

1105.03 - PRELIMINARY PLAT APPROVAL.

- (a) When a preliminary plat complying with all applicable requirements of the Planning and Zoning Code contains all information required under Section 1105.02 and is accepted by the Planning and Zoning Administrator or their designee, the application for preliminary plan approval with staff comments and administration recommendations shall be forwarded within thirty days of acceptance by the Planning and Zoning Administrator or their designee to the Planning Commission for action. Upon forwarding the application to the Planning Commission, the preliminary plat and supplemental materials pertaining thereto shall be considered a matter of public record.
- (b) An application for preliminary plat approval which would result in one or more lots, parcels or public ways being in noncompliance with the Planning and Zoning Code shall not be forwarded by the Planning and Zoning Administrator or their designee for consideration by the Planning Commission until final determination has been made on all required variances under the procedures established in Chapter 1103 or 1131. Nothing in this section shall preclude a variance application from being filed and considered in conjunction with a preliminary plat.
- (c) The Planning Commission shall hold a public hearing on an application for preliminary plat approval within thirty days of the receipt of the application, staff comments, and Council informal comments relative to park land dedication and administration recommendations from the Planning and Zoning Administrator or their designee.
- (d) Before approving or denying the application before it, the Planning Commission shall hold at least one public hearing on such application at which time the applicant shall present and explain the design concept of the proposed development; staff comments and administrative comments shall be made public; and the Planning Commission shall receive any comments or concerns pertaining to the proposed development from the general public. Notice of such public hearing shall be published on the City website and posted at City Hall on the notice board outside of Council Chambers and will include place, time, date and nature of such applied for. ~~in a newspaper of general circulation in the City Notice shall be published and posted at least fourteen days 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.~~

- (e) Drawings and related written material which fully describe the design concept and platting of the proposed development shall be filed by the applicant with the Planning and Zoning Administrator or their designee and the Clerk of Council 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.
- (f) 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 carried by the Planning Commission to include any conditions. A copy of the Record of Action shall be forwarded to the Planning and Zoning Administrator or their designee, the City Engineer, and the Director of Development.
- (g) Any approval of a preliminary plat shall be valid for a period of twelve months. An extension of time may be permitted by vote of Planning Commission for good cause shown.

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

1108.04 - ACTION BY THE PLANNING COMMISSION.

- (a) When a Final Development Plan complying with all applicable requirements of the Planning and Zoning Code contains all information required under Section 1108.03 and is accepted by the Planning and Zoning Administrator or their designee, the application for Final Development Plan approval with staff comments and administration recommendations shall be forwarded within 30 days of acceptance by the Planning and Zoning Administrator or their designee to the Planning Commission for action. Upon forwarding the application to the Planning Commission, the Final Development Plan and supplemental materials pertaining thereto shall be considered a matter of public record.
- (b) An application for Final Development Plan approval which is not in compliance with the Planning and Zoning Code shall not be forwarded by the Planning and Zoning Administrator or their designee for consideration by the Planning Commission until final determination has been made on all required variances under the procedures established in Chapter 1103 or 1131.
- (c) The Planning Commission shall hold a public hearing on an application for Final Development Plan approval within 30 days of the receipt of the application, staff comments and administration recommendations from the Planning and Zoning Administrator or their designee.
- (d) Before approving or denying the application before it, the Planning Commission shall hold at least one public hearing on such application at which time the applicant shall present and explain the design concept of the proposed development; staff comments and administrative comments shall be made; and the Planning Commission shall receive any comments or concerns pertaining to the proposed development from the general public. Notice of such public hearing shall **be published on the City website and posted at City Hall on the notice board outside of Council Chambers and will include place, time, date and nature of such applied for.** ~~in a newspaper of general circulation in the City Notice shall be published and posted at least seven days during the calendar week~~ 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.~~

- (e) Drawings and related written material which fully describe the design concept and platting of the proposed 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.

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

1131.03 - PUBLIC HEARING ADVERTISEMENT.

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 City Hall on the notice board outside of Council Chambers and will include place, time, date and nature of such applied for. ~~in a newspaper of general circulation in the City~~ Notice shall be published and posted at least seven days ~~during the calendar week~~ 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 said 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.~~

(Ord. 0150-2011. Passed 8-1-11; Ord. No. [0017-2017](#), Exh. A, 4-3-17)

1153.03 - CC COMMUNITY COMMERCIAL DISTRICT.

(a) *Permitted Uses.* Only the uses included under the following listed numbers or as otherwise specified in this district shall be permitted in the Community Commercial District.

(1) *Retail stores.* Retail stores primarily engaged in the selling of merchandise for personal or household consumption and rendering services incidental to the sale of goods, including the buying or processing of goods for resale.

General Merchandise:

5251 Hardware stores.

531 Department stores.

5961 Mail order houses.

533 Variety stores.

539 Miscellaneous general merchandise stores.

Food:

541 Grocery stores.

542 Meat and fish (sea food), markets including freezer provisions.

543 Fruit and vegetable markets.

544 Candy, nut and confectionery stores.

545 Dairy products stores.

546 Retail bakeries.

549 Miscellaneous food stores.

Apparel:

561 Men's and boy's clothing and accessory stores.

562 Women's clothing stores.

563 Women's accessory and specialty stores.

564 Children's and infant's wear stores.

565 Family clothing stores.

566 Shoe stores.

5699 Custom tailors.

5632 Furriers and fur stores.

569 Miscellaneous apparel and accessory stores.

Home Furnishings:

571 Home furniture and furnishings stores.

572 Household appliance stores.

573 Radio, television, consumer electronics and music stores.

Eating and Drinking:

581 Eating and drinking places; including pizzeria and carry-out restaurants.

Miscellaneous Retail:

591 Drug stores and proprietary stores.

592 Liquor stores.

593 Used merchandise stores.

5942 Book and stationery stores.

5941 Sporting goods stores and bicycle shops.

526 Retail nurseries and garden supply stores.

597 Jewelry stores.

5992 Florists.

5993 Tobacco stores.

5994 News dealers and news stands.

5945 Hobby, toy and game stores.

5946 Camera and photographic supply stores.

5947 Gift, novelty and souvenir shops.

5995 Optical goods stores.

5999 Miscellaneous retail stores, not elsewhere classified.

- (2) *Administrative.* Business and professional offices. Administrative offices primarily engaged in general administration, supervision, purchasing, accounting and other management functions.

Business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers.

Professional offices engaged in providing tangible and intangible services to the general public, involving persons and their possessions.

Finance:

60 Depository institutions.

61 Nondepository credit institutions.

62 Security and commodity brokers, dealers, exchanges and services.

Insurance:

63 Insurance carriers.

64 Insurance agents, brokers and services.

Real Estate:

65 Real estate.

67 Holding and other investment offices.

Professional:

0742 Veterinary services for animal specialties.

0781 Landscape counseling and planning.

801 Offices and clinics of doctors of medicine.

802 Offices and clinics of dentists.

803 Offices and clinics of doctors of osteopathy.

804 Offices and clinics of other health practitioners.

805 Nursing and personal care facilities.

807 Medical and dental laboratories.

809 Health and allied services, not elsewhere classified.

811 Legal services.

871 Engineering, architectural and surveying services.

872 Accounting, auditing and bookkeeping services.

8748 Land planners.

899 Services (professional), not elsewhere classified.

- (3) *Personal and consumer services.* Personal services generally involving the care of the persons or his personal effects.

Consumer services generally involving the care and maintenance of tangible property or the provisions of intangible services for personal consumption.

Personal:

722 Photographic studios, portrait.

723 Beauty shops.

724 Barber shops.

725 Shoe repair shops and shoe shine parlors.

7219 Laundry and garment services, not elsewhere classified.

Business:

731 Advertising.

732 Consumer credit reporting agencies, mercantile reporting agencies and adjustment and collection agencies.

733 Mailing, reproduction, commercial art and photography and stenographic services.

7383 News syndicates.

736 Personnel supply services.

7389 Business services, not elsewhere classified (except 8731 Research, development and testing laboratories).

Recreation:

7911 Dance studios, schools, and halls.

7991 Physical fitness facilities.

7997 Membership sports and recreation clubs.

7999 Amusement and recreation services, not elsewhere classified.

(4) Day care centers.

8322 Day care centers, adult and handicapped.

8351 Day care centers, child.

(b) *Conditional Uses.* The following uses shall be allowed in the Community Commercial District, subject to the approval in accordance with Chapter 1169.

(1) *Drive-in facility or open display.* Drive-in or outdoor service, or open display facility, developed in association with a permitted use, except for 554 Gasoline service stations when all of its lot lines are 25 feet or more from a residential zoning district.

A. The following standards shall apply to requests for open display.

1. Open display shall be accessory to the main use of the property.
2. Open display shall not include the storage of landscaping and/or construction materials or similar goods and materials.
3. Height of materials shall not exceed six feet.
4. Open display shall not be permitted in any required yard.

(2) *Residential.* Living quarters as an integral part of a permitted use building.

(3) *Consumer services.* Consumer services generally involving the care and maintenance of tangible property or the provision of intangible service for personal consumption.

Services:

726 Funeral service and crematories.

729 Miscellaneous personal services, except 7299, massage parlors, employing no State Medical Board of Ohio licensed therapists, which shall be prohibited.

Recreation:

783 Motion picture theaters.

Formatted: Normal

~~7911 Dance studios, schools and halls.~~

792 Theatrical producers (except motion picture), bands, orchestras, and entertainers.

793 Bowling centers.

7993 Coin operated amusement devices.

Automotive and other sales:

551 Motor vehicle dealers (new and used).

552 Motor vehicle dealers (used cars only).

553 Auto and home supply stores.

554 Gasoline service stations.

555 Boat dealers.

556 Recreational vehicle dealers.

559 Automotive dealers, not elsewhere classified.

751 Automotive rentals and leasing, without drivers.

752 Automobile parking.

753 Automotive repair shops.

754 Automobile services, except repair.

(c) *Development Standards.* In addition to the provisions of Chapter 1167, General Development Standards, Additional Use, Height and Area Regulations, the following standards for arrangement and development of land and buildings are required in the Community Commercial District.

- (1) *Intensity of use.* No minimum lot size is required; however, lot size shall be adequate to provide the yard space required by these Development Standards and the following provisions.
- (2) *Lot width.* No minimum lot width is required; however, all lots shall abut a street and have adequate width to provide the yard space required by these Development Standards.
- (3) *Front yard.* A front yard of 60 feet shall be required.
- (4) *Side yard.* A side yard of ten feet shall be required. However, lots adjacent to a residential zoning district shall have a side yard setback of not less than one-fourth of the sum of the height and depth of the building, but in no case shall be less than 15 feet and such yard shall be landscaped. Parking spaces, drives or service areas shall be in addition to such yard requirements.
- (5) *Rear yard.* A rear yard of ten feet shall be required. However, lots adjacent to a residential zoning district shall have a rear yard setback of not less than one-fourth of the sum of the height and width of the building, except when adjacent to a dedicated alley having not less than 20 feet of right-of-way.

A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than 40 feet wide, and shall be enclosed by a solid wall or fence except when adjacent to a dedicated alley. If a structure or series of structures contains more than one facility, the service court, alleyway or combination thereof shall be not less than 60 feet wide.

- (6) *Height*. All buildings and structures shall conform to Federal Aviation Administration and Port Columbus Airport Zoning Regulations height limitation, whichever may be greater.
- (7) *Parking*. See 1167.15(b) for parking setback requirements. Parking standards and requirements, as specified in Chapter 1163, shall be met for all uses in this district.
- (8) *Lot coverage*. Principal buildings and associated buildings shall not exceed 50 percent of total lot coverage. An additional 25 percent of lot coverage may be used for driveways and parking areas. This provides a maximum lot coverage allowance of 75 percent.

(Ord. 27-93. Passed 2-2-93; Ord. No. [0017-2017](#), Exh. A, 4-3-17; [Ord. No. 0051-2017, § 1\(Exh. A\), 9-18-17](#))

1133.02 - POSTING OF PROPERTY; PUBLICATION OF NOTICE.

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 City Hall on the notice board outside of Council Chambers and will include place, time, date and nature of such applied for. ~~in a newspaper of general circulation in the City~~ Notice shall be published and posted at least fourteen days ~~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.~~

The applicant shall be responsible for posting one sign per public street frontage of the property or properties proposed for a zoning change. The sign(s) shall be consistent with diagram in Figure 1, Zoning Change Sign, attached to original Ordinance 135-97. The information on the sign(s) shall be approved by the Zoning Division prior to the installation of the sign(s). The sign(s) shall be installed not less than 14 days prior to the scheduled date of the public hearing and shall be removed within seven days after final Council action on the zoning or rezoning. New zonings on annexation shall not be required to be posted only if the proposed zoning is in accordance with Section 1133.08(a).

(Ord. 0151-2011. Passed 8-1-11.; Ord. No. [0017-2017](#), Exh. A, 4-3-17)

1153.05 - CS COMMUNITY SERVICE DISTRICT.

(a) *Permitted Uses.* Only the uses included under the following listed numbers shall be permitted in the Community Service District.

(1) Eating and drinking places:

581 Eating and drinking places.

(2) *Consumer services.* Consumer services generally involving the care and maintenance of tangible property or the provision of intangible services for personal consumption.

Business Services:

0742 Veterinary services for animal specialties.

481 Telephone communication.

482 Telegraph and other message communications.

483 Radio and television broadcasting stations.

526 Retail nurseries and garden supply stores.

726 Funeral service and crematories.

731 Advertising.

732 Consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collection agencies.

733 Mailing, reproduction, commercial art and photography, and stenographic services.

734 Services to dwellings and other buildings.

7383 News syndicates.

736 Personnel supply services.

7389 Business services, not elsewhere classified (except 8731 Research, development and testing laboratories).

78 Motion Pictures.

806 Hospitals.

Repair Services:

762 Electrical repair shops.

763 Watch, clock and jewelry repair.

764 Reupholstery and furniture repair.

769 Miscellaneous repair shops and related services.

Recreation:

7911 Dance studios, schools, and halls.

7991 Physical fitness facilities.

7997 Membership sports and recreation clubs.

7999 Amusement and recreation services, not elsewhere classified.

(b) *Conditional Uses.* The following uses shall be allowed in the Community Service District, subject to the approval in accordance with Chapter 1169.

(1) Lodging places.

7011 Hotels and motels.

(2) Trade services. Trade services establishments engaged in the general construction, maintenance or repair of real or other tangible property.

Contractors:

018 Horticultural specialties.

15 Building construction - general contractors and operative builders.

161 Highway and street construction, except elevated highways.

171 Plumbing, heating and air conditioning.

172 Painting, and paper hanging.

173 Electrical work.

174 Masonry, stonework, tile setting and plastering.

175 Carpentry and floor work.

176 Roofing, siding and sheet metal work.

177 Concrete work.

178 Water well drilling.

179 Miscellaneous special trade contractors.

(3) Retail Sales.

551 Motor vehicle dealers (new and used).

552 Motor vehicle dealers (used cars only).

553 Auto and home supply stores.

559 Automotive dealers, not elsewhere classified.

Building Materials:

521 Lumber and other building materials dealers.

522 Plumbing, heating and air conditioning equipment dealers.

523 Paint, glass and wallpaper stores.

524 Electrical supply stores.

525 Hardware.

Automotive:

554 Gasoline service stations.

751 Automotive rentals and leasing, without drivers.

752 Automobile parking.

753 Automotive repair shops.

754 Automobile services, except repair.

- (4) *Storage and wholesaling.* Establishments primarily engaged in transporting, storing, handling or selling merchandise to retailers, industrial, institutional or professional user, or to other wholesalers, or acting as agents in buying or selling or merchandise for such persons or companies.

421 Trucking, and courier services, except air.

4225 Warehousing, self storage.

501 Motor vehicles and motor vehicle parts and supplies.

5169 Chemicals and allied products, not elsewhere classified.

513 Apparel, piece goods, and notions.

514 Groceries and related products.

506 Electrical goods.

507 Hardware, and plumbing and heating equipment and supplies.

508 Machinery, equipment and supplies.

517 Petroleum and petroleum products.

5194 Tobacco and tobacco products.

518 Beer, wine and distilled alcoholic beverages.

511 Paper and paper products.

502 Furniture and home furnishings.

503 Lumber and other construction materials.

5099 Durable goods, not elsewhere classified.

- (5) *Local processing.* Establishments engaged in processing food and kindred products or printed matter primarily for local consumption.

2013 Sausages and other prepared meat products.

2015 Poultry slaughtering and processing.

2024 Ice cream and frozen desserts.

2051 Bread and other bakery products, except cookies and crackers.

2064 Candy and other confectionery products.

2086 Bottled and canned soft drinks and carbonated waters.

2097 Manufactured ice.

271 Newspapers; publishing, or publishing and printing.

272 Periodicals; publishing, or publishing and printing.

275 Commercial printing.

279 Service industries for the printing trade.

(6) Day care centers.

8322 Day care centers, adult and handicapped.

8351 Day care centers, child.

(c) *Development Standards.* In addition to the provisions of Chapter 1167, General Development Standards, the following standards for arrangement and development of land and buildings shall be required in the Community Service District.

(1) *Intensity of use; lot size.* No minimum lot size is required; however, lot size shall be adequate to provide the yard space required by these development standards.

(2) *Lot width.* No minimum lot width is required; however, all lots shall abut on a street and have adequate width to provide the yard space required by these development standards.

(3) *Front yard.* A front yard of 60 feet shall be required.

(4) *Side yard.* A side yard of ten feet shall be required. However, lots adjacent to a residential zoning district shall have a side yard setback of not less than one-fourth of the sum of the height and depth of the building, but in no case shall it be less than 25 feet and such yard space shall be landscaped. Parking spaces, drives or service areas shall be additional to such yard requirements.

(5) *Rear yard.* A rear yard of ten feet shall be required. However, lots adjacent to a residential zoning district shall have a rear yard setback of not less than one-fourth of the sum of the height and width of the building, but in no case shall it be less than 25 feet.

A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than 40 feet wide, and shall be enclosed by a solid wall or fence except when adjacent to a dedicated alley. If a structure or series of structures contains more than one facility, the service court, alleyway or combination thereof shall be not less than 60 feet wide.

(6) *Height.* All buildings and structures shall conform to Federal Aviation Administration and Port Columbus Airport Zoning Regulations height limitation, whichever may be greater.

(7) *Parking.* Parking standards and requirements, as specified in Chapter 1163, shall be met for all uses in this district.

(8) *Lot coverage.* Principal buildings and associated buildings shall not exceed 50 percent of total lot coverage. An additional 25 percent of lot coverage may be used for driveways and parking areas. This provides a maximum lot coverage allowance of 75 percent.

(Ord. 0128-2007. Passed 6-18-07; Ord. No. [0017-2017](#), Exh. A, 4-3-17)

1169.02 - PUBLIC HEARING ADVERTISEMENT.

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 City Hall on the notice board outside of Council Chambers and will include place, time, date and nature of such applied for. ~~in a newspaper of general circulation in the City~~ Notice shall be published and posted at least seven days ~~during the calendar week~~ 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.~~

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

1181.07 - CONDITIONAL USE REVIEW.

- (a) *Applications.* Applications for conditional use review for towers or antennas shall be reviewed by the Planning Commission, as required by § 1181.05, subject to the procedures and requirements of Part Eleven of this Code of Ordinances, except as modified in this section.
- (b) *Pre-application review.*
 - (1) *Purpose and applicability.*
 - A. A pre-application review may be scheduled prior to filing a formal application for conditional use review. The pre-application review is not part of the formal application review process or the required review period. The purpose of the pre-application review is to provide non-binding feedback to applicants to assist in expediting the conditional review process. Any materials submitted to the City for the purposes of the pre-application review shall become part of the public record.
 - B. Pre-application reviews do not result in a development decision or permit, and shall not obligate the City or the applicant to take any action on the proposal.
 - (2) *Pre-application review procedure.*
 - A. A request for a pre-application review shall be made in accordance with the provisions of this division (B). As an exception to the application requirements listed in § 1181.05(d)(1), potential applicants may submit conceptual information based on the amount of information known about the project at the time a request for pre-application review is made. The request shall include, at a minimum, two 24x36 hard copies and one digital of the following information:
 - 1. A general description of the proposal including a description of conformance to this chapter;
 - 2. A site plan generally demonstrating the nature of the proposed wireless communications facility and associated site improvements;
 - 3. Conceptual facility elevations; and
 - 4. Any other materials for which the potential applicant would like to receive feedback.
 - B. The City shall notify the applicant in writing at least five days prior to the pre-application review.
- (c) *Public Hearings.* 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 City Hall on the notice board outside of Council Chambers and will include place, time, date and nature of such applied for. ~~in a newspaper of general circulation in the City Notice shall be published and posted at least seven days during the calendar week~~ prior to the public hearing. Written notice of said hearing shall also be mailed by ordinary mail to the street addresses of contiguous and adjacent 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.~~
- (d) *Conditional use review considerations.* In addition to any standards for consideration of applications for conditional use review pursuant to Part Eleven of this Code of Ordinances, the Planning Commission shall consider the following factors in determining whether the application should be approved:
 - (1) Compliance with the requirements of this chapter;
 - (2) Height of the proposed tower or facility and its proximity to adjacent structures;

- (3) Nature of the potential for adverse effects on uses on adjacent and nearby properties;
 - (4) Relationship of surrounding topography to the view from nearby properties;
 - (5) Surrounding tree coverage and foliage and the ability to screen the facilities from the view of nearby properties;
 - (6) Design of the tower or facility, with particular regard to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - (7) Proposed ingress and egress for maintenance, safety, and prohibition of nuisances;
 - (8) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, with regard to the following:
 - A. New towers shall be approved only when other preferable alternatives are not available. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure, or alternative technology is available to fill the communication requirements. The applicant must prove by substantial evidence that a bona fide need exists for the new Tower and that no reasonable combination of locations, techniques, or technologies will obviate the need. The applicant must further submit evidence that it has made all reasonable efforts to procure antenna space on existing facilities but was denied or the cost of co-location exceeds the cost of a new facility by at least 50 percent. No new tower may be permitted unless such tower is capable of accommodating at least one additional wireless service facility.
 - B. An applicant shall submit required information for review by the Planning Commission related to the availability of suitable existing towers, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
 1. No existing towers or other suitable structures are located within the specific geographic limits meeting the applicant's engineering requirements.
 2. Existing towers or structures either do not have sufficient height to meet the applicant's engineering requirements, or have insufficient structural strength to support the applicant's proposed antenna and related equipment.
 3. The applicant's proposed antenna would cause frequency interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 4. The fees, costs, or contractual provisions required by the owner in order to share or to adapt for sharing an existing tower or structure, are unreasonable. Costs that would exceed new tower development by 50 percent is an example of what may be presumed to be unreasonable.
 5. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 6. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a DAS or CMN using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable, but may be considered as a factor in the decision.
 7. The applicant provides documentation that other tower owners were contacted in writing demonstrating the above considerations.
- (e) The Director may hire an independent, qualified consultant to evaluate any technical aspects of the proposed design and location at the Applicant's sole cost.

Prior to commencing regular operation of the Tower or Equipment Shelter, all Tower and Equipment Shelter owners and operators must submit a certificate of compliance with all current Federal Communications Commission regulations concerning electromagnetic radiation and other electronic emissions applicable to the Tower and Equipment Shelter. Every five years thereafter, Applicant shall at applicant's expense, prepare and submit to the City an updated radio frequency compliance report and certification certifying its equipment complies with all applicable FCC standards as of the five year anniversary date.

- (f) In granting a conditional use, the Planning Commission may impose conditions to the extent necessary to minimize any adverse effect of the proposed tower or antenna support structure on adjoining properties or to meet the review considerations of this section.
- (g) The findings and decision of the Planning Commission shall be based on and supported by substantial evidence contained in a written record and record of action which shall be forwarded to the applicant subject to § 1181.05(d)(8). An Applicant may appeal any decision of the Planning Commission to the Board of Zoning and Building Appeals. The decision of the Board of Zoning and Building Appeals shall be final.
- (h) The applicant shall sign an instrument, maintained by the City, agreeing to encourage and promote the joint use of telecommunications towers within the City and, to that extent, committing that there shall be no unreasonable act or omission that would have the effect of excluding, obstructing, or delaying joint use of any tower where fair and just market reasonable compensation of offered for such use.
- (i) Prior to commencing regular operation of the Tower or Equipment Shelter, all Tower and Equipment Shelter owners and operators must submit a certificate of compliance with all current Federal Communications Commission regulations concerning electromagnetic radiation and other electronic emissions applicable to the Tower and Equipment Shelter. Every five years thereafter, Applicant shall at applicant's expense, prepare and submit to the City an updated radio frequency compliance report and certification certifying its equipment complies with all applicable FCC standards as of the five year anniversary date.

(Ord. No. [0068-2016](#), § 1(Exh. A), 8-15-16)

1177.05 - APPLICATIONS FORWARDED TO PLANNING COMMISSION.

- (a) The Planning Commission shall act upon a home occupation application within 30 days of the public hearing. 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 City Hall on the notice board outside of Council Chambers and will include place, time, date and nature of such applied for. ~~in a newspaper of general circulation in the City Notice shall be published and posted at least seven days during the calendar week~~ prior to the public hearing. The Planning Commission may approve a home occupation permit only if the following criteria are met:
- (1) The proposed occupation meets the provisions of the Zoning Ordinance.
 - (2) The proposed home occupation is in accord with appropriate plans for the area.
 - (3) The proposed home occupation will not have undesirable effects on the surrounding area.
 - (4) The proposed occupation will be in keeping with the existing land use characteristics and physical development potential of the area.
- (b) The Planning Commission may place conditions on such application that promote and/or preserve the public health, safety and welfare of the City. Such conditions shall be binding on the applicant.
- (c) The Planning Commission shall deny the home occupation application if it is determined that the criteria in Section 1177.05(a) are not met.

(Ord. 102-97. Passed 5-20-97; Ord. No. [0017-2017](#), Exh. A, 4-3-17)

CHAPTER 1193 - Stormwater Management Policy⁴⁰¹

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Footnotes:

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Cross reference— Drainage - see Ohio R. C. Ch. 6131; Driveway drainage - see S. & P. S. Ch. 909; Obstructing drainage - see S. & P. S. Ch. 911

1193.01 - ENFORCEMENT AND COMPLIANCE.

- (a) The City Engineer shall be responsible for enforcement of the Stormwater Management Policy and shall not allow any development of land area exceeding one acre in size unless such development meets the design requirements herein.
- (b) The Planning Commission shall not approve the final plat of any development or subdivision over which it has jurisdiction without certification from the City Engineer that such development or subdivision shall be in full compliance with the design requirements herein.

(Ord. 0021-2010. Passed 2-1-10.)

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1193.02 - DESIGN STANDARDS.

- (a) Purpose. These standards (1193 & 1195) are to establish stormwater management using best management practices and conservations practices to minimize the impact to public waters from accelerated soil erosion and stormwater runoff caused by earth disturbance activities, subsurface drainage and land use changes connected with activities within a development area, and shall include, at a minimum, all requirements of the OEPA construction general permit for construction activities (CGP).
- (b) The design standards contained in the Ohio Department of Natural Resources (ODNR) Rainwater and Land Development Manual, latest edition, shall be used to determine the technical acceptability of land development stormwater management methods as applicable and shall be used as technical guidance. The City Engineer shall determine the acceptability of all hydraulic and hydrologic engineering and design.
- (c) The United States Department of Agriculture Natural Resource Conservation Service (NRCS) soil classification mapping of the City shall be used to determine soil classification for the purpose of all stormwater management design unless more detail data is prepared by a competent authority and accepted by the City Engineer.
- (d) The condition of property prior to earth disturbing activity shall be used to determine predevelopment runoff coefficients and runoff curve numbers based on the most recent NRCS values.

(Ord. 0021-10. Passed 2-1-10.)

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1193.03 - STORMWATER RUNOFF POLICY.

- (a) The Stormwater Runoff Policy requires that land uses and developments which increase the runoff rate or volume shall control the discharge rate of runoff prior to its release to off-site land. The purposes of this policy are to:
 - (1) Permit development without increasing the flooding potential of other lands;

- (2) Reduce damage to receiving streams and impairment of their capacity which may be caused by increases in the quantity and rate of stormwater discharge; and
 - (3) Establish a basis for design of stormwater drainage systems on lands below undeveloped areas which shall preserve the rights and options of both dominant and servient property owners and assure long-term adequacy of storm drainage systems.
- (b) The Stormwater Runoff Policy applies to all land developments not specifically exempted under Section 1193.04 or granted a waiver as provided by Section 1193.05.
- (c) Other sections of this chapter specify the performance requirements of on-site drainage systems and runoff control standards.

(Ord. 0021-2010. Passed 2-1-10.)

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1193.04 - EXEMPTIONS.

Exemptions are appropriate for certain land use activities which clearly do not generate significant increases in stormwater runoff. Where exemptions are granted under this section, they shall apply to the requirements for runoff control only and do not in any way imply a relaxation of requirements for adequate and proper on-site drainage or the ability of the system to accept runoff from the tributary land nor a relaxation of any other local, state or federal requirements. The following land uses and developments are exempted from stormwater runoff controls:

- (a) Land preparation for active agricultural areas, orchards, sod farms and nursery operations;
- (b) Land grading or leveling for erosion control under direction of the local soil conservation district;
- (c) Land located within the Regulatory Flood Hazard Area established under Chapter 1191 when developed for permitted or conditional uses defined under Sections 1191.13 and 1191.15.

(Ord. 0021-2010. Passed 2-1-10.)

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1193.05 - WAIVERS.

- (a) It is conceivable that development situations not automatically subject to exemptions under Section 1193.04 may exist such that development shall have none of the harmful effects associated with increases in runoff rates and volume. Such developments are eligible for a waiver. The waiver applies only to the requirement that runoff be controlled, and does not in any way imply a relaxation in the requirement for adequate on-site drainage or the ability to accept runoff from land tributary to the development.
- (b) The waiver application shall request in writing that such requirements for stormwater runoff control be waived. The application shall include sufficient detail to determine that granting a waiver shall not result in increased flooding and that the added volume of runoff shall not damage the receiving stream.
- (c) A condition of the waiver shall be that any addition, extension or modification of a development for which a waiver has been granted shall be required to provide stormwater runoff control for the entire site if preceding limitations are exceeded by subsequent additions, extensions or modifications.
- (d) The following land uses and developments are eligible to apply for a waiver on stormwater runoff control requirements contained in this chapter:
 - (1) Development areas abutting and tributary to Big Walnut Creek on which surface watershed flows directly into Big Walnut Creek.
- (e) All waiver applications shall be recommended by the City Engineer and the Planning Commission and approved by Council.

(f) In no case shall a waiver eliminate or replace any other local, state or federal permit or compliance requirements.

(Ord. 0021-2010. Passed 2-1-10.)

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1193.06 - STORMWATER RUNOFF CONTROL CRITERIA.

(a) Stormwater runoff control shall address both peak rate of runoff and total volume of runoff. The peak rate of runoff from an area after development shall not exceed the peak rate of runoff from the same area before development for all return period storms from one year up to a 100-year return period; 24-hour storm. In addition, if it is found a proposed development shall increase the volume of runoff from an area, the peak rate of runoff from certain more frequent storms shall be controlled further.

There are two reasons why increases in volume of runoff require a peak runoff control standard more restrictive than controlling to the predevelopment condition. First, increases in volume mean runoff will be flowing for a longer period of time. When routed through a watershed, these longer flows may join at some point or points downstream creating new peak flows and create flooding and erosion and problems associated with increased peak flow. This is known as the "routing problem". Second, longer flow periods of large runoff quantities place a highly erosive stress on natural channels. This stress may be minimized by reducing the rate of discharge. The permissible peak rates shall be determined as follows:

- (1) Determine the total volume of runoff from a one-year return period, 24-hour storm, occurring over the area before and after development; and
- (2) Using TR-55 Methodology, or other volume based Methodology acceptable to the City Engineer (the rational method is not acceptable), determine the percentage of increase in volume due to development and using this percentage, pick the critical storm from the following table:

If the percentage of increase in volume of runoff is:

Equal to or greater than	And less than	The critical storm for discharge limitations shall be (Years)
-	10	1
10	20	2
20	50	5
50	100	10
100	250	25
250	500	50
500	-	100

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(b) The peak rate of runoff from the critical storm occurring over the development shall not exceed the peak rate of runoff from a one-year return period storm occurring over the same area under predevelopment conditions. Storms of less frequent occurrence (longer return period) than the critical storm, shall have a peak rate of runoff not greater than the same storm under predevelopment conditions. As an example, if the total volume is to be increased by 35 percent, the critical storm is a five-year storm. The peak rate of runoff for all storms up to this intensity shall be controlled so as not to exceed the peak rate of runoff from a one-year return period storm under predevelopment conditions in the area. The runoff from a more intense storm, up to a 540-year return period storm must be controlled so as not to exceed the predevelopment peak rate from the same return period storm, and the one hundred year post-developed peak rate of runoff shall not exceed the pre-developed peak rate of runoff for the ten-year return period.

(c) Appropriate stormwater runoff control addresses both peak rate and total volume of runoff. In addition to peak rates of stormwater runoff, methods for minimizing post construction increases in stormwater runoff volumes are strongly encouraged. Methods for reducing runoff volumes may include those listed below.

- (1) Retarding flow velocities by increasing friction; for example, grassed road ditches rather than paved street gutters where practical; discharging roof water into vegetated areas; or grass and rock lined drainage channels;
- (2) Grading and construction of terraces and diversions to slow runoff and use of grade stabilization structures to provide a level of control in flow paths and stream gradients;
- (3) Induced infiltration of terraces and diversions to slow runoff and use of grade stabilization structures to provide a level of control in flow paths and stream gradients;
- (4) Provisions for retention and detention; for example, permanent ponds and lakes with stormwater basins provided with proper drainage, multiple use areas for stormwater detention and recreation, wildlife, transportation, fire protection, aesthetics, or subsurface storage areas.
- (5) Other methods for controlling post construction water quality as approved by the City Engineer.

(6) Green Infrastructure Best Management Practices shall be incorporated into the plan of development when directed by the City Engineer of their designee. These practices shall include but not be limited to the following:

Permeable Pavements

Low Impact Development

Rain Gardens

Bioswales/Bioretenion

Stormwater Planter Boxes

Vegetated Swales

Filter/Buffer Strips

(67) Attenuation of runoff rates from upstream areas is not required to be provided. Flow from such areas will be routed through the drainage system in the development under consideration at a rate determined in the same manner as the on-site system. Anticipated future development, however, must be considered in the designers' hydrologic analysis. Off-site land uses prior to development, or anticipated to be constructed in the future, shall be considered as the pre-development condition for the purpose of calculating changes in runoff.

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(78) All stormwater management and sediment control practices shall be designed, constructed and maintained with consideration for the proper control of mosquitoes and other vectors. Practices may include, but are not limited to:

- A. There should be no depressions in a normally dry detention facility where water might puddle when the water level is receding. Underdrains are encouraged where appropriate.
- B. All structures shall be designed in accordance with ODNR'S rainwater and land development handbook (most recent edition).

(d) Numerous methods of rainfall-runoff computation are available on which the design of storm drainage and flood control system may be based. The rational method, the NRCS hydrologic methods (available in TR-20, TR-55 and HEC-1) are accepted as adequate for determining peak runoff rates for drainage areas. USGS methodologies are also acceptable. Other methods may be accepted with the concurrence of the City Engineer.

The total watershed that produces stormwater runoff across the site proposed to be developed shall be included when estimating flood discharge runoff. Dependent on watershed size, the following principal methods shall be considered acceptable to estimate design discharge.

- (1) For small watersheds of 25 acres or less, the design runoff may be determined by the rational method. This method may also be used for catch basin hydrology. The rational method shall not be used for sizing attenuation basins or any other facility that requires estimation of runoff volumes.
- (2) For five-100 acres of an urbanizing watershed, the design runoff may be estimated by using the method as Published, Urban Hydrology for Small Watersheds (TR55). This method may be applicable to areas up to 300 acres depending upon the topography. TR-20 and HEC-1 may be acceptable for larger areas. The designer is encouraged to meet with the City Drainage Engineer prior to selecting a methodology for large watershed.
- (3) Other method approved by the City Engineer.

(Ord. 0021-2010. Passed 2-1-10.)

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1193.07 - STORMWATER SYSTEM DESIGN CRITERIA.

(a) *Design Storms/System Design.*

- (1) *Initial drainage system.* The initial drainage system is the part of the storm drainage system which is used regularly for collecting, transporting and disposing of stormwater runoff, snowmelt and miscellaneous minor flows. The capacity of the initial drainage system should be equal to the maximum rate of runoff expected from a design storm of established frequency.
 - A. All new storm sewer systems must be adequate to convey anticipated runoff of a watershed from a five-year storm at just full flow. Pressure flows for five year design storms are unacceptable.
 - B. The storm sewer hydraulic grade line shall be determined for the ten-year storm event. The hydraulic grade line at the ten-year storm shall be below the grate and/or cover of all structures. The hydraulic grade line should never be below the normal depth of flow in the conduit. If calculations illustrate this condition, then the designer shall use the normal depth of flow elevation as the hydraulic grade line (HGL) elevation.
 - C. Discharge outlets must be adequate to accept additional runoff from the proposed development without overloading. If the existing outlet is inadequate for such additional flow, an improved outlet or some time-release method of discharge (detention), satisfactory to the City Engineer, must be provided. A tailwater analysis must be completed and used as part of all hydraulic design.

- D. Culverts shall be designed to easily convey the ten-year design storm. Headwater depth shall not be within 12 inches of the final pavement (lowest point in road) elevation for the 50-year storm.
 - E. All culverts shall be designed with a uniform barrel cross section throughout their length. Location, alignment, material specifications, and end treatments (e.g., headwalls, wingwalls, riprap, apron slabs), shall be approved by the City Engineer.
- (2) *Major drainage system.* The major drainage system is that part of the storm drainage system which carries the runoff which exceeds the capacity of the initial drainage system. The major drainage system shall have the capacity to carry runoff from a storm with a return period of not less than 100 years without posing significant threat to property or public safety.
- A. Major system design shall be considered and accomplished for all development to alleviate potential adverse impact from flooding due to infrequent storms. Sufficient easements shall be provided to protect the major flow paths from being filled, blocked or otherwise disturbed.
 - B. Where a system outlets to an erodible channel, measures shall be taken to lessen potentially destructive velocities. Maximum velocities for discharge into erodible channels shall flow ODOT standards.
- (b) *Initial Storm: Physical Design Criteria for On-Site Improvements.*
- (1) Depth of flow in natural channels shall not exceed bank full stage with backwater effects considered.
 - (2) Depth of flow in artificial channels shall not exceed 0.8 bank full stage. Velocity of flow shall be determined in accordance with the design criteria for open channels and shall not exceed seven feet per second. Where flows exceed this rate, special channel lining and erosion protection shall be provided. Design approach shall follow the guidelines of the ODNR Rainwater and Land Development Manual.
 - (3) Depth of flow in road side ditch swales shall not exceed one foot or be of such depth that flow would extend out of the right-of-way if the side ditch is less than one foot in depth. Velocity at this depth shall not exceed six feet per second with grass swales or ten feet per second with paved ditches.
 - (4) Depth of flow in streets with curb and gutter shall not exceed the curb height. Velocity of flow in the gutter at design depth shall not exceed ten feet per second. In addition to the above, the following are maximum encroachments of the minimum five-year initial design storm onto the pavement.
 - A. For minor streets carrying traffic from the individual residence to collector and secondary streets, the flow may spread to the crown of the street.
 - B. For collector or secondary streets, one lane shall be free from water.
 - C. For primary streets, one lane in each direction shall be free from water.
 - D. For freeways, no encroachment is allowed on traffic lanes.
 - (5) In the design of the conduit, the conduit may be designed on the basis of flowing full with surcharge to gutter line. Backwater effects shall be considered.
- (c) *Major Storm: Physical Design Criteria for On-Site Improvements.*
- (1) The major storm floodway and floodway fringe for natural streams shall be as defined by the Federal Emergency Management Agency (FEMA).
 - (2) Many of the drainageways associated with the major storm system are in areas beyond those designated as floodway or floodway fringe. For these areas, the major storm flood limits shall be determined by the U. S. Corps of Engineers HEC-2 method or other accepted methods of determining water surface profiles using the major design storm runoff. One-half foot elevation

shall be added to the flood profile as freeboard for protection in the event of future encroachments into the floodway fringe or in the drainageway.

- (3) Where the street is designed as the major drainageway, the depth of flow shall not exceed eighteen inches of width at gutter line for local and collector streets and shall not exceed six inches depth at roadway crown for primary streets and freeways. The same maximum depth criteria shall apply where a major drainageway crosses the street. Where a major drainageway is located outside a street, dedicated stormwater easements shall be provided.
 - (4) In determining the required capacity of surface channels and other drainageways provided for the major storm runoff, the street storm inlets and conduit provided for the initial design storm shall be assumed to be carrying not more than one-half their design capacity. This is a safety factor to allow for the surcharged outlets, obstructed inlets or other malfunctions.
- (d) *Stormwater Detention/Retention.* Stormwater detention or retention is required for all developers unless a waiver is granted for areas designed for storage of stormwater by detention or retention incorporated into the natural features of the general area. Cooperative planning and joint owner construction of detention discharge control or retention facilities and use of natural land contours is strongly encouraged. No such facilities shall be permitted which may become aesthetically displeasing, construction or maintenance problems. The City encourages such facilities which are designed as multipurpose spaces such as open space, recreation and/or scenic areas. Detention/retention areas shall also comply with all post construction runoff requirements, including those of the Ohio EPA construction general permit.

(Ord. 0021-2010. Passed 2-1-10; Ord. No. [0017-2017](#), Exh. A, 4-3-17)

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1193.08 - PUBLIC NOTIFICATION OF WATERCOURSE.

Land developers shall place in all sales offices copies of the land development grading plan with graphic and written descriptive information clearly showing and describing the purpose of all drainage easements, floodway routing, flood hazard areas and other watercourses contained on or designed into the land development.

(Ord. 0021-2010. Passed 2-1-10.)

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1193.09 - RIGHT OF APPEAL.

Any person dissatisfied with a decision made by the City Engineer pursuant to Chapter 1193 shall have the right to appeal in writing the decision to the Board of Zoning Appeals within ten days after such decision is made. The Board of Zoning Appeals shall act upon the written appeal at its next regular meeting held after the receipt of such appeal by the Clerk of Council or the appeal is deemed to be denied. If the appeal is denied by the Board of Zoning Appeals the person filing the appeal may within ten days after such decision is made, appeal in writing such decision to Council which shall act upon the written appeal at its next regular meeting held after receipt of such appeal by the Clerk of Council, or the appeal is deemed to be denied.

(Ord. 0021-2010. Passed 2-1-10; Ord. No. [0017-2017](#), Exh. A, 4-3-17)

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