMITY TO YOUTH-ORIENTED FACILITIES

No license will be granted to any person for a retail establishment location that is within [1,000] feet of a youth-oriented facility, as measured by the shortest line from the property line of the space to be occupied by the proposed licensee to the nearest property line of a youth-oriented facility. This restriction does not apply to an existing license holder who has been licensed to sell tobacco products in that same location for at least one year before the date this section was enacted into law.

RESPONSIBILITY

All licensees are responsible for the actions of their employees regarding the sale, offer to sell, and furnishing of tobacco products on the licensed premises. The sale, offer to sell, or furnishing of any tobacco product by an employee shall be considered an act of the licensee.

ENFORCEMENT

The tobacco retailer shall be subject to at least two unannounced compliance checks per year. The [Health Department/Designated Authority] shall conduct compliance checks by engaging persons between the ages of 18 and 20 to enter the tobacco retail establishment to attempt to purchase tobacco products. Unannounced follow-up compliance checks of all non-compliant tobacco retailers are required within three months of any violation of this ordinance. The results of all compliance checks shall be published by the [Health Department] at least annually and made available to the public upon request.

Ohio does not mandate a minimum number of annual compliance checks for underage sales. In the absence of a mandate, historically few checks are ever done. Without adequate enforcement, noncompliant retailers take full advantage of this loophole, putting both kids and law-abiding retailers at risk.

PENALTIES

- A. Tobacco retailers. Any tobacco retailer found to have violated this ordinance in person, by agent, representative, or employee or in any other way shall be subject to: (1) For a first violation, a fine no less than \$500; (2) For a second violation within a 36 month period, a fine no less than \$750 and the tobacco retailer shall be prohibited from distributing tobacco products for a minimum of seven days; (3) For a third violation within a 36 month period, a fine no less than \$1,000 and the tobacco retailer shall be prohibited from distributing tobacco products for a minimum of 30 days; and (4) For a fourth and any subsequent violation within a 36 month period, a fine no less than \$1,000 and the tobacco retailer shall be prohibited from distributing tobacco products for a period of three years.
- B. Other persons. Any person 21 years of age or older, besides a tobacco retailer or a tobacco retailer's agent or employee, who violates this ordinance is subject to an administrative fine of \$50.
- C. Related violations. A violation of any federal, state, or local law, ordinance provision, or other regulation relating to tobacco products is also a violation of this ordinance. In addition to any other penalty, a tobacco retailer who violates any provision of this ordinance or any federal, state, or local law, ordinance provision, or other regulation relating to tobacco products, shall be subject to penalties stated in this ordinance, including fines and a prohibition of the distribution of tobacco products.
- D. Criminal Prosecution. The City shall not initiate criminal proceedings against any person other than a tobacco retailer for any alleged violation of this ordinance.
- E. Affirmative Defense. It shall be an affirmative defense for any tobacco retailer charged with violation hereof that a purchaser or recipient exhibited to the tobacco retailer, or to the tobacco retailer's agent, employee, or representative that provided or sold the tobacco products, a valid driver's license or other form of federal or state identification showing that the purchaser was at least twenty-one years of age at the time of the alleged offense.
- F. Exceptions.
 1. The penalties in this ordinance do not apply to a person younger than 21 years old who purchases or attempts to purchase tobacco products while under the direct supervision of City staff or their authorized appointees for training, education, research, or enforcement purposes.

2. Nothing in this ordinance prohibits an underage person from handling tobacco products in the course of lawful employment by a tobacco retailer.
3. Nothing in this ordinance prevents the provision of tobacco products to any person as part of an indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice.

Penalties for violations of selling to underage youth are not clearly defined in Ohio state code. Nor does state code indicate that selling privileges may be suspended or revoked for repeated violations.

RULES AND REGULATIONS

The [Health Department] is hereby authorized to promulgate rules and regulations to carry out the purpose and intent of this Ordinance in order to protect the public health, safety, and welfare.

LIBERAL CONSTRUCTION

This ordinance shall be liberally construed so as to further its purposes.

SEVERABILITY

If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect any other provision of this ordinance that can be given effect without the invalid provision or application. Each invalid provision or application of this ordinance is severable.

EFFECTIVE DATE

This ordinance shall take effect on [effective date].

Tobacco Retail License Model Policy Add-Ons

Additional Provisions That May Be Included in A TRL Ordinance:

Maximum number of licenses.

The maximum number of licenses issued by the city at any time is limited to [X]. When the maximum number of licenses has been issued, the city may place persons seeking licensure on a waiting list and allow them to apply on a first-come, first-served basis, as licenses are not renewed or are revoked. A new applicant who has purchased a business location holding a valid city license will be entitled to first priority, provided the new applicant meets all other application requirements in accordance with this ordinance.

Proximity to other licensed retailers.

No license will be granted to any person for a retail establishment location that is within [2,000] feet of any other existing licensed retail establishment, as measured by the shortest line from the property line of the space to be occupied by the applicant for a license to the nearest property line of the existing licensee. This restriction does not apply to an applicant who has been licensed to sell tobacco products in the same location for at least one year before the date this section was enacted into law.

Pharmacies ineligible for licensure.

No existing license will be eligible for renewal to any pharmacy, including any retail establishment that operates or contains an on-site pharmacy, and no pharmacy or any retail establishment that operates an on-site pharmacy will be granted a new license.

Prohibition on sales of flavored products.

No person shall sell or offer for sale any flavored products. For purposes of this section, "Flavored Products" means any tobacco product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to or during the consumption of the product, including, but not limited to, any taste or smell relating to chocolate, cocoa, menthol, mint, wintergreen, vanilla, honey, fruit, or any candy, dessert, alcoholic beverage, herb, or spice. A public statement or claim, whether express or implied, made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such products, that a product has or produces a taste or smell other than a taste or smell of tobacco will constitute presumptive evidence that the product is a flavored product.

ORDINANCE NO. _____

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODIFIED ORDINANCES OF THE CITY OF HAMILTON, OHIO BY ESTABLISHING NEW CHAPTER 1783, CIGARETTE AND TOBACCO VENDORS; SALES TO PERSONS UNDER 21; TOBACCO RETAILER LICENSE IN REGARDS TO LICENSING FOR AND SALES OF TOBACCO PRODUCTS.

WHEREAS, tobacco kills over 480,000 people in the United States each year, 90% of smokers first try a tobacco product by age 18, and more than 95% of addicted smokers start before age 21; and

WHEREAS, the developing teenage brain is particularly vulnerable to the effects of nicotine, and about 350 youth become regular smokers each day in the United States; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; and

WHEREAS, the City of Hamilton Board of Health desires to ensure proper training and enforcement of the restrictions on sales of tobacco products to those under the age of 21; and

WHEREAS, this Council has determined that these amended regulations shall be established in the Codified Ordinances of the City of Hamilton as a matter of local self-government and a matter of local police powers;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That the Codified Ordinances of the City of Hamilton, Ohio be and are hereby amended and supplemented to enact new Chapter 1783, Cigarette and Tobacco Vendors; Sales to Persons Under 21; Tobacco Retailer License as seen attached hereto as Exhibit No. 1 and incorporated herein by reference.

SECTION II: That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____

City Clerk

CERTIFICATE

I, Daniel Tidyman, City Clerk of the City of Hamilton, Butler County, Ohio, hereby certify that the foregoing Ordinance No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in the lobby of City Hall for a period of ten days. POSTED: _____

Daniel Tidyman, City Clerk

Attachment: Tobacco Retail License Ordinance Hamilton Ohio (4-2023 : Tobacco Retailer License)

Ordinance No. _____ (cont'd)

CITY OF HAMILTON, OHIO

Exhibit No. 1

CHAPTER 1783

CIGARETTE AND TOBACCO VENDORS; SALES TO PERSONS UNDER 21; TOBACCO RETAILER LICENSE

- 1783.01 Definitions.
- 1783.02 Posting of Signs.
- 1783.03 Sale to Persons Under 21 Prohibited.
- 1783.04 License Required.
- 1783.07 Transferability of a License.
- 1783.08 Tobacco Vending Machines: Illegal Distribution of Cigarettes or Other Tobacco Products to Minors.
- 1783.09 Out-of-package Sales Prohibited; Tobacco Samples Prohibited.
- 1783.10 Suspension of License; Permit Revocation, Denial, or Suspension.
- 1783.11 Non-retaliation.
- 1783.12 Enforcement and Penalties; Appeals.
- 1783.13 Injunction Relief.
- 1783.14 Severability.
- 1783.15 Other Laws.

1783.01 DEFINITIONS.

As used in this chapter:

- (a) "License" means a license issued by the City of Hamilton for retail sale of tobacco products.
- (b) "Licensee" means the holder of a valid license for the retail sale of tobacco products.
- (c) "Person" means any natural person.
- (d) "Public place" means any area to which the public is invited or in which the public is permitted, including, but not limited to, any right of way, mall or shopping center, park, playground and any other property owned by the City, and any school district or any park district.
- (e) "Tobacco Retailer" means any person, partnership, joint venture, society, club, trustee, trust, association, organization, or corporation who owns, operates, or manages any tobacco retail establishment. Tobacco retailer does not mean that non-management employees of any tobacco retail establishment.
- (f) "Tobacco retail establishment" means any place of business where tobacco products are available for sale to the general public. The term includes but is not

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limited to grocery stores, tobacco products shops, kiosks, convenience stores, gasoline service stations, bars, and restaurants.

(g) "Self-service displays" means any display from which customers may select a tobacco product without assistance from the tobacco retailer or the tobacco retailer's agent or employee and without direct person-to-person transfer between the purchaser and the tobacco retailer or tobacco retailer's agent or employee. A tobacco vending machine is a form of self-service display.

(h) "Tobacco product" means (1) Any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; (2) Any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or (3) Any component, part, or accessory of (1) or (2), whether or not any of these contain tobacco or nicotine, including but not limited to liquids used in electronic smoking device, filters, rolling papers, blunt or hemp wraps, and pipes.

Tobacco product does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as "drugs," "devices," or "combination products," as defined in the Federal Food, Drug, and Cosmetic Act.

(i) "Tobacco vending machine" means any machine or device designated for or used for the vending of cigarettes, cigars, tobacco or tobacco products upon the insertion of coins, trade checks or slugs.

(j) "Sale" includes delivery, barter, exchange, transfer or gift, or offer thereof, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.

(k) "Possess" or "Possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

(l) "Electronic smoking device" is any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah, electronic smoking device includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

(m) "Moveable Place of Business" means any form of business that is operated out of a kiosk, truck, van, automobile or other type of vehicle or transportable shelter and that is not a fixed address or other permanent type of structure licensed for over-the-counter sales transactions.

(n) "Licensed Product" means the term that collectively refers to any tobacco product.

(o) "Arm's Length Transaction" means a sale in good faith and for valuable consideration that reflects the fair market value between two informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for which a significant purpose is avoiding the effect of the violations of this chapter is not an Arm's Length Transaction.

Ordinance No. _____ (cont'd)

1783.02 POSTING OF SIGNS.

- (a) No tobacco retailer shall sell, permit the sale of, or distribute tobacco products in the City of Hamilton unless both the tobacco license and a printed notice(s) as outlined herein Section 1783.02(b) is posted at any location where tobacco products are available for purchase.
- (b) All notices must be posted in a manner conspicuous to both employees and consumers, unobstructed from view in their entirety, and within six feet of each register where tobacco products are available for purchase and must state "It is illegal for any person under the age of 21 to purchase tobacco or alternative nicotine products". The City of Hamilton shall provide the license and notice upon approval or renewal of the license or by request by the licensee. The notice(s) must be at least 14" by 11" and the words on the notice must be legibly printed in high contrast red color with capitalized letters at least one-half inch high. Additional copies of the license shall be printed by the licensee in accordance to the instructions provided by the Department of Health upon approval of the license application.

1783.03 SALE TO PERSONS UNDER THE AGE OF 21 PROHIBITED.

- (a) No person shall sell any tobacco products to any person under the age of 21.
- (b) Before selling or otherwise distributing any tobacco product the tobacco retailer's agent or employee shall verify that the purchaser is at least 21 years of age. Each tobacco retailer or tobacco retailer's agent or employee shall examine the purchaser's government-issued photographic identification. Verification is not required of a person over the age of 30. That a purchaser appeared to be 30 years of age or older shall not constitute a defense to a violation of this section.

1783.04 LICENSE REQUIRED.

- (a) No person shall sell or offer to sell any licensed product without first having obtained a license to do so from the Commissioner of Health.
- (b) An application for a license must be made on a form provided by the City of Hamilton Health Department. The application must contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the city deems necessary. If the Commissioner of Health determines that an application is incomplete, it will be returned to the applicant with notice of the information necessary to make the application complete. The license fee is \$250.00.
- (c) The license term is one calendar year, beginning on March 1. In cases of applications for a new license submitted after March 1 of a given year and more than sixty (60) days before the following March 1, the Commissioner of Health may issue a license for the remainder of the standard term period, but such license term will only extend to the following last day of February.

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- (d) Any license issued may be suspended or revoked following the procedures set forth in this chapter.
- (e) All licenses issued are valid only on the premises for which the license was issued and only for the person to whom the license was issued.
- (f) All licenses must be posted and displayed in a conspicuous location at all times in plain view of the general public in the tobacco retail establishment.
- (g) The renewal of a license issued under this ordinance shall be handled in the same manner as the retail food establishment license process established under Ohio Administrative Code 3701-21. The renewal will be mailed to the establishment 30-60 days prior to March 1 of the calendar year. The renewal application must be received by the City of Hamilton, along with any fees, by March 1 of the calendar year and may face fines if any or all of the renewal application is received after March 1.
- (h) Issuance as privilege and not a right. The issuance of a license is a privilege and does not entitle the license holder to an automatic renewal of the license.
- (i) No person shall distribute samples of any tobacco products free of charge or at a nominal cost. The distribution of tobacco products as a free donation is prohibited.

1783.07 TRANSFERABILITY OF A LICENSE.

- (a) All licenses issued are valid only on the premises for which the license was issued and only for the person to whom the license was issued. The transfer of any license to another location or person is prohibited.

1783.08 TOBACCO VENDING MACHINES; ILLEGAL DISTRIBUTION OF CIGARETTES OR OTHER TOBACCO PRODUCTS TO MINORS.

- (a) TOBACCO VENDING MACHINES. Any person, firm or corporation that owns, leases, possesses or controls one or more tobacco vending machines shall obtain a valid license for each machine pursuant to Section 1783.04.

1783.09 OUT-OF-PACKAGE SALES PROHIBITED; TOBACCO SAMPLES PROHIBITED.

- (a) OUT-OF-PACKAGE SALES PROHIBITED. It is unlawful to sell cigarettes out of the manufactured package with required health warnings. It is unlawful to sell cigarettes in packages of fewer than twenty cigarettes per package.

1783.10 DENIAL, SUSPENSION, AND REVOCATION OF LICENSE.

- (a) DENIAL OF LICENSE. Grounds for denying the issuance or renewal of a license include, but are not limited to, the following:
 - (1) the applicant is under 21 years of age;

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- (2) the applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to licensed products;
 - (3) the applicant has had a license to sell licensed products suspended or revoked within the preceding thirty-six (36) months of the date of application;
 - (4) the applicant fails to provide the information required on the licensing application or provides false or misleading information;
 - (5) the applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license;
 - (6) the applicant is in arrears with respect to any fine imposed for violation of this Chapter;
 - (7) the business for which the license is requested is a moveable place of business. Only fixed-location tobacco retail establishments are eligible to be licensed.
- (b) For purposes of subdivision (a) of this Section, "applicant" shall include entities with common ownership or management to the entity or natural person listed on the application.
- (c) **SUSPENSION OF LICENSE:** Any license may be suspended for a definite period, not to exceed six (6) months, as determined by the Commissioner of Health. Prior to reinstatement of the license following the expiration of the suspension, the licensee shall remit a One Hundred Dollars (\$100) License reinstatement administration fee. A license may be suspended for the following reasons:
- (1) A business owned or operated by the licensee applicant engaging in the sale of Tobacco Products within the City is the subject of a court order or City resolution or final order declaring such business to be a public nuisance where said nuisance has not been abated, or where the court has ordered that sales of Tobacco Products shall cease pursuant to any temporary restraining order, preliminary injunction, or permanent injunction issued by said court;
 - (2) Substantiated evidence that licensee or agent of licensee has sold or otherwise distribute any Tobacco Product to any Person Under 21 within the city more than one time in the past twelve (12) months;
 - (3) The finding by a federal or state agency or court that the license applicant has violated a federal or state rule or regulation governing the sale of Tobacco Products;
 - (4) Entry of the Commissioner of Health is refused or inspection, or investigation is refused, hindered, or thwarted;
 - (5) For a second or any subsequent violation of this chapter within a thirty-six (36) month period of the first violation; and/or
 - (6) The licensee is in arrears with respect to any fine imposed for any civil penalty levied under this Chapter.

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(d) REVOCATION OF LICENSE: A license may be revoked for any of the following reasons:

- (1) The licensee applicant is determined to have knowingly included false or misleading information in the license application or renewal license application;
- (2) Substantiated evidence that licensee or agent of licensee has sold or otherwise distribute any Tobacco Product to any Person Under 21 within the City more than one time in the past twelve (12) months;
- (3) Entry of Commissioner of Health is refused, or inspection or investigation is refused, hindered, or thwarted;
- (4) Upon the discovery that the person was ineligible for the license under this ordinance and license was mistakenly issued or renewed to a person;
- (5) A period of suspension imposed under Subsection(c) herein has elapsed and the licensee remains in arrears of payment of such fine or penalty; and/or
- (6) The licensee has been subject to three (3) or more suspensions in the previous thirty-six (36) month period.

1783.11 NON-RETALIATION.

No person or employer shall discharge, refuse to hire or in any manner retaliate against any employee, applicant for employment or customer because such employee, applicant or customer reported violations of any provisions of this chapter.

1783.12 ENFORCEMENT AND PENALTIES; APPEALS.

(a) The City and/or its Commissioner of Health shall have authority to implement and enforce the provisions of this Chapter. All licensed premises must be open to inspection by Hamilton City Health Department inspectors or other authorized designees during regular business hours. The tobacco retail establishment may be subject to two (2) compliance checks per year. The City and/or its Commissioner of Health may enter at reasonable times to inspect or investigate and examine or copy records to determine compliance with this Chapter. The City and/or its Commissioner of Health may apply for and any judge of a court of record may issue an appropriate search warrant necessary to achieve the purposes of this Chapter within the court's territorial jurisdiction. Compliance checks may also include the participation of a person at least 18 years of age, but under the age of 21, to enter the licensed premises to attempt to purchase licensed products. Unannounced follow-up compliance checks of all non-compliant tobacco retail establishments are required within three months of any violation of this ordinance. The results of all compliance checks shall be published by the Hamilton City Health Department at least annually and made available to the public upon request.

(b) If the Commissioner of Health denies the issuance of a license, or suspends or revokes a license, or issues a citation with or without civil penalty for violating this chapter, the Commissioner of Health shall send to the applicant, or licensee, by certified mail, return receipt requested, written notice of the action and the right to an appeal. Upon receipt of written notice of the denial, suspension, or revocation, the licensee subject to license denial or revocation or citation and

Ordinance No. _____ (cont'd)

civil fine shall have the right to appeal to the Board of Health. An appeal must be filed within thirty (30) days after the receipt of notice of the decision. The appellant shall bear the burden of proof. The Board of Health shall be the final, administrative decision maker.

(c) CIVIL PENALTIES. In addition to the denial, suspension, or revocation of a license, the Commissioner of Health may impose the following civil penalties for violations of this Chapter:

- (1) For a first violation, a fine no less than \$500.
- (2) For a second violation within a 36-month period, a fine no less than \$750 and the license shall be suspended a minimum of 30 days no more than 60 days.
- (3) For a third violation within a 36-month period, a fine no less than \$1,000 and the license shall be suspended for a minimum of 30 days.
- (4) For a fourth and any subsequent violations within a 36-month period, the license shall be revoked.

(d) TOBACCO RETAILING WITHOUT A VALID LICENSE. In addition to any other penalty authorized by law, if a court of competent jurisdiction determines, or the Commissioner of Health finds based on a preponderance of evidence, after notice and an opportunity to be heard, that any tobacco retailer has engaged in Tobacco Retailing at a location without a valid Tobacco Retailer's license, either directly or through the tobacco retailer's agents or employees, the tobacco retailer shall be ineligible to apply for, or to be issued, a Tobacco Retailer's license as follows:

- (1) After a first violation of this section at a location within any 36-month period, no new license may issue for the tobacco retailer or the location (unless ownership of the business at the location has been transferred in an Arm's Length Transaction), until thirty (30) days have passed from the date of the violation.
- (2) After a second violation of this section at a location within any 36-month period, no new license may issue for the tobacco retailer or the location (unless ownership of the business at the location has been transferred in an Arm's Length Transaction), until ninety (90) days have passed from the date of the violation.
- (3) After of a third or subsequent violation of this section at a location within any 36-month period, no new license may issue for the tobacco retailer or the location (unless ownership of the business at the location has been transferred in an Arm's Length Transaction), until five (5) years have passed from the date of the violation.

(e) ADDITIONAL REMEDIES. The remedies provided by this Chapter are cumulative and in addition to other remedies available at law or in equity.

1783.13 INJUNCTIVE RELIEF.

Ordinance No. _____ (cont'd)

(a) The provisions of Sections 1783.01 through 1783.12 are health ordinances applicable to real property in the City and may be enforced by civil action pursuant to the Revised Code.

(b) Repeated violations of this Chapter may constitute a public nuisance. The Law Director and/or his or her designee may bring a cause of action to abate such nuisance and enjoin the recurrence of such violations and for such other relief may be available at law or in equity.

1783.14 SEVERABILITY.

If any provision, clause, sentence or paragraph of this chapter or the application thereof to any person or circumstance shall be held to be invalid, such invalidity shall not affect the provisions of this chapter which can be given effect without the invalid provisions or application, and to this end the provisions are declared to be severable.

1783.15 OTHER LAWS.

This Chapter does not intend and shall not be interpreted to regulate any conduct where the regulation of such conduct has been preempted by the United States or the State of Ohio.

CHAPTER 723 TOBACCO RETAIL LICENSE

723.01 DEFINITIONS.

As used in this chapter:

- (a) “Compliance Check” means the system that the City uses to conduct store audits, investigate and ensure compliance with the requirements of this Chapter or the system that Franklin County Public Health uses to conduct store audits to ensure compliance with the requirements of this Chapter.
- (b) “Delivery Sale” means the sale of any tobacco or electronic smoking device or product to any person for personal consumption and not for resale when the sale is conducted by any means other than an in-person, over-the-counter sales transaction in a licensed tobacco retail establishment. Delivery Sale includes, but is not limited to, the sale of any tobacco or electronic smoking device or product conducted by telephone, other voice transmission, mail, the internet, or app-based service. Delivery Sale includes delivery by licensees or third parties by any means, including curbside pick-up.
- (c) “Electronic Smoking Device” means any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including, but not limited to, an electronic cigarette, electronic cigar, electronic hookah, vaping pen, or electronic pipe. The phrase includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).
- (d) “Moveable Place of Business” means any form of business that is operated out of a kiosk, truck, van, automobile, or other type of vehicle or transportable shelter and that is not a fixed address or other permanent type of structure licensed for over-the-counter sales transactions.
- (e) “Person” means any natural person.
- (f) “Purchaser” means any person who obtains or attempts to obtain a tobacco product or electronic smoking device.
- (g) “Sale” means any transfer of good for money, trade, barter, or other consideration.
- (h) “Self-Service Display” means any display from which customers may select a tobacco product or electronic smoking device with assistance from the tobacco retailer or the tobacco retailer’s agent or employee and without a direct person-to-person transfer between the purchaser and the tobacco retailer or tobacco retailer’s agent or employee. A vending machine is a form of self- service display.

- (i) “Tobacco Product” means any product that is made of or derived from tobacco or that contains any form of nicotine, if it is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, an electronic smoking device, a cigar, a hookah, pipe tobacco, chewing tobacco, snuff, or snus. The phrase also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, blunt or hemp wraps, and liquids used in electronic smoking devices, whether or not they contain nicotine. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).
- (j) “Tobacco Retail Establishment” means any place of business where tobacco products or electronic smoking devices are available for sale to the general public. The term includes, but is not limited to, grocery stores, tobacco product shops, kiosks, convenience stores, gasoline service stations, bars, and restaurants.
- (k) “Tobacco Retail License” means the license and Certificate of Compliance issued by the City, through Franklin County Public Health as the City’s licensing agent, to a Tobacco Retail Establishment.
- (l) “Tobacco Retailer” means any person, partnership, joint venture, society, club, trustee, trust, association, organization or corporation who owns, operates, or manages any tobacco retail establishment. The term does not include non-management employees of any tobacco retail establishment.
- (m) “Vending Machine” means any mechanical, electric or electronic, or other type of device that dispenses tobacco products upon the insertion of money, tokens, or other form of payment into or onto the device by the person seeking to purchase the tobacco product.
- (n) “Youth-oriented Facility” means any facility with residents, customers, visitors, or inhabitants of which 25% or more are regularly under the age of 21 or that primarily sells, rents, or offers services or products that are consumed or used primarily by persons under the age of 21. Youth-oriented Facility includes, but is not limited to, schools, playgrounds, recreation centers, and parks.

723.03 LICENSE REQUIRED

- (a) Each tobacco retailer engaging in the sale of tobacco products shall secure and display at all times, a Tobacco Retail License (TRL) Certificate of Compliance issued by Franklin County Public Health under the authority of this Chapter before engaging in or continuing to engage in such business.
- (b) No tobacco retailer shall sell tobacco products without a valid Tobacco Retail License (TRL) Certificate of Compliance.

723.05 APPLICATION FOR TOBACCO RETAIL ESTABLISHMENT LICENSE; FEE

- (a) Application for a Tobacco Retail Establishment License shall be made to Franklin County Public Health, the City's licensing agent.
- (b) The application for a Tobacco Retail License shall be maintained by Franklin County Public Health and available online.
- (c) The applicant shall be required to pay a nonrefundable fee in the amount of five hundred dollars (\$500.00), determined to be sufficient to pay the cost of administering this Chapter. The fee may be reduced or waived by the Mayor, with approval with Franklin County Public Health. All fees and interest on proceeds from fees shall be used to fund the administration and enforcement of this Chapter.

723.07 ISSUANCE OF TOBACCO RETAIL ESTABLISHMENT LICENSE

- (a) Franklin County Public Health shall issue a Tobacco Retail License (TRL) Certificate of Compliance or a renewal of a Tobacco Retail License (TRL) Certificate of Compliance to an applicant pursuant to this Chapter, unless it is found:
 - (1) That the applicant is under 21 years of age;
 - (2) That the applicant has had a license to sell tobacco products revoked within the preceding 12 months of the date of the application;
 - (3) The applicant or licensee is giving, selling, or offering to sell tobacco products by or from a vending machine;
 - (4) That the applicant has failed to post signage as required by this Chapter;
 - (5) That the applicant has outstanding fines pursuant to this Chapter;
 - (6) That the applicant fails to provide any of the information required by 723.05;
 - (7) That the applicant provides false or misleading information;
 - (8) That the applicant was convicted within the past 5 years of any violation of a federal, state, or local law or regulation relating to tobacco products;
 - (9) An order by a court of competent jurisdiction that a tobacco retail location owned and/or operated by the licensee constitutes a public nuisance;
 - (10) That the applicant or licensee fails to comply with U.S. Food and Drug

Administration regulations, Ohio Revised Code, and city codes relating to building, health and fire.

(11) The business for which the tobacco retailer license is requested is a moveable place of business. Only fixed-location retail establishments are eligible to be licensed.

- (b) Franklin County Public Health shall provide the applicant either a TRL Certificate of Compliance or a written statement that the application was denied and the reason thereof. The tobacco retail license or written statement of denial may be provided electronically.
- (c) Any person who has been denied a TRL Certification of Compliance may appeal such denial in accordance with 723.15.

723.09 POSTING OF SIGNS

- (a) No tobacco retailer shall sell, permit the sale of, or distribute tobacco products in the City of Reynoldsburg unless both the tobacco retail license and a printed notice(s) as outlined herein Section 723.02(b) are posted at any location where tobacco products are available for purchase.
- (b) All notices must be posted in a manner conspicuous to both employees and consumers, unobstructed from view in their entirety, and within six feet of each register where tobacco products are available for purchase and must state "It is illegal for any person under the age of 21 to purchase tobacco products, including electronic cigarettes." The City of Reynoldsburg shall provide the tobacco retail license and notice upon approval or renewal of the license or by request by the licensee. The notice(s) must be at least 14" by 11" and the words on the notice must be legibly printed in high contrast red color with capitalized letters at least one-half inch high. Additional copies of the tobacco retail license shall be printed by the licensee in accordance to the instructions provided by the Department upon approval of the license application.

723.11 LICENSE EXPIRATION AND RENEWAL

- (a) Franklin County Public Health shall issue Tobacco Retail Licenses on a calendar year basis (January 1 to December 31) or any part thereof and such license(s) shall expire on December 31 following the date of issuance.
- (b) Each Tobacco Retail Establishment shall apply for a renewal of the Tobacco Retail License with Franklin County Public Health no later than 30 days prior to the expiration of the current License.
- (c) A Tobacco Retail License shall not be transferrable. If the address, ownership, or operation of the Tobacco Retail Establishment transfers, the License shall automatically expire.

723.13 REQUIREMENTS FOR TOBACCO RETAIL ESTABLISHMENT LICENSE

Licensed Tobacco Retail Establishments shall comply with each of the following minimum requirements:

- (a) Prohibit the giving, selling, or offering to sell any tobacco products to any person under the age of 21.
- (b) Verify, before distributing any tobacco products that the purchase is at least 21 years of age pursuant to Section 537.18(a)(1)(a) of the Codified Ordinances of the City of Reynoldsburg.
- (c) Post a notice at least 14” by 11” in size at any location where tobacco products, tobacco product paraphernalia, or electronic smoking devices are available for purchase that states that “This Establishment shall not sell tobacco products, including electronic smoking devices, to any person under the age of 21,” posted in a conspicuous location, including at each entrance, clearly legible to a person of normal vision, and contain a telephone number for reporting violations.
- (d) Prohibit the sale or furnishing of tobacco products by means prohibited by federal, state, or other local law.
- (e) Must not be located within 1,000 feet of a youth-oriented facility, as measured by the shortest line from the property line of the location of the Tobacco Retail Establishment to the nearest property line of a Youth-Oriented Facility. This restriction does not apply to an applicant who has been licensed by the State of Ohio Department of Taxation to sell tobacco products in their location prior to the date this Chapter was enacted into law. This restriction further does not apply to an applicant who has been licensed through this Chapter prior to commencement of construction of a youth-oriented facility that would be located within 1,000 feet of the Tobacco Retail Establishment.

723.15 COMPLIANCE CHECKS

- (a) Licensed Tobacco Retail Establishments shall be subject to at least two unannounced Compliance Checks per year to be conducted by Franklin County Public Health.
- (b) Within 3 months of a violation, Licensed Tobacco Retail Establishments shall be subject to unannounced follow-up Compliance Checks by Franklin County Public Health.
- (c) Compliance Checks may be conducted by the City.
- (d) Compliance Check results shall be published annually by the City and made available by the City or Franklin County Public Health to the public upon request.

723.17 LICENSE DENIAL, SUSPENSION, OR REVOCATION APPEAL

- (a) When the City or its licensing agent determines to deny a TRL application, or to suspend or revoke a TRL Certificate of Compliance, the city or licensing agent shall notify the applicant or licensee in writing by U.S. mail, electronic mail, by posting in a conspicuous place at the location, or other means reasonably calculated to promptly notify the applicant or licensee.
- (b) Any Tobacco Retail Establishment who has been denied a Tobacco Retail License (TRL) Certificate of Compliance or has had a Tobacco Retail License (TRL) Certificate of Compliance revoked may appeal that decision within five (5) days of the denial or revocation thereof by filing a written statement with Franklin County Public Health Attn: TRL Appeal. The written statement shall include the applicant's full name and contact information (including mailing address, phone number, and e-mail address), shall state the basis for the appeal, and shall include a summary of all relevant facts and circumstances.
- (c) The Franklin County Public Health Commissioner or his/her designee shall review the written statement, set a time and place for an administrative hearing, provide reasonable notice prior to such hearing, and establish the reasonable procedures, therefore. The hearing shall be held within ten (10) days of submitting the written appeal. The Health Commissioner or his/her designee shall issue a decision on whether to grant or deny the TRL Certificate of Compliance and that decision shall be final.

723.19 NON-RETALIATION

No person or employer shall discharge, refuse to hire or in any manner retaliate against any employee, applicant for employment or customer because such employee, applicant or customer reported violations of any provisions of this chapter.

723.21 SEVERABILITY

In the event any subsection of this Chapter shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this Chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional

723.99 ENFORCEMENT AND APPEALS

- (a) The City shall have authority to implement and enforce all provisions of this Chapter. Franklin County Public Health, as the City's licensing agent, shall have authority to conduct Compliance Checks and all licensing functions.

- (b) “Violation” including violation of 537.18 of the Codified Ordinances or a substantially equivalent offense, does not require that the person has been criminally convicted of the violation of 537.18 of the Codified Ordinances or substantially equivalent offense. The city or its licensing agent may determine that a violation has occurred even if no criminal charge has been filed. Acquittal or dismissal of a charge under 537.18 of the Codified Ordinances or any substantially equivalent offense, shall not necessarily absolve a licensee; Chapter 723 is civil in nature, and so the city or its licensing agent may find a violation based upon a preponderance of evidence, rather than proof beyond a reasonable doubt, and are not otherwise required to observe rules of criminal procedure, the exclusionary rule, or confrontation of witnesses;
- (c) Sale of multiple items in violation of 537.18 of the Codified Ordinances or substantially equivalent applicable law, where the sales occur in a single transaction, shall constitute one violation. For example; sale of three packs of cigarettes and a vial of liquid nicotine to a 19-year old in one transaction shall constitute one violation. Sale of one pack of cigarettes to one 19-year old, one pack of cigarettes to the 18-year old next in line, in two transactions, shall constitute two violations.
- (d) In addition to the denial, suspension, or revocation of a tobacco retail license, the city may impose the following civil penalties for violations of 537.18 or any substantially equivalent offense and as a violation of this Chapter:
 - (1) For a first violation, a fine of no less than \$500;
 - (2) For a second violation within a 36-month period, a fine no less than \$750 and the Tobacco Retailer shall be prohibited from distributing tobacco products for a minimum of 7 days;
 - (3) For a third violation within a 36-month period, a fine no less than \$1000 and the Tobacco Retailer shall be prohibited from distributing tobacco products for a minimum of 30 days;
 - (4) For a fourth and any subsequent violation within a 36-month period, a fine no less than \$1000 and the Tobacco Retailer shall be prohibited from distributing tobacco products for a period of three years.
- (e) The penalties associated with a violation of this Chapter are in addition to, not in lieu of, any other penalty applicable under Ohio law or any other legal remedy available to the City.
- (f) It is an affirmative defense for any Tobacco Retailer charged with a violation of this Chapter that that the Tobacco Retailer complied with the age verification process set forth in Sections 537.18(a)(1)(A) and 537.18(a)(2)(F). This affirmative defense shall apply unless there is clear and convincing evidence that no reasonable person could have concluded that the person presenting the identification is the same person as the

purchaser or recipient of the tobacco products, tobacco product paraphernalia, or electronic smoking device(s).

- (g) It is not a violation of this Chapter for a person younger than 21 years old who purchases or attempts to purchase tobacco products while under the direct supervision of City staff or authorized contractor agents for training, education, research, or enforcement purposes.
- (h) It is not a violation of this Chapter for a person under the age of 21 to handle tobacco products in the course of lawful employment by a tobacco retailer.
- (i) It is not a violation of this Chapter for a person to purchase tobacco products as a part of an indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice.
- (j) Enforcement Process. Franklin County Public Health is authorized to do Compliance Checks.
 - (1) If a Compliance Check establishes probable cause for violation(s) other than sale to an underage person, Franklin County Public Health may take one or more of the following actions to resolve the violation:
 - i. The Franklin County Public Health representative may speak to the Tobacco Retailer to establish compliance if such compliance may be established through immediate action.
 - ii. Franklin County Public Health may also send a certified letter to the Tobacco Retail Establishment at the address listed on the TRL Certificate of Compliance. The letter shall cite the section number of the code that is being violated and what must be done to bring the establishment into compliance. The letter will be signed by the Franklin County Public Health employee who has direct knowledge of the violation(s). The Tobacco Retailer shall be audited for compliance within seven (7) days of receipt of the certified letter by the Tobacco Retail Establishment.
 - iii. If the Tobacco Retail Establishment has not brought the establishment into compliance with this Chapter within seven (7) days of receipt of the certified letter referenced in subsection (ii) above, Franklin County Public Health shall refer the violation(s) to the City Attorney's Office to issue a civil penalty.
 - (2) If a Compliance Check established probable cause for selling to an underage person, Franklin County Public Health shall refer the violation(s) to the City Attorney's Office to issue a civil penalty.
- (k) When the City determines to issue a civil penalty for a violation, the city shall notify

- the violator in writing by U.S. mail, electronic mail, by posting in a conspicuous place at the location, or other means reasonably calculated to promptly notify the violator.
- (l) The City shall not be required to conduct an evidentiary hearing prior to issuing a civil penalty.
 - (m) The violator may file a written notice of appeal with the city within 14 days of the date the civil penalty was issued. The civil penalty shall take effect following the expiration of time to file the notice of appeal provided herein.
 - (n) The appeal of a civil penalty shall be heard by a licensed attorney, designee of the Mayor.
 - (o) During any appeal of a civil penalty under this section, the burden of proof by preponderance of the evidence shall be upon the City. The hearing shall be recorded and exhibits marked to create a record for use in further appeal provided, however, that transcripts need not be ordered unless a notice of appeal to the Court of Common Pleas or Franklin County Municipal Court Environmental Division has been timely filed under R.C. Chapter 2506.
 - (p) The Mayor's designee hearing an appeal under this section shall rule on all preliminary and evidentiary matters, and in doing so shall not be strictly bound by the Rules of Evidence, the Rules of Civil Procedure, or the Rules of Appellate Procedure. The hearing officer may establish time limits for the presentation of evidence, determine any non-dispositive preliminary motions, and may continue any hearing on the motion of a party or on its own motion.
 - (q) Appeals from decision under division (p) of this section shall proceed according to R.C. Chapter 2506.
 - (r) Legal Action. The City may bring legal action to address any violation of this code, any enforcement order, any term or condition of a conditional use, site plan approval, variance or other entitlement issued by the City, or to collect unpaid fines.
 - (s) ADDITIONAL REMEDIES. The remedies provided by this Chapter are cumulative and in addition to other remedies available at law or in equity, including injunctive relief.