



STAFF REPORT

Request Summary

4/4/2023 Update

The following changes were made as a result of feedback from the March 22nd Planning Commission meeting.

- Chapter 1139/1141/1143/1147/1151 – Yard requirements
 - Rear yard setback for unattached accessory structures modified to match side yard setback
- Chapter 1155 – Office, Commerce, and Technology
 - Removed elementary and secondary schools from conditional use. Keeping as a prohibited use
 - Administratively approvable storage tank limited to 2,000 gallons.

Staff is requesting amendments to Chapter 914, Chapter 11, and Chapter 1311. The changes clarify code requirements and streamline the permitting experience for internal and external customers. Below is a summary of each change.

- Chapter 914 – Tree Preservation, Planting and Replacement
 - Add definition of “hazardous tree”
 - Allow for removal of hazardous tree without permit
- Chapter 1106 – Subdivision without Plat
 - Allow for all subdivisions without plat applications, that meet code, to be approved administratively
 - Code currently requires Planning Commission action if the lots are less than 5 acres in size
 - Change to an administrative process has been requested by Planning Commission and applicants
- Chapter 1123 – Definitions
 - Add a definition of “Planning and Zoning Administrator”
- Chapter 1136, 1137, 1139, 1141, 1143, 1145, 1147, 1151 – Yard Requirements
 - Clarify setback language for all single family residential zone districts
 - Allow for a reduced side yard setback for unattached accessory structures (i.e., sheds)
 - Example – SF -2 – Current code requires 10’ side yard for all structures; revised code allows for 5’ side yard for unattached accessory structures
 - Reduces the need for variances



DEPARTMENT OF PLANNING

- Chapter 1155 – Office, Commerce, and Technology
 - ~~Remove elementary and secondary schools moved from prohibited to conditional use~~
 - Outdoor storage moved from conditional use to permitted use
 - Increase administratively approvable storage tank size

- Chapter 1163 – Parking Regulations
 - Revise landscape requirements to require screening adjacent to right-of-way
 - Already required in OCT and Olde Gahanna; code change makes this a requirement for all parking areas, regardless of zoning
 - Eliminate requirement to have landscaping in between two rows of parking
 - Frequent variance request

- Chapter 1165.07 – Temporary Signs
 - Remove the word “consecutive” from the useful life span section of code
 - Clarify sign placement is from right-of-way
 - Cardboard/posterboard/paper signs only permitted in residential areas
 - Duration for plastic signs increased from 30 days in a six month period to 30 days in a four month period

- Chapter 1165.11 – Permit Requirements (Signs)
 - Allow multi-tenant signage (wall and window signs) without requiring a master sign plan (MSP)
 - Sign size is similar, but less than the size of signs typically permitted within a MSP
 - MSP is still an option for multi-tenant buildings that want larger or different sign types than what is enumerated in the code

- Chapter 1169.05 – Conditional Use Approval
 - Extend permit timeframe for which the permit is valid from one year to two years
 - Change allows for additional time to construct project without requiring additional approvals

- Chapter 1311 – Contractor Registration
 - Request to delete requirement that certain contractors register with the City
 - Registration process does not protect the property owner, contractor, nor the City
 - Registration process slows down permit
 - Registration process does not guarantee quality of work
 - Not a test of ability
 - State has licensing requirements for contractors
 - Licensing process certifies the ability of individuals to perform work
 - State licensing process was not around when Gahanna code was written to require contractor registration



The zoning code (Chapter 11) rewrite is ongoing. It is anticipated that the draft code will be worked shopped in the second quarter of 2023 with adoption prior to the end of 2023.

Respectfully Submitted By:
Michael Blackford, AICP

914.03 DEFINITIONS.

- (a) *Aggregate Diameter.* The combined diameter of multi-trunked trees measured at breast height (see diameter at breast height).
- (b) *Caliper Inches.* The Diameter in inches of a tree trunk measured 12 inches above the existing grade or proposed planted grade. This measurement is used for nursery grown trees.
- (c) *Diameter at Breast Height (DBH).* The diameter in inches of a tree measured at 54 inches above ground as per the International Society of Arboriculture (ISA) standards.
- (d) *Dwelling Unit.* Means one or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit, for the exclusive use of a single family maintaining a household. For the purposes of this Chapter, dwelling unit shall include single family residential and multifamily residential such as apartments, condominiums, and townhomes.
- (e) *Final Development Plan (FDP).* Shall have the same meaning and process as provided in Chapter 1108.
- (f) *Final Plat.* Shall have the same meaning and process as provided in Chapter 1105. The requirements contained within this Chapter shall only apply to plats for single family residential.
- (g) *Hazardous Tree.* Trees that have been determined to be dead, dying, diseased, or unstable live trees (due to structural defects or other factors) that are within striking distance of people or property. Hazardous trees have the potential to cause property damage, personal injury, or fatality in the event of a failure and may be removed pursuant to Chapter 914.06.
- (h) *Impervious Surface.* Land areas that have been paved and/or covered with buildings and materials which include, but are not limited to, concrete, asphalt, rooftop, blacktop, and other materials, or artificially compacted so as to provide, in the judgement of the Director of Public Service and Engineering, a non-pervious surface.
- (~~h~~i) *Preferred Tree Species.* A Protected Tree that has a species type that is identified within Section 914.08.
- (~~i~~j) *Protected Tree.* A tree having a DBH of 6 inches or larger or an aggregate diameter of 15 inches DBH or larger.
- (~~j~~k) *Shade Tree.* A tree grown with a main objective of generating shade; producing approximately 1,000 square feet or more of shade at maturity.

(Ord. No. 0066-2016 , § 1(Exh. A), 8-15-16; Ord. No. 0096-2018, § 1(Exh. A), 12-3-18)

914.06 TREE REMOVAL.

- (a) A tree removal permit is required for the removal of a protected tree not approved in conjunction with an FDP or Final Plat.
 - (1) No more than 25% of the protected trees on a site may be removed with a tree removal permit. Requests to exceed this percentage may be granted at the discretion of a committee comprised of the Directors of Planning & Development, Public Service & Engineering, and Parks & Recreation Departments. The applicant shall provide substantial justification to support the need to clear more than 25% of a site's protected trees. At a minimum, the following factors should be addressed:
 - A. Species type and size to be removed;
 - B. Condition of tree(s) to be removed;
 - C. Whether the tree(s) pose a safety hazard;
 - D. Economic viability of site without tree removal.
 - (2) An appeal of the committee's decision related to Section 914.06(a)(1) may be filed in writing to the Board of Zoning and Building Appeals within ten days after such decision is made.
 - (3) City owned properties zoned to permit noncommercial development and properties zoned residential and developed with single family homes are exempt from obtaining a tree removal permit.
- (b) Removal of protected trees prior to receiving a permit or tree removal that violates a permit shall be subject to a fine.
 - (1) The fine shall be determined based on the number of protected trees that were illegally removed or damaged. Fines will be calculated using the Tree Replacement Value or Trunk Diameter Method most current addition.
 - (2) The Director of Parks & Recreation or designee shall perform a site inspection of the property to determine the extent of tree removal. A written report documenting the findings of the site inspection shall be prepared by the Director of Parks & Recreation or designee. The amount of the fine shall be based on findings of the site inspection as documented in the written report.
 - (3) Properties which have been determined to have had illegal removal of protected trees shall not receive any permits until all fines have been paid.
- (c) A permit shall not be required for the removal of protected trees that have been determined to meet the definition of a hazardous tree per Chapter 914.03.
 - (1) Hazardous tree determination shall be made by the Director of Parks and Recreation or their designee prior to tree removal. A documented inspection is required to determine a tree meets the definition of hazardous prior to tree removal.

(Ord. No. 0066-2016 , § 1(Exh. A), 8-15-16)

CHAPTER 1106 Subdivision without Plat¹

1106.01 APPLICATION.

Written application for a subdivision without plat shall be submitted to the ~~Planning and Zoning Administrator or their designee who shall review such application for proper form and content~~ Department of Planning. Upon acceptance ~~of the application, the Planning and Zoning Administrator or their designee shall process~~ the application will be processed and routed for review in accordance with the provisions of this chapter.

(Ord. 0122-2007. Passed 6-18-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1106.02 FEE.

Application fee for a subdivision without plat shall be as established in the Building and Zoning Fee Schedule set forth in Section 135.10 in Part One of These Codified Ordinances.

(Ord. 0122-2007. Passed 6-18-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1106.03 SURVEY REQUIRED.

A boundary survey prepared by an Ohio registered surveyor shall be submitted with each application for subdivision without plat. The survey must include all property involved in the subdivision without plat. Such survey shall show:

- (a) Boundary of proposed subdivision based on an accurate transverse with angular and lineal dimensions.
- (b) Size of all lots within proposed subdivision with accurate dimensions in feet and hundredths with bearing in degrees and minutes.
- (c) Exact location, width and name of all streets or other public ways contiguous to the proposed subdivision.
- (d) Names of adjacent subdivisions and owners of adjoining parcels with boundary lines of adjacent tracts of unsubdivided and subdivided land.

(Ord. 0122-2007. Passed 6-18-07.)

¹Cross reference(s)—Transfer of land before recording - see Ohio R.C. 711.13; Forfeiture for violation of statutes - see Ohio R.C. 711.15; Vacation of plats; procedure - see Ohio R.C. 711.39; Exception for division of unplatted tract; conveyance of tract portion lying along existing street - see Ohio R.C. 711.40; Violations of rules and regulations; penalty - Ohio R.C. 711.102; Approval without plat - see Ohio R.C. 711.131; Subdivision defined - see P. & Z. 1101.18

1106.04 APPROVAL OF APPLICATION BY PLANNING AND ZONING ADMINISTRATOR OR THEIR DESIGNEE ADMINISTRATIVE APPROVAL.

An application for a subdivision without plat shall be reviewed by appropriate City staff and approved by the Planning and Zoning Administrator or their designee ~~without action by Planning Commission within ten working days of the application date provided the Planning and Zoning Administrator or their designee shall certify the resulting parcels are in full and complete compliance with all applicable provisions of the Planning and Zoning Code and the application is for a subdivision resulting in one of the following: when the application has been determined to be in compliance with all applicable code requirements, including the following:~~

- (a) All lots of the resulting subdivision are contiguous to a dedicated public street right-of-way for such distance as is required by the applicable zoning category.
- (b) No opening, widening or extension of any road, street or other public way is involved.
- (c) No more than five lots are involved after the original tract is completely subdivided.
- (d) The request for subdivision is not contrary to platting, subdividing or zoning regulations of the City.

An application for a subdivision without plat which is not in compliance with all of the above conditions shall be denied unless conditions by (a) through (d) are varied by Planning Commission, a variance is approved.

- ~~(a) The division or partition of land into parcels of five acres or more not involving any new streets, extension of existing streets or requiring new or extended easements of access; or~~
- ~~(b) Sale or exchange of parcels between adjoining land owners which does not create additional building sites or result in noncompliance of any of the resulting parcels with applicable zoning regulations.~~

~~All other applications for subdivision without plat shall be forwarded to the Planning Commission for determination.~~

(Ord. 0122-2007. Passed 6-18-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)

~~1106.05 APPLICATIONS REFERRED TO PLANNING COMMISSION.~~

~~The Planning Commission shall act upon an application for subdivision without plat within 30 days after receipt of the application from the Planning and Zoning Administrator or their designee and shall approve such application provided:~~

- ~~(a) All lots of the resulting subdivision are contiguous to a dedicated public street right-of-way for such distance as is required by the applicable zoning category.~~
- ~~(b) No opening, widening or extension of any road, street or other public way is involved.~~
- ~~(c) No more than five lots are involved after the original tract is completely subdivided.~~
- ~~(d) The request for subdivision is not contrary to platting, subdividing or zoning regulations of the City.~~

~~An application for a subdivision without plat which is not in compliance with all of the above conditions shall be denied unless conditions by (a) through (d) are varied by Planning Commission.~~

~~(Ord. 0147-2011. Passed 8-1-11; Ord. No. 0017-2017 , Exh. A, 4-3-17)~~

1106.06-05 VARIANCE REQUIRED.

An application for a subdivision without plat which would result in one or more parcels being in noncompliance with the Planning and Zoning Code shall not be ~~considered approved~~ until final determination has been made on all required variances under the procedures established in Chapter 1103 or 1131.

(Ord. 0122-2007. Passed 6-18-07.)

1106.07-06 LANDLOCKED PARCELS PROHIBITED.

No application for subdivision without plat shall be approved ~~by the Planning and Zoning Administrator or their designee or Planning Commission~~ which would result in any parcel of land becoming or remaining landlocked.

(Ord. 0122-2007. Passed 6-18-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1106.08-07 CERTIFICATION OF APPROVAL.

After approval, ~~by the Planning and Zoning Administrator or their designee, or Planning Commission of an application for subdivision without plat as provided for in this chapter, the Clerk of Council~~ shall be authorized to accept the conveyance instrument of each parcel of land being transferred under the approved subdivision and stamp ~~and sign in accordance with Franklin County requirements. same Approved by Planning and Zoning Administrator or their designee, City of Gahanna, Ohio; No Plat Required or Approved by Planning Commission, City of Gahanna, Ohio; No Plat Required as applicable and shall sign same attesting to action taken.~~

(Ord. 0122-2007. Passed 6-18-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)

~~1106.09 ACTION ON APPLICATIONS TO BE RECORDED.~~

- ~~(a) After action by the Planning Commission on the application, the Clerk of Council shall mail to the applicant a Record of Action taken, which shall contain the motion as approved by the Planning Commission and to include any conditions.~~
- ~~(b) The Clerk of Council shall advise the Planning Commission of any application approved by the Planning and Zoning Administrator or their designee under the provisions of Section 1106.04 at the first regular meeting of the Commission following such approval action.~~

~~(Ord. 0122-2007. Passed 6-18-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)~~

1106.10-08 APPEAL OF DENIED APPLICATIONS.

In the event of an application for subdivision without plat is denied ~~by the Planning and Zoning Administrator or their designee or Planning Commission~~, the applicant may, within twenty calendar days of the date of denial, file a written appeal with the Clerk of Council. Such appeal shall be heard by the Board of Zoning and Building Appeals.

(Ord. 0122-2007. Passed 6-18-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)

CHAPTER 1123 Definitions¹

1123.01 DEFINITIONS GENERALLY; INTERPRETATION.

- (a) Words not particularly defined herein, shall be defined as found in the most recent edition of The Latest Illustrated Book of Development Definitions, by Harvey S. Moskowitz and Carl G. Lindbloom, published by Rutgers University. Words not particularly defined therein shall be defined as found in the most recent edition of the Dictionary of Architecture and Construction, published by McGraw Hill. Words not particularly defined therein shall be defined as found in Webster's New Universal Unabridged Dictionary.
- (b) Except where specifically defined herein, all words used in this Zoning Ordinance shall carry their customary meanings. Words used in the present tense include the future; the plural includes the singular; the word "lot" means the word "plot"; the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".

(Ord. 0162-2006. Passed 8-21-06; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.02 ACCESSORY USE STRUCTURE.

Accessory use structure means a subordinate structure, either attached to or separate from the main building, the use of which is incidental to that of the main building or to the main use of the premises.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.03 ACCOUNTABILITY.

Accountability means that a governmental agency is legally responsible for the welfare of the clientele of a family care home and as such can exercise control over the operator of such facilities in order to ensure that the provisions of Section 1153.01(b)(6) are being met and that adequate operational and occupancy standards are being maintained.

(Ord. 21-90. Passed 2-20-90.)

1123.04 ALLEY.

Alley means a public thoroughfare which affords only a secondary means of access to abutting property and is not intended for general circulation.

(Ord. 21-90. Passed 2-20-90.)

¹Cross reference(s)—Subdivision Ordinance definitions - see P. & Z. Ch. 1101; Planned Unit Development District definitions - see P. & Z. 1151.15; USTEB provisions - see P. & Z. 1167.15 et seq.; Accessory USTEB - see P. & Z. 1167.19; Fence classifications and further definition - see P. & Z. 1171.01.

1123.05 ALTERATIONS, STRUCTURAL.

Structural alterations means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

(Ord. 21-90. Passed 2-20-90.)

1123.06 APARTMENT UNIT.

Apartment unit means one or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit in a building containing more than two dwelling units.

(Ord. 21-90. Passed 2-20-90.)

1123.07 ATTACHED DWELLING.

Attached dwelling means a one-family dwelling attached to two or more one-family dwellings by common vertical walls.

(Ord. 21-90. Passed 2-20-90.)

1123.08 BASEMENT.

Basement means a story having more than one-half of its height below the grade.

(Ord. 21-90. Passed 2-20-90.)

1123.09 BUILDING.

Building means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

(Ord. 0024-2007. Passed 2-20-07.)

1123.10 BUILDING, HEIGHT OF.

Height of building means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

(Ord. 21-90. Passed 2-20-90.)

1123.11 CALENDAR WEEK.

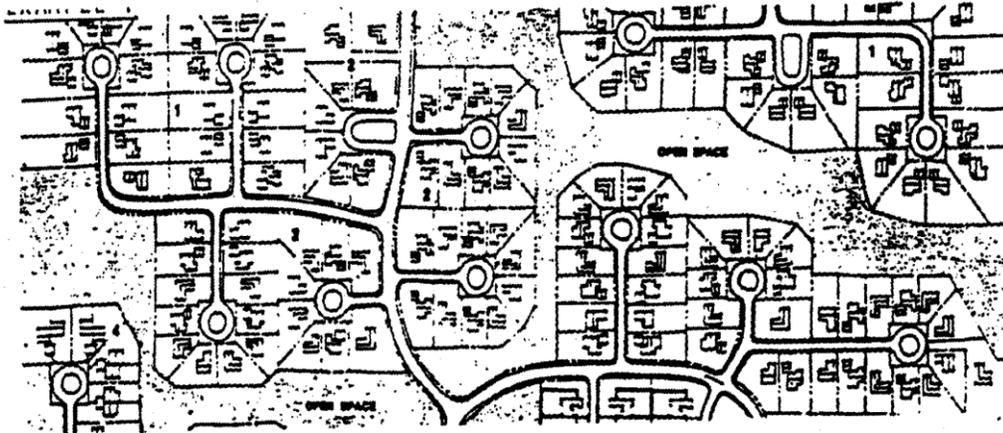
A week beginning with Sunday and ending with Saturday.

(Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.12 CLUSTER HOUSING.

Cluster housing means a development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. (See Example 1)

EXAMPLE 1



(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.13 CONDOMINIUM.

Condominium means a building, or group of buildings, in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

A *condominium* has common areas and facilities and there is an association of owners organized for the purpose of maintaining, administering, and operating the common areas and facilities. It is a legal form of ownership of real estate and not a specific building style. The purchaser has title to his or her interior space in the building and an undivided interest in parts of the interior, the exterior, and other common elements. The property is identified in a master deed and recorded on a plat with the local jurisdiction. The common elements usually include the land underneath and surrounding the building, certain improvements on the land, and such items as plumbing, wiring, and major utility systems, the interior areas between walls, the public interior spaces, exterior walls, streets and recreational facilities.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.14 COURT.

Court means an unoccupied, open space, other than a yard, on the same lot with a building, which is bounded on two sides by the walls of such building.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.15 COURT, INNER.

Inner court means a court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.16 COURT, OUTER.

Outer court means a court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.17 DWELLING.

Dwelling means a structure or portion thereof which is used exclusively for human habitation.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.18 DWELLING, MULTIPLE.

Multiple dwelling means a building used or designed as a residence for two or more families living independently of each other and doing their own cooking therein, including apartment houses, apartment hotels, flats and group houses.

(Ord. 21-90. Passed 2-20-90.)

1123.19 DWELLING UNIT.

Dwelling unit means one or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit, for the exclusive use of a single-family maintaining a household.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.20 EFFICIENCY DWELLING UNIT.

Efficiency dwelling unit means a dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.21 FAMILY.

Family means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, adoption, guardianship, or foster parent contract, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as family or families.

(Ord. 128-95. Passed 9-19-95; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.22 FAMILY CARE HOME.

Family care home, family model home, group home, adult family facility or community residence means a dwelling unit that provides room and board, personal care and habilitation services and supervision for individuals, exclusive of staff, who are cognitively impaired, developmentally disabled, physically handicapped or aged (over 60 years of age) persons, who are able to be integrated into a family type setting and who do not require institutional care or treatment. This category shall be licensed by and/or has accountability to the State of Ohio or any other governmental agency that regulates the type of use involved. This category does not include nursing homes, hospitals, rest homes, boarding or lodging houses, homes with up to three foster children, half-way houses for individuals released from incarceration, or facilities for drug abuse rehabilitation programs. "Family care homes" are permitted uses in all residential zoning districts within the City.

(Ord. 128-95. Passed 9-19-95; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.23 FENCE.

Fence means an artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

(Ord. 0024-2007. Passed 2-20-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.24 FLOOR AREA OF A BUILDING.

Floor area of a building means the sum of the gross horizontal areas of the several floors of a building on the same lot in all commercial and industrial districts. In residential districts, the minimum net floor area for living quarters shall be computed by using the area of all floors of those stories in a dwelling having more than one-half their height above grade. The second floor in each case qualifying for living quarters shall have access thereto by a permanent built-in stairway. In computing the minimum net floor area for living quarters, rooms for garage purposes, outside vestibules and open or closed porches or verandas shall not be included, and the term "living quarters", as used herein, means that portion of the building which is constructed with ceiling and walls finished on the inside in accordance with the Municipal Building Code.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.25 GARAGE FACILITY.

A private garage is a building or portion of a building not more than the specified square footage allowed in each residential zoning district and used for the storage of motor driven vehicles in which no business or industry connected directly or indirectly with the repair or servicing of motor vehicles is carried on.

(Ord. 18-96. Passed 2-6-96; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.26 GARAGE, PUBLIC.

Public garage means any garage, not a private garage, which is used for the storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.27 GARAGE, TWO-CAR.

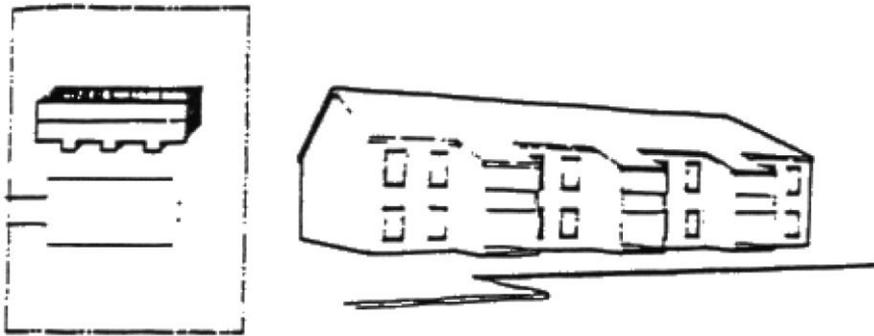
Garage, two-car means a residential garage having minimum inside to inside dimensions, measured from face of foundation to face of foundation and having usable floor space of not less than 19 feet wide by 20 feet long.

(Ord. 0088-2000. Passed 5-15-00; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.28 GARDEN APARTMENT.

Garden apartment means a multi-family dwelling containing more than two dwelling units. Access is usually from a common hall, although individual entrances can be provided. Dwellings can be located on top of each other. (See Example 2)

EXAMPLE 2



DWELLING, GARDEN APARTMENT

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.29 GRADE.

Grade means the average level of the finished surface of the ground adjacent to the exterior walls of the building.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.30 HARDWARE CLOTH.

Hardware cloth means plain weave square mesh cloth of relatively light wire galvanized after weaving or welding.

(Ord. 0024-2007. Passed 2-20-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.31 HOME OCCUPATION.

Home occupation means an accessory use of single-family dwelling units for legitimate businesses, professions, trades or vocations conducted within enclosed single-family dwelling units, which is clearly incidental

and secondary to residential occupancy and does not change the residential character thereof. (Refer to Chapter 1177.)

(Ord. 166-93. Passed 7-20-93; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.32 HOSPITAL.

Hospital means a building used for the diagnosis, treatment or other care of human ailments, unless otherwise specified.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.33 HOSPITAL, NURSING, REST AND CONVALESCENT HOME; HOME FOR SUBSTANCE ABUSERS.

Hospital, nursing home, rest home, convalescent home, home for substance abusers means a building or part of a building used for a hospital, the nursing and care of convalescents, aged people, and/or substance abusers, which must meet the provisions for the same found in the Ohio Revised Code and any proper and legal operations promulgated thereunder.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.34 HOTEL, MOTOR HOTEL, INN.

Hotel, motor hotel and inn means a building, or a part of a building, in which guest rooms are offered for public hire to any given individual for no more than 35 days in a calendar year, and where a general kitchen and dining room are provided within the building or in any accessory building.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.35 INSTITUTION.

Institution means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.36 KENNEL OR OTHER ANIMAL SHELTERS.

Kennel or other animal shelters means the keeping of more than five animals at least three months of age for pleasure, profit, breeding or exhibiting.

(Ord. No. 0002-2017 , Exh. A, 2-6-17; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.37 LODGING HOUSE.

Editor's note(s)—Section 1123.35 was repealed by Ordinance 67-71, passed September 20, 1971.

Editor's note(s)—Ord. No. 0017-2017 , Exh. A, passed 4-3-17, renumbered section 1123.35 as 1123.37.

1123.38 LOT.

Lot means a portion of a subdivision or other parcel of land intended as a unit for transfer of ownership.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.39 LOT, CORNER.

Corner lot means a lot abutting upon two or more streets at their intersections, or upon two parts of the same street, and in either use forming an interior angle of 135 degrees or less as measured at the center line of the road or the interior right-of-way line as applicable.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.40 LOT, WIDTH OF.

Width of lot means the mean width measured at the building line and at right angles to its depth.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.41 MOTEL.

Motel means a group of one or more buildings concentrated upon a limited area, each building containing ten or more guest rooms offered for public hire, which may or may not have in conjunction therewith and upon the same property a general kitchen and dining room.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.42 MULTI-FAMILY.

Multi-family means a dwelling containing more than two dwelling units.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.43 NO BUILD ZONE.

No Build Zone means a designated area platted by a developer, either residential or commercial, which generally prohibits the placement of residential or commercial buildings, structures, specific types of fences, and storage buildings. Plat notes must be referenced to obtain specific information regarding any subdivision containing a No Build Zone.

(Ord. 0024-2007. Passed 2-20-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.44 NONCONFORMING USE.

Nonconforming use means 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.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.45 PARKING SPACE.

Parking space means the area required for parking one automobile, not including passageways.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.46 PATIO HOUSE.

Patio house means a one-family dwelling on a separate lot with open space setbacks on three sides and with a court. Patio homes may be attached to similar houses on adjacent lots and still meet this definition. Also known as zero lot lines. (See Example 3)

EXAMPLE 3



DWELLING, PATIO HOUSE

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.47 PLANNING AND ZONING ADMINISTRATOR

The duties of the Planning and Zoning Administrator, as described in Chapter 11, shall be performed by the appropriate staff as determined by the Mayor or their designee.

1123.47-48 PLAT.

Plat means a map of a tract or parcel of land.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.48-49 POTHOLE

Pothole means a depression or void in a pavement surface caused by wear or subsidence.

(Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.49-50 PRESERVATION ZONE.

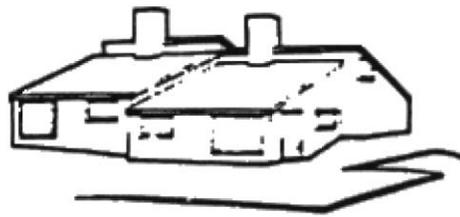
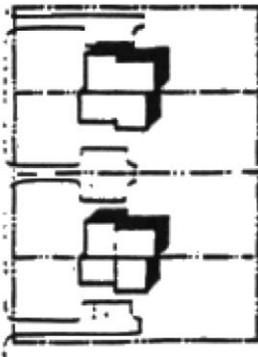
Preservation Zone means a natural area that protects aesthetic appearance and/or environmental significance. These natural areas include, but are not limited to, woodlands, wetlands, ravines, floodplains, streams, lakes, ponds, and/or steep slopes, and can provide effective buffers between different or same land uses. No permanent or temporary structure, building, or fence shall ever be placed upon, in, or under an area designated as a "preservation zone."

(Ord. 0024-2007. Passed 2-20-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.50-51 QUADRUPLEX.

Quadruplex means four attached dwellings in one structure in which each unit has two open space enclosures and shares one or two walls with adjoining unit or units. (See Example 4)

EXAMPLE 4



DWELLING, QUADRUPLEX

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.51-52 RETAIL FILLING STATION.

Retail filling station means a building or buildings, premises or a portion thereof arranged, intended or designed to be used in the supplying to individual vehicles for their own use only, oil, grease, gasoline or other liquid fuels, with other customary incidental services, the storage facilities of which used shall not be in excess of two tank cars, or a total storage capacity of 30,000 gallons. A "retail filling station" is the same as a "gasoline service station".

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.52-53 ROOMING HOUSE.

Editor's note(s)—Section 1123.47 was repealed by Ordinance 67-71, passed September 20, 1971.

Editor's note(s)—Ord. No. 0017-2017 , Exh. A, passed 4-3-17, renumbered 1123.47 as 1123.52.

1123.53-54 SEMI-DETACHED.

Semi-detached means a one-family dwelling attached to one other one-family dwelling by a common vertical wall, and each dwelling located on a separate lot. The semi-detached dwelling is part of a two-family structure with the dwelling units side-by-side as opposed to one on top of the other. The semi-detached dwelling also could be the end unit of a townhouse row, a patio house, and a duplex. (Also can be considered a "twin single". One unit could be owner-occupied and the other a rental, or both could be rental properties with separate owners).

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.54-55 SIGN.

Sign means any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.55-56 STORY.

Story means that part of a building between the surface of a floor (whether or not counted for purposes of computing floor area ratios) and the ceiling immediately above.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.56-57 STORY, HALF.

Half story means a story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.57-58 STREET.

Street means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.58-59 STRUCTURE.

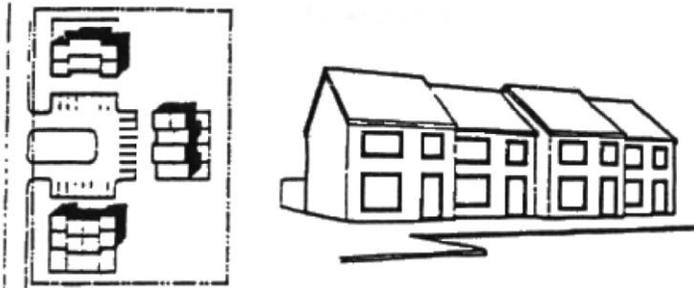
Structure means a combination of materials, other than a fence, that form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

(Ord. 0024-2007. Passed 2-20-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.59-60 TOWNHOUSE.

Townhouse means a one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls. Townhouses usually have separate utilities such as individual hot water and heating systems, separate electric meters, etc. However, in some condominium situations, the condominium association may arrange for bulk purchase of certain utilities and distribute it to individual dwelling units. Consequently, the definition normally would not contain a requirement for separate utility systems. (See Example 5)

EXAMPLE 5



DWELLING, TOWNHOUSE

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.60-61 TRAILER.

Trailer means a vehicle used for living or sleeping purposes, which stands on wheels or rigid supports.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.61-62 TRIPLEX.

Triplex means a dwelling containing three dwelling units, each of which has direct access to the outside or to a common wall.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.62-63 TWO-FAMILY DWELLING.

Two-family dwelling means a structure 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. This definition includes the duplex dwelling, (typically a rental property).

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.63-64 USE.

Use means the specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.64-65 YARD.

Yard means an unoccupied space, open to the sky, on the same lot with a building or structure.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.65-66 YARD, FRONT.

Front yard means a yard extending across the full width of the lot and lying between the right-of-way line of the lot and the nearest wall of the building. The depth of a front yard shall be measured at right angles to the right-of-way line of the lot.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.66-67 YARD, REAR.

Rear yard means a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest wall of the main building. The depth of a rear yard shall be measured at right angles to the rear line of the lot. On both corner lots and interior lots, the rear yard shall in all cases be the opposite end of the lot from the front yard.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.67-68 YARD, SIDE.

Side yard means an open, unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.68-69 ZERO LOT LINE.

Zero lot line means the location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.69-70 ZONING ORDINANCE.

Zoning Ordinance means Ordinance 4-58, passed April 29, 1958, as amended, which is codified as Chapters 1121 through 1167 of this Part Eleven - Planning and Zoning Code.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

(Supp. No. 9, Update 9)

Created: 2023-02-04 16:01:48 [EST]

1136.08 YARD REQUIREMENTS.

Each lot, except for corner lots, shall have a front, rear and two side yards of not less than the following depths or widths:

- (a) Minimum front yard setback: 75 feet. The depth of the front yard shall be equal to or greater than the minimum distance between the building setback line and the street right-of-way line. In no case shall this distance be less than 75 feet.
- (b) Minimum rear yard setback: 75 feet. The depth of the rear yard shall be not less than 75 feet measured from the rear property line. A permitted unattached accessory building or structure shall be located to the rear of the dwelling and shall not exceed 15 feet in height. A permitted attached accessory building or structure shall be treated as an addition and may project into the rear yard a distance of not more than ten feet.
- (c) Minimum side yard setback: 50 feet. Each side yard width shall be not less than 50 feet in width.
- (d) Unattached accessory building or structure: Shall be located in the rear yard. Not permitted in a front or side yard. Maximum height: 15 feet.
- (e) Attached accessory building or structure: Not permitted in a front or side yard setback. Minimum rear yard setback: 65 feet.
- (~~ef~~) Where conditional uses are permitted, each side yard width shall be not less than 50 feet in width unless a greater dimension is required for such use by this code.
- (~~eg~~) No permitted accessory building or structure, or fence other than decorative open fences, as defined in Section 1171.01(d), of a height no greater than 48 inches, shall be erected in any area designated as a "no build zone".

(Ord. 0026-2007. Passed 2-20-07.)

1137.08 YARD REQUIREMENTS.

Each lot, except for corner lots, shall have a front, rear and two side yards of not less than the following depths or widths:

- (a) Minimum front yard setback: 50 feet. The depth of the front yard shall be equal to or greater than the minimum distance between the building setback line and the street right-of-way line. In no case shall this distance be less than 50 feet.
- (b) Minimum rear yard setback: 50 feet. The depth of rear yard shall be not less than 50 feet measured from the rear property line. A permitted unattached accessory building or structure shall be located to the rear of the dwelling and shall not exceed 15 feet in height. A permitted attached accessory building or structure shall be treated as an addition and may project into the rear yard a distance of not more than ten feet. A minimum of 40 feet to the rear property line shall be maintained from an attached accessory use building or structure.
- (c) Minimum side yard setback: 20 feet. Each side yard width shall be not less than 20 feet in width.
- (d) Unattached accessory building or structure: Shall be located in the rear yard. Not permitted in a front or side yard. Maximum height: 15 feet.
- (e) Attached accessory building or structure: Not permitted in a front or side yard setback. Minimum rear yard setback: 40 feet.
- (~~f~~) No permitted accessory building or structure or fence other than decorative open fences, as defined in Section 1171.01(d), of a height no greater than 48 inches, shall be erected in any area designated as a "No-Build Zone".

(Ord. 0027-2007. Passed 2-20-07.)

1139.08 YARD REQUIREMENTS.

Each lot, except for corner lots, shall have a front, rear and two side yards of not less than the following depths or widths:

- (a) Minimum front yard setback: 40 feet. The depth of the front yard shall be equal to or greater than the minimum distance between the building setback line and the street right-of-way line. In no case shall this distance be less than 40 feet.
- (b) Minimum rear yard setback: 40 feet. The depth of rear yard shall be not less than 40 feet measured from the rear property line. A permitted unattached accessory building or structure shall be placed no closer than 25 feet to the rear property line and shall not exceed 15 feet in height. A permitted attached accessory building or structure shall be treated as an addition and may project into the rear yard a distance of not more than ten feet. A minimum of 30 feet to the rear property line shall be maintained from an attached accessory use building or structure.
- (c) Minimum side yard setback: 15 feet. Each side yard shall be not less than 15 feet in width.
- (d) Unattached accessory building or structure: Shall be located in the rear yard. Not permitted in a front yard. Minimum side yard setback: 10 feet. Minimum rear yard setback: 10 feet. Maximum height: 15 feet.
- (e) Attached accessory building or structure: Not permitted in a front or side yard setback. Minimum rear yard setback: 30 feet.
- (df) No permitted accessory building or structure or fence other than decorative open fences, as defined in Section 1171.01(d), of a height no greater than 48 inches shall be erected in any area designated as a "No-Build Zone".

(Ord. 0028-2007. Passed 2-20-07.)

1141.08 YARD REQUIREMENTS.

Each lot, except for corner lots, shall have a front, rear and two side yards of not less than the following depths or widths:

- (a) Minimum front yard setback: 40 feet. The depth of the front yard shall be equal to or greater than the minimum distance between the building setback line and the street right-of-way line. In no case shall this distance be less than 40 feet.
- (b) Minimum rear yard setback: 25 feet. The depth of rear yard shall be not less than 25 feet measured from the rear property line. A permitted unattached accessory building or structure shall be placed no closer than ten feet to the rear property line and shall not exceed 15 feet in height. A permitted attached accessory building or structure shall be treated as an addition and may project into the rear yard a distance of not more than ten feet. A minimum of 15 feet to the rear property line shall be maintained from an attached accessory use building or structure.
- (c) Minimum side yard setback: 10 feet. Each side yard shall be not less than ten feet in width.
- (d) Unattached accessory building or structure: Shall be located in the rear yard. Not permitted in a front yard. Minimum side yard setback: 5 feet. Minimum rear yard setback: 5 feet. Maximum height: 15 feet.
- (e) Attached accessory building or structure: Not permitted in a front or side yard setback. Minimum rear yard setback: 15 feet.
- (~~f~~) No permitted accessory building or structure or fence other than decorative open fences, as defined in Section 1171.01(d), of a height no greater than 48 inches shall be erected in any area designated as a "No-Build Zone".

(Ord. 0029-2007. Passed 2-20-07.)

1143.08 YARD REQUIREMENTS.

Each lot, except for corner lots, shall have a front, rear and two side yards of not less than the following depths or widths:

- (a) Minimum front yard setback: 35 feet. The depth of the front yard shall be equal to or greater than the minimum distance between the building setback line and the street right-of-way line. In no case shall this distance be less than 35 feet.
 - (b) Minimum rear yard setback: 25 feet. The depth of rear yard shall be not less than 25 feet measured from the rear property line. A permitted unattached accessory building or structure shall be placed no closer than ten feet to the rear property line and shall not exceed 15 feet in height. A permitted attached accessory building or structure shall be treated as an addition and may project into the rear yard a distance of not more than ten feet. A minimum of 15 feet to the rear property line shall be maintained from an attached accessory use building or structure.
 - (c) Minimum side yard setback: 7.5 feet. Each side yard shall be not less than seven and one-half feet in width.
 - (d) Unattached accessory building or structure: Shall be located in the rear yard. Not permitted in a front yard. Minimum side yard setback: 5 feet. Minimum rear yard setback: 5 feet. Maximum height: 15 feet.
 - (e) Attached accessory building or structure: Not permitted in a front or side yard setback. Minimum rear yard setback: 15 feet.
- (d) No permitted accessory building or structure or fence other than decorative open fences, as defined in Section 1171.01(d), of a height no greater than 48 inches shall be erected in any area designated as a "No-Build Zone".

(Ord. 0030-2007. Passed 2-20-07.)

1147.08 YARD REQUIREMENTS.

Each lot, except for corner lots, shall have a front, rear and two side yards of not less than the following depths or widths:

- (a) Minimum front yard setback: 30 feet. The depth of the front yard shall be equal to or greater than the minimum distance between the building setback line and the street right-of-way line. In no case shall this distance be less than 30 feet.
- (b) Minimum rear yard setback: 30 feet. The rear yard depth shall be not less than 30 feet measured from the rear property line. A permitted unattached accessory building or structure shall be placed no closer than 20 feet to the rear property line and shall not exceed 15 feet in height. A permitted attached accessory building or structure shall be treated as an addition and may project into the rear yard a distance of not more than ten feet. A minimum of 20 feet to the rear property line shall be maintained from an attached accessory building or structure.
- (c) Minimum side yard setback: 10 feet. Each side yard shall be not less than ten feet in width.
- (d) Unattached accessory building or structure: Shall be located in the rear yard. Not permitted in a front yard. Minimum side yard setback: 10 feet. Minimum rear yard setback: 10 feet. Maximum height: 15 feet.
- (e) Attached accessory building or structure: Not permitted in front or side yard. Minimum rear yard setback: 20 feet.
- (d) No permitted accessory building or structure or fence other than decorative open fence, as defined in Section 1171.01(d), of a height no greater than 48 inches shall be erected in any area designated as a "No-Build Zone".

(Ord. 0032-2007. Passed 2-20-07.)

1151.15 PLANNED UNIT DEVELOPMENT DISTRICTS.

- (a) *District Added to Zoning Ordinance.* The Planned Unit Development District is hereby added to the Zoning Ordinance to be known as PUD District, varied zoning for tracts containing not less than 25 acres.
- (b) *Definitions.*
- (1) For the purposes of this chapter, the definitions contained in Chapter 1123 are hereby adopted and have the same meaning and intent in this chapter, unless the definitions contained in the Zoning Ordinance are in conflict with the definitions contained in this chapter, in which case the definitions contained in this chapter shall prevail.
 - (2) *Planned Development* means a group of structures for residential, commercial or governmental use, or any combination thereof, to be designated for construction as a unified project on tracts of 25 acres or more, under an Outline Development Plan, which plan is to be approved as provided hereafter in this chapter.
 - (3) *PUD District* means a district or zone comprising 25 acres or more in which the uses stated in Section 1151.15 (c) will be permitted within a Planned Development.
 - (4) *Applicant* means the owner or owners, acting jointly, of land comprising 25 acres or more, proposed to be zoned or rezoned as a PUD District. For purposes of this chapter, "owner" means and includes any public agency or public corporation, any individual, corporation, partnership, trustee, fiduciary or association holding either legal or equitable title.
 - (5) *Cluster housing* means a group of single-family houses, either on a single lot or each on its own lot, either attached or detached, forming a permanent open space, court or cul-de-sac and not conforming to regular front, side or rear yard requirements as set forth in other chapters of the Zoning Ordinance. For standards, refer to Section 1151.15 (q).
 - (6) *Garden apartments* means attached one or two-story dwellings, arranged in groups of two or more units and joined by a common wall. Each unit shall contain some private outdoor space. For standards, refer to Section 1151.15(q).
 - (7) *Medium rise apartments* means three or four-story multiple-dwelling building units, containing efficiency, one bedroom, two bedroom or three bedroom apartment units. For standards, refer to Section 1151.15 (q).
 - (8) *Planning Commission* means the Planning Commission of the City of Gahanna.
- (c) *Permitted Uses.*
- (1) Within a PD District in which there are less than 50 acres, zoning or rezoning shall be permitted for the following uses only:
 - A. All uses permitted within an ER-1 District.
 - B. All uses permitted within an SF-I District.
 - C. All uses permitted within an SF-2 District.
 - D. All uses permitted within an SF-3 District.
 - E. All uses permitted within an R-4 District.
 - F. All uses as defined in Section 1151.15 (b)(5).
 - (2) Within a PUD District in which there are 50 acres or more, but less than 100 acres, zoning or rezoning shall be permitted for the following uses only:

-
- A. All uses permitted within an ER-1 District.
 - B. All uses permitted within an SF-I District.
 - C. All uses permitted within an SF-2 District.
 - D. All uses permitted within an SF-3 District.
 - E. All uses permitted within an R-4 District.
 - F. All uses permitted within an MFRD District.
 - G. All uses as defined in Section 1151.15 (b)(5) and (6).
- (3) Within a PUD District in which there are 100 acres or more, zoning or rezoning shall be permitted for the following uses only:
- A. All uses permitted within an ER-I District.
 - B. All uses permitted within an SF-1 District.
 - C. All uses permitted within an SF-2 District.
 - D. All uses permitted within an SF-3 District.
 - E. All uses permitted within an R-4 District.
 - F. All uses permitted within an MFRD District.
 - G. All uses permitted within an SO District.
 - H. All uses permitted within an NC District.
 - I. All uses permitted within a CC District.
 - J. All uses permitted within a CC-2 District.
 - K. All uses permitted within a CS District.
 - L. All uses permitted within a PCC District.
 - M. All uses as defined in 1151.15 (b)(5) through (7).
- (4) The uses permitted in the districts referred to herein are the same as those delineated and set forth in the Zoning Ordinance.
- (5) Other uses within a PUD District may be permitted, upon approval of the Planning Commission and Council. However, the procedures set forth in Section 1151.15 (e) must be followed.
- (d) *Conditional Uses.* The same uses as specified in the SF-1 District, subject to Planning Commission approval are permitted in a Planned Unit Development District.
- (e) *Procedure.*
- (1) *Application.* The applicant shall submit to the Planning Commission, on forms provided by the Planning Commission, an application signed by the owner or owners of the tract or tracts of land in question, in accordance with Section 1133.01, requesting that such tract or tracts (in the case of owners acting jointly) be zoned or rezoned to PUD District zoning.
 - (2) *Papers and Documents to Accompany Application.* The application defined in subsection (e)(1) hereof shall be accompanied by three copies of an Outline Development Plan and a map or other drawing of the entire area for which such PUD District zoning or rezoning is requested. The Outline Development Plan shall include in text and map or drawing form, the following:

-
- A. The proposed location and size of areas of residential use, commercial use and all other uses requested within the PUD District, and shall include the character and approximate density of dwellings, and all requirements of Section 1151.15(f)(l) through (3).
 - B. The proposed size, locations and uses of the areas reserved as open areas, parks, playgrounds, school sites and other public areas and spaces, with the suggested use and ownership of such areas and spaces.
 - C. The proposed traffic circulation patterns, including public and private streets and other accessways, indicating their relationship to existing streets.
 - D. The proposed schedule of site development, including information indicating design principles and concepts to be followed in land development.
 - E. Such other pertinent information as the Planning Commission shall prescribe resulting from preliminary conferences concerning such requested zoning or rezoning.
 - F. An accurate survey of the entire tract, which survey shall have been performed and certified by a registered surveyor.
 - G. Fees as required in Section 1151.15(o)(1).
- (3) In addition, such application shall also be accompanied by a "Feasibility Study" encompassing, but not limited to, general topographic studies, drainage, access points adjoining land use, utilities and their availability and accessibility, approval of the general Plan by the City engineers and other interested City departments and any and all other matters indicating and tending to prove that the Outline Development Plan as submitted, can be carried to its conclusion, within the limits of this chapter.
 - (4) The Planning Commission may take no action whatever until such time as all required papers and documents are submitted to it, with the application and fee therefor.
 - (5) All plans, papers, documents, maps, studies and fees required to be submitted with the application, and the application itself, shall become the property of the City and will not be returned to the applicant, except as otherwise provided in this chapter.
- (f) *Planning Commission Action.* Upon the submission of the application, required papers, maps and documents accompanying the same and the fee to the Planning and Zoning Administrator or their designee, the Planning Commission shall, at its next regularly scheduled meeting, schedule a public hearing on such application and Outline Development Plan, such hearing to be held not later than 60 days after the date that it is scheduled. At such hearing, the applicant or his representative shall present a statement and adequate and sufficient evidence in such form as the Planning Commission may require, to aid the Planning Commission in its deliberation on the application and the Outline Development Plan. Before approving an application for zoning or rezoning to a PUD District, the Planning Commission shall decide:
- (1) That the proposed development is consistent in all respects with the purpose, intent and applicable standards of this chapter, and the general zoning, building, subdivision and other pertinent ordinances of the City.
 - (2) That the proposed development is in conformity with a comprehensive Plan, or portion thereof, as the same may apply to the tract in question.
 - (3) That the proposed development is not detrimental to the general welfare of the inhabitants of the City.
 - (4) That the benefits, improved arrangement and the general design of the proposed development justify the deviation from other districts, as included in the Zoning Ordinance.
- (g) *Publication of Notice and Posting of Property.*

-
- (1) Before approving or denying the application before it, the Planning Commission shall hold at least one public hearing on such application, notice of which shall be published on the City website and posted at the municipal building, in a location accessible to the public, and shall include place, time, date and nature of such applied for twice during the two weeks prior to the public hearing.

Written notice of said hearing shall also be mailed by ordinary mail to the street addresses of contiguous property owners of the property for which said hearing is being held. The failure of delivery of such notice shall not invalidate any such application. The names and addresses of all property owners entitled to notice of the public hearing shall be furnished by the applicant.

Where the subject of such public hearing involves 50 or more of the property owners of the City, then written notice to owners of the hearing, as provided in the preceding paragraph, shall not be required.

- (2) Drawings and related written materials which fully describe the design concept and platting of the proposed planned unit development shall be filed by the applicant with the Planning and Zoning Administrator or their designee prior to publication of the first notice of public hearing and shall be available for review and study by the general public until the time of such public hearing.
- (3) Not less than 14 days prior to the scheduled date of public hearing, the Planning and Zoning Administrator or their designee shall cause the property in question to be posted with a zoning notice stating the time and place of the scheduled public hearing, the identity of the applicant, the present zoning of the property and the requested zoning.

(h) *Council Action.*

- (1) Within 45 days after the public hearing, the Planning Commission shall forward the application and supporting matter, including the Outline Development Plan to Council, along with a written report recommending that the application and Outline Development Plan be approved, approved with modifications or disapproved. The report shall contain the findings of the Planning Commission as to conformity to criteria set forth in 1151.15(e)(2) and the reasons for whatever recommendation is made to Council by the Planning Commission. In the event that the Planning Commission fails to forward its report within 45 days after the public hearing, such failure shall be deemed to be an approval of the application and the Outline Development Plan, and it shall be forwarded automatically to Council as if it had been approved by the Planning Commission.
- (2) At the next regularly scheduled Council meeting, the President of Council shall schedule a public hearing upon the application and Outline Development Plan, as submitted to Council by the Planning Commission. Not less than 30 days prior to the date scheduled for the public hearing by Council, the Clerk of Council shall cause notice of such hearing to be given in accordance with the Zoning Ordinance and the provisions of Article XI of the Charter.
- (3) In the event the application and Outline Development Plan is approved by Council, Council shall cause the Zoning Map to be amended by ordinance to reflect the change to the PUD District. If the application and Outline Development Plan is approved with modifications by Council, Council shall not amend the Zoning Map until the applicant has filed with Council a written consent to the plan as modified. Such written consent must be filed with the Clerk of Council within 60 days after Council's action upon the application and Outline Development Plan. In the event such a written consent is not filed within 60 days, such failure shall be deemed a refusal to consent to the modifications and the application and Outline Development Plan shall be conclusively presumed to have been denied by Council. In the event such written consent to the application and Outline Development Plan as modified is filed, Council shall then cause the Zoning Map to be changed by ordinance to reflect the PUD District.

(i) *Effect of Approval of Application, Outline Development Plan.*

-
- (1) Within two years after the approval of the application to amend the Zoning Map by Council, the applicant shall be required to submit a plat of the PUD District or a partial plat of the PUD District, to contain not less than 25 acres, but if the entire PUD District so applied for, is more than 50 acres, not less than 50 acres may be submitted as a plat, unless the entire balance of the PUD District is less than fifty acres, in which case the entire balance shall be submitted. Such plat is to be submitted in accordance with all the applicable laws, ordinances and regulations of the City.
 - (2) In the event that a partial plat is submitted and recorded within the two-year period the approval of the PUD District shall be continued so long as a plat containing not less than 50 acres within the PUD District is submitted (unless the entire remainder of the PUD District consists of less than 50 acres, in which case the entire remainder of such PUD District must be submitted as a plat) and recorded within a two-year period from the time of the last recording of the plat or partial plat. In the event that a plat, partial plat or a subsequent partial plat is not submitted and recorded within the above time limits, the approval of the PUD District shall be automatically voided, without action by Council, and the land shall revert to its last previous zoning district. However, Council may, in its discretion and for good cause shown by the applicant, grant a time extension, not to exceed six months in length, for the submission and recording of a subsequent plat or partial plat.
- (j) *Plat and Development Plan.* No building or construction may be commenced within any PUD District after approval, until the Plat and Development Plan has been approved by the Planning Commission under the following procedures:
- The applicant shall file with the Planning Commission, within the acreage limits and the time limits set forth in Section 1151.15(i), a Plat and Development Plan containing, in final form, the following information with respect to that area to be platted and developed:
- (1) A map showing street systems, plot lines and plot designs, all of which must be in conformity with the requirements of the Subdivision Ordinance (Title One of this Part Eleven -Planning and Zoning Code) and amendments thereto.
 - (2) Areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings and other similar public and semipublic places.
 - (3) A development schedule indicating the approximate date when development of the project can be expected to begin; the stages in which the project will be developed and the approximate date when development of each stage can be expected to begin; the anticipated rate of development, the approximate dates when each of the stages of the development will be completed, and the area location of common open space that will be provided at each stage of the development.
 - (4) Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned development and any of its common open areas.
 - (5) Fees as required in Section 1151.15 (o)(2).
- (k) *Submission of Plat, Development Plan; Planning Commission Action.* The Planning Commission shall, within 30 days after the submission of a Plat and Development Plan, give its written approval of such Plat and Development Plan so long as it is consistent and in conformity with the Outline Development Plan and the standards of this chapter. Such approval shall be granted by the Planning Commission so long as the Plat and Development Plan are in conformity with the Outline Development Plan, and shall not be withheld unless the Planning Commission deems that there is a substantial variation from the Outline Development Plan.
- (l) *Variation From Outline Development Plan; Procedure.*
- (1) Should the Planning Commission, at any regular meeting or at any special meeting called for the purpose of considering the submission of a Plat and Development Plan, find that a substantial variation exists between the Plat and Development Plan, as submitted, and the Outline Development Plan, the

Chair of the Planning Commission shall forthwith notify the applicant that a substantial variation is deemed to exist and the particulars thereof. The applicant may, within 30 days of receipt of such notification, elect, either to amend the Plat and Development Plan to eliminate such substantial variation and resubmit such amended Plat and Development Plan without further fee, or to request the Chair of the Planning Commission to appoint a Fact-Finding Board, as hereinafter provided. Such election of the applicant shall be in writing to the Chair of the Planning Commission. Should the applicant fail to make such election within the time limit provided herein, the Plat and Development Plan shall be conclusively presumed to have been denied and no further action or appeal may be taken thereon.

- (2) Should the applicant elect to submit the dispute to a Fact-Finding Board, the Chair of the Planning Commission shall forthwith appoint two members of the Planning Commission to a Fact-Finding Board. Such Board shall be composed of two members of Council, the above-mentioned two members of the Planning Commission and one freeholder-elect of the City who has no direct or indirect financial interest in the matter. Such freeholder-elect shall be appointed by the Mayor, who shall attest to his qualifications, and the City Attorney. The Chair shall forthwith notify the President of Council that the Planning Commission deems that a substantial variation from the Outline Development Plan exists. The President of Council shall appoint two members of Council and shall designate one of such members as the Chair of the Fact-Finding Board. The City Attorney shall have no vote on such Board and shall act in an advisory capacity.
- (3) The Fact-Finding Board shall meet within fifteen days after the appointment of the Chair thereof. The applicant shall be notified of such meeting and shall be present to submit detailed information concerning the reasons for the variation as found by the Planning Commission. The Board shall report its findings, in writing, within 20 days after the appointment of the Chair thereof, to the Chair of the Planning Commission. Should the Board fail to meet within the fifteen-day time limit set forth herein or should the Board fail to notify the Chair of the Planning Commission of its findings within the 20-day period set forth herein, such failure shall be construed as a positive recommendation to the Planning Commission that the variation as found by the Planning Commission is justified as being due to unforeseeable or changed circumstances and not due to the negligence of the applicant. Should the applicant fail to appear, after proper notification of the Board meeting, to present his reasons, either in person or through his representative as to the reason for the variation, such failure shall be conclusively presumed to be a withdrawal by the applicant of the Plat and Development Plan from consideration by the Planning Commission, and the submission of such Plat and Development Plan shall be considered void and of no effect and does not toll the time limits set forth in 1151.15 (i) for the submission of Plat and Development Plans.
- (4) After submission of the information to the Board by the applicant, such Board shall determine only:
 - A. Whether the substantial variation from the Outline Development Plan, as found by the Planning Commission, is justified by circumstances which have changed since the original submission of the Outline Development Plan and which could not have reasonably been foreseen by the applicant at the time of, or prior to the submission of the Outline Development Plan, and that the variation, as found is in no way due to the negligence or lack of diligence on the part of the applicant; or
 - B. The variation is unjustified and could have been foreseen by the applicant by the use of reasonable diligence at the time of, or prior to the submission of the Outline Development Plan.
- (5) At its next regular meeting or at a special meeting called for such purpose, after receipt of the recommendation of the Fact-Finding Board, the Planning Commission shall act on the Plat and Development Plan as submitted by the applicant. The Planning Commission shall in no way be bound by the recommendation of the Fact-Finding Board, but if the recommendation of the Board is that the variation is justified, and the Planning Commission disapproves such variation as being unjustified, such

disapproval shall act to toll the time limits set forth in Section 1151.15(i), pending appeal by the applicant, as set forth in Section 1151.15(n).

- (m) *Procedure Upon Approval by Planning Commission.* In the event the Plat and Development Plan is approved by the Planning Commission, under the same criteria as defined in Section 1151.15(f), such Plat and Development Plan shall be submitted to Council for approval in the same manner and under the same procedure as that prescribed in the Subdivision Ordinance (Title One of this Part Eleven - Planning and Zoning Code) and amendments thereto.
- (n) *Procedure Upon Disapproval by Planning Commission.*
- (1) In the event that the Planning Commission has received the recommendation of a justifiable variation from the Fact-Finding Board as set forth in Section 1151.15(l), but the Planning Commission has disapproved such Plat and Development Plan, an appeal may be taken by the applicant to the Board of Zoning and Building Appeals in the form, manner and time set forth in Section 12.03 of the Charter. Should the Board of Zoning and Building Appeals find that the Planning Commission should have approved such Plat and Development Plan, in accordance with the recommendation of the Fact-Finding Board, the Plat and Development Plan shall be considered automatically approved by the Planning Commission and submitted to Council in the manner prescribed in Section 1151.15(m). Should the Board of Zoning and Building Appeals disapprove such Plat and Development Plan, the applicant shall be deemed to have exhausted his administrative remedies.
 - (2) In the event the Fact-Finding Board has recommended to the Planning Commission that the variation of the Plat and Development Plan from the Outline Development Plan is unjustified, and the Planning Commission has disapproved such Plat and Development Plan and an appeal has been taken to the Board of Zoning and Building Appeals under subsection (n)(1) hereof, and the Board of Zoning and Building Appeals has recommended approval of such Plat and Development Plan, then the City Attorney shall within 20 days of the date of the decision of the Board of Zoning and Building Appeals, file a written appeal to Council. Such appeal shall be set for hearing before Council at the next regular meeting to be held more than ten days after the mailing of the notice of appeal and shall be heard at that time, unless a written extension of time is granted to either party by the President of Council. A copy of the notice of appeal shall be sent to the applicant and to the Chair of the Board of Zoning and Building Appeals and at least five days' written notice shall be given to the applicant and the Chair of the Board of Zoning and Building Appeals of the date, time and place of the hearing. At such hearing before Council, the City Attorney shall represent the Chair of the Planning Commission or his appointed representative and the Board of Zoning Appeals may be represented by any member thereof. The applicant may represent himself or may appoint his representative. The findings and decision of Council shall be final.
 - (3) In the event the Fact-Finding Board has recommended to the Planning Commission that the variation of the Plat and Development Plan from the Outline Development Plan is unjustified, and the Planning Commission approves such Plat and Development Plan, the City Attorney shall, within 20 days of the date of the decision of the Planning Commission, file a written appeal to Council. Such appeal shall be set for hearing before Council at the next regular meeting to be held more than ten days after the mailing of the notice of appeal and shall be heard at that time unless a written extension of time is granted to any interested party by the President of Council. A copy of the notice of appeal shall be sent to the applicant and to the Chair of the Planning Commission, and, at least five days' written notice shall be given to the applicant and the Chair of the Planning Commission of the date, time and place of the hearing. The City Attorney shall represent the Chair of the Fact-Finding Board and the Planning Commission may be represented by any member thereof. The applicant shall represent himself or may appoint his representative. The findings and decision of Council shall be final and such appeal to Council shall be deemed to have been a submission to Council under the Subdivision Ordinance (Title One of this Part Eleven-Planning and Zoning Code).

(4) Nothing in this chapter shall be construed in such a way as to deprive any interested party aggrieved by the finding and decision of the Planning Commission, of his right to appeal to the Board of Zoning and Building Appeals in the manner and time set forth in Section 12.03 of the Charter. However, should the finding and decision of the Board of Zoning and Building Appeals be contrary to the position of such appellant, the appellant shall be deemed to have exhausted his administrative remedies and such decision of the Board of Zoning and Building Appeals shall be deemed to be final, except as provided in subsection (n)(2) hereof.

(o) *Fees.*

(1) The fee for filing an Outline Development Plan and the application for PUD District shall be as established in the Building and Zoning Fee Schedule set forth in Section 135.10 in Part One of these Codified Ordinances.

The fee for filing an amended or revised Outline Development Plan and the application for PUD District shall be as established in the Building and Zoning Fee Schedule set forth in Section 135.10 in Part One of these Codified Ordinances.

The fee is to be submitted with the application and accompanying documents, as set forth in this chapter.

(2) The fee for filing a Final Plat and Development Plan of fifty acres or less, shall be as established in the Building and Zoning Fee Schedule set forth in Section 135.10 in Part One of these Codified Ordinances.

(3) The fee for filing an appeal to the Board of Zoning and Building Appeals shall be as established in Section 147.04, fees, of Chapter 147, Board of Zoning and Building Appeals, of these Codified Ordinances, except where such appeal may be filed by the administrative agencies or officials of the City, on behalf of the City.

(p) *Conformity with Subdivision Ordinance.*

(1) All submissions of Plat and Development Plans, as provided in this chapter, shall conform in all respects with the Subdivision Ordinance (Ordinance 50-61, passed November 20, 1961) and amendments thereto, except for Sections 1151.15 (b) and 1151.15(c). However, those parts of Section 1105.02 which are required in Section 1151.15 (c)(2) shall be required.

(2) The City Engineer shall be the sole judge as to the conformity of the Plat and Development Plan with such Subdivision Ordinance.

(q) *Development Standards.* The following standards for the arrangement and development of land and buildings are required in the PUD District:

(1) *Intensity of Use.* The maximum net density for single-family residential units shall not exceed four dwelling units per acre. The maximum net density for cluster housing units shall not exceed eight dwelling units per acre. The maximum net density for garden apartment units shall not exceed 15 dwelling units per acre. The maximum net density for medium-rise apartment units shall not exceed 30 dwelling units per acre. The maximum overall density within the PUD District may not exceed four dwelling units per acre. The calculation of net density shall include all acreage within the PUD District, except that acreage to be used for school, government and commercial purposes, which shall be specifically excluded in arriving at the net density.

(2) *Minimum Standards Per Dwelling Unit.*

Single- Family - A	
Lot area per unit	Up to 14,999 square feet
Maximum lot coverage by buildings	30 percent
Minimum setback	25 feet

Minimum side yard	5 feet
Minimum rear yard	10 feet
Maximum height	2-story
◆Garage - minimum	2 per unit
Minimum off-street parking spaces	2 per unit
Minimum floor area - one-story	1,200 square feet
Minimum ground floor area - more than one-story	1,000 square feet
*Minimum total floor area multi-story	1,800 square feet
Minimum floor area above finish grade	1,000 square feet
*(A building constructed with a portion of the living area being below the finish grade level and one or more stories at or above the finish grade level.)	
(Total floor area is exclusive of cellars, open porches and garages.)	

Single- Family - B	
Lot area per unit	15,000 to 19,999 square feet
Maximum lot coverage by buildings	30 percent
Minimum setback	30 feet
Minimum side yard	10 feet
Minimum rear yard	10 feet
Maximum height	2-story
◆Garage - minimum	2 per unit
Minimum off-street parking spaces	2 per unit
Minimum floor area -one-story	1,800 square feet
Minimum ground floor area -more than one-story	1,200 square feet
*Minimum total floor area multi-story	1,900 square feet
Minimum floor area above finish grade	1,100 square feet
*(A building constructed with a portion of the living area being below the finish grade level and one or more stories at or above the finish grade level.)	

Single-Family - C	
Lot area per unit	20,000 square feet and over
Maximum lot coverage by buildings	30 percent
Minimum setback	35 feet
Minimum side yard	10 feet
Minimum rear yard	10 feet
Maximum height	2 1/2 story
◆Garage - minimum	2 per unit
Minimum off-street parking spaces	2 per unit
Minimum floor area - one-story	2,000 square feet
Minimum ground floor area - more than one-story	1,400 square feet
*Minimum total area multi-story	2,000 square feet
Minimum floor area above finish grade	1,200 square feet

*(A building constructed with a portion of the living area being below the finish grade level and one or more stories at or above the finish grade level.)	
--	--

Cluster Housing	
Minimum lot area per unit	5,800 square feet
Maximum lot coverage by buildings	27.5 percent
**Minimum setback	**
**Minimum side yard	**
**Minimum rear yard	**
Maximum height	2 story
Garage - minimum	1 per family unit
Minimum off-street parking spaces	2 per family unit
Minimum ground floor area	1,000 square feet

Cluster Housing Detached	
Minimum lot area per unit	7,000 square feet
Minimum lot size	3,500 square feet
Maximum lot coverage	40 percent
Minimum setback	To existing PUD
Minimum side yard	Sum of the two side yards to equal ten feet
Maximum height	2 story
Garage minimum	1 per family unit
Minimum off-street parking	2 spaces per family unit
Minimum ground floor area	1 story: 1,000 square feet
Minimum ground floor area	2 story: 550 square feet

Cluster Housing Attached	
Minimum lot area per unit	5,800 square feet
Maximum lot coverage by buildings	27.5 percent
Minimum setback	*
Minimum side yard	*
Minimum rear yard	*
Maximum height	2 story
Garage minimum	1 per family unit
Minimum off-street parking	2 spaces per family unit
Minimum ground floor area	1 story: 1,000 square feet
Minimum ground floor area	2 story: 550 square feet

Garden Apartments	
Minimum lot area per unit	2,900 square feet
Maximum lot coverage by buildings	25 percent
Minimum setback	25 feet

Minimum side yard	30 feet -15 feet corner
Minimum rear yard	25 feet
Maximum height	2 story
Minimum off-street parking spaces	2 per family unit
***Minimum outdoor living space	
Minimum ground floor area	500 square feet per unit

Medium Rise Apartments	
Minimum lot area per unit	1,450 square feet
Maximum lot coverage by buildings	35 percent
**Minimum setback	**
**Minimum side yard	**
**Minimum rear yard	**
Maximum height	3 to 4 story
Minimum off-street parking spaces	2 per family unit
***Minimum outdoor living space	100 square feet
Minimum ground floor area	700 square feet per Unit

** To be established by the Planning Commission at the time of submission of the Outline Development Plan.

*** Outdoor living space in the amount specified must be provided for each family unit on the lot occupied by the multiple resident buildings. This space must be easily accessible for daily use by the residents of the multiple resident buildings. Driveways, parking areas, purely ornamental areas, areas having a width of less than 16 feet and required side or front yard shall not be considered as outdoor living space.

◆ A garage facility shall not be greater in square footage than 800 square feet or one-third (1/3) of the total floor area as defined in Section 1123.23, which structure shall be located on the same lot as the dwelling. For driveway width, refer to Chapter 1163.

NOTE: All standards herein are minimum standards, except lot coverage by buildings and height, which are maximum standards, or unless otherwise stated as both minimum and maximum. All minimum ground floor areas are exclusive of garage buildings, attached or otherwise.

- (3) *Other Standards.* All other provisions of the PUD District shall be those currently in existence in the Zoning Ordinance, except to the extent that the Zoning Ordinance is in conflict with this section, in which case this section and its standards shall prevail.
- (4) *Accessory Use Structure.* An unattached accessory use structure shall be ~~located to the rear of the dwelling in the rear yard. Not permitted in a front yard. Minimum side yard setback: 5 feet. Minimum rear yard setback: 5 feet. An unattached accessory use structure may be placed no closer than ten feet to the rear property line. An unattached accessory use structure shall not exceed fifteen feet in height.~~ **Maximum height: 15 feet.** An attached accessory use structure shall be treated as an addition. However, an attached accessory use structure may project into the rear yard a distance of not more than ten feet or be located any closer than 15 feet to the rear property line.

(Ord. 0128-2007. Passed 6-18-07; Ord. No. 0017-2017 , Exh. A, 4-3-17; Ord. No. 0067-2021 , § 1(Exh. A), 11-15-21)

1155.02 PERMITTED USES.

(a) *Reference to NAICS Classification.*

- (1) The 2007, or as amended, North American Industry Classification System, which is a United States governmental system for classifying business establishments, shall be used to identify all permitted and conditional uses. The NAICS classification is incorporated by reference in Chapter 1155. This classification system may be electronically accessed at <http://www.census.gov/naics>.
- (2) Uses shall be identified by their corresponding number, and unless otherwise noted, all uses falling within that sub heading shall be permitted. (For example: if reference is made to section 11- Agriculture, Forestry, Fishing and Hunting then all sub headings under section 11 shall apply. If reference is made to section 111- Crop production then only uses under 111 would apply. Further if reference is made to section 111114 - Wheat farming, then only wheat farming would be permitted in the district.
- (3) In the event that it is unclear as to where a proposed use falls into the NAICS classification system, the City of Gahanna Planning and Zoning Administrator or their designee shall make the final determination.

(b) *Permitted Uses.* The following uses shall be permitted according to the NAICS system of classification:

- 1114 - Greenhouse, Nursery and floriculture production
- 22112 - Electric Power Transmission, Control and Distribution
- 23 - Construction
- 311 - Food manufacturing; with the exception of the following uses, which shall be prohibited:
 1. 3116 - Animal Slaughtering and Processing
 2. 3117 - Seafood Product Preparation and Packaging
- 3121 - Beverage Manufacturing
- 313 - Textile Mills
- 314 - Textile Product Mills
- 315 - Apparel Manufacturing
- 3162 - Footwear Manufacturing
- 3212 - Veneer, Plywood and Engineered Wood Product Manufacturing
- 3219 - Other Wood Product manufacturing
- 3222 - Converted Paper Product Manufacturing
- 3231 - Printing and Related Support Activities
- 3254 - Pharmaceutical and Medicine Manufacturing
- 3261 - Plastics Product Manufacturing
- 3271 - Clay Product and Refractory Manufacturing
- 3272 - Glass and Glass Product Manufacturing
- 3279 - Other Nonmetallic Mineral Product Manufacturing

• 332 - Fabricated Metal Product Manufacturing; with the exception of the following uses, which shall be prohibited:

1. 332992 - Small Arms Ammunition Manufacturing
2. 332993 - Ammunition(except small arms)Manufacturing
3. 332995 - Other Ordnance and Accessories Manufacturing

• 333- Machinery Manufacturing

• 334 - Computer and Electronic Product manufacturing

• 335 - Electrical Equipment, Appliance and Component Manufacturing;

• 336 - Transportation Equipment Manufacturing;

• 337 - Furniture and Related Product Manufacturing

• 339 - Miscellaneous Manufacturing

• 42 - Wholesale Trade; with the exception of the following uses, which shall be prohibited:

1. 42314 - Motor Vehicle Parts (used) Merchant Wholesalers
2. 42452 - Livestock Merchant Wholesalers

• 44 through 45 - Retail Trade;

• 48 Through 49 - Transportation and Warehousing;

• 51 - Information

• 52 - Finance and Insurance

• 53 - Real Estate Rental and Leasing

• 54 - Professional, Scientific and Technical services

• 55 - Management of Companies and Enterprises

• 56 - Administrative and Support and Waste Management and Remediation Services;

• 61 - Educational Services; with the exception of the following uses, which shall be prohibited:

- ~~1.~~ 6111 - Elementary and Secondary Schools

• 62 - Health Care and Social Assistance; with the exception of the following uses, which shall be prohibited:

1. 623 - Nursing and residential Care Facilities
2. 62422 - Community Housing Services

• 71 - Arts, Entertainment and Recreation; with the exception of the following uses, which shall be prohibited:

1. 711212 - Racetracks
2. 71213 - Zoos and Botanical gardens
3. 7131 - Amusement Parks and Arcades
4. 7132 - Gambling Industries

• 722 - FOOD SERVICES AND DRINKING

-
- 81 - Other Services (Except Public Administration); with the exception of the following uses which shall be prohibited:

1. 8123 - Dry Cleaning and Laundry Services

Business volume restrictions. - dry cleaning establishments will be limited in size and volume to those typically located in retail buildings and providing convenience services to the general public. High volume commercial dry cleaning facilities shall not be permitted.

2. 814 - Private households

- 92 - Public Administration

(Ord. 0026-2015 . Passed 3-2-15; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1155.03 CONDITIONAL USES.

(a) The following uses shall be allowed in the OCT district subject to approval in accordance with Chapter 1169:

- (1) 4247 - Petroleum and Petroleum Products Merchant Wholesalers
- (2) 486 - Pipeline Transportation
- (3) 45393 - Manufactured (Mobile) Home Dealers
- (4) 45431 - Fuel Dealers
- (5) 486 - Pipeline Transportation
- (6) 48841 - Motor Vehicle Towing
- (7) Any commercial use, similar to those listed herein as permitted uses, which is deemed accessory or advantageous to the primary use.
- (8) Any industrial use, similar to those herein listed as permitted uses, which is considered non-objectionable and not involving operations which are obnoxious or offensive by reason of dust, odor, smoke, gas, fumes, refuse, noise or vibration.

~~(9) Outdoor storage area meeting the regulations defined in Section 1155.07.~~

~~(109)~~ 721 Accommodations with the exception of the following uses, which shall be prohibited:

1. 72112 - Casino hotels
2. 7212 - RV (recreational vehicle) parks and recreation camps
3. 7213 - Rooming and boarding houses

(b) *Application for Conditional Use.* The intent of the procedure for authorizing a conditional use is to set forth the development standards and criteria for locating and developing a conditional use in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

- (1) Written application shall be made to the Planning and Zoning Administrator or their designee who shall transmit such application to the Planning Commission. See Section 1169.03.

(Ord. 0026-2015 . Passed 3-2-15; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1155.08 UTILITIES AND LIGHTING.

(a) *Utilities.*

(1) *Location.*

- A. *Clustering of utilities.* To the greatest extent possible, the location of all utility access panels, telephone terminals, cable boxes, switchgear, etc. shall be clustered together within the side or rear yards of a development or lot. Utilities shall be clustered to permit more efficient landscaping and screening, and reduce the visual clutter of the lot or development.

(2) *Storage Tanks.*

- A. *Location.* The location of all storage tanks used for water, gas, chemicals, etc. shall not be located in any required yard or setback and shall be within a fenced off secured area of the site.
- B. *Size and quantity.* ~~The use of any~~ storage tank over ~~400-2,000~~ gallons in capacity or ten ~~ten~~ twenty feet in height, or exceeding ten in number, must be reviewed and approved by the Planning Commission.

(3) *Screening of utilities.* The screening of ground and/or wall mounted mechanical units and/or equipment shall meet the requirements for accessibility and shall be in accordance with the following.

- A. *Fencing.* Fencing used for the purposes of screening utilities shall meet the requirements for fencing as stated Section 1155.06(i)(2).
- B. *Landscaping.* Landscaping used as screening shall have a minimum of 80 percent opacity during all seasons.

(b) *Lighting.*

(1) *Parking Lot Lighting.*

- A. *Minimum lighting levels.* See Section 1163.06 Lighting, Striping and Traffic Control.
- B. *Height standards.* Light poles are not permitted to exceed 36 feet in height measured from the top of the pole to the top of asphalt.
- C. *Light pollution.* In the interest of reducing the possibility for light pollution and potential conflict with the Port Columbus Regional Airport Authority, all new light fixtures shall be required to have cut off type shielding so that all light is reflected downwards. Visible light emanating from the top of the fixtures shall not be permitted.

(2) *Building mounted lighting.*

- A. Building mounted lighting shall be permitted for the purposes of security, safety, identification of entries and illumination of sidewalk areas.
- B. Building mounted lighting shall be of cut off type fixtures and shall be of similar intensity and color of light as the parking lot lighting,
- C. Building lighting shall not be permitted to shed light or cause glare on to adjacent properties or public rights of ways.
- D. The illumination of any building roofs other than for temporary examination or emergency repair shall be strictly prohibited.
- E. To avoid potential conflicts with the Columbus Regional Airport Authority, the use of up-lighting to highlight building features shall not be permitted.

(Ord. 0141-2009. Passed 9-21-09.)

(Supp. No. 9, Update 7)

Created: 2022-11-06 20:25:33 [EST]

1163.08 INTERIOR LANDSCAPING REQUIREMENTS.

- (a) The following requirements for landscaping ~~the interior portions~~ of a parking area are intended to promote public safety, to moderate heat, wind and other climatic effects produced by parking lots, to minimize nuisances such as noise and glare, and to enhance the visual environment of off-street parking. These requirements are the minimum requirements for any new off-street parking areas of 1,000 square feet or more or intended for five or more vehicles, or for any parking area altered to an extent of 25 percent or more of the total square footage of the existing off-street parking area.
- (b) ~~The property perimeter requirements of Chapter 913 of the Streets and Public Services Code shall also be met for new or altered parking areas, and shall not count towards the requirements for interior landscaping. All parking areas adjacent to public right-of-way shall be screened from view by use of an evergreen hedge, masonry wall (brick or stone), mound or combination thereof to a height of 3'.~~
- (c) The required amount of interior landscaping area shall be five percent of the total area of the parking lot pavement.
- (d) The minimum size of the total area of any one landscape area shall be 50 square feet with the minimum dimension being five feet.
- (e) One tree per 100 square feet of required landscape area or portion thereof shall be required. The minimum caliper of such trees shall be three inches as measured in accordance with ANSI requirements.
- (f) This required landscaping shall be maintained within the minimum requirements set forth in this chapter.
- (g) Landscaping in parking areas shall be dispersed throughout the peninsulas and islands. The minimum parking island size ~~shall-should~~ be 200 square feet.
- ~~(h) There shall be a ten-foot wide island for every two rows of parking. The island shall have a minimum three-foot high screen between the two rows of parking. The screen may be comprised of mounding, evergreen planting or a combination thereof.~~
- ~~(i) Developers are directed to refer to Chapter 913 of the Streets and Public Services Code for additional requirements and information regarding landscaping.~~

(Ord. 0256-2000. Passed 11-6-00.)

1165.07 TEMPORARY SIGNS.

Temporary signs, except zoning change signs as required in Chapter 1133, shall comply with the following regulations:

- (a) *Sign Placement.* All temporary freestanding signs shall be placed no closer than ten feet from the ~~pavement of the travel lane~~right-of-way of a public or private street.
- (b) *Duration.* Temporary signs shall be displayed only for the time duration permitted based upon the useful life of the sign.
- (c) *Useful Life.* Temporary sign faces constructed of the following materials shall be deemed to have a useful life span of the specified duration:
 - (1) Cardboard, posterboard or paper: three ~~consecutive~~ days in any one-month period. Only permitted on residentially zoned properties.
 - (2) ~~Non-rigid banners~~Banners; attention flags: 30 ~~consecutive~~ days in any four-month period.
 - (3) Plastic coated cardboard, or non-framed 100 percent fluted polypropylene (corrugated plastic): 30 ~~consecutive~~ days in any ~~six~~four-month period.
 - (4) Metal framed polypropylene-coated weather board, metal or corrugated plastic: 180 ~~consecutive~~ days in any 12-month period.
- (d) *Maximum Number of Temporary Signs on Commercial Use Property.* A property owner, business owner or lessee shall be limited to two temporary signs per street frontage.
- (e) All deteriorated or hazardous temporary signs are deemed a public nuisance, a threat to the public health and safety, and/or a source of aesthetic blight and shall be immediately removed or replaced.
- (f) *Permits.* Permits for promotional banners, wall signs, and freestanding signs shall be required, except in RID Zoning
- (g) *Fees.* Fees shall be charged per the Building and Zoning Fee Schedule.
- (h) *Temporary Sign Regulations.* The following signs are permitted on private property in the illustrated districts and shall be limited in number, type, height and setback as set forth in the following tables:
 - (1)

District	Commercial (Non OG Districts)				
Sign Type Temporary	Max. Number	Permit	Max. Size (Sq. Ft.)	Max. Height (ft.)	Minimum Setback (ft.)
Flying or feather banner; attention flag (#4)	2 per street frontage	Y	15	10.5	10
Pennant Banner	N/A	N	N/A	N/A	N/A
Portable A-Frame or T-Frame Sign (#1)	1	N	8	4	N/A
Promotional Banner (#2)	1	Y	40	N/A	N/A
Wall Signs	1	Y	16	N/A	N/A
Window Signs (#3)	N/A	N	< 25% of aggregate window space	N/A	N/A

Freestanding Signs (#4)	2 per street frontage	Y	6	4	10
-------------------------	-----------------------	---	---	---	----

1. Portable A-Frame or T-Frame Signs shall be permitted within five feet of the public entrance to each front facade of the building that the establishment occupies, not more than three feet from the building. Such sign may only be displayed during the hours of operation.
2. Promotional banners shall only apply to multi-family or nonresidential structure and shall be permitted for a maximum period of thirty ~~consecutive~~ days in any four-month period.
3. Temporary window signs shall be limited to first floor windows only.
4. No more than two temporary signs per street frontage shall be permitted on any parcel at any time in these zoning districts.

(2)

Districts	Olde Gahanna(OG-2, OG-3)				
Sign Type Temporary	Max. Number	Permit	Max. Size (sq. ft.)	Max. Height (ft.)	Minimum Setback (ft.)
Flying or feather banner; attention flag (#4)	2 per street frontage	Y	15	10.5	10
Pennant Banner	N/A	N	N/A	N/A	N/A
Portable A-Frame or T-Frame Sign (#1)	1 per entrance	N	8	4	N/A
Portable Menu Board Sign (#2)	1	Y	15 per side	5	N/A
Promotional Banner (#3)	1	Y	40	N/A	N/A
Wall Signs	1	Y	8	N/A	N/A
Window Signs	N/A	N	< 25% of aggregate window space	N/A	N/A
Freestanding Signs (#4)	2 per street frontage	Y	6	4	10

1. Portable A-Frame or T-Frame Signs shall be permitted within five feet of the public entrance to each front facade of the building that the establishment occupies not more than three feet from the building. Such sign may only be displayed during the hours of operation.
2. Menu board signs are only permitted in the OG-2 Olde Gahanna Mixed Use Neighborhood District on the premises of an establishment where proceeds from serving foods and beverages represent 75 percent or more of their gross receipts. A menu board sign shall be permitted for each front facade of the building that the establishment occupies. Such sign may only be displayed during the hours of operation.
3. Promotional banners shall apply only to multi-family or nonresidential structures and shall be permitted for a maximum period of thirty ~~consecutive~~ days in any four-month period.
4. No more than two temporary signs per street frontage shall be permitted on any parcel at any time in these zoning districts.

(3)

Districts	Office, Commerce and Technology				
Sign Type Temporary	Max. Number	Permit	Max. Size (sq. ft.)	Max. Height (ft.)	Minimum Setback (ft.)
Flying or feather banner; attention flag (#2)	2 per street frontage	Y	15	10.5	10
Promotional Banner (#1)	1	Y	40	N/A	N/A
Wall Signs	1	Y	16	N/A	N/A
Window Signs	N/A	N	<25% of aggregate window space	N/A	N/A
Freestanding Signs (#2)	2	Y	8	4	10

- Promotional banners shall only apply to multi-family or nonresidential structures and shall be permitted for a maximum period of thirty consecutive days in any four-month period.
- No more than two temporary signs per street frontage shall be permitted on any parcel at any time in these zoning districts.

(4)

Districts	Restricted Institutional District				
Sign Type Temporary	Max. Number	Permit	Max. Size (sq. ft.)	Max. Height (ft.)	Minimum Setback (ft.)
Flying or feather banner; attention flag (#2)	2 per street frontage	N	15	10.5	10
Pennant Banner	N/A	N	N/A	N/A	N/A
Promotional Banner (#1)	1	N	40	N/A	N/A
Wall Signs	1	N	8	N/A	N/A
Window Signs	N/A	N	<25% of aggregate window space	N/A	N/A
Freestanding Signs (#2)	2 per street frontage	N	6	4	10

- Promotional banners shall only apply to multi-family or nonresidential structures and shall be permitted for a maximum period of thirty consecutive days in any four-month period.
- No more than two temporary signs per street frontage shall be permitted on any parcel at any time in these zoning districts.

(5)

Districts	Residential including OG-1				
Sign Type Temporary	Max. Number	Permit	Max. Size(sq. ft.)	Max. Height (ft.)	Minimum Setback (ft.)
Flying or feather banner; attention flag	Not permitted				
Banner	1	N	40	N/A	N/A

Window Signs	N/A	N	N/A	N/A	N/A
Freestanding Signs	N/A	N	6	6	10

(6)

District	Multi-Family Residential				
Sign Type Temporary	Max. Number	Permit	Max. Size(sq. ft.)	Max. Height (ft.)	Minimum Setback (ft.)
Flying or feather banner; attention flag (#2)	2 per street frontage	Y	15	10.5	10
Pennant Banner	N/A	N	N/A	N/A	N/A
Promotional Banner (#1)	1 per parcel	Y	40	N/A	N/A
Wall Signs	1	Y	4	N/A	N/A
Window Signs	1 per unit	N	<75% of window	N/A	N/A
Freestanding Signs (#2)	2 per street frontage	Y	6	4	10

1. Promotional banners shall only apply to multi-family or nonresidential structures and shall be permitted for a maximum period of thirty ~~consecutive~~ days in any four-month period.
2. No more than two temporary signs per street frontage shall be permitted on any parcel at any time in these zoning districts.

(Ord. 0146-2009. Passed 9-21-09; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1165.11 PERMIT REQUIREMENTS AND REVIEW PROCESS.

- (a) It shall be unlawful for any person to erect, alter, relocate, or replace a sign within the City without first obtaining the permits from the City as required by this chapter.
- (b) The sign application process shall involve two separate steps. Both of the following steps must be completed in person by the applicant.
 - (1) Submission of an Application for Certificate of Appropriateness for Signage with the required fee as established in the Building and Zoning Fee Schedule set forth in Section 135.10 in Part One of these Codified Ordinances to the Zoning Division, and
 - (2) Submission of a Sign Permit Application with the required fee as established in the Building and Zoning Fee Schedule set forth in Section 135.10 in Part One of these Codified Ordinances to the Building Division.
- (c) *Application for Certificate of Appropriateness for Signage.*
 - (1) The application for a Certificate of Appropriateness for Signage shall contain the following required information:
 - A. A site map of the location of building or structure or lot, property lines, right-of-way boundaries, utilities, and easements where the sign is to be attached or erected upon.
 - B. Color photographs of the property upon which the sign is to be erected, and photographs of adjacent properties and signage.
 - C. Detailed color renderings or drawings to illustrate the dimensions, design, structure and location of each sign.
 - D. Elevations and color photographs which illustrate the position of the proposed signage in relation to nearby buildings, structures.
 - E. Drawings of the plans and specifications, material samples, color samples, and method of attachment to the building or the ground.
 - F. Name and address, phone number, and current license number of the licensed sign erector.
 - G. The Planning and Zoning Administrator or their designee or Chief Building Official may require the plans to bear the certification and seal of a licensed architect or engineer registered in the State of Ohio as a condition to the issuance of an approved sign permit.
 - (2) The Planning and Zoning Administrator or their designee shall review the Application for Certificate of Appropriateness for Signage with the applicant to assure compliance with this chapter.
 - (3) For all new construction, renovation or conversion of structures with multi-tenants, including but not limited to, office buildings, business parks, planned industrial developments, office parks, shopping centers and shopping malls (except out-lots), a complete Master Sign Plan shall be submitted to the Planning and Zoning Administrator or their designee along with the Application for Certificate of Appropriateness for Signage. If an approved Master Sign Plan does not exist, tenant signage may be approved if it meets the following criteria:
 - A. Wall signs shall be limited to a maximum length of 50% of storefront width. Maximum height of wall signs, including letters, logos, frames, and all other components of the sign shall not exceed 30" in height.

1. More than one wall sign may be permitted per tenant. When there is more than one wall sign, the total combined length and height of all the signs shall not exceed the requirements listed above.

B. Window signs shall be limited to a cumulative size of eight square feet.

C. Owner's authorization from the landowner/landlord or their designee shall be required for each sign permit application.

D. Signage not specifically allowed in this section shall be prohibited without an approved Master Sign Plan.

- (4) The Master Sign Plan design criteria submitted shall include text and drawings, both to scale and dimension, as required to address at the very least:
- A. Size range of signs permitted.
 - B. Colors permitted.
 - C. Materials permitted.
 - D. Illumination.
 - E. Typefaces permitted.
 - F. Type sizes permitted.
 - G. Graphic emblem sizes and locations, if permitted.
 - H. Miscellaneous graphic features unique to the application submitted. A copy of a standard contractual signage agreement to be used at the center, incorporating the comprehensive graphic design criteria regulations developed in subsection (c)(4) hereof, is to be made a part of all future relationships with tenants and other parties desiring signage at the subject center.
- (5) The Master Sign Plan shall comply with the following regulations:
- A. The Master Sign Plan shall be designed so that it establishes a common theme or design, uses similar construction methods and compatible colors, scale and size, in accordance with Section 1165.09 (Design, Construction and Maintenance).
 - B. The Master Sign Plan shall be approved by the Planning Commission prior to the issuance of a sign permit for any sign on the building or development. If a Master Sign Plan has been submitted and approved, verification of compliance with the Master Sign Plan shall be submitted with each individual sign permit application; however, no additional Certificate of Appropriateness shall be required. Out-lots at shopping centers or shopping malls must obtain individual approvals.
 - C. Any changes to an approved Master Sign Plan require submission to, and approval by the Planning Commission.
- (6) The Planning and Zoning Administrator or their designee shall approve, within 28 days of receipt an Application for Certificate of Appropriateness for Signage if it is determined that the application complies fully with the requirements of this chapter. Upon approving the Application for Certificate of Appropriateness for Signage, the Planning and Zoning Administrator or their designee shall sign the application, attesting to its compliance with the requirements of this chapter.
- (7) If the application does not comply with one or more of the requirements of this chapter, the Planning and Zoning Administrator or their designee shall deny the application, clearly explain to the applicant the reasons for any denial, and inform the applicant that the application may be:

-
- A. Modified and resubmitted to the Planning and Zoning Administrator or their designee within 30 days without an additional application fee; or
 - B. Submitted for a variance per Section 1165.12.
 - C. Appealed to the Board of Zoning and Building Appeals per Article XII of the City Charter.

(Ord. 0212-2007. Passed 10-1-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1169.05 CONDITIONAL USE APPROVAL.

Upon a favorable finding, the Planning Commission shall approve a conditional use application.

- (a) *Conditional Use Permit.* A Zoning Certificate, if required, may be issued only for an approved conditional use within the period ~~one-two~~ years from the date of ~~final~~ approval by the Planning Commission.
- (b) *Building Permit.* A Building Permit may be obtained only for the development in accordance with the approved plot plan.

(Ord. 0152-2011. Passed 8-1-11; Ord. No. 0017-2017 , Exh. A, 4-3-17)

CHAPTER 1311 Registration[‡]

Sections:

1311.01 DEFINITIONS.

- (a) ~~Person means only a natural person.~~
- (b) ~~Registered contractor means a person or a corporation, partnership, proprietorship, firm or other such business organization which has as its employee, partner or principal, a person who has been registered to perform work in this City, pursuant to this chapter. For purposes of this chapter, a contractor is not thereby a registered contractor if he/she contracts with a subcontractor who is registered, nor is a subcontractor registered if he/she contracts with a registered contractor to perform work in this City pursuant to this chapter.~~
- (c) ~~Registered heating and air conditioning contractor means a contractor registered to perform heating and air conditioning work.~~
- (d) ~~Heating and air conditioning work means the installation, maintenance, alteration or repair of air conditioning and refrigeration systems, or heating systems.~~
- (e) ~~"Plumbing contractor" means a contractor registered to perform plumbing work.~~
- (f) ~~"Plumbing work" means the construction, installation, alteration or repairing of any plumbing drain, vent, sump, water closet, sink, lavatory or other plumbing fixture, but shall not include repairs not affecting sanitation, such as mending leaks in faucets, valves or water supply pipes, mending of broken fixtures, tanks, water heaters, releasing frozen pipes or rodding and flushing of any house sewer or drain.~~
- (g) ~~Registered electrical contractor means a contractor registered to perform electrical work.~~
- (h) ~~Electrical work means the installation, maintenance, alteration, or repair of electrical equipment, except repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping bare joints, repairing drop cords, repairing electrical parts or any appliance or electrical equipment.~~
- (i) ~~Gas piping contractor means a contractor registered to perform gas piping work.~~
- (j) ~~Registered remodeling contractor means a contractor registered to perform remodeling work.~~
- (k) ~~Remodeling work means the repair, replacement, remodeling, alteration, conversion, modernization or improvement (for which requires a permit from the city) of the land and building used as a commercial building and/or as a residence and a dwelling place, including, but not limited to: driveways, swimming pools, porches, garages and fallout shelters attached to a commercial building and/or a residence and a dwelling place, but shall not include new homes or landscaping.~~
- (l) ~~Sign means the definition as stated within Chapter 1165 of these Codified Ordinances.~~
- (m) ~~General contractor means an individual, partnership, corporation, joint venture, or other entity which builds, constructs, remodels, alters, or otherwise improves any land or building or portion thereof (for which~~

[‡]Cross reference(s) — Power to license — see Ohio R.C. 715.27; Duties of Chief Building Official — see BLDG. 1307.03(b)(9).

requires a permit from the city) and/or coordinates other contractors or subcontractors working on the same project.

~~(Ord. 0186-2014, Passed 1-2-15; Ord. No. 0088-2017, § 1(Exh. A), 11-20-17)~~

1311.02 CONTRACTOR REGISTRATION REQUIRED.

- ~~(a) No person or entity shall engage in the business of building, constructing, remodeling, alteration of or otherwise improving any land or building or portion thereof in the city unless the person or entity has a valid general contractor registration certificate issued by the City.~~
- ~~(b) No person shall permit another person or entity to act as a general contractor in the city unless the person or entity has a valid general contractor registration certificate issued by the City.~~
- ~~(c) No person or entity shall act as or claim to be a general contractor in the city (for which requires a permit from the city), unless that person or entity has a valid general contractor registration certificate issued by the City.~~
- ~~(d) No owner/resident shall engage in any work as a general contractor on their property that requires a building permit, unless such owner/resident currently resides at the property:
 - ~~(1) They are the owner/resident of the property;~~
 - ~~(2) They currently reside at the property or intend to reside at the property upon completion of the project;~~
 - ~~(3) They will be performing the permitted work; and~~
 - ~~(4) They will comply with all codes and ordinances.~~~~
- ~~(e) No person, or entity shall perform HVAC, electrical, plumbing, gas piping, remodeling work, sign or fence erection unless he/she is a registered contractor in each phase of the work. Fence erection registration is not required if the contractor holds a current general or remodeling contractor registration. Gas piping registration may be included under plumbing or HVAC registration~~
- ~~(f) Homeowners shall not be required to be registered for performing work for the dwelling which they occupy or intend to occupy. Homeowners shall obtain required permits and inspections for each phase of the work.~~

~~(Ord. 0186-2014, Passed 1-2-15; Ord. No. 0088-2017, § 1(Exh. A), 11-20-17; Ord. No. 0096-2018, § 1(Exh. A), 12-3-18)~~

1311.03 APPLICATION FEE AND INSURABILITY.

- ~~(a) Any person seeking to perform building improvements, remodeling, alterations, heating and air conditioning, electrical, plumbing, gas piping, or sign construction, shall make application to the Chief Building Official and enclose therewith an application fee as established in the Building and Zoning Fee Schedule set forth in Section 135.10 in Part One of these Codified Ordinances and proof of insurability for the faithful performance of his work in a reasonable amount of liability insurance as determined by the Chief Building Official.~~
- ~~(b) The applicant seeking to perform HVAC, plumbing, gas piping, electrical or remodeling work shall have relevant experience, or be a journeyman in the trade in which he seeks to perform, or be a registered contractor to perform such work in the City of Columbus or the County of Franklin, Ohio.~~

~~(Ord. 0186-2014, Passed 1-2-15; Ord. No. 0088-2017, § 1(Exh. A), 11-20-17)~~

~~1311.04 QUALIFICATIONS OF APPLICANTS.~~

- ~~(a) In determining whether to issue the registration for an applicant, the Chief Building Official shall consider the following factors:~~
- ~~(1) The applicant's training and other licenses and registrations granted applicant.~~
 - ~~(2) The applicant's insurability to perform work faithfully.~~
 - ~~(3) The applicant's reputation as to honesty, and competent and qualified work.~~
 - ~~(4) The applicant's Ohio License(s) for performing the work when constructing under the requirements of the Ohio Revised Code.~~
- ~~(b) If the Chief Building Official determines that the applicant is unqualified, the Chief Building Official shall so notify the applicant in writing and shall state the reasons therefor.~~
- ~~(c) If the Chief Building Official determines that the applicant is qualified, the Chief Building Official shall so notify the applicant, who within 45 days of the date of such notice, shall present proof of adequate liability insurance in the amount determined sufficient by the Chief Building Official and Ohio License when applicable to the Chief Building Official, who shall then issue the registration, which shall be valid for 365 days, so long as the registered contractor retains his/her liability insurance and applicable Ohio License.~~
- ~~(d) The Chief Building Official shall determine the qualifications of the applicant within 60 days of the filing of the application.~~
- ~~(Ord. 0186-2014, Passed 1-2-15; Ord. No. 0088-2017, § 1(Exh. A), 11-20-17 ; Ord. No. 0096-2018, § 1(Exh. A), 12-3-18)~~

~~1311.05 REGISTRATION RENEWAL.~~

- ~~(a) A registered contractor may renew his/her registration by filing within 30 days after the expiration of his/her existing valid registration an application for renewal and enclosing therewith a filing fee as established in the Building and Zoning Fee Schedule set forth in Section 135.10 in Part One of these Codified Ordinances and his/her liability insurance in a reasonable amount as determined by the Chief Building Official and any applicable Ohio Licenses.~~
- ~~(b) Unless the Chief Building Official notifies the applicants within 30 days of the filing of the application that the renewal is denied, the Chief Building Official shall issue the applicant their registration.~~
- ~~(Ord. 0186-2014, Passed 1-2-15; Ord. No. 0088-2017, § 1(Exh. A), 11-20-17)~~

~~1311.06 APPEAL TO DIRECTOR OF PUBLIC SERVICE.~~

- ~~(a) An applicant whose application has been denied pursuant to Sections 1311.04 or 1311.05 may appeal that decision within 15 days of receipt of notice of denial to the Director of Public Service, who shall re-determine the application, taking into account the decision of the Chief Building Official and the factors described in Section 1311.04(a).~~
- ~~(b) Within sixty days from the filing of the appeal, the Director of Public Service shall notify both the applicant and the Chief Building Official of his/her decision which shall be final. If the Director of Public Service determines that the applicant is qualified, he/she shall order the Chief Building Official to issue a registration upon the applicant's presenting the Chief Building Official with proof of adequate liability insurance and a bond as required.~~

~~(Ord. 0186-2014. Passed 1-2-15; Ord. No. 0034-2016, § 1(Exh. A), 4-18-16)~~

~~1311.99 PENALTY.~~

~~Any person violating any provision of this chapter shall be charged with a minor misdemeanor on the first offense and for each subsequent offense shall be charged with a misdemeanor of the fourth degree.~~

~~(Ord. 0186-2014. Passed 1-2-15.)~~