

# Part 11

## ZONING ORDINANCE

Gahanna, Ohio

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# Chapter 1101

## ZONING ORDINANCE INTRODUCTION

# Zoning Ordinance Introduction

## 1101.01 TITLE AND EFFECTIVE DATE

Part Eleven of the Codified Ordinances of the City of Gahanna, Ohio, shall be known as the Zoning Ordinance.

The Zoning Ordinance is declared to be in force at the earliest date allowed by law.

## 1101.02 PURPOSE AND INTENT

The purpose of the Zoning Ordinance is to promote and protect the health, safety, comfort, convenience, and general welfare of the people. Furthermore, the requirements of the Zoning Ordinance are designed to advance the implementation of the land use plan.

## 1101.03 APPLICABILITY

### (a) Repeal of Prior Ordinance

This Zoning Ordinance replaces Sections 1101-1197, inclusive, and effectively repeals any prior zoning ordinance in effect in the City. All ordinances or parts of ordinances of the City, in conflict with any regulation, provision, amendment or supplement of this Zoning Ordinance are, to the extent of such conflict, hereby repealed.

Any enforcement action pending under the prior zoning ordinance at the date of enactment of this Zoning Ordinance shall continue, except when the violation subject to enforcement action is no longer applicable under the provisions of this Zoning Ordinance.

### (b) Jurisdiction of this Ordinance

The requirements of this Zoning Ordinance apply to all land within the geographic limits of the City.

### (c) Private Provisions--Agreements Maintained

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

## CHAPTER 1101 ZONING ORDINANCE INTRODUCTION

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### (d) Application

Nothing in Part Eleven shall prevent the continuance of a nonconforming use as herein authorized, unless a discontinuance is necessary for the safety of life or property.

This Zoning Ordinance shall not require any change in the plans, construction, size, or designed use of a structure for which a valid zoning permit has been issued or lawfully approved before the effective date of this Zoning Ordinance.

### (e) Compliance Required

Compliance with this Zoning Ordinance is required. Failing to comply with the regulations of the Zoning Ordinance shall constitute a violation of its provisions.

## 1101.04 CONFLICTING PROVISIONS

Wherever the regulations of this Zoning Ordinance require a wider setback, a greater area of open space, a lower maximum height of a structure or a fewer number of stories, a lesser percentage of a lot to be occupied, a lower density of population, a more restricted use of land, or otherwise higher standards than are required in any other ordinance or regulation, the provisions of this Zoning Ordinance shall govern. If the requirements of the other ordinance or regulation is more restrictive, those requirements shall govern.

## 1101.05 EXISTING PLANNED UNIT DEVELOPMENTS

Any structure, lot, or use in a planned unit development (PUD) that exists prior to the enactment of this Zoning Ordinance and, through the enactment of this Zoning Ordinance, is assigned to a zoning district other than a planned unit development district shall conform to all requirements of the assigned zoning district and all other applicable requirements of this Zoning Ordinance.

## 1101.06 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Zoning Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Zoning Ordinance.

## 1101.07 MINIMUM REQUIREMENTS

(a) Except as hereinafter provided, no structure or part thereof shall be moved, erected, converted, enlarged, reconstructed, or structurally altered except in compliance with the regulations of this Zoning Ordinance.

(b) No structure or land shall be used or occupied except in compliance with the regulations of this Zoning Ordinance.

(c) No structure shall be erected or structurally altered except when such structure is located on a lot.

## 1101.08 OFFICIAL ZONING MAP

The city is divided into zoning districts as shown on the Zoning Map, which, together with all explanatory matter thereon, is adopted by reference and declared to be a part of this ordinance.

## CHAPTER 1101 ZONING ORDINANCE INTRODUCTION

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- (a) The Zoning Map shall be the final authority as to the current zoning status of lots in the city.
- (b) No changes of any nature shall be made in the Zoning Map or matter shown thereon except in accordance with the procedures set forth in this Zoning Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Zoning Ordinance and punishable as provided under this Zoning Ordinance.
- (c) The Zoning Map shall be maintained in an accurate manner and available to the public at the offices of the Gahanna Department of Planning and online on the City's website.
- (d) The following rules shall apply to the interpretation of zoning district boundaries on the Zoning Map:
  - (1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys; platted lot lines; City limits; railroad lines; or the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed as such.
  - (2) Where district boundaries are shown as approximately parallel to the center line or street line of any street or other right-of-way, such district boundary shall be considered parallel thereto at the distance indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.
  - (3) Where a district boundary line divides a lot that was in single ownership at the time of passage of this Zoning Ordinance, the City may permit the extension of the regulations for either portion of the lot beyond the district line into the remaining portion of the lot.

### 1101.09 RULES FOR INTERPRETING REGULATIONS

- (a) Text and Graphics
  - (1) Text in this Zoning Ordinance are regulatory.
  - (2) Graphics in this Zoning Ordinance are illustrative unless specifically described as regulatory.
- (b) Components of Lots
  - (1) Front lot line. A front lot line is any lot line that abuts a street right-of-way. A front lot line shall not abut an alley.
  - (2) Side lot line. A side lot line is any lot line that is not a front lot line but shares at least one (1) vertex with a front lot line.
  - (3) Rear lot line. A rear lot line is any lot line that is not a front lot line or a side lot line.
- (c) Types of Lots
  - (1) Corner lot. A corner lot is any lot that has one (1) or multiple front lot lines that intersect or curve around the property at a 135-degree interior angle or less.
  - (2) Interior lot. An interior lot is any lot that is not a corner lot or a through lot. In many cases, an interior lot has one (1) front lot line, two (2) side lot lines that abut neighboring lots, and a rear lot line that abuts a neighboring lot or an alleyway.
  - (3) Through lot. A through lot is any interior lot that has more than one (1) non-adjacent front lot line.
  - (4) Flag lot. A flag lot is any interior lot so shaped that the main building site area is set back from

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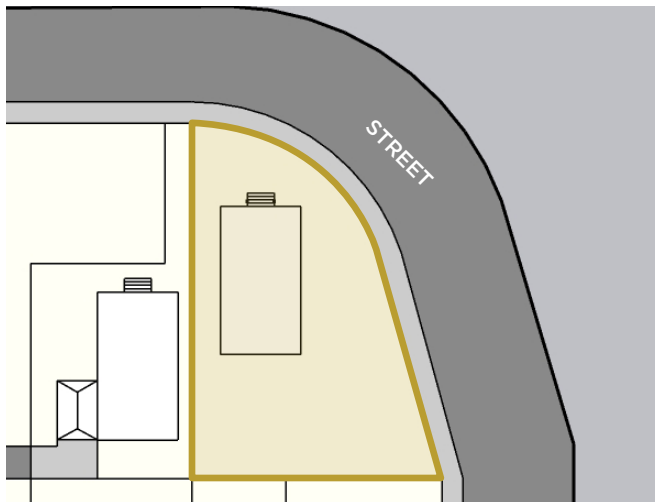


Figure 1: At the center of the above graphic is a corner lot. The street curves around the lot in a way that forms an interior angle of less than 135 degrees.

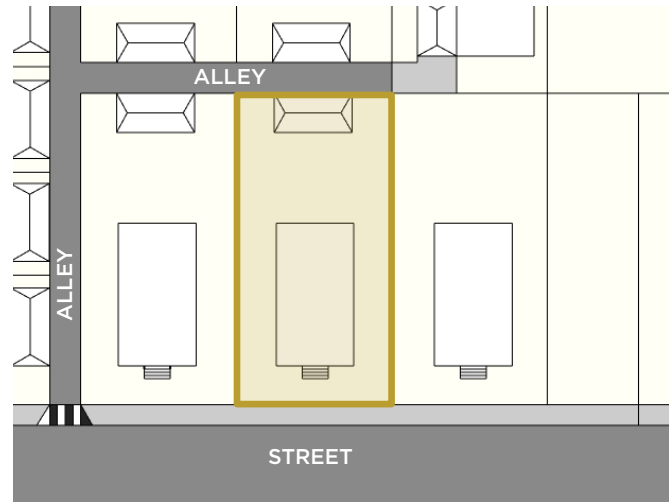


Figure 2: At the center of the above graphic is an interior lot. The lot has only one (1) lot line that abuts a street right-of-way. The rear lot line abuts an alleyway, which does not constitute a street right-of-way for the purposes of this Zoning Ordinance.

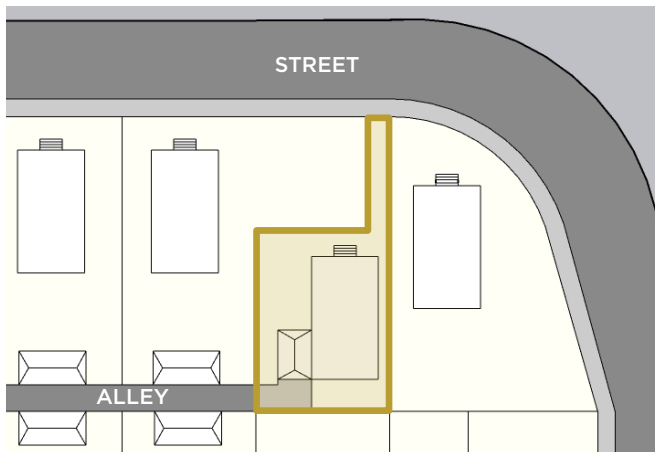


Figure 3: At the center of the above graphic is a flag lot. The lot has a main building site area that is set back from the street on which it fronts and includes an access strip that connects it to the frontage street. This lot also has vehicle access to the garage through an alleyway.

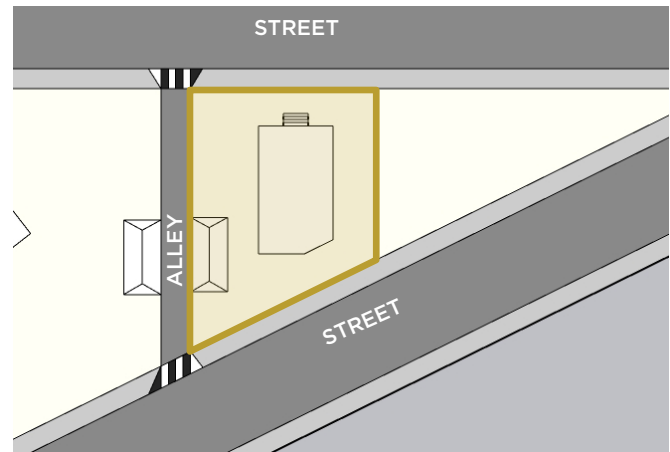


Figure 4: At the center of the above graphic is a double-frontage lot. The lot has two (2) non-adjacent lot lines that each abut a street right-of-way. The alleyway does not constitute a street right-of-way for the purposes of this Code.

the street on which it fronts and includes an access strip at any point connecting the main building site area to the frontage street. For this Zoning Ordinance, a flag lot also includes any lot that does not have a front lot line, but rather has ingress and egress through an alleyway or private easement.

### (d) Types of Lot Lines

- (1) A lot line is a line dividing one (1) lot from another or from a street or any public place.
- (2) A front lot line is any lot line dividing a lot from a public or private street and from which the

required front setback is measured.

- (3) A side lot line is any lot line not considered a front lot line or rear lot line.
- (4) In the case of a regular lot, a rear lot line is the lot line which is most opposite from the front lot line; in the case of a corner lot with more than one (1) front lot line, rear lot lines are all lot lines that are not front lot lines; in the case of an irregular or triangular-shaped lot, a rear lot line is a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line.

(e) Measuring Lot Dimensions

- (1) Lot dimensions are measured in acres, square feet, feet, and inches.
- (2) A lot extends to its lot lines, which form the boundary between the lot and adjacent lots or rights-of-way.
- (3) Area dimensions are measured on a horizontal plane in plan view and do not consider topography or the actual area of the ground's surface.
- (4) Areas of lots occupied by easements, such as access or utility easements, contribute to total lot area and are considered in calculating percent building coverage and other standards.

(f) Measuring Setbacks

- (1) When measuring a required distance, such as a minimum setback, the measurement is made at the closest or shortest distance between a structure and a lot line.
- (2) Exceptions to setbacks. Exterior staircases, bay windows, fire escapes, chimneys, awnings, and other appurtenances deemed similar by the City, are exempt from minimum setback requirements.
- (3) Front setbacks on interior lots. Where a lot has only one (1) front lot line, the front setback is the shortest distance between any point along the front lot line and any point on a structure on the lot.
- (4) Front setbacks on through lots. Where a lot borders two (2) streets that do not intersect at a corner of the lot, such as in a through lot, two (2) front lot lines will exist, one (1) along each right-of-way. The required front setback must be provided for each street frontage. In such a case, alleys do not constitute streets, and lot lines abutting alleys are not considered front lot lines and do not require front setbacks.
- (5) Front setbacks on corner lots. When a lot borders two (2) or more streets that intersect at a corner(s) of the lot, such as in a corner lot, the front setback shall be provided for each street frontage. In such a case, alleys do not constitute streets, and lot lines abutting alleys are not considered front lot lines and do not require front setbacks.
- (6) Front setbacks on corner lots formed by curves. When a lot borders one (1) street with an acute curve of 55 degrees or more so that the street creates two (2) sides of the lot, the lot line(s) along that street shall be considered a front lot line, and a front setback shall be applied to the entire lot frontage.
- (7) Side setbacks. A side setback is the shortest distance between a side lot line and a structure on the lot.
- (8) Rear setbacks. A rear setback is the shortest distance between a rear lot line and a structure on the lot.

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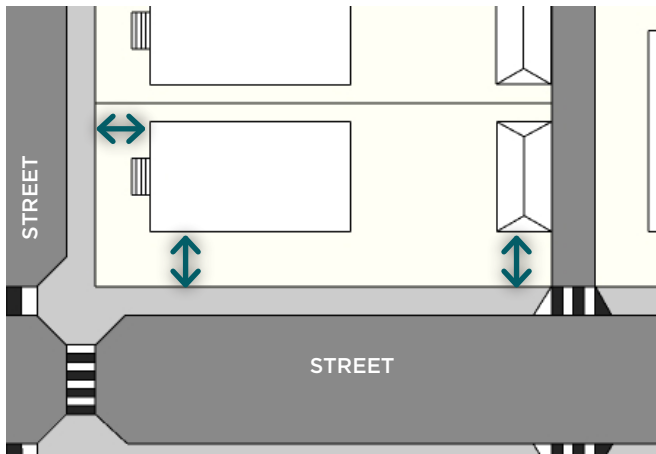


Figure 5: The graphic above shows the front setback as the measure of the length of the blue arrows. The front setbacks are measured from front lot lines to the nearest point on the nearest structure. Note that the rear alleyway does not constitute a street right-of-way for the purposes of this Zoning Ordinance, and, therefore, a front setback is not applied at the alleyway. Also note that the steps leading up to the structure are exempt from minimum setback requirements.

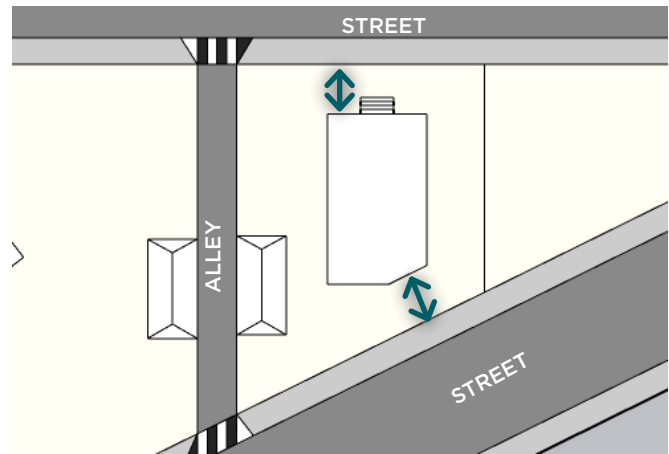


Figure 6: The graphic above shows the front setback as the measure of the length of the blue arrows. The front setbacks are measured from front lot lines to the nearest point on the nearest structure. Note that the alleyway does not constitute a street right-of-way for the purposes of this Zoning Ordinance. The front setback, as shown on the lower street right-of-way, is measured perpendicular to the lot line, measuring the shortest distance between the lot line and a structure. Also note that steps are exempt from setback requirements.

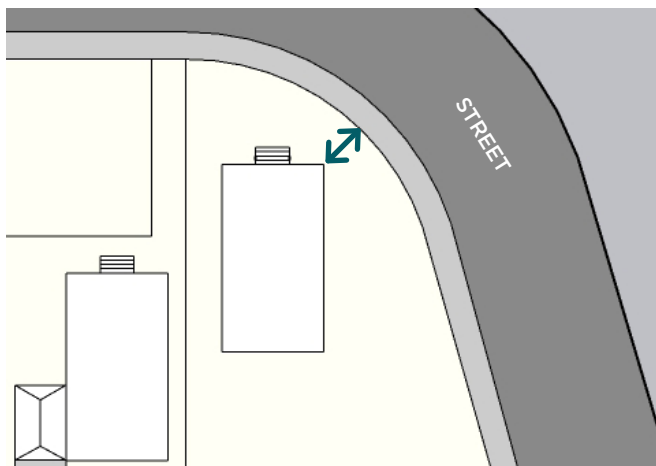


Figure 7: The graphic above shows the front setback as the measure of the length of the blue arrow. Note that the measurement is taken at the location where the front lot line is closest to a structure.

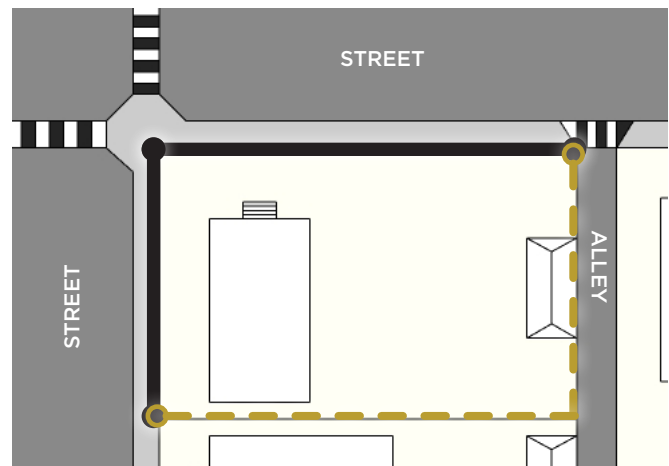


Figure 8: The graphic above shows a lot that does not have a rear setback, as no rear lot line exists. There are two (2) front lot lines (black lines) and two (2) side lot lines (gold dashed lines), which each share at least one (1) vertex with a front lot line. The alleyway does not constitute a street right-of-way for the purposes of this Zoning Ordinance, and, therefore, the lot line that abuts the alleyway is not a front lot line.

### (g) Measuring Other Lot Standards

- (1) Lot Frontage. Lot frontage is the length of all front lot lines.
- (2) Impervious coverage. Impervious coverage is the percent of the lot's horizontal plane that is occupied by impervious, man-made materials, including buildings, asphalt, concrete, swimming pools, barns, and carports, but excluding porous pavement, permeable pavers,



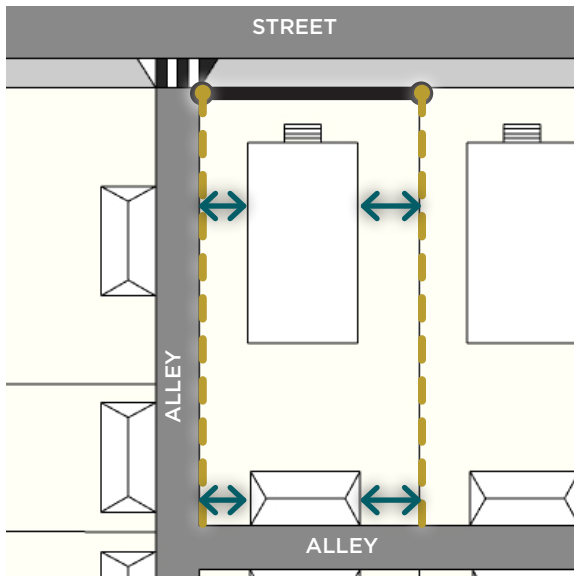


Figure 9: The graphic above shows side setbacks as the measures of the lengths of the blue arrows. The side setbacks are measured from side lot lines (gold dashed lines) that do not abut a street right-of-way but do share at least one (1) vertex with a front lot line that does abut a street right-of-way (black line with vertices emphasized). Note that alleyways do not constitute street rights-of-way for the purposes of this Zoning Ordinance.

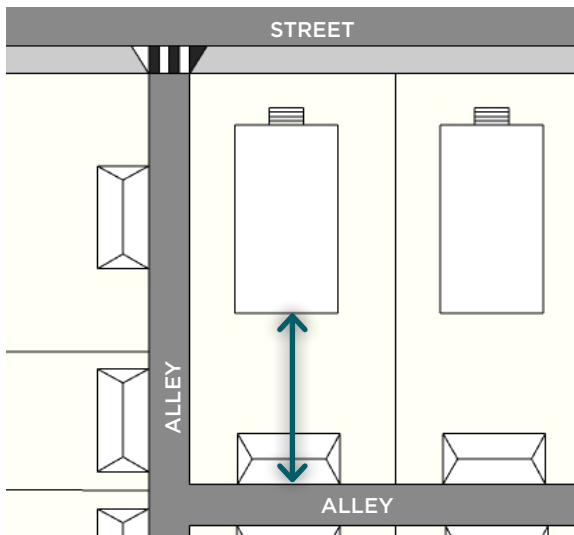


Figure 10: The graphic above shows the rear setback as the measure of the length of the blue arrow. The rear setback is measured from the rear lot line, a lot line that does not share a vertex with a front lot line. Note that alleyways do not constitute street rights-of-way for the purposes of this Zoning Ordinance. Also note that the arrow shows the rear setback for the principal structure; the rear setback for the detached garage is zero feet, as some zoning districts allow for zero-foot setbacks for detached garages that face alleyways.



Figure 11: The graphic above shows the height of the structure as the length of the blue line. It spans the distance between the horizontal line at the average grade along the structure's front elevation (lower black dashed line) and highest point of the roof (upper black dashed line).

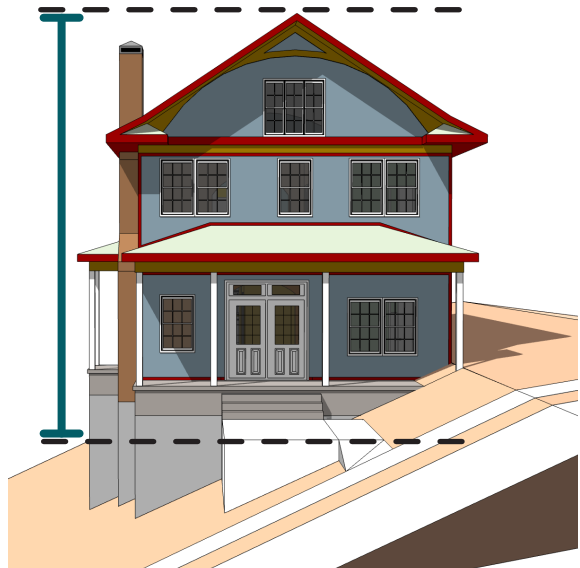


Figure 12: The graphic above shows the height of the structure as the length of the blue line. It spans the distance between the horizontal line at the average grade along the structure's front elevation (lower black dashed line) and the highest point of the roof (upper black dashed line).

## CHAPTER 1101 ZONING ORDINANCE INTRODUCTION

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decks with gaps between decking for drainage, lawn grasses, gardens, stormwater retention and detention basins, and other landscaping.

(3) Structure Height. Structure height is measured as the distance between:

- A. A horizontal line at the average grade along the structure's front elevation; and
- B. The highest point of the structure.

Chimneys, elevators, poles, spires, tanks, towers, and other similar projections may exceed the maximum structure height defined for a zoning district, provided that such projections do not exceed 120 percent of the maximum structure height defined in that zoning district. Spires and steeples on structures used for religious assembly shall not be subject to structure height limitations.

(h) Residential-Only Zones

For the purposes of interpreting zoning district regulations, a "residential-only zone" is a zoning district that limits its permitted uses to only dwelling uses and their customarily associated accessory uses. Such zoning districts are limited to Estate Residential, Small Lot Residential, Medium Lot Residential, Large Lot Residential, and Multi-Unit Residential.

(i) Land Uses Not Listed

The City shall have the right to determine whether a use not listed herein is similar to a listed use and either permitted or conditionally permitted herein. In order to find that a use is similar to a listed use, the City shall find that such use is (1) similar in definition, (2) similar in impact to surrounding properties, and (3) promotes the objectives of the comprehensive plan. The determination that a use not listed is similar to a listed use shall have no bearing on future determinations of similarity.

(j) Interpretation of Terms and Words

- (1) Terms are defined in Chapter 1121 Glossary.
- (2) 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".

(k) Conjunctions

Where a regulation involves two (2) or more items, conditions, provisions, or events which are connected by a conjunction—"and", "or", or "either...or"—the conjunction shall be interpreted as follows:

- (1) "And" indicates that all the connected items, conditions, provisions, or events shall apply.
- (2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
- (3) "Either ... or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

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# Chapter 1103

## ZONING DISTRICTS

# Introduction to Zoning Districts

### 1103.01 INTENT

For the purpose of regulating and restricting the general location of structures and of premises to be used for trade, industry, residence and other specified uses within the city; for the purpose of regulating the height of structures hereafter erected or altered; for the purpose of regulating the bulk and location of structures hereafter erected or altered, including the percentage of lot occupancy, setback building lines, and the area of yards, courts and other open spaces, the city is hereby divided into zoning districts as follows in this chapter, and as shown on the Zoning Map on file with the Clerk of Council.

### 1103.02 COMPLIANCE WITH REGULATIONS

(a) Use, height, location, area, and other regulations for each zoning district set forth by this Code shall apply uniformly to each class or kind of structure or land, except as hereinafter provided or as otherwise granted by action of the Planning Commission.

(b) No structure or land shall be used or occupied and no structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified.

(c) No lot existing at the effective date of this Code shall be changed in dimension or area except in conformity with the requirements set forth in this Code.

(d) Lots created after the effective date of this Code shall meet the requirements set forth herein.

### 1103.03 ZONING DISTRICT REGULATIONS

Specific standards by zoning district are set forth in this chapter. Additional regulations are included elsewhere in the Code, including Chapter 1109 Design Guidelines and Chapter 1111 Site Elements.

Permitted uses and conditional uses for each zoning district are set forth in able 1105.02 in Chapter 1105 Uses. Any use not specifically listed shall only be allowed according to the regulations in Section 1105.02. Any use that is prohibited in a zoning district shall only be permitted according to the procedure outlined in Section 1117.04 Zoning Map or Text Amendments.

## CHAPTER 1103 ZONING DISTRICTS

### 1103.04 PURPOSE OF ZONING DISTRICTS

Each zoning district intends to promote harmonious land uses within a geographic area through limitations on the use, placement, and scale of structures within that zoning district. One (1) zoning designation may be applied to numerous, non-contiguous geographies across the city that share existing or desired development patterns.

### 1103.05 LIST OF ZONING DISTRICTS

The following table summarizes the zoning districts established in this Zoning Ordinance.

Table 1: Zoning District List	
Zoning District	Symbol
Estate Residential	ER
Large Lot Residential	R-1
Medium Lot Residential	R-2
Small Lot Residential	R-3
Multi-Unit Residential	R-4
Office	OF
Neighborhood Commercial	NC
General Commercial	GC
Restricted Institutional	RI
Innovation & Manufacturing	IM
Conservation	CON
Creekside Mixed-Use	CMU
Creekside Residential	CR
Limited Overlay	L

## Zoning Districts

# ER: Estate Residential



Figure 13: Estate Residential includes several distinct geographic areas and may include the area depicted in the image above. For the official zoning map, please visit the City of Gahanna's website.

### 1103.06 ESTATE RESIDENTIAL (ER)

(a) Purpose. The establishment of the Estate Residential zoning district aims to promote semi-rural land uses important to the city's character, economy, and future. The development standards established under this zoning district are intended to promote attractiveness, order, and safety while allowing for individual architectural preferences.

(b) Existing development. Land uses within Estate Residential zoning district vary across the city. Some areas, such as Hannah Park, have been developed as active recreational areas with ballfields and courts. Others consist of forest, such as Gahanna Woods Park. Finally, some Estate Residential-zoned areas have been developed with detached, one-unit dwellings on large lots, such as those north of Hamilton Court.

(c) Desired development. The Estate Residential zoning district aims to preserve the semi-rural character of large lots. Minimum setbacks are intended to yield ample open space, peace, and privacy from adjacent users.

(d) Uses. A list of principal and accessory uses applicable to this zoning district can be found in Section 1105.02.

(e) Development standards. All development in the Estate Residential zoning district shall comply with the following specific standards. Generally applicable standards can be found in Chapter 1109 Design Guidelines and Chapter 1111 Site Elements.



# Zoning Districts

## ER:

### Estate Residential

**Table 2: Estate Residential Standards**

Standard	Min.	Max.
<b>Lot Area</b>	1 acre (43,560 sq. ft.)	-
<b>(A) Lot Frontage</b>	150 ft.	-
<b>(B) Front Setback</b>	50 ft.	-
<b>(C) Side Setback</b>	20 ft.	-
<b>(D) Rear Setback, Principal Structure</b>	50 ft.	-
<b>(E) Rear Setback, Accessory Structure</b>	50 ft.	-
<b>Structure Height, Principal Structure</b>	-	35 ft.
<b>Structure Height, Accessory Structure</b>	-	15 ft.
<b>Building Coverage</b>	-	25% of lot area

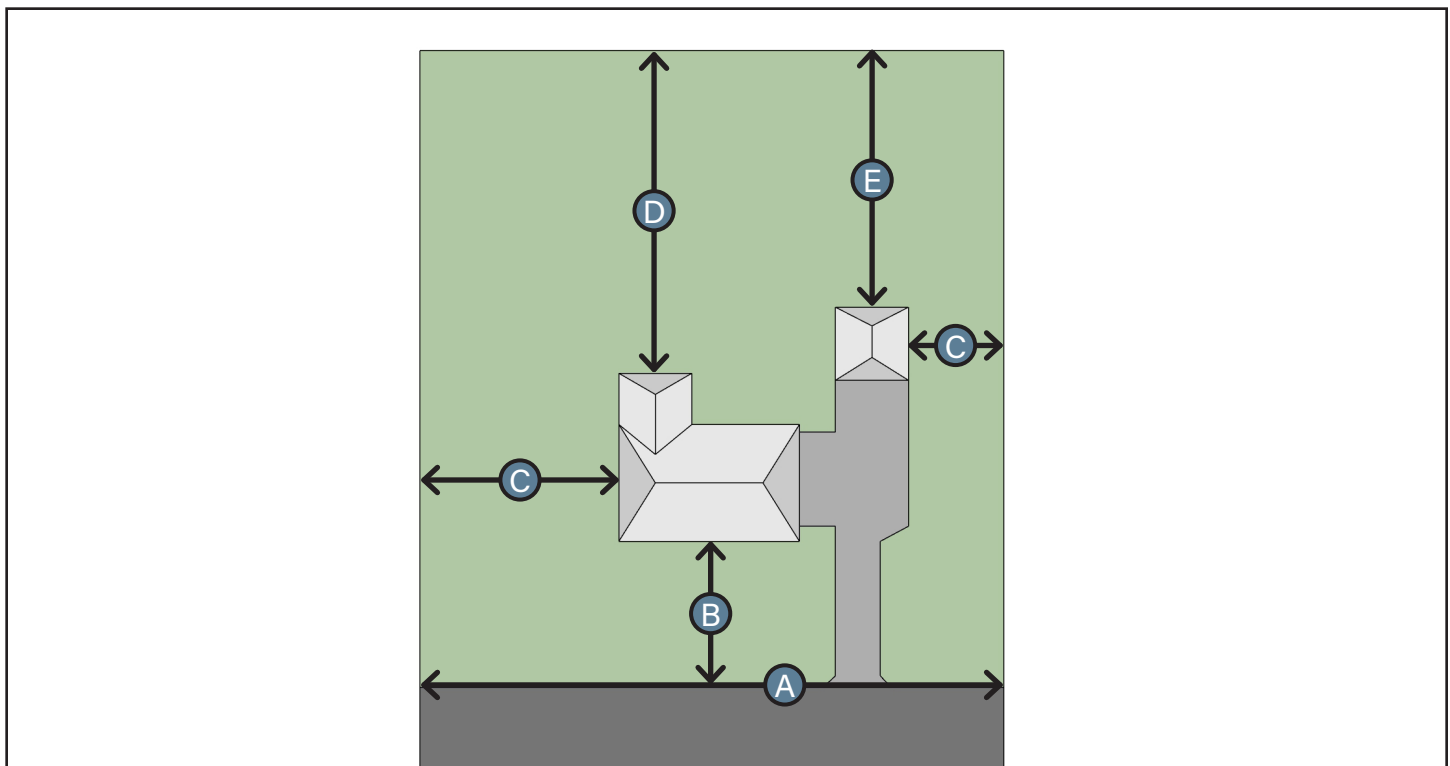


Figure 14: Illustrative graphic showing the measurement of lot standards. For scale, the lot shown is 200 by 218 feet, or 43,600 square feet. The principal structure is 58 by 62 feet, and the detached garage is 25 by 25 feet.



## Zoning Districts

# R-1: Large Lot Residential



Figure 15: Large Lot Residential includes several distinct geographic areas and may include the area depicted in the image above. For the official zoning map, please visit the City of Gahanna's website.

### 1103.07 LARGE LOT RESIDENTIAL (R-1)

(a) Purpose. The establishment of the Large Lot Residential Zoning district aims to protect existing one-unit residential land uses and allow for future new and infill development of such land uses. Lots in the Large Lot Residential zoning district have lot standards intended to preserve privacy between neighbors yet create a walkable, peaceable neighborhood environment.

(b) Existing development. Land uses within Large Lot Residential zoning district consist primarily of detached houses in residential areas.

(c) Desired development. The Large Lot Residential zoning district aims to preserve the residential-only neighborhood character of large lots. Lot standards are intended to create open space, peace, greenery and moderate privacy from adjacent users.

(d) Uses. A list of principal and accessory uses applicable to this zoning district can be found in Section 1105.02.

(e) Development standards. All development in the Large Lot Residential zoning district shall comply with the following specific standards. Generally applicable standards can be found in Chapter 1109 Design Guidelines and Chapter 1111 Site Elements.

## R-1: Large Lot Residential

**Table 3: Large Lot Residential Standards**

Standard	Min.	Max.
<b>Lot Area</b>	20,000 sq. ft.	-
<b>(A) Lot Frontage</b>	100 ft.	-
<b>(B) Front Setback</b>	35 ft.	-
<b>(C) Side Setback</b>	15 ft.	-
<b>(D) Rear Setback, Principal Structure</b>	25 ft.	-
<b>(E) Rear Setback, Accessory Structure</b>	25 ft.	-
<b>Structure Height, Principal Structure</b>	-	35 ft.
<b>Structure Height, Accessory Structure</b>	-	15 ft.
<b>Building Coverage</b>	-	30% of lot area

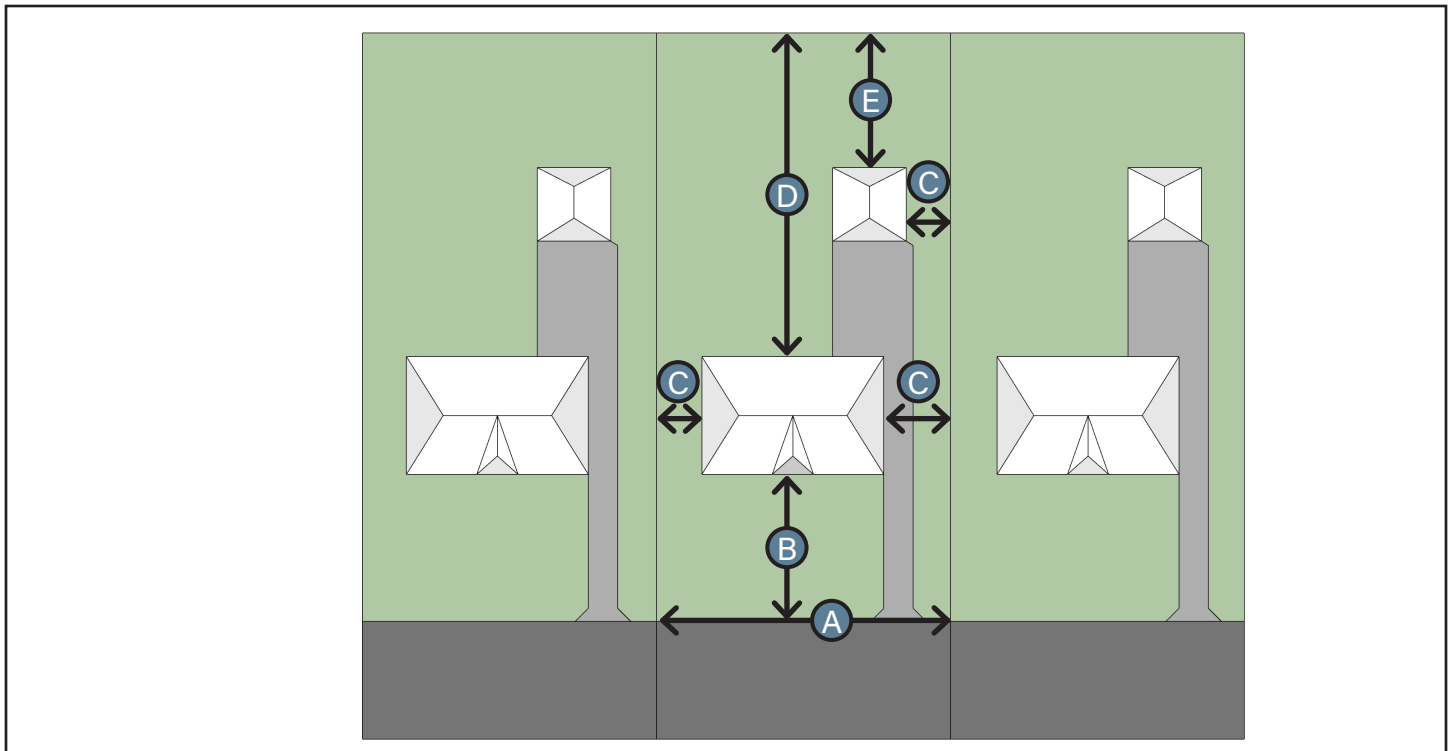


Figure 16: Illustrative graphic showing the measurement of lot standards. For scale, the lots shown are 100 by 200 feet, or 20,000 square feet. The principal structures are 40 by 62 feet, and the detached garages are 25 by 25 feet.

## Zoning Districts

# R-2: Medium Lot Residential



Figure 17: Medium Lot Residential includes several distinct geographic areas and may include the area depicted in the image above. For the official zoning map, please visit the City of Gahanna's website.

### 1103.08 MEDIUM LOT RESIDENTIAL (R-2)

(a) Purpose. The establishment of the Medium Lot Residential zoning district aims to designate areas of Gahanna for one-unit residential land uses and allow for future new and infill development of such land uses.

(b) Existing development. Existing land uses within Medium Lot Residential zoning district consist primarily of detached, one-unit residential uses.

(c) Desired development. The Medium Lot Residential zoning district aims to preserve the residential-only neighborhood character. Lot standards are intended to create open space, peace, greenery and privacy from adjacent users while also enhancing walkability. Desired development shall encourage walkable neighborhoods while preserving natural features and open space, objectives that were identified in the 2019 Gahanna Land Use Plan.

(d) Uses. A list of principal and accessory uses applicable to this zoning district can be found in Section 1105.02.

(e) Development standards. All development in the Medium Lot Residential zoning district shall comply with the following specific standards. Generally applicable standards can be found in Chapter 1109 Design Guidelines and Chapter 1111 Site Elements.

## R-2: Medium Lot Residential

**Table 4: Medium Lot Residential Standards**

Standard	Min.	Max.
<b>Lot Area</b>	11,000 sq. ft.	-
<b>A Lot Frontage</b>	70 ft.	-
<b>B Front Setback</b>	30 ft.	-
<b>C Side Setback</b>	10 ft.	-
<b>D Rear Setback, Principal Structure</b>	25 ft.	-
<b>E Rear Setback, Accessory Structure</b>	10 ft.	-
<b>Structure Height, Principal Structure</b>	-	35 ft.
<b>Structure Height, Accessory Structure</b>	-	15 ft.
<b>Building Coverage</b>	-	30% of lot area

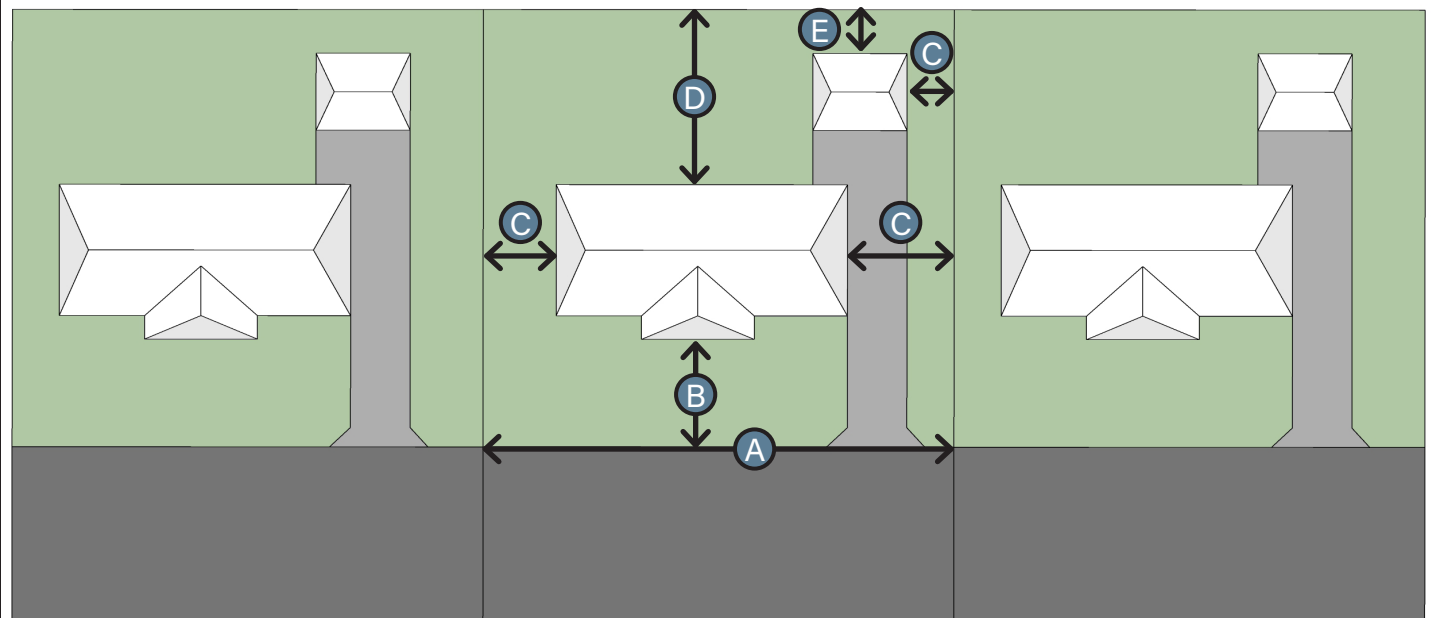


Figure 18: Illustrative graphic showing the measurement of lot standards. For scale, the lots shown are 100 by 100 feet, or 10,000 square feet. The principal structures are 30 by 62 feet, and the detached garages are 18 by 20 feet.



## Zoning Districts

# R-3: Small Lot Residential



Figure 19: Small Lot Residential includes several distinct geographic areas and may include the area depicted in the image above. For the official zoning map, please visit the City of Gahanna's website.

### 1103.09 SMALL LOT RESIDENTIAL (R-3)

(a) Purpose. The establishment of the Small Lot Residential zoning district aims to designate areas of Gahanna for residential land uses and allow for future new and infill development of such land uses. Small lots will help to accomplish housing goals identified in the 2019 Gahanna Land Use Plan, which expresses the need for smaller, lower maintenance homes to meet demand from both young and aged residents.

(b) Existing development. Land uses within Small Lot Residential zoning district consist primarily of residential uses.

(c) Desired development. The Small Lot Residential zoning district aims to preserve residential neighborhood character of small lots. Lot standards should increase walkability of neighborhoods and allow for lower maintenance demands.

(d) Uses. A list of principal and accessory uses applicable to this zoning district can be found in Section 1105.02.

(e) Development standards. All development in the Small Lot Residential zoning district shall comply with the following specific standards. Generally applicable standards can be found in Chapter 1109 Design Guidelines and Chapter 1111 Site Elements.

## R-3: Small Lot Residential

**Table 5: Small Lot Residential Standards**

Standard	Min.	Max.
<b>Lot Area</b>	6,000 sq. ft.	-
<b>(A) Lot Frontage</b>	50 ft.	-
<b>(B) Front Setback</b>	25 ft.	-
<b>(C) Side Setback</b>	7.5 ft.	-
<b>(D) Rear Setback, Principal Structure</b>	25 ft.	-
<b>(E) Rear Setback, Accessory Structure</b>	10 ft.	-
<b>Structure Height, Principal Structure</b>	-	35 ft.
<b>Structure Height, Accessory Structure</b>	-	15 ft.
<b>Building Coverage</b>	-	40% of lot area

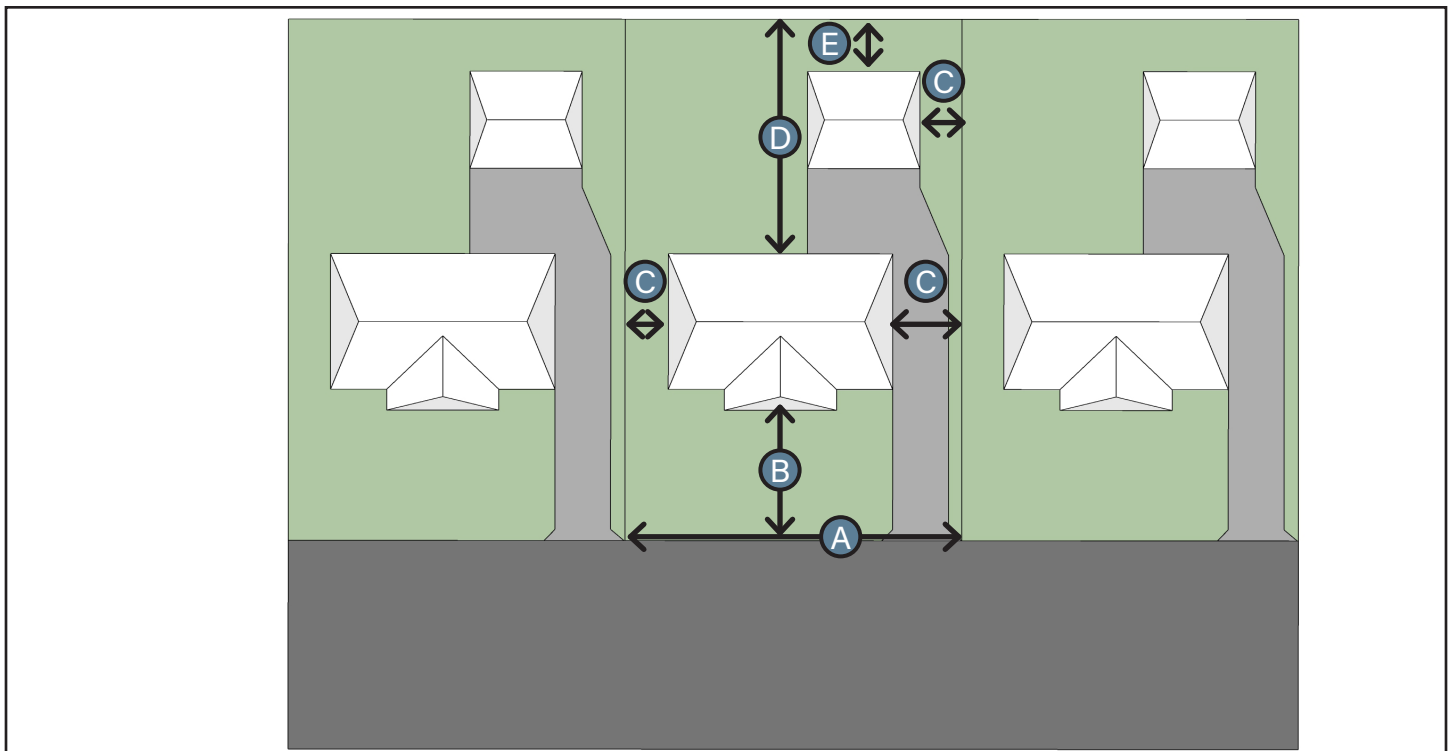


Figure 20: Illustrative graphic showing the measurement of lot standards. For scale, the lots shown are 60 by 100 feet, or 6,000 square feet. The principal structures are 35 by 40 feet, and the detached garages are 18 by 20 feet.

## Zoning Districts

# R-4: Multi-Unit Residential



Figure 21: Multi-Unit Residential includes several distinct geographic areas and may include the area depicted in the image above. For the official zoning map, please visit the City of Gahanna's website.

### 1103.10 MULTI-UNIT RESIDENTIAL (R-4)

(a) Purpose. The establishment of the Multi-Unit Residential zoning district aims to designate areas of Gahanna for multi-unit residential land uses and allow for future new and infill development of such land uses. In the 2019 Gahanna Land Use Plan, increasing apartment supply was identified as a need, and multi-unit residential uses may add to the supply of apartments.

(b) Existing development. Land uses within Multi-Unit Residential zoning district consist primarily of residential uses, such as duplexes and multiplexes, some of which have multiple principal structures per lot.

(c) Desired development. The Multi-Unit Residential zoning district aims to allow for continued use and encourage future development of multi-unit residential structures.

(d) Uses. A list of principal and accessory uses applicable to this zoning district can be found in Section 1105.02.

(e) Development standards. Multiple principal structures are allowed per lot in the Multi-Unit Residential zoning district, provided that all principal structures meet the applicable development standards. All development in the Multi-Unit Residential zoning district shall comply with the following specific standards. Generally applicable standards can be found in Chapter 1109 Design Guidelines and Chapter 1111 Site Elements.

## R-4: Multi-Unit Residential

**Table 6: Multi-Unit Residential Standards**

Standard	Min.	Max.
<b>Lot Area</b>	8,000 sq. ft.	-
<b>(A) Lot Frontage</b>	50 ft.	-
<b>Multi-Unit Dwelling Density</b>	-	25 units per acre
<b>(B) Front Setback</b>	25 ft.	-
<b>(C) Side Setback</b>	Two-Unit Dwelling: 7.5 ft. Multi-Unit Dwelling: 15 ft.	-
<b>Rear Setback, Principal Structure</b>	25 ft.	-
<b>Rear Setback, Accessory Structure</b>	10 ft.	-
<b>Structure Height, Principal Structure</b>	-	Two-Unit Dwelling: 35 ft. Multi-Unit Dwelling: 50 ft.
<b>Structure Height, Accessory Structure</b>	-	15 ft.
<b>Building Coverage</b>	-	Two-Unit Dwelling: 40% of lot area Multi-Unit Dwelling: 75% of lot area

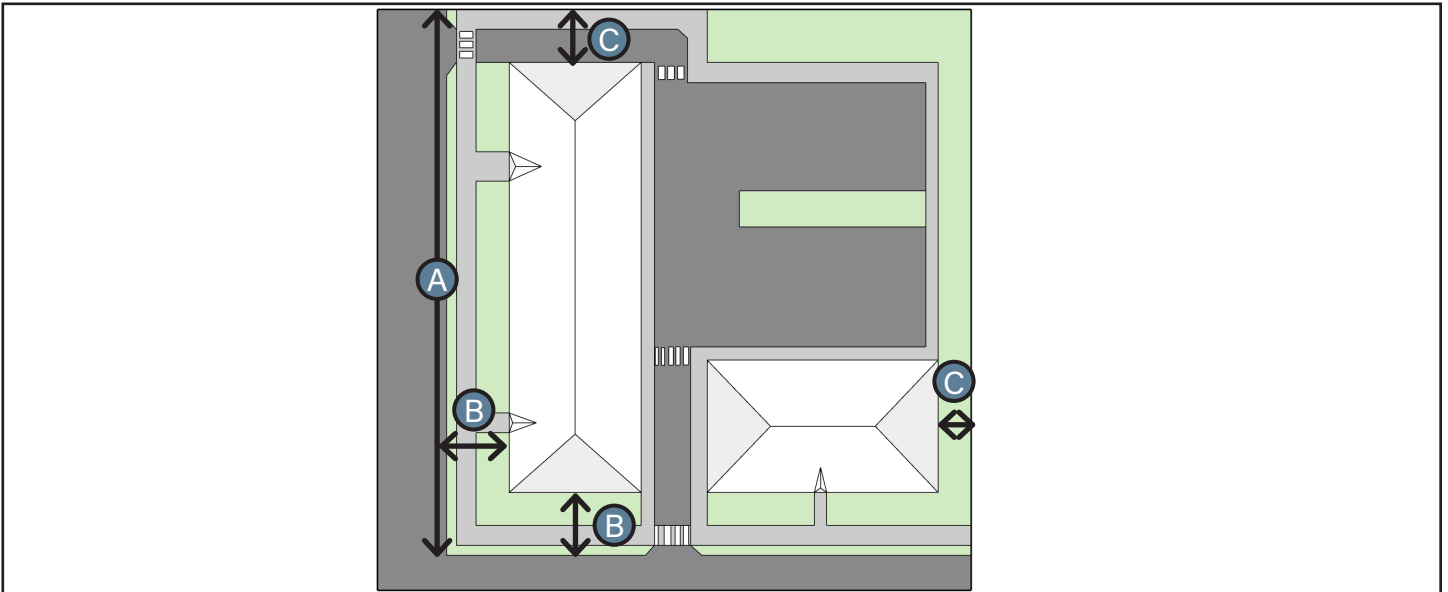


Figure 22: Illustrative graphic showing the measurement of lot standards. For scale, the lot shown is 150 by 156 feet, or 23,400 square feet. The principal structures are 40 by 130 feet and 40 by 70 feet.



## Zoning Districts

# OF: Office



Figure 23: Office includes several distinct geographic areas and may include the area depicted in the image above. For the official zoning map, please visit the City of Gahanna's website.

### 1103.11 OFFICE (OF)

(a) Purpose. The establishment of the Office zoning district aims to designate areas of Gahanna for office and institutional uses. In the 2019 Gahanna Land Use Plan, lots in the Office zoning district were recommended for professional office, institutional, and mixed-use character. Improving the pedestrian experience around these uses will be a high priority to make such uses more accessible and desirable.

(b) Existing development. Existing development in the Office zoning district includes a variety of uses, including a library, apartment building, insurance sales, child care center, medical center, assisted living facility, and more.

(c) Desired development. The Office zoning district aims to allow for continued use and encourage future development of a mix of uses. Based on recommendations from the 2019 Gahanna Land Use Plan, standards will work to increase the density of existing development and create a more walkable area.

(d) Uses. A list of principal and accessory uses applicable to this zoning district can be found in Section 1105.02.

(e) Development standards. The Office zoning district allows multiple principal structures per lot. All development in the Office zoning district shall comply with the following specific standards. Generally applicable standards can be found in Chapter 1109 Design Guidelines and Chapter 1111 Site Elements.

Table 7: Office Standards		
Standard	Min.	Max.
<b>Lot Area</b>	-	-
<b>(A) Lot Frontage</b>	Lot must abut public street.	-
<b>(B) Front Setback</b>	25 ft.	-
<b>(C) Side Setback</b>	If abutting residential-only zone: 15 ft. (must be landscaped) If not abutting residential-only zone: 10 ft.	-
<b>(D) Rear Setback</b>	If abutting residential-only zone: 20 ft. (must be landscaped); If not abutting residential-only zone: 10 ft.	-
<b>Structure Height, Principal Structure</b>	-	50 ft.
<b>Structure Height, Accessory Structure</b>	-	35 ft.
<b>Impervious Coverage</b>	-	75% of lot area

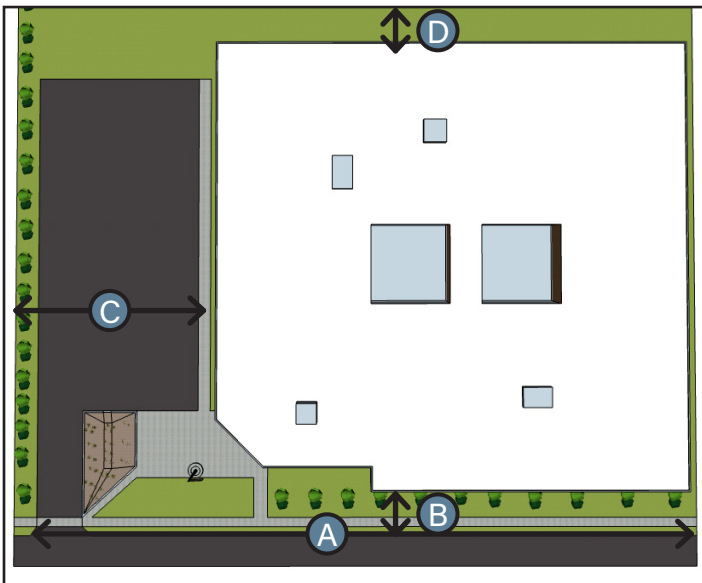


Figure 24: Regulatory graphic showing lot standards. Note that the parking area is to the side of the principal structure.



Figure 25: Graphic showing example of an office building that could be developed in OF. Note that there is pedestrian connectivity between the entrance of the office and the sidewalk.

## Zoning Districts

# NC: Neighborhood Commercial



Figure 26: Neighborhood Commercial includes several distinct geographic areas and may include the area depicted in the image above. For the official zoning map, please visit the City of Gahanna's website.

### 1103.12 NEIGHBORHOOD COMMERCIAL (NC)

- (a) Purpose. The establishment of the Neighborhood Commercial zoning district aims to designate areas of Gahanna for neighborhood-scale commercial uses.
- (b) Existing development. Existing development in the Neighborhood Commercial zoning district include a variety of uses, such as a pizza shop, restaurant, dry cleaners, wine store, and clothier.
- (c) Desired development. The Neighborhood Commercial zoning district aims to allow for continued use and encourage future development of neighborhood-scale commercial centers.
- (d) Uses. A list of principal and accessory uses applicable to this zoning district can be found in Section 1105.02.
- (e) Development standards. All development in the Neighborhood Commercial zoning district shall comply with the following specific standards. Generally applicable standards can be found in Chapter 1109 Design Guidelines and Chapter 1111 Site Elements.



# Zoning Districts

## NC: Neighborhood Commercial

**Table 8: Neighborhood Commercial Standards**

Standard	Min.	Max.
<b>Lot Area</b>	-	-
<b>A Lot Frontage</b>	Lot must abut public street.	-
<b>B Front Setback</b>	10 ft.	-
<b>C Side Setback</b>	If abutting residential zone: 15 ft. (landscaped) If not abutting residential zone: 10 ft.	-
<b>Rear Setback</b>	If abutting residential zone: 20 ft. If not abutting residential zone: 10 ft.	-
<b>D Structure Height, Principal Structure</b>	-	35 ft.
<b>Structure Height, Accessory Structure</b>	-	15 ft.
<b>Impervious Coverage</b>	-	70% of lot area

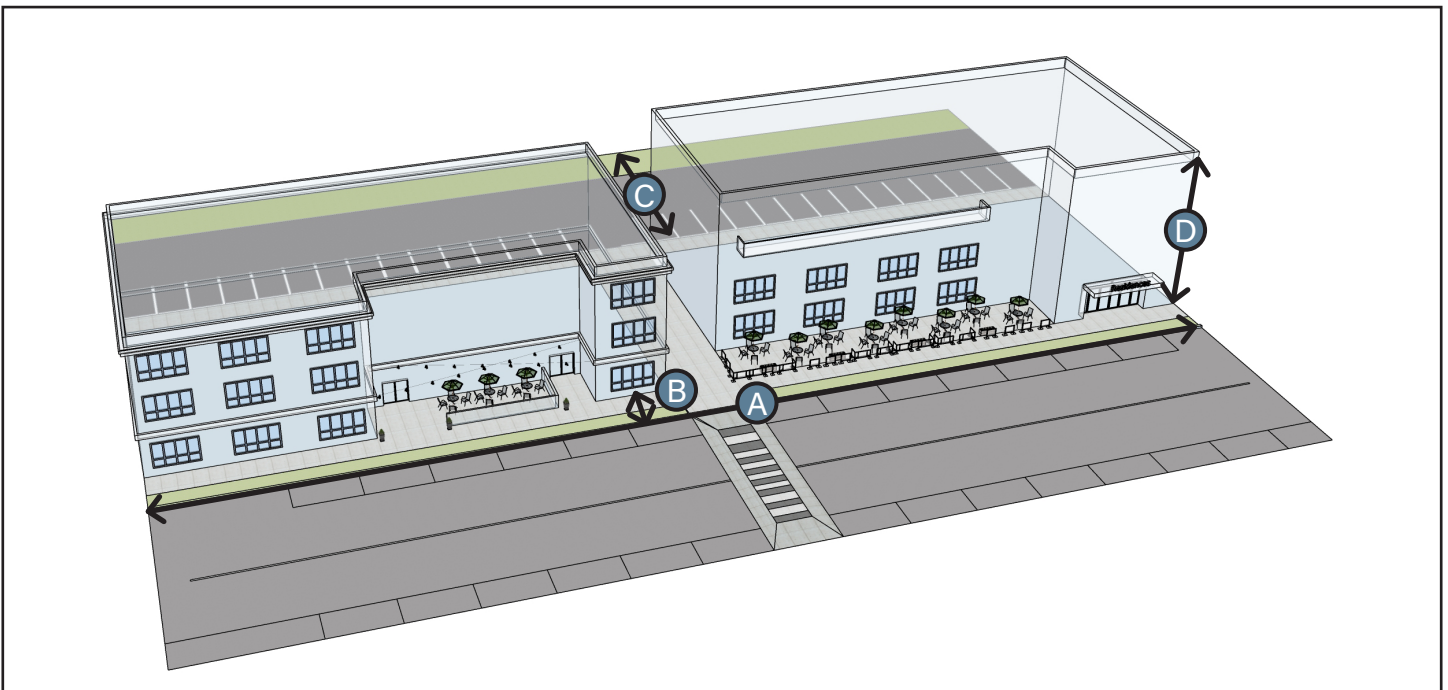


Figure 27: Graphic showing a potential development in NC. Note the zero-foot setbacks, outdoor dining patios, street parking with a raised mid-block crosswalk, and pedestrian alley between buildings to connect the street with rear parking. Street parking slows traffic and creates a barrier between moving vehicles and pedestrian ways.

## Zoning Districts

# GC: General Commercial



Figure 28: General Commercial includes several distinct geographic areas and may include the area depicted in the image above. For the official zoning map, please visit the City of Gahanna's website.

### 1103.13 GENERAL COMMERCIAL (GC)

(a) Purpose. The establishment of the General Commercial zoning district aims to designate areas of Gahanna for commercial, services, and office uses that serve the broader City's residents.

(b) Existing development. Existing development in the General Commercial zoning district can include a variety of uses within a center or standalone buildings with a single use.

(c) Desired development. The General Commercial zoning district aims to allow for continued use and encourage future development of small- and medium-scale commercial developments that serve a larger citywide or regional need.

(d) Uses. A list of principal and accessory uses applicable to this zoning district can be found in Section 1105.02.

(e) Development standards. All development in the General Commercial zoning district shall comply with the following specific standards. Generally applicable standards can be found in Chapter 1109 Design Guidelines and Chapter 1111 Site Elements.

## GC: General Commercial

**Table 9: General Commercial Standards**

Standard	Min.	Max.
<b>Lot Area</b>	-	-
<b>(A) Lot Frontage</b>	Lot must abut public street.	-
<b>Multi-Unit Dwelling Density</b>	-	25 units per acre
<b>(B) Front Setback</b>	20 ft.	-
<b>(C) Side Setback</b>	If abutting residential zone: 20 ft. (landscaped) If not abutting residential zone: 10 ft.	-
<b>(D) Rear Setback</b>	If abutting residential zone: 35 ft. If not abutting residential zone: 20 ft.	-
<b>(E) Structure Height, Principal Structure</b>	-	50 ft.
<b>Structure Height, Accessory Structure</b>	-	15 ft.
<b>Impervious Coverage</b>	-	75% of lot area

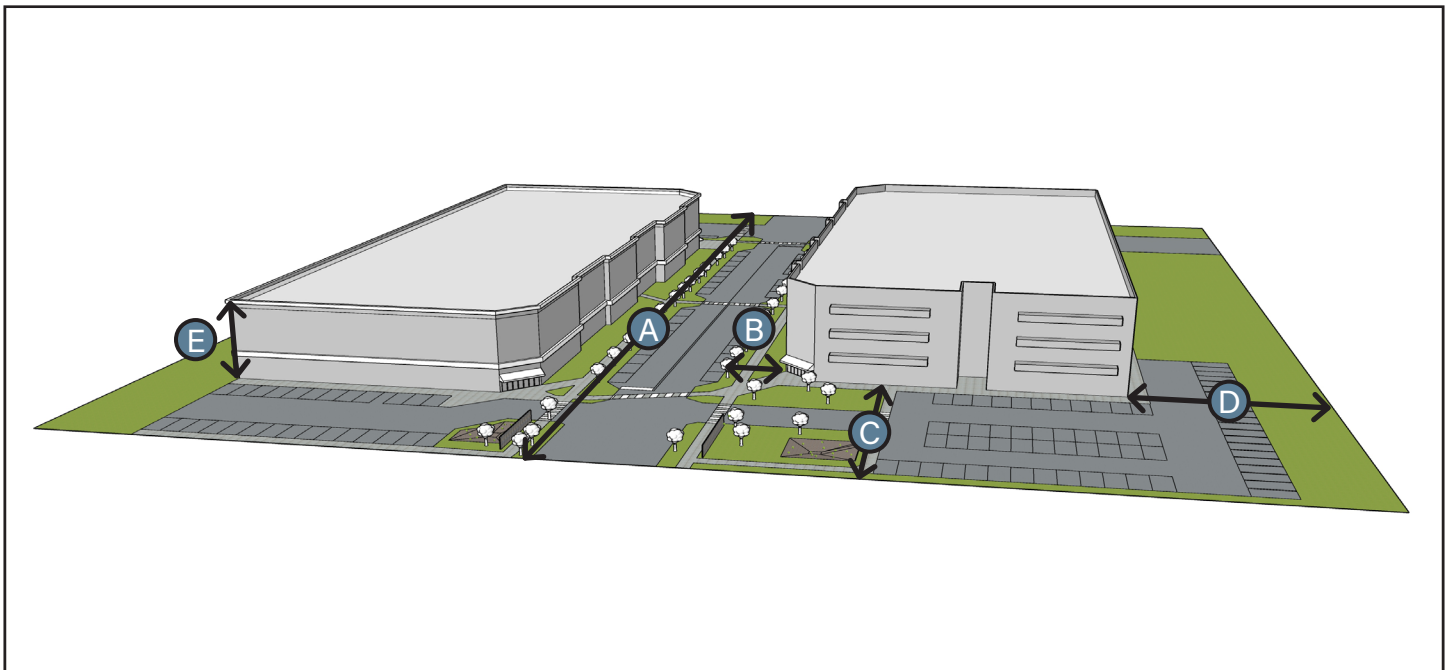


Figure 29: Graphic showing a potential development in GC.



## Zoning Districts

# RI: Restricted Institutional



Figure 30: Restricted Institutional includes several distinct geographic areas and may include the area depicted in the image above. For the official zoning map, please visit the City of Gahanna's website.

### 1103.14 RESTRICTED INSTITUTIONAL (RI)

(a) Purpose. The establishment of the Restricted Institutional zoning district aims to designate areas of Gahanna for institutional purposes, such as schools, churches, public administration buildings, and public parks. Developments address the street and invite the public to participate in civic matters.

(b) Existing development. Existing development in the Restricted Institutional zoning district includes uses such as public and private schools, churches, cemeteries, and fire and police stations.

(c) Desired development. The Restricted Institutional zoning district aims to encourage continued use and future development of institutional uses that are the foundation of community involvement, pride, and identity. Based on recommendations from the 2019 Gahanna Land Use Plan, standards should help achieve civic/institutional character and should ensure pedestrian and bicycle connectivity, as well as ADA accessibility.

(d) Uses. A list of principal and accessory uses applicable to this zoning district can be found in Section 1105.02.

(e) Development standards. All development in the Restricted Institutional zoning district shall comply with the following specific standards. Generally applicable standards can be found in Chapter 1109 Design Guidelines and Chapter 1111 Site Elements.

## RI: Restricted Institutional

**Table 10: Restricted Institutional Standards**

Standard	Min.	Max.
<b>Lot Area</b>	-	-
<b>(A) Lot Frontage</b>	Lot must abut public street.	-
<b>(B) Front Setback</b>	20 ft.	-
<b>(C) Side Setback</b>	If abutting residential zone: 30 ft. (landscaped) If not abutting residential zone: 10 ft.	-
<b>Rear Setback</b>	40 ft.	-
<b>(D) Structure Height, Principal Structure</b>	-	50 ft.
<b>Structure Height, Accessory Structure</b>	-	35 ft.
<b>Impervious Coverage</b>	-	75% of lot area

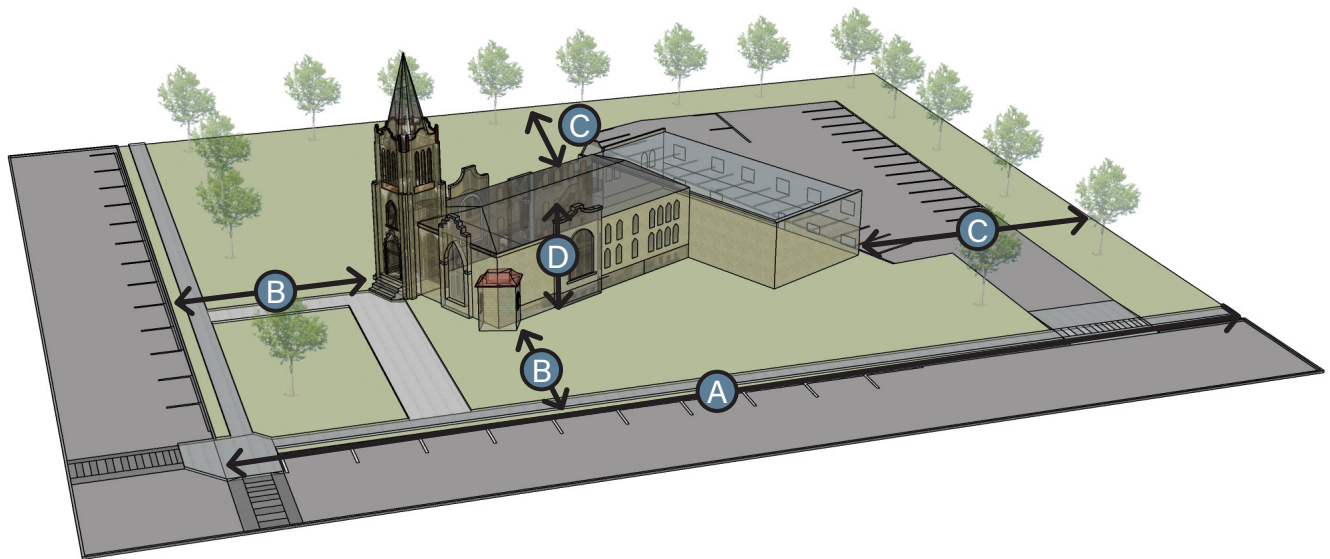


Figure 31: Graphic showing a potential development in RI. Note that the minimum front yard setback is applied to both street frontages. Also note that rear parking, street parking, curb bump-outs, and raised crosswalks add to neighborhood walkability. Also note that steeples are not included in building height; in the case of a church, measure to the midpoint of any pitched roof.



## Zoning Districts

# IM: Innovation & Manufacturing



Figure 32: Innovation & Manufacturing includes several distinct geographic areas and may include the area depicted in the image above. For the official zoning map, please visit the City of Gahanna's website.

### 1103.15 INNOVATION & MANUFACTURING (IM)

(a) Purpose. The establishment of the Innovation & Manufacturing zoning district aims to designate a specific area of Gahanna, south of Taylor Road and along I-270, for industrial, office, and research businesses and their associated enterprises. This zoning district is largely located in an area addressed in the 2019 Gahanna Land Use Plan as the South Gateway Focus Area, where pockets of vacant and underutilized land could be developed and where existing development could be intensified to build Gahanna's tax base and local employment.

(b) Existing development. Existing development in the Innovation & Manufacturing zoning district includes uses such as logistics and shipping, manufacturing, medical services, hotels, brewing, offices, and recreational uses.

(c) Desired development. The Innovation & Manufacturing zoning district aims to encourage continued use and future development of industrial

and office uses. Based on recommendations from the 2019 Gahanna Land Use Plan, residential uses may be considered but should be limited to 20 percent of the mixed-use area.

(d) Uses. A list of principal and accessory uses applicable to this zoning district can be found in Section 1105.02.

(e) Development standards. All development in the Innovation & Manufacturing zoning district shall comply with the following specific standards. Generally applicable standards can be found in Chapter 1109 Design Guidelines and Chapter 1111 Site Elements.

# Innovation & Manufacturing

Table 11: Innovation & Manufacturing Standards

Standard	Min.	Max.
<b>Lot Area</b>	1 acre (43,560 sq. ft.)	-
<b>(A) Lot Frontage</b>	Lot must abut public street.	-
<b>(B) Front Setback</b>	20 ft.	-
<b>Side Setback</b>	15 ft.	-
<b>(C) Rear Setback</b>	20 ft.	-
<b>(D) Structure Height, Principal Structure</b>	-	65 ft.
<b>Structure Height, Accessory Structure</b>	-	35 ft.
<b>Impervious Coverage</b>	-	80% of lot area
<b>Building Placement</b>	<p>All buildings and uses shall be sited on the lot so that the main façade for the building fronts the main road on which the building is addressed.</p> <p>Accessory structures must be placed to the side or rear of the principal structure.</p>	

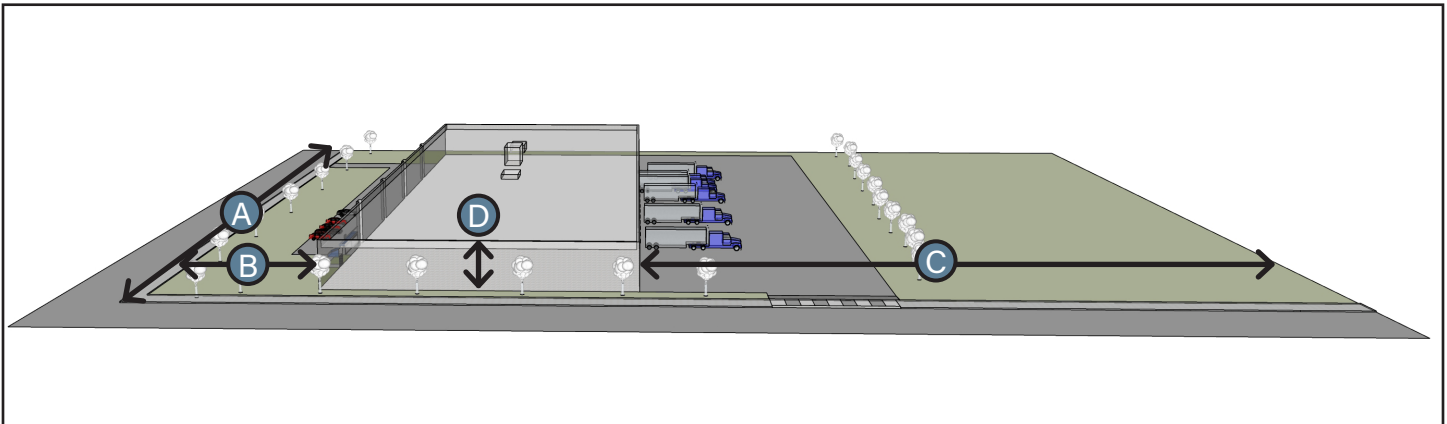


Figure 33: An illustration of possible development in IM. Note that, in the illustration, a mixed-use path exists to allow for active transportation and recreation. Furthermore, the warehouse is positioned close to the right-of-way to maximize use of the lot.

## Zoning Districts

# CON: Conservation



Figure 34: Conservation includes several distinct geographic areas and may include the area depicted in the image above. For the official zoning map, please visit the City of Gahanna's website.

### 1103.16 CONSERVATION (CON)

(a) Purpose. The establishment of the Conservation zoning district aims to preserve greenspace and provide opportunities for recreation within Gahanna.

(b) Existing development pattern. The Conservation zoning district comprises recreational uses, such as the preserved natural area along the Big Walnut Creek. Some pedestrian paths and other recreational amenities exist to enrich the experience of visitors.

(c) Desired development pattern. The Conservation zoning district aims to further develop with pedestrian access points and connectivity, informational materials, and public art.

(d) Uses. A list of principal and accessory uses applicable to this district can be found in Section 1105.02.

(e) Development standards. No structure in the Conservation zoning district shall exceed 40 feet in height. Generally applicable standards can be found in Chapter 1109 Design Guidelines and Chapter 1111 Site Elements.

# Zoning Districts

## CON:

### Conservation

**Table 12: Conservation Standards**

Standard	Min.	Max.
<b>Lot Area</b>	-	-
<b>Lot Frontage</b>	Lot must abut public street.	-
<b>Front Setback</b>	20 ft.	-
<b>Side Setback</b>	15 ft.	-
<b>Rear Setback</b>	20 ft.	-
<b>Structure Height, Principal Structure</b>	-	35 ft.
<b>Structure Height, Accessory Structure</b>	-	15 ft.
<b>Building Coverage</b>	-	40% of lot area

GRAPHIC TO BE PREPARED



## Zoning Districts

# CMU: Creekside Mixed-Use



Figure 35: Creekside Mixed-Use includes the walkable core of the community and may include the area depicted in the image above. For the official zoning map, please visit the City of Gahanna's website.

### 1103.17 CREEKSIDE MIXED-USE (CMU)

(a) Purpose. The establishment of the Creekside Mixed-Use District aims to promote a mixed-use district in the heart of downtown Gahanna. Small-scale shops, offices, restaurants, and residences will define this unique district. Residents and visitors will be welcomed with an old town feel and access to the natural areas adjacent to Big Walnut Creek.

(b) Existing development. The Creekside Mixed-Use District consists of commercial, residential-style, and institutional structures, some built to the front lot line, with surface parking in the side, rear, and front yard areas. Building height varies, although most structures are one or two (2) stories. Façade materials include brick, stone, metal, wood, stucco, and vinyl. Awnings, glazing, dining patios, overhanging eaves, porches and balconies, and landscaping are also present.

(c) Desired development. The Creekside Mixed-Use District aims to allow for continued use and encourage future development of both commercial and residential

uses. The design standards aim to elevate the design of the district, requiring quality façade materials, creating interesting building massing and visual order, and providing a more enjoyable pedestrian experience through the reduction of streetside parking areas, visible building equipment, and curb-cuts.

(d) Uses. A list of principal and accessory uses applicable to this district can be found in Section 1105.02.

(e) Development standards. All development in the Creekside Mixed-Use District shall comply with the following district-specific standards. Generally applicable standards can be found in Chapter 1109 Design Guidelines and Chapter 1111 Site Elements.

## CMU: Creekside Mixed-Use

**Table 13: Creekside Mixed-Use Standards**

Standard	Min.	Max.
<b>Lot Area</b>	-	-
<b>Lot Frontage</b>	40 ft.	-
<b>Multi-Unit Dwelling Density</b>	-	-
<b>Front Setback</b>	10 ft.	-
<b>Side Setback</b>	5 ft.	-
<b>Rear Setback</b>	If abutting residential zone: 10 ft. If not abutting residential zone: 5 ft.	-
<b>Structure Height, Principal Structure</b>	-	60 ft.
<b>Structure Height, Accessory Structure</b>	-	35 ft.
<b>Impervious Coverage</b>	-	-

GRAPHIC TO BE PREPARED

## Zoning Districts

# CR: Creekside Residential



Figure 36: Creekside Residential includes several distinct geographic areas and may include the area depicted in the image above. For the official zoning map, please visit the City's website.

### 1103.18 CREEKSIDE RESIDENTIAL (CR)

(a) Purpose. The establishment of the Creekside Residential District aims to designate areas for medium density residential development with high-quality, pedestrian-oriented design.

(b) Existing development. Residential uses comprise the majority of land uses within the Creekside Residential District.

(c) Desired development. The Creekside Residential District aims to allow for continued use and encourage future development of residential structures. Based on recommendations from the 2019 Gahanna Land Use Plan, lot sizes and setbacks should allow for greater densities, which will better satisfy residents that seek smaller, lower maintenance properties close to neighborhood amenities.

(d) Uses. A list of principal and accessory uses applicable to this district can be found in Section 1105.02.

(e) Development standards. All development in the Creekside Residential District shall comply with the following district-specific standards. Generally applicable standards can be found in Chapter 1109 Design Guidelines and Chapter 1111 Site Elements.

## CR: Creekside Residential

**Table 14: Creekside Residential Standards**

Standard	Min.	Max.
<b>Lot Area</b>	5,000 sq. ft.	-
<b>(A) Lot Frontage</b>	50 ft.	-
<b>(B) Front Setback</b>	15 ft.	-
<b>(C) Side Setback</b>	5 ft.	-
<b>(D) Rear Setback, Principal Structure</b>	25 ft.	-
<b>(E) Rear Setback, Accessory Structure</b>	Not abutting an alley: 5 ft. Abutting an alley: 0 ft.	-
<b>Principal Structure Height</b>	-	35 ft.
<b>Accessory Structure Height</b>	-	15 ft.
<b>Building Coverage</b>	-	60% of lot area

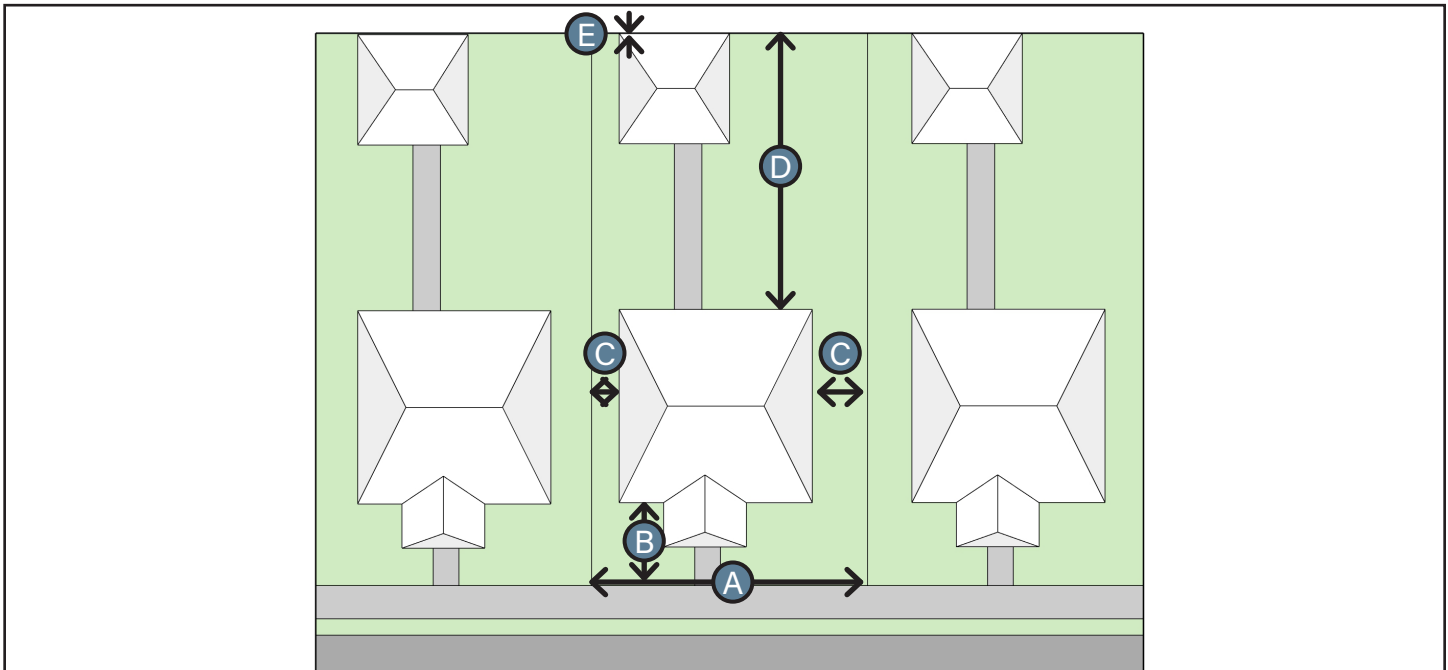


Figure 37: Regulatory graphic showing lot standards. Note that the garage has a zero-foot rear setback because it abuts an alley. Also note that the front extension of the principal structure is not used in measuring the front setback because it is an open porch.



## Zoning Districts

# L:

## Limited Overlay District

### 1103.19 LIMITED OVERLAY DISTRICT

(a) Purpose. The Limited Overlay District is created as an alternative response to situations where the minimum development standards of an underlying zoning district are deemed inadequate to protect or maintain compatibility of land uses.

The Limited Overlay District is intended for restricted use where special circumstances or conditions fail to protect affected land uses.

The limitations placed within the Limited Overlay District to a property or properties shall apply to all parcels zoned under the Limited Overlay District and shall be deemed appropriate by the City where such limitations protect and preserve the welfare of the general public.

It is intended that an applicant for rezoning may voluntarily seek to commit the subject property and its owner to limitations and conditions not otherwise provided by the existing or proposed underlying zoning classification, or even any other zoning classification, by the establishment of a Limited Overlay.

This chapter provides the means to modify the application of the provisions of an underlying zoning district to a particular parcel or parcels by:

- (1) Limiting the permitted uses;
- (2) Increasing one (1) or more of the minimum development standards; and
- (3) Adding conditions for items not covered by the minimum development standards, or any of the above.

All standards of the underlying zoning district shall be applicable unless specifically superseded by the Limited Overlay in the ordinance establishing same for the subject parcel or parcels.

(b) Applicable Zoning Districts. The Limited Overlay District may be used in combination with all zoning districts except ER, R-1, R-2, and R-3.

(c) Application. Any person or persons desiring the establishment of a Limited Overlay District on any lot or lots proposed to be rezoned shall file an application in conformance with Chapter 1117 of this Zoning Ordinance.

(d) Site Plan. The applicant shall provide a signed and dated application composed of the text and a site plan(s) for the Limited Overlay proposed, setting out the means for addressing the above stated purpose and specifically identifying the following:

- (1) Any limitation to be imposed on the normal range of permitted uses by the underlying zoning district;
- (2) Any increase in a minimum development standard for the underlying zoning district;
- (3) Any additional limitation or condition to be imposed and enforced; and
- (4) The intended result to be obtained by any limitation or condition set out pursuant to the above.

The minimum standards of the underlying zoning district shall govern unless the development plan approved by Council specifically stipulates a more stringent standard. Such development plan shall be used only to increase standards and shall in no way be used or construed so as to grant a variance from or to decrease standards or requirements of the underlying zoning district.

(e) Permitted Uses. Within a Limited Overlay District, the premises and/or buildings thereon shall only be used for any one or more of the uses permitted by the underlying zoning classification, unless the normal range of permitted uses is specifically limited by the development plan. If the development plan has a more restricted list of uses, then the development plan shall prevail. Conditional uses of the underlying zoning classification shall be considered permitted uses of the development plan only if those uses are specifically listed in the text of the development plan.

# Limited Overlay District

(f) Development Standards. Any use of a lot subject to a Limited Overlay shall meet or exceed each minimum development standard of the underlying zoning classification and other provisions of the Zoning Ordinance unless more limited standards are specifically identified in the Limited Overlay development plan referenced in the ordinance passed by Council, in which event such more limited standards shall apply as promoting and maintaining the necessary uniformity of City planning.

The Limited Overlay standards shall comply with the following criteria:

- (1) Reasonably related to planning guidelines and/or to the accomplishment of specified goals;
- (2) Fair, protecting the legal rights for those affected;
- (3) Understandable for those in the marketplace; and
- (4) Simple for effective interpretation and enforcement by the City.

There is no minimum or maximum size required for a parcel to be subject to a Limited Overlay except that the limitations thereof shall apply to the entire tax parcel and such Limited Overlay shall include at least one (1) tax parcel. An application may include more than one (1) tax parcel provided that all parcels in a specific application are contiguous to each other. Parcels separated only by a public right-of-way shall be considered contiguous.

(g) Conditions and Limitations. Any use on a parcel subject to a Limited Overlay shall conform to each condition or limitation specifically identified and imposed in the development plan referenced in the ordinance passed by Council.

(h) Amendment. All general procedures required for amending or determining a zoning designation shall be applied to an amendment of any Limited Overlay permitted use, development standard, condition or limitation.

(i) Map Designation. Upon the establishment of a Limited Overlay on a particular parcel by ordinance of Council, the zoning map shall be amended to indicate that the parcel is subject to a Limited Overlay and its development plan by the addition to the appropriate initial and a hyphen, that is, "L-" preceding the symbolic designation of the underlying zoning district.

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# Chapter 1105

## USES

# Uses

### 1105.01 PERFORMANCE STANDARDS

Each use subject to the provisions of this Zoning Ordinance shall be located, arranged, and operated in accordance with the following performance standards so that the use will not interfere with the development and enjoyment of adjacent property.

- (a) Noise. Noise or vibration shall be so controlled that at the property line on which such noise or vibration is produced it will not be at a level above that normally perceptible from other developments in the area or from the usual street traffic observed at the street right-of-way line of the lot, except occasional blast or shock required in normal operation and produced in such manner as not to create a hazard.
- (b) Smoke. Smoke shall be controlled in its emission so as to be less dark in shade than that designated as No. 2 on the Ringelmann Chart, except that an emission above such level shall be permitted for a period of three (3) minutes or less during the operation of starting or cleaning a fire.
- (c) Dust. Dust or particulate matter shall be so controlled as not to produce a hazardous, or obnoxious situation beyond the property lines of the lot on which such dust or particulate matter is produced.
- (d) Odor or fumes. Odor or noxious fumes shall be so controlled as not to be offensive nor to create a hazard.
- (e) Glare. Glare or heat from processing or other activity or lighting shall be so screened as not to be perceptible beyond the property lines of the lot on which such glare or heat is produced.

### 1105.02 COMPREHENSIVE USE TABLE

- (a) Land and structures may be used or intended to be used only for those uses listed as permitted or conditionally permitted on the comprehensive use table for the zoning district in which the land or structure is located. Those uses not listed as permitted or conditionally permitted in a zoning district are prohibited in that zoning district, except that the Department of Planning or their designee may determine that a use not listed herein is similar in nature, definition, and impact as a listed permitted or conditionally permitted use, and, by similarity, allow such use as permitted or conditionally permitted.
- (b) The permissions of the Comprehensive Use Table may be modified by the provisions of Section 1105.03 Specific Use Regulations.

## CHAPTER 1105 USES

### COMPREHENSIVE USE TABLE:

Table 15: Comprehensive Use Table														
Key: P Permitted Use C Conditional Use Blank Not Permitted  Use	Zoning District													Specific Use Regulations
	ER	R-1	R-2	R-3	R-4	OF	NC	GC	RI	IM	CON	CMU	CR	
AGRICULTURAL	ER	R-1	R-2	R-3	R-4	OF	NC	GC	RI	IM	CON	CMU	CR	
Agriculture	P													
Neighborhood Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P	1105.03(h)
COMMERCIAL	ER	R-1	R-2	R-3	R-4	OF	NC	GC	RI	IM	CON	CMU	CR	
Air Transport Services										C				
Animal Care	P	C					C	C		C	C			1105.03(d)
Automotive Sales								C		P				
Automotive Services								C		P				
Bar								P		P	C	P		
Bed and Breakfast	C	C	C	C								C	C	
Commercial Sales								P		P				
Commercial Services								P		P				
Emergency Medical Care						P	C	P	P	P		C		
Family Care Services						P	P	P	C	C		P		
General Personal Services							P	P	C	C		P		
Ground Transport Services										P				
Hotel or Motel							P	P	C	P	C	P	C	
Large Scale Retail							C	P	C	C		P		
Professional Services						P	P	P		P		P		
Restaurant						C	P	P	C	P	C	P		
Small Scale Retail							P	P	P	P		P		
Taxi and Car Rental Services								P		P				
DWELLING / RESIDENTIAL	ER	R-1	R-2	R-3	R-4	OF	NC	GC	RI	IM	CON	CMU	CR	
Live-Work Unit							C	C				P	P	
One-Unit Dwelling	P	P	P	P									P	
Two-Unit Dwelling					P							P	P	
Multi-Unit Dwelling					P			C				P		

Table 15: Comprehensive Use Table														
Use	Zoning District													Specific Use Regulations
	ER	R-1	R-2	R-3	R-4	OF	NC	GC	RI	IM	CON	CMU	CR	
<b>Key:</b> P Permitted Use C Conditional Use Blank Not Permitted														
Family Care Home	P	P	P	P	P							P	P	
Residential Care Services					C							C		
<b>INDUSTRIAL</b>	ER	R-1	R-2	R-3	R-4	OF	NC	GC	RI	IM	CON	CMU	CR	
Artisanal Manufacturing							P	P		P		P		
Food Manufacturing								C		P		C		1105.03(f)
Heavy Industrial										P				
Large Scale Light Industrial										P				
Outdoor Storage Yard										P				
Small Scale Light Industrial										P				
Trade Contactors								C		P				
<b>INSTITUTIONAL</b>	ER	R-1	R-2	R-3	R-4	OF	NC	GC	RI	IM	CON	CMU	CR	
Arts, Science, and Cultural							C	C	P	C	P	P		
Government Administration						P	P	P	P	P	P	P		
Other School						C	P	P	P	C		C		
Post-secondary School									P			C		
Public Safety						P	P	P	P	P	P	P		
Primary School									P			C		
Religious Place of Worship									P	C		P		
Secondary School									P			C		
<b>RECREATIONAL</b>	ER	R-1	R-2	R-3	R-4	OF	NC	GC	RI	IM	CON	CMU	CR	
Conservation Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	
Indoor Recreation						P	P	P	C	P	C	P		
Large Scale Outdoor Recreation	C	C							P	P	P	P		
Outdoor Entertainment Venue									C	C	C	C		
Recreation with Lodging											C			
Small Scale Outdoor Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	



## CHAPTER 1105 USES

Table 15: Comprehensive Use Table														
Key: P Permitted Use C Conditional Use Blank Not Permitted  Use	Zoning District													Specific Use Regulations
	ER	R-1	R-2	R-3	R-4	OF	NC	GC	RI	IM	CON	CMU	CR	
<b>OTHER USES</b>	ER	R-1	R-2	R-3	R-4	OF	NC	GC	RI	IM	CON	CMU	CR	
<b>Adult Use</b>										C				1105.03(c)
<b>Portable or Modular Structure</b>	P	P	P	P	P	P	P	P	P	P	P	P	P	1105.03(j)
<b>Portable Temporary Storage Unit</b>	P	P	P	P	P	P	P	P	P	P	P	P	P	1105.03(k)
<b>Standalone Parking Lot</b>						C	C	C	C	P	C	C	C	
<b>Structured Parking</b>					P	P	P	P	P	P		P	P	
<b>ACCESSORY USES</b>	ER	R-1	R-2	R-3	R-4	OF	NC	GC	RI	IM	CON	CMU	CR	<b>1105.03(a)</b>
<b>Accessory Dwelling Unit</b>	C	C	C	C									C	1105.03(b)
<b>Drive-Thru</b>							C	P	C	P				1105.03(e)
<b>Home Occupation</b>	P	P	P	P	P							P	P	1105.03(g)
<b>Outdoor Storage</b>									P	P	P			1105.03(i)
<b>Renewable Energy Generation System, Building Mounted</b>	P	P	P	P	P	P	P	P	P	P	P	P	P	1105.03(l)
<b>Renewable Energy Generation System, Ground Mounted</b>								C	P	P	C			1105.03(m)

Note: All uses are subject to specific regulations, use-specific regulations, site elements regulations.

### 1105.03 SPECIFIC USE REGULATIONS

#### (a) Accessory Uses

- (1) The accessory uses included in the Comprehensive Use Table are permitted only in those districts indicated as permitted. Non-accessory uses permitted in the Comprehensive Use Table may also be permitted as an accessory use within the zoning districts indicated unless otherwise stated.
- (2) All accessory uses must be operated in conjunction with a customarily associated principal use and must be subordinate to that principal use.
- (3) An accessory use must be located on the same lot or an adjacent lot to the principal use with which it is associated.
- (4) An accessory use may not cause a greater impact on surrounding properties than typically

associated with other permitted uses in that zoning district.

- (5) An accessory use contributes to and must comply with lot coverage regulations.
- (6) An accessory use must comply with setback and height regulations, unless otherwise noted in this Zoning Ordinance.
- (7) Customarily Associated Accessory Uses
  - A. Customarily associated accessory uses are permitted in all districts.
  - B. Determination of a whether a use is "customarily associated" with the principal use of the lot shall be made by the Department of Planning or their designee.
  - C. Examples of customarily associated accessory uses to one-unit dwellings include private swimming pools, automobile storage, and patios.

(b) Accessory Dwelling Unit (ADU)

- (1) An ADU shall be no larger than the footprint of the principal dwelling on the lot or 1,000 square feet, whichever is larger.
- (2) No more than one (1) ADU shall be located on a lot.
- (3) An ADU can be either attached or detached from the principal dwelling on the lot. Attached ADU's shall be located to the side or rear of the principal dwelling. Detached ADU's shall be located behind the principal dwelling.
- (4) An ADU shall be architecturally consistent with the principal dwelling. Architecturally consistent is defined as having similar:
  - A. Shape and style of exterior doors and windows;
  - B. Building materials and paint color; and,
  - C. Roof style and pitch.

(c) Adult Use

- (1) Adult uses must comply with regulations set forth in Chapter 771 of the City of Gahanna Code of Ordinances. Additionally, adult uses must comply with the following:
  - A. Building design . All buildings used for the purpose of a sexually oriented business shall adhere to the same design standards as all other uses within the district.
  - B. Windows. The use of spandrel glass for all required window openings shall be required for all such uses.
  - C. Signage. Signs that display obscene language, photos, logos, or graphics are prohibited.

(d) Animal Care

- (1) A dwelling unit may be included on the same lot as the animal care use for the use of an employee or employees of the animal care use.

(e) Drive-Thru. Drive-thru facilities must comply with regulations set forth in Section 1111.01(n).

## CHAPTER 1105 USES

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### (f) Food Manufacturing

- (1) Food manufacturing uses in GC and CMU zoning districts shall be limited to a maximum size of 10,000 square feet.

### (g) Home Occupation

- (1) A zoning permit as set forth in Section 1117 shall be obtained for any home occupation.
- (2) All home occupation activities shall be subordinate to the residential uses of the property in which such activities are located.
- (3) The area used for said home occupation activities shall not exceed 500 square feet or 25 percent of the combined area of all structures on the lot, whichever is less.
- (4) No new additions, structures or expansions for the purpose of conducting home occupation activities shall be allowed. No exterior changes to the structure shall be permitted, which include, but are not limited to, the use of signs, lights and banners.
- (5) There shall be no outdoor storage of equipment or materials used in the home occupation activity.
- (6) Any and all vehicles that are related to home occupation activities and may be considered "business" or "commercial" vehicles or bearing an advertisement logo within a residential district must meet the parking requirements in Section 1111.01(k).
- (7) It shall be the home owner's responsibility to ensure compliance with all applicable state and federal laws.
- (8) Home occupations may be carried out only by a person or persons that is/are residents(s) of the principal structure on the lot.
- (9) Home occupations must not induce an incompatible increase in traffic. Any home occupation activities shall not produce detrimental impacts, which include but are not limited to, fumes, noise, vibration, glare, odors, or electrical interference that infringes upon the public health, safety and welfare. Such detrimental impacts shall not interfere in any manner with adjacent, neighboring or other properties located in proximity to the home occupation activity.
- (10) A zoning permit for a home occupation shall terminate upon six (6) months of inactivity, upon the sale or change of ownership of the property, or upon violation of any provisions of this chapter.

### (h) Neighborhood Agriculture

- (1) A neighborhood agriculture use may not be more than two (2) acres in area.
- (2) A neighborhood agriculture use may not have more than eight (8) parking spaces.
- (3) A neighborhood agriculture use may not include poultry or livestock husbandry.
- (4) No products of the neighborhood agriculture use may be sold. Memberships or other fees for use of the land may be charged to users.

(i) Outdoor Storage

- (1) Outdoor storage areas shall be located to the rear of the main structure on the lot.
- (2) Materials or goods being stored outdoors shall not exceed a maximum height of ten (10) feet measured from the existing grade to the top of the materials being stored.
- (3) The outdoor storage of hazardous, dangerous, flammable or chemical materials or any other materials or equipment that could present a hazard to the health, safety and welfare of the public or provide an attractive nuisance shall be stored according to the following:
  - A. Such materials shall be stored in a secure location within a lockable area.
  - B. Chemicals shall be stored in approved containers, kept in good condition, and shall meet all applicable requirements of OSHA, OEPA, and other governmental authorities having jurisdiction over such materials.

(j) Portable or Modular Structure

- (1) Portable or modular structures shall be subject to all applicable requirements of this Zoning Ordinance.
- (2) Portable or modular structures are exempt from requirements of Chapter 1109, Design Guidelines, and other architectural regulations in this Zoning Ordinance.
- (3) Portable or modular structures used as construction offices or similar may be permitted for the duration of the construction project and must be removed within 14 days of the completion of construction.

(k) Portable Temporary Storage Unit

- (1) Portable temporary storage units shall be allowed for a period of 30 consecutive days including the days of delivery and removal. Upon request of the City, the landowner shall provide the exact date of delivery for compliance with this section. Failure to provide this information within the time frame stipulated by the City may result in the removal of the temporary portable storage unit.
- (2) In the event of fire, tornado, or natural disaster causing substantial damage to the primary residential structure, the landowner may apply to the City for permission to extend the time that a portable temporary storage unit may be located as a temporary structure on the property. Application for such extended duration shall be made in writing and shall give sufficient information to determine whether such extended duration should be granted. The City shall determine whether or not to grant such extended duration and the length of such extension. In the event of an adverse decision by the City, the applicant may appeal such decision to the Board of Zoning and Building Appeals.
- (3) Portable temporary storage units are prohibited from being placed on a public street, road, alley, or right-of-way, except as approved by the City.
- (4) Whenever possible, the unit shall be placed on a hard surfaced driveway or parking area.
- (5) Such unit shall not exceed nine (9) feet in height, ten (10) feet in width, or 20 feet in length.
- (6) In residential zoning districts, no more than one (1) portable temporary storage unit may be located on a lot at any time. In a residential zoning district, if more than one (1) unit is needed,

## CHAPTER 1105 USES

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a written request from the responsible party must be submitted to the City for permission to place an additional unit on a lot.

- (7) No portable temporary storage unit shall be used as a dwelling unit, or to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other than at the lot where the unit is located (i.e. used for retail sales), or any other illegal or hazardous material. Upon reasonable notice to the responsible party, the City may inspect the contents of any portable temporary storage unit at any reasonable time to ensure that it is not being used to store said materials. At no time shall a portable temporary storage unit be used for any of these purposes.
- (8) The responsible party shall be held accountable for ensuring that the unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, or other holes or breaks at all times.

### (l) Renewable Energy Generation, Building Mounted

- (1) A building mounted system shall not extend beyond the roof line in any direction including above and beyond the roof peak.
- (2) When located on a flat roof, building mounted systems shall not extend beyond ten (10) feet from the surface of the flat roof. For purpose of this subsection, "flat roof" shall mean any roof that is less than seventeen (17) degrees or 2/12 pitch.
- (3) Building mounted systems shall be positioned so as to minimize glare on to adjacent roads, buildings, lots, and rights-of-way.

### (m) Renewable Energy Generation, Ground Mounted

- (1) A ground mounted system shall be located to the rear of the principal structure(s) on the lot.
- (2) The maximum height for any ground mounted system shall be eight (8) feet.
- (3) Ground mounted systems shall be positioned so as to minimize glare on to adjacent roads, buildings, lots, and rights-of-way.
- (4) Ground mounted systems shall be subject to the lot coverage requirements in the base zoning district in which the system is located.
- (5) Ground mounted systems must be appropriately labeled and secured from unauthorized access, in compliance with all state or federal regulations.
- (6) Ground mounted systems shall meet the screening requirements of Section 1111.04.

## 1105.04 PROHIBITED USES

Within the City, no building or structure shall be designed, erected, arranged, equipped or utilized for any of the following specified uses or activities:

- (a) Manufacturing or industrial operation of any kind other than as specifically permitted under other chapters of this Zoning Ordinance;
- (b) Incineration of garbage, refuse, rubbish, offal or dead animals;
- (c) Reduction of garbage, refuse, offal or dead animals;



- (d) Dumping or burying of garbage or refuse;
- (e) Refuse or rubbish dump other than a facility for such purpose operated by the City;
- (f) Stockyard and slaughtering of animals;
- (g) Animal feeding of garbage;
- (h) Tanneries and oil refineries;
- (i) Manufacturing or storage of explosives and fireworks;
- (j) Manufacturing of cement, lime, gypsum or plaster of parts;
- (k) Manufacturing of chlorine or hydrochloric, nitric or picric acid;
- (l) Smelting, melting or reduction of any metals or ores;
- (m) Distillation of bones, fat rendering or the manufacture of glue fertilizer;
- (n) Junk yards and scrap material storage;
- (o) Prisons and other penal institutions;
- (p) Kennels or other animal shelters except as specifically permitted under other chapters of this Zoning Code; or
- (q) All classes of landfills, including but not limited to: reduction facilities, solid waste facilities and yard waste facilities.
- (r) Any other trade, industry, or use or activity which is determined to be offensive, injurious, hazardous, or noxious to any extent equal to or greater than one (1) of the uses identified in divisions (a)-(q) above.

# Chapter 1107

## WIRELESS SERVICE FACILITIES

# Wireless Service Facilities

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## 1107.01 PERSONAL WIRELESS SERVICE FACILITIES PURPOSE

(a) The purpose of this chapter (to be known as the Gahanna Personal Wireless Service Facilities Ordinance) is to regulate the placement, construction, and modification of towers and wireless communications facilities to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of a competitive wireless communications marketplace in the City.

(b) The City's intent is to encourage wireless communications service providers that seek to further the following City priorities:

- (1) Directing the location of Towers and Wireless Communications Facilities (WCF) in the City;
- (2) Minimize adverse visual impacts of Towers and Wireless Communications Facilities by locating in the least obtrusive locations and manner using present and evolving technology with an emphasis on the utilization of underground Equipment Shelters, Distributed Antenna Systems, and Alternative Tower Structures;
- (3) Encourage the use of existing Towers or Alternative Tower Structures as an alternative to new tower construction;
- (4) Require new Towers and other related structures to accommodate multiple users wherever practicable;
- (5) To avoid potential damage to adjacent properties caused by Towers and Wireless Communications Facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed;
- (6) Protecting residential areas and land uses from potential adverse impacts of Towers and Wireless Communications Facilities;
- (7) Ensure the proposed Towers and Wireless Communications Facilities are designed in harmony with natural settings and in a manner consistent with current development patterns;
- (8) Ensure access to reliable wireless communications services throughout all areas of the City;
- (9) Minimize adverse health, safety, public welfare, and visual impacts through co-location, siting, design, and construction, while upholding the purposes and objectives of this chapter.

## CHAPTER 1107 WIRELESS SERVICE FACILITIES

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### 1107.02 OBJECTIVES

The following are the City's objectives regarding wireless communication regulations:

- (a) To comply with the Telecommunications Act of 1996, as amended, and any subsequent rules and/or rule interpretations, including Section 704 preserving the authority of State or local government over decisions regarding the placement, construction, and modification of wireless service facilities.
- (b) To work proactively with wireless communications providers to ensure rapid and reliable deployment of their services/technologies, while minimizing negative effects on the City.
- (c) To ensure that the location of towers and wireless communications facilities in the City provide appropriate wireless communication coverage consistent with these objectives.
- (d) To allow, under certain conditions, appropriate City-owned property and structures to be used for wireless communications facilities.
- (e) To minimize adverse visual impacts of towers and wireless communications facilities through careful design, siting, landscaping, and innovative camouflaging techniques.
- (f) To promote and encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers.
- (g) To ensure towers and wireless communications facilities are soundly and carefully designed, constructed, modified, maintained, and removed when no longer in use.
- (h) To ensure to the maximum extent practicable that towers and wireless communications facilities are compatible with surrounding and nearby land uses.
- (i) To ensure to the maximum extent practicable that proposed towers and wireless communications facilities are placed in locations that are designed to preserve adjacent natural settings and in a manner consistent with existing and planned development patterns.

### 1107.03 APPLICABILITY

- (a) All Towers, Antenna Support Structures, and Wireless Communications Facilities, any portions of which are located within the City and its rights-of-ways, are subject to this chapter. Wireless Communications Facilities and Antenna Support Structures shall be regulated and permitted pursuant to this chapter and shall not be interpreted, regulated, or permitted as essential services, public utilities, or private utilities.
- (b) Except as provided in this chapter, any approved use of a nonconforming tower or antenna support structure on the effective date of this chapter shall be allowed to continue, even if in conflict with the terms of this chapter, but shall not be expanded, reconstructed, or modified unless in conformance with this chapter, as required in Section 1107.08.

### 1107.04 GENERAL REQUIREMENTS

- (a) Wireless communications facilities, where permitted, shall be subject to administrative review or conditional use review in the zoning districts specified in this Code of Ordinances, contingent upon meeting the requirements of this chapter and other applicable ordinances of the City.

## CHAPTER 1107 WIRELESS SERVICE FACILITIES

(b) Each Wireless Communications Facility must be issued all necessary permits and authorizations as may be required by the Codified Ordinances, which shall include, but may not be limited to having at least: one (1) zoning permit and one (1) building permit, each of which shall be issued by the City of Gahanna in accordance with this Chapter.

(c) The following table summarizes the City's zoning districts and approval procedures applicable to the facilities regulated by this chapter.

Table 16: Wireless Service Facilities Permissibility													
Wireless Service Facility	Zoning District												
	ER	R-1	R-2	R-3	R-4	OF	NC	GC	RI	IM	CON	CMU	CR
Co-Location Facility	Ar	Ar	Ar	Ar	Ar	Ar	Ar	Ar	Ar	Ar	Ar	Ar	Ar
New Tower						Cr	Cr	Cr	Cr	Cr			
Alternative Tower Structure	Cr	Cr	Cr	Cr	Cr	Ar	Ar	Ar	Ar	Ar	Cr	Cr	Cr

Note 1: Co-location facility means the installation of a wireless service facility on an existing antenna support structure or tower.

Note 2: The intent of alternative tower structures is to camouflage the tower/antenna installation ("stealth").

Note 3: If the City determines that the essential criterion of Note 2, above, has not been met, the application for administrative review and zoning permit shall be denied. The applicant may submit a conditional use application for approval.

(d) General requirements. The following requirements shall apply to all wireless communications facilities in any zoning district including all City rights-of-way. These requirements shall be in addition to the regulations of the specific zoning district.

- (1) Application. The following information must be submitted for all applications required by this chapter unless deemed unnecessary by the City. An application is not considered complete until all materials required by this chapter have been submitted and accepted by the City in accordance with this chapter. If an application is determined to be incomplete, the City shall promptly notify the applicant of the information necessary to complete the application. The City may request additional information if deemed reasonably relevant to the consideration of the application.
  - A. Completed application form and application fee.
  - B. A scaled and dimensioned site plan (not less than one inch equals 50 feet) clearly indicating the following:
    1. Location, type, and height of the proposed wireless communications facility;
    2. The existing or proposed lease area and parcel boundaries for the site;
    3. On-site land uses and zoning, and adjacent land uses and zoning (including land in other municipalities);
    4. Adjacent roadways and rights-of-way;



## CHAPTER 1107 WIRELESS SERVICE FACILITIES

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5. Any buildings within 100 feet of the property boundaries;
  6. Proposed means of pedestrian and/or vehicular access as applicable to the type of facility;
  7. The setback distance between the proposed wireless communications facility, equipment shelters and/or cabinets, and the nearest property line;
  8. Elevation drawings of the proposed wireless communications facilities, including material specifications for all associated site improvements; and
  9. Any other proposed improvements, including but not limited to structures, grading, tree removals and replacement, topography, parking, and other information necessary to determine compliance with this chapter.
- C. Legal description and/or property survey of the parent tract and leased parcel (if applicable).
- D. For all new towers and/or new alternative tower structures, or as otherwise required by the required reviewing body, the separation distance from other existing and planned wireless communications facilities shall be shown on a map, and shall include latitudinal and longitudinal location coordinates. There must be a written description of how the proposed facility fits into the Applicant's telecommunications network. The applicant shall also identify the type of construction of the existing wireless communications facilities and the owner/operators of the existing facilities, if known.
- E. A landscape plan showing proposed landscape materials and quantities, locations, installation sizes, and other information necessary to determine compliance with the landscape requirements of Chapter Nine of this Code of Ordinances.
- F. Location and method of screening structures, if any, including height, material, style, and color; and, if applicable, the method of camouflage and illumination. Specification sheets shall be required for all prefabricated site elements.
- G. A statement of compliance with the requirements of this chapter and all applicable federal, state or local laws, including those of the FCC and FAA that certifies that Applicant agrees to bring Tower and Equipment Shelters into compliance with any new federal, state, or local laws or regulations concerning electromagnetic radiation and other electronic emissions applicable to the Tower and Equipment Shelter within 120 days of the effective date of the regulations.
- H. Twenty-four hour emergency contact information and contact information for the entities providing the backhaul network for the wireless communications facilities described in the application and other wireless communications sites owned or operated by the applicant in the municipality. Contact information for the tower owner, operator, and emergency contact shall be kept current and on file with the City at all times.
- I. For all new towers and/or new alternative tower structures, or as otherwise required by the required reviewing body, a statement by the applicant and/or a structural analysis

sealed by an engineer affirming that the construction of the wireless communications facility will accommodate co-location of additional antennas for future users as applicable.

- J. For all new towers and/or new alternative tower structures, or as otherwise required by the required reviewing body, a statement from an engineer of the ability or inability to use existing towers, other structures, or alternative technology not requiring the use of towers or structures, to provide the services planned for the use of the proposed wireless communications facility.
  - K. For all new towers and/or new alternative tower structures, or as otherwise required by the required reviewing body, an inventory of existing and approved towers, antennas, alternative tower structures, and antenna support structures that are either within the jurisdiction or within two (2) miles of the border of the City, with latitudinal and longitudinal location coordinates. The City may share this information with other applicants under this chapter or other organizations seeking to locate towers or antennas within the jurisdiction of Gahanna or other communities. However, the City is not, by sharing this information, in any way representing or warranting that the sites are available or suitable. The inventory of each tower and antenna shall include:
    - 1. A map showing each location, by address and/or parcel identification number, including straight-line distances between each facility;
    - 2. Facility height and design;
    - 3. Facility owner(s)/operator(s); and
    - 4. Co-location capability of each facility, including alternative tower structures and antenna support structures.
- (2) Application procedures.
- A. Applications for all wireless communications facilities shall be submitted in accordance with Chapter 1107.
  - B. The applicant shall pay a non-refundable fee as established by the City.
  - C. When practicable, application for approval of multiple towers and/or antenna sites by a single owner of towers and antennas shall be submitted as a single application or multiple applications submitted at the same time.
  - D. Public property. Approval by the City shall be required for any applications involving structures to be located on property owned by the City, including rights-of-way.
- (3) Wireless communications facility support structures. Towers, antennas, antenna support structures, and all other improvements associated with a wireless communications facility shall meet the following requirements:
- A. Design. All wireless communication facility support structures shall have a monopole, or similar non-lattice/guyed single vertical structure design and shall be further

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designed to accommodate at least two (2) wireless communication arrays of antennas or panels, unless otherwise required by the required reviewing body. The applicant shall submit an affidavit by an engineer licensed in the State of Ohio attesting that these requirements are met.

- B. Color and finish. Towers, antennas, other wireless communications facility support structures, and supporting electrical and mechanical equipment shall either maintain a non-contrasting gray or similar color or have a galvanized steel finish and is stealth in nature, unless otherwise required by the required reviewing body or any applicable standards of the FAA and/or the Ohio Department of Transportation. Alternative tower structures may maintain another color or finish if determined by the required reviewing body to be necessary to establish a stealth appearance and be aesthetically and architecturally compatible with the surrounding environment.
- C. Compatible design. The design of buildings and related structures for the wireless communications facility shall use materials, colors, textures, and screening so as to be aesthetically and architecturally compatible with the surrounding environment, as approved by the required reviewing body and is stealth in nature.
- D. Antenna color. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as practicable, as determined by the required reviewing body and is stealth in nature.
- E. Lighting. Facilities shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting fixtures and installation must cause the least disturbance to views from surrounding properties. Alternative tower structures may be lighted if determined by the required reviewing body to be necessary to establish a stealth appearance and to be aesthetically and architecturally compatible with the surrounding environment.
- F. Maximum height. Wireless communications facilities shall meet the following height requirements:
  - 1. Wireless communications facilities have a maximum height of 80 feet, except in the OF, RI, and IM zoning districts, where the maximum height is 120 feet.
  - 2. For wireless communications facilities locating on a structure or building, antenna shall not extend more than 20 feet above the highest point of the main roof deck or supporting structure if the antenna is located on a structure other than a roofed building.
  - 3. Unless otherwise required herein, alternative tower structures may exceed 120 feet if determined by the required reviewing body to be necessary to establish a stealth or camouflaged appearance that is aesthetically and architecturally compatible with the surrounding environment.

4. Unless otherwise specified, maximum height exceeding the provisions of this section shall require conditional use approval.
  5. As an exception of this section, users locating on a City water tank are exempt from the height requirements of this chapter, but facilities shall be no taller than functionally necessary.
- G. Co-location. Unless physically or technically infeasible, all wireless communications facilities shall be constructed or reconstructed to accommodate two (2) or more users.
1. In connection with any application for a zoning permit, in order to encourage co-location, an existing tower meeting co-location requirements that are lower than the height permitted above may be reconstructed to meet the maximum heights permitted after receiving approval from the required reviewing body. Additionally, reconstructed towers may be required to be brought into conformance in whole or in part if the existing tower is determined by the City to be nonconforming.
  2. A wireless communications facility which is being rebuilt to accommodate the location of additional antennas may be relocated on the same site, after receiving approval from the required reviewing body, provided it meets the setback requirements of this chapter.
  3. Co-location requirements may be waived if the required reviewing body determines that the fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs that would exceed new tower development are an example of what may be determined to be unreasonable. Satisfactory and substantial information must be submitted by the applicant demonstrating that the costs are unreasonable.

(e) Site requirements. Wireless Communications Facilities and associated site improvements shall be sited and developed in accordance with the following requirements:

(1) Setback and siting requirements.

- A. The setback requirements shall be met for all elements of the wireless communications facility, supporting structure, and equipment.
- B. Proposed towers located within Restricted Institutional (RI) zoning district must provide a minimum setback of 300 feet for all elements of the wireless communications facility, supporting structures, and equipment from the property lines of properties occupied by dwelling uses. Setbacks from property lines occupied by commercial uses shall provide a minimum setback equal to the height of the tower.
- C. For all remaining zoning districts, a minimum setback of the height of the proposed tower in feet from all property lines, and principal structures shall apply to new towers and/or alternative tower structures unless a greater setback for principal structures is required by the zoning district in which the tower is to be located, or the proposed installation is in the right-of-way. In determining the required setbacks and lot area, the

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entire site, including all lots or parcels used for the tower, supporting structures, and equipment, shall be considered, even though the antennas or towers may be located on leased portions within the prescribed lot area.

- (2) Screening. Screening shall comply with applicable requirements of this Zoning Ordinance. Fencing or other materials used for screening of wireless communications facilities or associated equipment shall be at least one (1) foot higher than the structure(s) it is intended to screen, but shall not exceed 12 feet.
  - (3) Landscaping. Buffer plantings shall be located on the site to screen adjacent properties and the base of the wireless communications facility and associated equipment from adjacent properties and rights-of-way in accordance with the landscape requirements of this Zoning Ordinance.
  - (4) Sign. One (1) sign shall be posted in a visible location on the tower, alternative tower structure, fence, equipment shelter, or other associated equipment indicating the owner of the facility, and an emergency contact and phone number. The sign shall not exceed two (2) square feet and shall be approved as part of the building permit or zoning permit. All other signs shall comply with the requirements of this Zoning Ordinance.
- (f) Equipment shelters and cabinets.
- (1) Use, Design and Screening.
    - A. Accessory Equipment, including any buildings, cabinets or shelters, shall be used only to house equipment and other supplies in support of the operation of the Wireless Communication Facility or Antenna Support Structure. Any equipment not used in direct support of such operation shall not be stored on the site.
    - B. Equipment cabinets or structures used in association with antennas shall be designed and/or painted to minimize visual impact.
    - C. Evergreen plant material shall be used for screening and shall be planted to ensure that the equipment will be screened to its full height within three (3) years of planting.
    - D. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, the required reviewing body may determine that natural growth around the property may be a sufficient buffer.
    - E. At the required reviewing body's determination, alternative screening materials may be used in cases where plant material is not appropriate.
  - (2) Underground equipment shelters. Underground equipment shelters are always preferred but will be mandated by the required reviewing body where equipment shelters are located on properties that are readily visible from adjacent streets and lots and where landscape screening is not effective.
  - (3) Roof- and/or structure-mounted antennas. The equipment cabinet or structure used in association with antennas shall comply with applicable building codes. Additionally, equipment shall be sited, designed, and/or painted to minimize visual impact and be screened so that it

is not visible from ground level.

- (4) Utility or light pole-mounted antennas. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:
  - A. In all zoning districts, the equipment cabinet or structure shall comply with all applicable setbacks required by the zoning district in which it is located, unless located in the right-of-way.
  - B. If the proposed antenna mounted on a utility or light pole is located within an existing City easement, the applicant shall obtain a separate easement encroachment agreement as required by the City Engineer.
  - C. If the proposed antenna mounted on a utility or light pole is located within the City's right-of-way, the applicant shall obtain a right-of-way permit as required by the City Engineer.
- (5) Tower-mounted antennas. As an exception to this section, where the required reviewing body determines that underground equipment shelters are not feasible due to site conditions or other considerations, equipment shelters designed using materials permitted for principal structures within the zoning district shall be provided where applicable. The unmanned equipment structure shall not exceed the maximum height for principal structures and comply with setbacks required by the zoning district in which the shelter is located.

(g) Code compliance and permit requirements.

- (1) Construction permits. The installation of any wireless communications facility shall require compliance with all applicable federal, state, and local regulations and the securing of all applicable zoning and building permits and inspections. All towers and wireless communications facilities require a certificate of zoning plan approval and applicable building permits prior to installation.
- (2) State or federal requirements:
  - A. All wireless communications facilities shall meet or exceed current standards and regulations of the National Electrical Safety Code, National Electrical Code, FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas.
  - B. If state or federal standards and regulations are amended, the owners of the wireless communications facilities governed by this chapter shall bring any facilities into compliance with the revised standards and regulations within six (6) months of the effective date of the standards and regulations, unless a different compliance schedule is mandated by the regulating agency. Failure to bring wireless communications facilities into compliance with any revised standards and regulations shall constitute grounds for removal at the owner's expense.
- (3) Building codes and safety standard:
  - A. To ensure the structural integrity of towers, the owner of a tower and/or antenna support structure shall ensure that it is designed, constructed, and maintained in compliance with requirements contained in applicable state or local building codes



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and the applicable requirements for towers and antenna support structures that are published by the Electronics Industries Association, as amended from time to time.

- B. If, upon inspection, the City concludes that a wireless communications facility fails to comply with any applicable codes and requirements and constitutes a danger to persons or property, after written notice to the owner, the owner shall have not more than 30 days to bring the facility into compliance with those requirements. Failure to bring the facility into compliance within the required time shall be grounds for removal at the owner's expense.

- (4) License to operate. Owners and/or operators of wireless communications facilities shall maintain and submit copies of all approved franchises, certifications, licenses, and permits required by law for the design, construction, location, and operation of wireless communications facilities in Gahanna. Evidence of renewal or extensions shall be promptly provided to the City.
- (5) Certification. Any information of an engineering nature required by this chapter, whether civil, mechanical, or electrical, shall be certified by a licensed engineer.

(h) Wireless Communication Facilities (WCFs) in the public right-of-way:

- (1) The City may impose impact minimizing conditions on any WCF's to mitigate potential noise or aesthetic impact.
- (2) WCF's permits shall be reviewed every ten (10) years to determine whether the equipment is no longer needed or useful, or whether new means exist to further reduce noise and or aesthetic impacts that are materially greater than those that would have existed when the WCF was installed as originally permitted. The City may require facility upgrades and/or additional mitigations to reduce impact of such facilities unless the Applicant demonstrates that the mitigations are not feasible.
- (3) When the right-of-way abuts or is adjacent to a residential zone, the City, in granting an application must find that:
  - A. The WCF is necessary to address a significant gap in coverage.
  - B. The WCF is necessary because no feasible less intrusive alternate is available.
- (4) These requirements are in addition the others contained in this Chapter.

(i) Timing for decisions of complete applications:

- (1) 90 days for applications for co-locations.
- (2) 150 days for all other applications.
- (3) The City reserves the right to negotiate alternative timelines with applicants on a case by case basis.
- (4) If the City notifies an applicant within 30 days of filing that the application is incomplete, the time taken by the applicant to respond does not count towards the 90 and 150 day timelines and the City may restart the process.
- (5) Any denial will be in writing and based on substantial evidence contained in a written record.
- (6) The specific reasons for any denial which constitute the substantial evidence will be accompanied with the actual denial.

(j) City's responsibilities when evaluating Applications:

The City will not:

- (1) Unreasonably discriminate among providers of functionally equivalent services.
- (2) Prohibit or have the effect of prohibiting the provisions of wireless services.
- (3) Prohibit or have the effect of prohibiting the ability of an entity to provide telecommunications service.
- (4) Regulate or deny an application for the placement, construction, and modification of Wireless Communications Facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC's regulations governing such emissions.
- (5) Deny an application solely because one (1) or more carriers serve the geographic market.

### 1107.05 ADMINISTRATIVE REVIEW

(a) General provisions.

(1) Administrative Review Team (ART).

- A. The purpose of the Administrative Review Team (ART) is to provide for review and approval authority for certain wireless communications facilities as required by this chapter. The Administrative Review Team is responsible for the comprehensive review of each application, and making recommendations to the Planning Commission, or Board of Zoning and Building Appeals where required.
- B. The Administrative Review Team (ART) shall consist of the members appointed by the Mayor as deemed necessary, either as permanent or temporary members.
- C. The Administrative Review Team (ART) may use the services of other professionals, such as architectural, engineering, and other consultants as they deem necessary, to advise the ART on the application of the provisions of this chapter. Any fees from said services will be passed on to the applicant.

(2) Time extensions.

- A. Where the provisions of this chapter require that an action be taken by the City within a stated period of time, that time may be extended with the written consent of both the applicant and the City prior to expiration of the required time period.
- B. If the applicant submits a revised application during any required review period, and the City determines that the revised application differs substantially from the previous application, a new review period shall begin and additional meetings of the required reviewing body may be scheduled if deemed necessary by the City.

(3) Duration of approvals. Approvals of requests for administrative review made in accordance with this chapter shall be valid for a period of one (1) year. If an initial building permit for the approved facility has not been issued within that one (1) year period, the applicant shall be

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required to submit a new request for administrative review, as applicable, pursuant to this chapter before obtaining a building permit.

- (4) Resubmission. No application for administrative review which has been denied by the required reviewing body shall be resubmitted for a period of one (1) year from the date of the decision, unless permitted by the City after a demonstration by the applicant of a change of circumstances from the previous application that may reasonably result in a different decision.

(b) Pre-application review.

(1) Purpose and applicability.

- A. A pre-application review may be scheduled prior to filing a formal application for administrative 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 administrative 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. As an exception to the application requirements listed in this Zoning Ordinance, 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, 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 (5) days prior to the pre-application review.
- C. The Administrative Review Team and other applicable departments shall be promptly notified of the Administrative Review Team pre-application review. Prior to the meeting the chair of the Administrative Review Team shall distribute the submitted materials to the Administrative Review Team and other applicable City departments for input and recommendations.

- D. The Administrative Review Team shall review the submitted materials and provide non-binding input and recommendations to the applicant. The Administrative Review Team shall complete its review of the application not more than 14 days from the date the request was submitted.

(c) Administrative review.

(1) Purpose and applicability.

- A. The purpose of the administrative review is to ensure that wireless communications facilities meet the applicable requirements of this chapter.
- B. Administrative review is required for all new wireless facilities, co-locations, and all modifications to existing facilities as required by this Zoning Ordinance. Cable microcell networks and distributed antenna systems shall also be subject to administrative review.
- C. Temporary wireless facilities shall meet all application and approval requirements of this Zoning Ordinance.

(2) Administrative review considerations. The Administrative Review Team shall render a decision on an application for administrative review based on the following considerations:

- A. Antennas locating on an existing building or other antenna support structure other than a tower may be approved as a use accessory to any commercial, industrial, professional, office, institutional, or similar structure, provided:
  - 1. The antenna is designed to be as unobtrusive as possible and is stealth in nature;
  - 2. The antenna does not extend more than 20 feet above the highest point of the main roof deck or supporting structure if the antenna is located on a structure other than a roofed building; and,
  - 3. The antenna complies with the applicable provisions of this section's general requirements.
- B. Co-located antennas on existing or reconstructed towers may be approved provided the color and design of the antenna is consistent with the existing tower and is designed to be as unobtrusive as possible and is stealth in nature. The Administrative Review Team shall approve co-located antennas on a tower in instances where proposed co-location does not substantially change the physical dimensions of the tower and meets the requirements of this chapter.
- C. Alternative tower structures may be approved in accordance with the following:
  - 1. The required reviewing body may approve the location of an alternative tower structure provided the site meets the purpose, objectives and applicable requirements of this chapter.
  - 2. The objective of administrative review for alternative tower structures is to encourage ingenuity and the use of innovative methods to camouflage these

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facilities. If the application is denied by the Administrative Review Team following a finding that the proposed facilities have not been reasonably disguised or camouflaged, the applicant may file an application for conditional use review in accordance with this section.

- D. Cable microcell network or distributed antenna systems using multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable wires, telephone wires, utilities poles, street lights, or similar technologies/mechanisms may be approved provided that the use of towers is not required and all other applicable provisions of this chapter have been satisfied.

### (3) Decisions.

- A. Any application required by this chapter to be reviewed under the provisions of this section shall be approved, approved with conditions, or denied by the Administrative Review Team based on the applicable review standards as provided in this section's general requirements. The Administrative Review Team shall state the reasons for their decisions in the minutes and provide a written record of the decision to the applicant.
- B. Prior to reaching a decision, if the Administrative Review Team determines that an application does not meet the applicable review standards as provided in this chapter, but determines that the application could meet those criteria with modifications that could not be reasonably conditioned, the applicant may request that the application be tabled to provide the opportunity to make those modifications. If the request for tabling is granted, a new review period shall begin on the date the applicant submits a complete application with revised materials and shall be subject to the timeframe for rendering a decision as provided in this section's general requirements.
- C. Following the approval of an application for administrative review, the applicant may proceed with the process for obtaining a zoning and building permit, consistent with the approval as granted. All construction and development under any building permit shall comply with the approval, as applicable.

- (4) Zoning permit. A zoning permit issued by the City verifying compliance with all applicable zoning requirements is required prior to modification, extension, or alteration of wireless facilities.

### (d) Variances.

- (1) Purpose and applicability. The intent of this division (d) is to provide an administrative process to allow minor deviations from the strict application of requirements of this chapter caused by unusual site or development conditions or other similar conditions that require reasonable adjustments, but remain consistent with the intent of this chapter. Examples include, but are not limited to, adjustments to wireless communications facility setbacks, landscaping and screening, or other similar features or elements.
- (2) Review procedure.
  - A. An application for administrative departure may be submitted with an application for administrative review, or at any time after an application has been submitted and before

a decision or recommendation by the Administrative Review Team has been made. If an application for administrative departure is made after an application for administrative review has been filed, the City may require that the time period for administrative review start over on the day the request for administrative departure is received.

- B. An application for an administrative departure may be processed simultaneously with the application for administrative review to which it relates. The Administrative Review Team shall determine whether each requested administrative departure is approved, approved with conditions, or denied.
  - C. Should the Administrative Review Team find that the request does not meet the criteria for an administrative departure, the applicant may file for a variance in accordance with Chapter 11 of this Code of Ordinances, or submit a new application for administrative review.
- (3) Criteria for administrative departure approval. The Administrative Review Team shall make its decision on an administrative departure based on the following criteria:
- A. The need for the administrative departure is caused by unique site conditions, conditions on surrounding properties, and is not being requested simply to reduce cost or as a matter of general convenience;
  - B. The administrative departure does not have the effect of authorizing any wireless communications facility type that is not otherwise permitted in that zoning district;
  - C. The administrative departure does not modify any numerical development standard by more than ten (10) percent of the requirement; and
  - D. The administrative departure, if approved, will ensure that the wireless communications facility is of equal or greater development quality with respect to design, material, and other features than without the administrative departure.

(e) Appeals. The determination rendered by the Administrative Review Team may be appealed to the Planning Commission within 20 days of the decision by any person aggrieved by the decision. The Appeal shall be filed with the City, specifying the grounds, in conformance with Chapter 11 of this Code of Ordinances.

- (1) An appeal shall stay all proceedings in furtherance of the action appealed from unless the City certifies to the Planning Commission, after notice of appeal has been filed, that, by reason of the facts stated in the record of determination, a stay would cause imminent peril to life or property. In this case, the proceedings shall not be stayed other than by a restraining order, which may be granted by a court of record.
- (2) In deciding the appeal, the Planning Commission shall determine, in conformance with this Zoning Ordinance, whether the decision was made using the proper requirements and standards of this chapter. The decision of the Planning Commission is limited to the information that was available to the Administrative Review Team for the initial decision, including any materials included as part of the written record of the decision. Additional testimony is not appropriate.
- (3) If the Planning Commission determines that the Administrative Review Team made an



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improper decision the Commission may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make an order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Administrative Review Team.

- (4) The findings of the Planning Commission shall be based on and supported by substantial evidence contained in the decision. 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 final determination of the Planning Commission may be appealed to the Board of Zoning and Building Appeals. The decision of the Board of Zoning and Building Appeals shall be final.

(f) Concurrent application review.

- (1) Applications for building permits, electrical permits, other applicable permits, and zoning permits associated with the building permit application process may be submitted with the application for administrative review and may be processed and reviewed concurrently with the administrative review application if desired by the applicant.
- (2) Review of the building permit applications and zoning approvals described in this section shall be subject to the statutory timing requirements that apply to building permit application reviews. Accordingly, the applicant should consider the nature and complexity of the request prior to submitting for concurrent review.
- (3) Requests for zoning and building permits for wireless facilities cannot be approved for zoning compliance until an affirmative record of determination of the Administrative Review Team and all other zoning approvals are obtained and attached to the appropriate building permit documents.

(g) 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 (FCC) regulations concerning electromagnetic radiation and other electronic emissions applicable to the Tower and Equipment Shelter.

### 1107.06 CONDITIONAL USE REVIEW

(a) Applications. Applications for conditional use review for towers or antennas shall be reviewed by the Planning Commission, as required by this section's general requirements, subject to the procedures and requirements of this Zoning Ordinance, 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 this section's general requirements, 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, 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 (5) 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 (1) public hearing on such application, notice of which shall include place, time, date and nature of such applied for in a newspaper of general circulation in the City 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 this Zoning Ordinance, 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

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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 (1) 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 City 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 (5) 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 (5) 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. 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 (5) 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 (5) year anniversary date.

### 1107.07 ABANDONMENT OF WIRELESS COMMUNICATIONS FACILITIES

(a) Abandonment.

- (1) All providers utilizing wireless communications facilities shall notify the City in writing of the location and date that any tower facility located in the City whose use will be discontinued. If the use of the facility is discontinued for 180 days without notice from the owner/operator or the owner of the property, the City may declare the facility to be abandoned (this excludes any dormancy period between construction and the initial use of the facility). The facility's owner/operator and property owner will receive written notice from the City and be instructed to either reactivate the facility's use within 180 days, or dismantle and remove the facility.
- (2) If reactivation or dismantling does not occur as described in division (a)(1) above, the City will either remove or cause the facility and associated structures to be removed and assess the

## CHAPTER 1107 WIRELESS SERVICE FACILITIES

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costs to the owner/operator and property owner. In the case of a multi-use tower or wireless communications facility, this provision does not become effective until all users cease use of the tower or facility. However, the City may cause the abandoned portions of systems on the multi-use tower or facility to be removed in accordance with this provision.

(b) Before initiating action to remove the facility, the City must provide the owner of the tower or wireless communications facility and the property owner 90 days written notice and an opportunity to be heard before the Board of Zoning and Building Appeals to appeal the decision. After this notice has been provided, or following a determination by the Board of Zoning and Building Appeals that the tower or facility has been abandoned, the City may take whatever action that is lawful to either 1) acquire the Tower and any appurtenances attached thereto at the then fair market value, or 2) order the removal or demolition of the tower or facility and all appurtenances.

(c) If the removal is appealed, a public hearing in accordance with City Code will be held before the Board of Zoning and Building Appeals following the 90-day notice required in division (b) of this section. All interested parties shall be allowed an opportunity to be heard at the public hearing.

(d) After a public hearing is requested by the tower or wireless communications facility owner and held pursuant to division (c) of this section, the Board of Zoning and Building Appeals may recommend that the City order the removal or demolition of the tower. The City may require the tower or facility owner or former owner to pay for all expenses necessary to remove or demolish the tower or facility.

### 1107.08 NONCONFORMING TOWERS OR WIRELESS COMMUNICATIONS FACILITIES

(a) Conforming use. Wireless communication facilities that are constructed in accordance with the provisions of this chapter shall be deemed conforming uses or structures, regardless of their date of construction. This shall be the case even when new facilities are added to a nonconforming installation, provided that any new facilities meet the requirements of this chapter.

(b) Existing towers. Towers already in existence shall be allowed to continue their use as they exist as of the date of the adoption or amendment of this chapter. Routine maintenance (including replacement with a new tower of like construction and height serving the same purpose) shall be permitted. A replacement tower must be constructed within 180 days of removal of the initial facility unless the owner demonstrates that meeting this requirement is not possible due to conditions not reasonably within their control. The City may permit new construction and/or equipment replacement, other than routine maintenance on an existing tower, provided it complies with the requirements of this chapter and applicable requirements of this Zoning Ordinance to the extent that existing conditions permit.

(c) Damaged or destroyed nonconforming wireless communications facilities. Notwithstanding this section, nonconforming wireless communications facilities that are damaged or destroyed by actions outside the owner's control may be rebuilt without having to first obtain administrative review or a conditional use approval. Any other permits applicable to construction or reconstruction must be obtained. The type, height, and location of the wireless communications facility shall be the same as the original approved facility and constructed in accordance with currently applicable building codes. Permits for construction shall be obtained within 180 days from the date the facility is damaged or destroyed, and reconstruction shall be started within six (6) months from the time of damage and shall be continued until completed. If no permit for construction is obtained, or if an issued permit expires, the facility shall be deemed abandoned as specified in this section's abandonment provisions.

### 1107.09 TEMPORARY WIRELESS COMMUNICATIONS FACILITIES

(a) General. Temporary wireless communications facilities may be approved as provided for in this chapter to:

- (1) Allow communications providers to administer limited frequency and modulation testing to evaluate system performance and the need for additional wireless communications facility sites. Any approval shall not exceed 30 days.
- (2) Allow communications providers to supplement communications coverage when a previously permitted wireless communications facility has become involuntarily non-operational through an accident or force majeure. Any approval shall not exceed 30 days.
- (3) Address a substantial increase in the communications needs of the businesses, residents, and visitors of the City for a limited period of time in circumstances where an emergency has been declared by the city, state or federal government. The approval shall not extend beyond the time of the declared emergency.
- (4) Address a substantial increase in the communications needs of the businesses, residents, and visitors of the city for a limited period of time in circumstances when large conferences or special events are held within the City limits. The approval shall not exceed 14 days.
- (5) Allow providers to maintain uninterrupted wireless communication service through the use of temporary wireless facilities during extended periods of time due to substantial maintenance or capital projects undertaken or caused by the City. The approval shall not exceed the duration agreed to by the City and the affected wireless provider(s).
- (6) Allow providers to maintain uninterrupted wireless communication service resulting from what the City determines to be unforeseen circumstances and/or needs for temporary alternative wireless communication facilities. The approval shall not exceed the duration agreed to by the City and the affected wireless provider(s).
- (7) The City may permit one (1) extension equal to the time periods permitted above, provided the extension is requested in writing prior to the expiration of the original approval period. Extensions may be granted provided the City finds that the extension is reasonably necessary to resolve or accommodate the reasons for the original approval.

(b) Application and approval.

- (1) Due to the emergency nature often associated with temporary wireless facilities, authority to locate a temporary wireless communications facility in the city will be subject to the approval of the City after review by any other members of the Administrative Review Team that the City deems necessary following receipt of a completed application for a temporary wireless communications facility.
- (2) A temporary wireless communications facility may only be approved by the City for the limited purposes and time periods described in division (a) of this section.
- (3) Except as authorized by the City during declared emergencies, all approved temporary wireless communications facilities shall:
  - A. Be limited in height by the requirements of the zoning district in which the site is located. The City may permit a greater height if the height is required for the function of the temporary wireless communications facility and no other reasonable alternative exists.



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- B. Be set back a minimum of the height of the proposed tower from any adjoining or adjacent property line, as measured from the nearest part of the facility and/or any associated equipment. The City may permit a lesser setback if the location is required for the function of the temporary wireless communications facility and no other reasonable alternative location exists.
  - C. Minimize the visual impact of ground equipment to adjoining or adjacent properties.
  - D. Provide temporary screening as may be required by the City, such as available natural land formations, plant materials, and natural foliage to effectively screen from view as much of the temporary wireless communications facility as reasonably possible.
  - E. Only commence installation at the approved site 48 hours before actual site use may begin.
  - F. Be completely removed from the approved site with all site restoration finalized and returned to previously existing conditions within 48 hours following the required termination deadline or extension.
  - G. Not use an electric, gas, or other type of generator that causes or permits any noise to emanate from it in a manner, intensity, and/or duration to create unreasonable noise or sound audible from a distance of 50 feet, and causes inconvenience and annoyance to persons of ordinary sensibilities.
  - H. Not be illuminated unless otherwise required by the FCC or the FAA.
  - I. Be required to comply with the applicable provisions of this section's general requirements and all applicable federal, state or local laws.
- (4) Applications for the location of a temporary wireless communications facility shall include the following, unless deemed unnecessary by the City:
- A. A statement of authorization from the owner of the real property upon which the temporary wireless communications facility is proposed to be located that authorizes the location of the temporary wireless communications facility.
  - B. A list of all property owners and registered homeowners associations and their addresses within 150 feet of the proposed temporary wireless communications facility site. The City may require the applicant to provide adjacent property owners with a descriptive notice of the proposed temporary wireless communications facility, site plan, and the anticipated dates of operation.
  - C. A description of the proposed facility and all associated equipment, including structural design, proposed height, color, location, fencing and/or screening, and approximate setback from property lines.
  - D. Typical elevations or photographs indicating the general appearance of the temporary facility.

- E. A site plan or aerial photo generally indicating the location and setbacks of the temporary facility.
- F. Any other information that the City may deem reasonably necessary to adequately evaluate the request.

### 1107.10 INSPECTIONS

- (a) The City shall require regular inspection of Wireless Communications Facilities.
- (b) Inspections of Towers by either an Ohio Licensed Professional Engineer or a qualified third party mutually agreed upon by the applicant and the City shall be performed to assess structural integrity. Such inspections shall be performed as follows:
  - (1) Multi-Use Towers - at least once every seven (7) years following completion of construction. The inspection shall take place between the sixth and seventh year of the repeat sequence.
  - (2) Alternative Tower Structure - at least once every five (5) years following completion of construction. The inspection shall take place between the fourth and fifth year of the repeat sequence.
  - (3) Antenna Support Structure - at least once every three (3) years following completion of construction. The inspection shall take place between the second and third year of the repeat sequence.
- (c) The inspection reports shall be made available at the City's request, and shall be submitted to the City within 30 days of receipt of the request by the tower owner.
- (d) The cost of such inspections, reports, repairs or demolition required under this section shall be borne entirely by the tower operator required repairs shall be completed within 90 days or less as required by the City for safety reasons.
- (e) Failure to provide required inspection reports in the required time schedule shall be deemed prima facie evidence of abandonment.

### 1107.11 MISCELLANEOUS PROVISIONS

- (a) Non-Waiver. Nothing in this chapter shall preclude the City from exercising any right or remedy it may have in law or equity to enforce the terms and conditions of this chapter.
- (b) Severability. If any provision of this chapter or the application of any provision of this chapter to any person is, to any extent, held invalid or unenforceable by a tribunal of competent jurisdiction, the remainder of this chapter and the application of such provision to other persons or circumstances shall not be affected by such holding. In case of such an event, this chapter and all of its remaining provisions shall, in all other respects, continue to be effective. In the event the law invalidating such a chapter provision subsequently repealed, rescinded, amended or is otherwise changed so that the provision which had previously been held invalid or unenforceable, no longer conflicts with the laws, rules or regulations then in effect, the previously invalid or unenforceable provision shall return to full force and effect.

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(c) Performance Bond.

- (1) All tower owners shall purchase for the benefit of the City, a performance bond to assure that the terms and conditions of this chapter are complied with, including repair and removal. The performance bond shall be in a form approved by the City Attorney and shall be in an amount no less than ten (10) percent of the construction value of the towers as estimated by the City at the time of issuance of a building permit by the Chief Building Official.
- (2) The City may draw upon the performance bond for recovery of any cost or damages it incurs arising from a tower owner's violation of this chapter, or the abandonment or discontinuance of use of a tower.
- (3) The requirement to maintain a performance bond under this subsection shall cease only upon a written determination by the City that the maintenance of the bond is no longer necessary.

(d) Should any provision of this chapter conflict with any other provision of the Code, the strictest provision shall prevail.

### 1107.12 PRE-EMPTION

Notwithstanding any other provision of this code to the contrary, an Applicant may request a waiver to excuse it from having to comply with portions of this chapter on the ground that the requirement or action taken by the City would violate state or federal law. The City shall grant the waiver or excuse an applicant from compliance with the necessary portions of this chapter if it finds based on substantial evidence in the record that the challenged requirement or action is preempted by state or federal law.

### 1107.13 PENALTY

Any person violating any provision of this Chapter of the Codified Ordinances shall be guilty of a misdemeanor of the third degree and shall be fined not more than \$500.00 or imprisoned not more than 60 days or both. Such person shall be deemed guilty of a separate offense for each and every day or portions thereof during which any violation of any of the provisions of this Zoning Ordinance is committed, permitted or continued.

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# Chapter 1109

## DESIGN GUIDELINES

# Design Guidelines

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## 1109.01 CITY-WIDE DESIGN STANDARDS

(a) Purpose. The establishment of design standards is intended to improve the aesthetic and structural quality of Gahanna and its structures, for the promotion of property values, sustainability, and pedestrian experience. This purpose may be accomplished through quality façade materials, interesting building massing and visual order, and a more enjoyable pedestrian experience through the reduction of streetside parking areas, visible building equipment, curb-cuts, and other nuisances.

(b) Applicability. The design standards set forth in this section apply to all structures in all zoning districts, except for those structures in which the principal use is: (1) one-unit dwelling or (2) two-unit dwelling.

(c) Architectural style. Architectural elements must include:

- (1) Variations in façade elements on all sides of the principal structure to reduce perceived mass and scale;
- (2) Variations in height, mass, roof forms, and wall planes to mitigate linear appearance of strip development;
- (3) Compositional rhythms using windows, columns, trellises, articulation, arcades, materials, awnings, canopies, clerestories, or other features;
- (4) Architectural features, such as windows, columns, trellises, articulation, arcades, materials, canopies, clerestories, pilasters, porticos, awnings, brackets, arches, or other similar features; and,
- (5) Entrances along the front elevations that are articulated as significant public entrances; entrances may be emphasized with canopies or similar features which should provide a minimum clearance of nine (9) feet above the sidewalk.

(d) Materials

- (1) Side and rear elevations shall be of the same or similar materials as the front elevation.
- (2) Permitted primary façade materials include: brick, stone veneer (cultured or natural), insulated



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glazing and framing systems, architectural pre-cast concrete, and preapproved newly developed materials.

- (3) Highly reflective materials, such as bright aluminum or metal, are not permitted as the primary building material, but may be included on any elevation if not more than 20 percent of the total materials, as measured in surface area coverage.
- (4) Architectural metal and aluminum are prohibited, except where used as a storefront trim or accent material.
- (5) Smooth faced concrete block, tilt-up concrete panels, or metal siding is prohibited, except in Innovation & Manufacturing (IM), on any elevation, except that smooth faced concrete block, tilt-up concrete panels, and metal siding are allowable materials on up to 25 percent of the rear elevation. Finished face concrete masonry is permitted when used at ground-level service areas.

### (e) Colors

- (1) Exterior colors should be neutral tones of light brown, tan, beige, white, creams, gray, black, and other similar colors. Other colors can be approved through the Development Plan process, Section 1117.07.
- (2) Not more than a total of four (4) colors are allowed on any elevation. For the purpose of this regulation, the roof shall be considered its own elevation.

### (f) Roofs

- (1) "Green" or planted roofs are encouraged.

### (g) Windows

- (1) The ground floor of the primary façade shall be not less than 25 percent transparent glass; however, for all institutional and industrial uses the primary facade shall not be less than ten (10) percent transparent.
- (2) Reflective glass is not permitted.

### (h) Awnings and Canopies

- (1) Awning materials shall be limited to canvas, glass, aluminum, or other finished architectural metal.
- (2) An awning or canopy may extend over the sidewalk but must maintain a two (2)-foot setback from the curb.
- (3) An awning or canopy may not have a clearance above a pedestrian use area, such as a sidewalk, of less than eight (8) feet.

## 1109.02 CREEKSIDE MIXED-USE DESIGN STANDARDS

(a) Purpose. The establishment of design standards is intended to improve and elevate the aesthetic quality of Gahanna's Creekside area, for the promotion of property values, sustainability, and pedestrian experience. The standards in this section apply to all lots and structures located in the Creekside Mixed-Use zoning district.

### (b) Building form and placement

The following building form and placement regulations apply to all lots except those that contain only a one-unit or two-unit dwelling.

- (1) Architectural style. Architectural elements must include: (1) Variations in façade elements on all sides of the principal structure to reduce perceived mass and scale; (2) Variations in height, mass, roof forms, and wall planes to mitigate linear appearance of strip development; (3) Vertical break elements to interrupt the plane of the building frontage every 50 ft.; (4) Compositional rhythms using windows, columns, trellises, articulation, arcades, materials, awnings, canopies, clerestories, or other features; and (6) Architectural features, such as columns, pilasters, canopies, porticos, awnings, brackets, or arches.
- (2) Roof styles. Roofs must be predominantly flat and parapeted. Vertically projecting elements and elevated sloped roof forms are allowed at prominent corners. Roofs must be designed to complement the building with features, materials, and design patterns.
- (3) Building corners. Building massing should step back at corners adjacent to street intersections. May increase height by up to ten (10) feet to articulate and celebrate such corners. At building corners and façade segments between buildings, change of materials, projections and delineating features and additional height are allowed.

### (c) Building elements

The following building element regulations apply to all lots except those that contain only a one-unit or two-unit dwelling.

- (1) Materials overall. Front, side and rear elevations shall be of the same or similar materials and of a similar level of detail; shall be factory finished, stained, integrally colored, or otherwise suitably treated. Highly reflective materials such as bright aluminum or metal are not permitted as the primary building material, but may be included on any elevation if not more than 20 percent of the total materials. Smooth faced concrete block, tilt-up concrete panels, vinyl, and metal siding is prohibited on any elevation in this district.
- (2) Front and side elevations. Upper floor and recessed areas may utilize materials differing from other floors to provide unique expression. Building façade materials shall be high quality and durable. Permitted primary façade materials include: brick, stone veneer (cultured or natural), insulated glazing and framing systems, architectural pre-cast concrete, and preapproved newly developed materials. Finished face concrete masonry may be used at ground level at service areas only. Architectural metal and aluminum may be used as storefront, trim and accent materials only. Buildings may express uniform usage of materials, or may differentiate major building segments toward creating a multiple-building aesthetic by using various materials per segment only when substantial physical breaks and planar offsets are incorporated at segment points to prevent a flat building appearance.
- (3) Colors. Exterior colors should be neutral tones of light brown, tan, beige, white, creams, and gray colors. Not more than a total of four (4) colors are allowed on any elevation. The roof shall be considered a separate elevation.
- (4) Windows. Reflective glass is not permitted. The ground floor of the primary façade shall be not

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less than 40 percent transparent glass. Upper floor elevations shall be comprised of not less than 25 percent transparent glass.

- (5) Walls and fences. Walls and fences must follow regulations in Chapter 1111. Additionally, no fences are allowed in the front yard; all fence and gate materials shall be of a predominant material found on the primary façade of the building.
- (6) Lighting. All lighting on the façade shall be directed downward. No neon, rope, or parapet lighting is permitted. All light fixtures shall shield the light source to reduce glare and light trespass and should be fully shielded or full cutoff fixtures. Metal halide lighting is prohibited. Light levels at the property line should not exceed 1.0 footcandles adjacent to commercial uses and 0.5 footcandles adjacent to residential uses. All lighting fixtures shall be decorative.
- (7) Building entrances. Entrances shall be along the front elevations and articulated as significant public entrances. Entrances may be emphasized with canopies or similar features which should provide a minimum clearance of 9 feet above the sidewalk.
- (8) Screening. Shall adhere to all applicable regulations in Section 1111.04.
- (9) Awning and Canopy Materials. All primary exterior entrances shall have an awning or architectural canopy directly over the doors to aid in identifying the entrance. Awnings shall be of canvass, aluminum, glass, or other finished architectural metal.
- (10) Gutters. Flat roofs should drain to internal roof drains and/or to the rear, leaving street-fronting façades free of gutters and downspouts. Roofs may be occupiable and embellished for amenity use. Stair and elevator access to roof shall be integrated in to the core architecture. "Green" or planted roofs are encouraged.

### (d) Parking and service areas

The following parking and service areas regulations apply to all lots except those that contain only a one-unit or two-unit dwelling.

- (1) Parking location. When any lot, other than a through-lot, contains off-street parking, the off-street parking may not be located closer to the right-of-way than any front-facing elevation of a principal structure on the same lot.
- (2) Parking. Parking structures are encouraged for buildings of more than 50,000 sq. ft. of gross floor area, more than 100 dwelling units, or more than 100 hotel rooms. Parking structures may be located within the principal structure. Parking structures may be located below grade. Any parking structure that is visible from the right-of-way must be screened. A parking structure that is detached from the principal structure on the lot may not exceed a height of 20 feet less than the height of the principal structure. Lighting for a parking structure shall be screened from view from other buildings and the street; screening shall be installed to shield adjacent residential units from the glare of vehicle headlights in the parking structure.
- (3) Dumpsters. Shall adhere to all applicable regulations in Section 1111.04.
- (4) Outdoor storage. Outdoor storage is not permitted.
- (5) Mechanical equipment. All mechanical equipment shall be 100 percent screened from view from the public right-of-way and from adjacent properties by using walls, fences, roof elements, penthouse type screening devices or landscaping. All roof-mounted mechanical equipment shall be screened from public view to two (2) feet above the height of the equipment. The design, colors and materials used in screening shall be the same as those of a predominant

material found on the primary building façade. Unit exhaust and louvers are not allowed on façades; systems shall route through roof.

- (6) Curb-cuts. No service drive curb cuts are allowed within the building street wall frontage. If more than one (1) street frontage exists, locate curb-cuts on the street with least pedestrian importance

### 1109.03 CREEKSIDE RESIDENTIAL DESIGN STANDARDS

(a) Purpose. The establishment of design standards is intended to protect and improve the aesthetic quality of Gahanna's Creekside neighborhood, for the promotion of property values, sustainability, and pedestrian experience. The standards in this section apply to all lots and structures located in the Creekside Residential Zoning District.

#### (b) Building form and placement

The following building form and placement regulations apply to all lots except those that contain only a one-unit or two-unit dwelling.

- (1) Architectural style. Architectural elements must include: (1) Variations in façade elements on all sides of the principal structure to reduce perceived mass and scale; (2) Variations in height, mass, roof forms, and wall planes to mitigate linear appearance of strip development; (3) Vertical break elements to interrupt the plane of the building frontage every 50 ft.; (4) Compositional rhythms using windows, columns, trellises, articulation, arcades, materials, awnings, canopies, clerestories, or other features; and (6) Architectural features, such as columns, pilasters, canopies, porticos, awnings, brackets, or arches.
- (2) Roof styles. Roofs must be predominantly flat and parapeted. Vertically projecting elements and elevated sloped roof forms are allowed at prominent corners. Roofs must be designed with features, materials, and patterns that reflect the building.
- (3) Building corners. Building massing should step back at corners adjacent to street intersections. May increase height by up to ten (10) feet to articulate and celebrate such corners. At building corners and façade segments between buildings, change of materials, projections and delineating features and additional height are allowed.

#### (c) Building elements

The following building element regulations apply to all lots except those that contain only a one-unit or two-unit dwelling.

- (1) Materials overall. Front, side and rear elevations shall be of the same or similar materials and of a similar level of detail; shall be factory finished, stained, integrally colored, or otherwise suitably treated. Highly reflective materials such as bright aluminum or metal are not permitted as the primary building material, but may be included on any elevation if not more than 20 percent of the total materials. Smooth faced concrete block, tilt-up concrete panels, vinyl, and metal siding is prohibited on any elevation in this district.
- (2) Front and side elevations. Upper floor and recessed areas may utilize materials differing from other floors to provide unique expression. Building façade materials shall be high quality and

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durable. Permitted primary façade materials include: brick, stone veneer (cultured or natural), insulated glazing and framing systems, architectural pre-cast concrete, and preapproved newly developed materials. Finished face concrete masonry may be used at ground level at service areas only. Entrances may be emphasized with canopies or similar features which should provide a minimum clearance of nine (9) feet above the sidewalk.

- (3) Colors. Color palettes for building exteriors must be complementary with the colors of adjacent structures. Exterior colors should be neutral tones of light brown, tan, beige, white, creams, and gray colors. Not more than a total of four (4) colors are allowed on any elevation. The roof shall be considered a separate elevation.
- (4) Windows. Reflective glass is not permitted. The ground floor of the primary façade shall be not less than 40 percent transparent glass. Upper floor elevations shall be comprised of not less than 25 percent transparent glass.
- (5) Walls and fences. Walls and fences must follow regulations in Chapter 1111. Additionally, only decorative open fences are permitted in the front yard; all fence and gate materials shall be of a predominant material found on the primary façade of the building.
- (6) Lighting. All lighting on the façade shall be directed downward. No neon, rope, or parapet lighting is permitted. All light fixtures shall shield the light source to reduce glare and light trespass and should be fully shielded or full cutoff fixtures. Metal halide lighting is prohibited. Fixtures shall be located no closer to the property line than four (4) times the mounting height of the fixture and in no event shall exceed the height of adjacent structures. Light levels at the property line should not exceed 1.0 footcandles adjacent to commercial uses and 0.5 footcandles adjacent to residential uses. All lighting fixtures shall be decorative.
- (7) Screening. Shall adhere to all applicable regulations in Section 1111.04.
- (8) Awning and canopy materials. All primary exterior entrances shall have an awning or architectural canopy directly over the doors to aid in identifying the entrance. Awnings shall be of canvass, aluminum, glass, or other finished architectural metal.
- (9) Gutters. Flat roofs should drain to internal roof drains and/or to the rear, leaving street-fronting façades free of gutters and downspouts. Roofs may be occupiable and embellished for amenity use. Stair and elevator access to roof shall be integrated in to the core architecture. "Green" or planted roofs are encouraged.

### (d) Parking and service areas

The following parking and service areas regulations apply to all lots except those that contain only a one-unit dwelling.

- (1) Parking location. Must be located in the rear yard or one (1) side yard. Parking lots shall meet the requirements of Section 1111.01.
- (2) Parking structures. Parking structures are encouraged for buildings of more than 50,000 sq. ft. of gross floor area, more than 100 dwelling units, or more than 100 hotel rooms. Parking structures may be located within the principal structure. Below-grade structures are allowed. Screening is required for parking structures visible from the street. Must be two (2) fewer stories than the principal structure. Parking structure shall allow unencumbered service drive

access to sides and rears of principal structures. Lighting shall be screened from view from other buildings and the street; headlights shall be screened from residential units by installing solid screening on top parking levels.

- (3) Dumpsters. Shall adhere to all applicable regulations in Section 1111.04.
- (4) Outdoor storage. Outdoor storage is not permitted.
- (5) Mechanical equipment. All mechanical equipment shall be 100 percent screened from view from the public right-of-way and from adjacent properties by using walls, fences, roof elements, penthouse type screening devices or landscaping. All roof-mounted mechanical equipment shall be screened from public view to two (2) feet above the height of the equipment. The design, colors and materials used in screening shall be the same as those of a predominant material found on the primary building façade. Unit exhaust and louvers are not allowed on façades; systems shall route through roof.
- (6) Curb-cuts. No service drive curb cuts are allowed within the building street wall frontage. If more than one (1) street frontage exists, locate curb-cuts on the street with least pedestrian importance.



# Chapter 1111

## SITE ELEMENTS

# Site Elements

### 1111.01 PARKING, ACCESS, AND CIRCULATION

#### (a) Location of Parking Areas

- (1) Except for any parking area on a through-lot or on a lot without principal structures, a parking area may not be closer to the front lot line than any front-facing exterior wall of any principal structure(s) on the same lot; however, driveways may be located closer to the front lot line than any front-facing exterior wall of any principal residential use and may serve as parking areas.
- (2) No parking area may be set back from the front lot line less distance than the required front setback for principal structures in the zoning district in which it is located, except in the case of driveways, which may serve as parking areas.
- (3) For any parking area on a lot without a principal structure, the parking area may not be closer to the front lot line than any front-facing exterior wall of any principal structure on any side-adjacent lot(s). For this requirement, a side-adjacent lot is a lot that abuts the lot in question and fronts the same street or streets as the lot in question.
- (4) A parking area must be set back from the side and rear lot lines by at least ten (10) feet, except at a location where vehicular access is provided to an adjacent lot.

#### (b) Parking Area Access

- (1) Parking area access drives shall not exceed 35 feet in width.
- (2) Pedestrian walkways. A pedestrian walkway must be provided within the vehicle use space of all parking area facilities. Pedestrian walkways must connect adjacent sidewalks on each frontage with the entrance(s) of the establishment, and pedestrian walkways must connect parking areas for the establishment's employees and visitors with the entrance(s) of the establishment. The pedestrian walkways must be at least four (4) feet wide.

#### (c) Parking Space Count

- (1) For non-residential uses, no minimum parking space count is established.
- (2) For residential uses, one (1) off-street parking space shall be provided per studio or one (1)

## CHAPTER 1111 SITE ELEMENTS

bedroom unit and two (2) off-street parking spaces per two (2) or more bedroom units.

- (3) For residential uses, a driveway shall fulfill the requirement of off-street parking spaces at a rate of one (1) off-street parking space per 300 square feet of driveway ground coverage.

### (d) Parking Space and Drive Aisle Dimensions

Off-street parking spaces and drive aisles shall have the minimum dimensions, as described in the table below. In the case that parking spaces open directly to and are accessed only by a public alley, the width of the alley shall contribute to meeting the minimum drive aisle widths.

Table 17: Parking Space & Aisle Dimensions		
Parking Angle (degrees) Measured from the Direction of Traffic	Minimum Drive Aisle Width (feet)	Minimum Parking Space Dimensions (feet)
90	17 (one-way travel)	10 x 19
90	20 (two-way travel)	9 x 19
60	15 (one-way travel)	9 x 19
60	20 (two-way travel)	9 x 19
45	13 (one-way travel)	9 x 19
45	20 (two-way travel)	9 x 19
0 (Parallel)	13 (one-way travel)	8 x 23
0 (Parallel)	25 (two-way travel)	8 x 23

### (e) Parking Area Screening

- (1) Parking areas shall be screened from all lot lines by a continuous three (3)-foot-high screen consisting of opaque evergreen hedges; an opaque fence; an opaque wall; or a combination of screening types.

### (f) Parking Area Landscaping

- (1) For parking areas of 1,000 square feet or more or intended for five (5) or more vehicles, interior landscaping is required.
- (2) Five (5) percent of the total parking area is required to be landscaped.
- (3) Interior landscaping in parking areas shall be dispersed throughout the parking area in landscaping peninsulas and islands.
- (4) The minimum landscaped peninsula size shall be 50 square feet and a minimum length or width dimension of 5 feet.
- (5) One (1) tree per 100 square feet of required landscape area or portion thereof is required.
- (6) Required landscaping shall be maintained within the minimum requirements of this section.

(g) Parking Area Markings

- (1) The surface of any parking area containing ten (10) or more parking spaces shall be striped, and the striping maintained in good condition to be clearly visible with lines four (4) inches wide to indicate parking space limits.
- (2) Any off-street parking area shall be marked or posted with such traffic control devices as may be determined necessary by the City for the protection of operators and pedestrians, including directional arrows, one-way signs, no parking signs and fire lane signs.

(h) Parking Area Surfaces

- (1) Parking areas must have surfaces that are improved with all-weather, dustless materials such as concrete, asphalt, or other material as approved by the City.
- (2) All off-street parking areas including spaces, driveways, aisles and circulation drives shall be graded and maintained so that water does not drain onto adjacent property. All such surfaced areas shall be kept in a proper state of repair and free of potholes, litter, glass, nails or other hazardous or other dangerous materials.
- (3) Stormwater retention requirements shall be provided as required by Sections 1115.02.

(i) ADA Parking Requirements

- (1) Nothing in this Zoning Ordinance shall be construed to conflict with the regulations set forth by the Americans with Disabilities Act.
- (2) Parking spaces designated and designed for people with disabilities shall be in compliance with the universal parking space design set forth in the Americans with Disabilities Act Accessibility Standards, Section 208 and Section 502, which can be reviewed at the following website: <https://www.access-board.gov/ada/>.
- (3) All such spaces shall be designated by free-standing signs pursuant to the Ohio Secretary of State guidelines.

(j) Electric Vehicle Charging

- (1) For lots that contain 50 parking spaces or more: at least one (1) parking space per 25 parking spaces on a lot must be equipped with an electric vehicle charging station. For the purposes calculating the number of required electric vehicle charging stations, in the case that the number of parking spaces on a lot is not divisible by 25, the number of parking spaces on the lot shall be rounded up to the nearest multiple of 25.

(k) Parking Area Restrictions in Residential Zoning Districts

In the ER, R-1, R-2, R-3, and R-4 zoning districts, the following parking restrictions apply:

Commercial vehicles. No commercial vehicle weighing 6,501 pounds or more shall be stored, parked, or allowed. However, one (1) commercial vehicle, weighing 6,500 pounds or less, limited to a two (2)-axle construction which has operating characteristics similar to those of a passenger car and/or does not infringe upon the residential character of the zoning district may be permitted. Infrequent short-term parking of a commercial or commercial-type vehicle for conveying tools and materials to premises where labor using such tools and materials is being performed, delivering goods to a residence, or moving furniture to or from a residence, all only during the time such parking is actually necessary, is hereby excepted from this section. For purposes of this section

## CHAPTER 1111 SITE ELEMENTS

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"commercial vehicle" means any vehicle used or designed to be used for business or commercial purposes which infringes on the residential character of a residential district and includes, but is not necessarily limited to: a bus, cement truck, commercial tree trimming equipment, construction equipment, dump truck, garbage truck, panel truck, box truck, semitractor, semitrailer, stage bed truck, step van, tank truck, tar truck, tow truck and/or commercial trailers.

### (l) Bicycle Parking

- (1) Applicability. Bicycle parking facilities are required for any structure of more than 10,000 square feet of gross floor area (GFA) on a lot.
- (2) Bicycle Parking Count. Bicycle parking spaces shall be provided at a rate of one (1) bicycle parking space per 5,000 square feet of GFA. Where the number of square feet of GFA is not evenly divisible by 5,000, round up to the nearest multiple of 5,000.
- (3) Bicycle Parking Location. Bicycle parking spaces shall be located not more than 200 feet from the main entryway into the principal structure. Alternatively, bicycle parking spaces may be located inside the principal structure if information about the structure's hours of public access are clearly posted at the location of the indoor bicycle parking spaces.

### (m) Off-street Loading

- (1) The location of areas for loading and unloading of inventory, waste, and other products from all land uses must not require loading/unloading vehicles to back into or maneuver within a street right-of-way or overhang an adjacent property. Maneuvering within a public alleyway is permissible.
- (2) Loading or unloading may not interfere with, block access to, or encroach on fire and emergency vehicle lanes, parking areas, sidewalks, bike lanes, drive aisles or queuing areas.
- (3) Dedicated loading and unloading areas must be screened from view from the street right-of-way but may be visible from public alleyways, see Section 1111.04.
- (4) Loading areas must be located to the side or the rear of the building and may not be placed between the street and the building or any front façade of a building.

### (n) Drive-thrus

The following standards apply to all new or expanded drive-thru facilities, and the addition of drive-thru facilities on existing properties:

- (1) All establishments with drive-thrus must provide a ten (10)-foot-wide by-pass lane whereby vehicles may exit the lot at any point without proceeding through the drive-through lane.
- (2) Menu boards. All menu boards must be oriented toward the drive-thru aisle that they are serving and must use hoods, shields, or directional lenses to ensure that the illuminated sign elements do not cause glare on adjacent properties.

## 1111.02 SETBACKS AND STRUCTURE PLACEMENT

- (a) No principal structure shall be set back from a lot line less distance than the minimum setback as required for the zoning district in which the principal structure is located, as set forth in Chapter 1103.

(b) An accessory structure with a vertical dimension of more than six (6) feet must be set back from a lot line at least the minimum setback as required for accessory structures in the zoning district in which the principal structure is located, as set forth in Chapter 1103. If no specifications are set forth for accessory structure setbacks in the zoning district, such accessory structure must be set back at least five (5) feet from all lot lines.

(c) Any accessory structure with a vertical dimension of six (6) feet or less, such as paved vehicle use areas and at-grade terraces, but not including pools, must maintain a five (5)-foot setback from all lot lines, except when such structures form a contiguous structure with an adjacent property, such as a combined parking area.

(d) Fences may be installed with a zero-foot setback from all lot lines but must comply with Section 1111.05.

(e) Any pool must be set back from the side and rear lot lines as required for a principal structure in that zoning district as set forth in Chapter 1103. A pool may not be located in the front yard.

### 1111.03 LANDSCAPING

Grass or other vegetative ground cover shall be planted on all portions of a lot not occupied by structures or other conventional landscaping materials.

### 1111.04 BUFFERS AND SCREENING

#### (a) Buffers

Buffers are areas along the boundary of one property that insulate adjacent properties from the effects of the property's incompatible use, such as noise, dust, light, and unattractive aesthetics. The buffering requirements are set forth in the comprehensive buffer table. Standards are described below:

- (1) Grass or ground cover shall be planted on all portions of the buffer easements not occupied by other landscaping material.
- (2) Trees required by the comprehensive buffer table do not have to be equally spaced and may be grouped.

#### (b) Screening

Standards for screening are established below:

- (1) Screening shall have an 80 percent opaqueness or more during all seasons. Opaqueness will be determined by comparing the amount of screening material opening with the total area.
- (2) Screening shall be at least six (6) feet in height.
- (3) Screening should be accomplished using vegetation, such as evergreen plants, if practicable. If screening is to be accomplished by vegetation, the vegetative materials shall achieve the standards stated above within a period of five (5) years or less. If vegetative screening is not practicable for the site, structural screening, such as an opaque fence or wall or mound, may



## CHAPTER 1111 SITE ELEMENTS

**Table 18: Comprehensive Buffer Table**

Key: Blank No buffer or screening required		ADJOINING USE				
		Public Street Right-of-way	Freeway or Railroad Rights-of-way	One-Unit Dwelling	All Other Dwellings	Any Commercial Use
PRIMARY USE	USE CATEGORIES					
	Agricultural Uses			Buffer A	Buffer A	
	Commercial Uses		Buffer A	Buffer A	Buffer A	
	Conditional Uses in ER, R-1, R-2, or R-3		Buffer A	Buffer A	Buffer A	
	Dwelling Uses		Buffer A			Buffer A
	Industrial Uses		Buffer A	Buffer B	Buffer B	Buffer A
	Institutional Uses		Buffer A	Buffer A	Buffer A	
	Other Uses		Buffer A	Buffer A	Buffer A	
	SPECIFIC USES					
	Automotive Services		Buffer B	Buffer B	Buffer B	
	Drive-thrus		Buffer A	Buffer A	Buffer A	
	Loading or service area	Buffer B	Buffer B	Buffer B	Buffer B	
	Multi-unit Dwelling or Residential Care Services		Buffer A	Buffer A	Buffer A	
	Outdoor Storage	See Screening, Section 1111.04(b)(4).				
	Dumpsters	See Screening, Section 1111.04(b)(5).				
	Parking areas	See Parking Area Screening, Section 1111.01(e).				
	Utility substation, junkyard, landfill, sewage plant, or similar use	Buffer A	Buffer A	Buffer A	Buffer A	

Buffer A = 10 ft. wide buffer easement along shared boundary which consists of 1 tree per 40 linear ft. of boundary and a continuous 6 ft. high screen.

Buffer B = 20 ft. wide buffer easement along shared boundary which consists of 1 tree per 50 linear ft. of boundary and 1 low shrub per 10 ft. of boundary.

be used, but such fence, wall, or mounding may not be more than eight (8) feet in height, ten (10) feet for Innovation & Manufacturing (IM).

- (4) Outdoor storage areas shall meet the screening requirements of this division up to a combined maximum height of ten (10) feet. Screening can include a wall, fence, mounding, landscaping, or combination thereof.
- (5) All dumpsters and other refuse storage areas shall meet the screening requirements of this division up to a maximum height of eight (8) feet. Dumpsters and other refuse storage areas

shall be located to the rear of the principal structure. Screening can include a wall, fence, mounding, landscaping, or combination thereof.

- (6) All mechanical equipment shall be completely screened from view from the public right-of-way and from adjacent properties by using walls, fences, roof elements, penthouse type screening devices or landscaping. All roof-mounted mechanical equipment shall be screened from public view to two (2) feet above the height of the equipment. Mechanical equipment exhaust vents and louvers are prohibited on street-facing elevations.

### 1111.05 FENCES

(a) No fence shall be erected unless such fence conforms with all requirements of this Zoning Ordinance and has been granted a fence permit by the City, except when such fence is an exempt fence.

(b) An exempt fence is:

- (1) A fence that is intended for erosion and sediment control at a construction site;
- (2) A fence that is intended for controlling access to a property during construction, grading, or other temporary use;
- (3) A fence that is intended to control snow drifts and is under four (4) feet in height; is in use only between December 1 of any year and the following March 31; is not closer to the right-of-way than half of the minimum front setback; is not within the sight triangle; does not hinder access to a residence by vehicles and personnel responding to a fire, police or medical emergency; and does not cause snow to accumulate in a manner which would encroach upon or block any public right-of-way, hinder proper operation of Municipal snow removal equipment, or block access to or cause damage to adjacent properties;
- (4) A fence that is intended to control pets, livestock, or wildlife and is more than 90 percent transparent, such as an underground electric dog fence or a seasonal vegetable garden deer fence;
- (5) A fence that is under three (3) feet in height and is not within the sight triangle; or
- (6) A fence that is a replacement of an existing fence and is of the same height, location, and material as the existing fence and conforms with this Zoning Ordinance.

(c) A fence permit must be displayed during the erection of a fence, except when such fence is an exempt fence.

(d) No fence shall exceed six (6) feet in height except:

- (1) A fence which is an exempt fence;
- (2) A fence which encloses athletic fields and courts and does not exceed 12 feet in height;
- (3) A fence used for screening dumpsters and does not exceed eight (8) feet in height;
- (4) A fence which defines secure areas for the storage of public property and does not exceed 12 feet in height;
- (5) A fence used for screening outdoor storage and does not exceed ten (10) feet in height; or,
- (6) A fence which provides a secure area in the Innovation and Manufacturing zoning district and does not exceed ten (10) feet in height.

## CHAPTER 1111 SITE ELEMENTS

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### (e) Location

- (1) In residential zoning districts, no fence shall extend beyond the front elevation of the principal structure. This regulation does not apply to exempt fences.
- (2) A fence may be constructed along or upon common property lines and across any utility easement.
  - A. Fences placed on utility easements shall provide access to manholes, utility boxes, cleanouts or other apparatus that may be used from time to time for maintenance of the utility.
  - B. Fences placed on drainage easements shall allow for the proper flow of water.
  - C. A fence shall not be located within three (3) feet of a utility box, manhole or other apparatus that may be used for maintenance of the utility. However, a gate and/or removable section of fencing may be placed within this three (3)-foot restriction if such gate and/or removable section provides sufficient access to the utility box, manhole or other apparatus.
  - D. When a fence obstructs access to a utility box, manhole or other public apparatus for maintaining utilities, the owner shall be required to remove and replace such fence at their expense without remuneration from the City. This section shall not prohibit the City from removing any fence located in a utility or drainage easement that obstructs a utility box, manhole or other apparatus or obstructs the proper flow of water.
  - E. Fences that are being proposed to be placed on utility and/or drainage easements shall require prior approval from the City.

(f) Material. No fence shall have metal prongs or spikes, or barbed wire, except that barbed wire is permitted on the top of chain link fences in the Innovation and Manufacturing zoning district. No fence other than an invisible fence shall have as part of its design or construction an electrified portion.

(g) Access. Any fence constructed between the required building setback line and street public right-of-way shall not prevent or hinder access to the residence by vehicles and personnel responding to a fire, police or medical emergency.

(h) Swimming Pool Fences. A private swimming pool constructed on the premises of a detached one- or two-unit dwelling shall be enclosed by a fence erected wholly on said premises. On a case by case basis, the Department of Planning or their designee may approve a fence permit application for a fence not wholly on the pool owner's property. However, if a neighbor's fence, which makes up any portion of the pool enclosure is removed for any reason, the owner of the property on which the pool is located shall be responsible for restoring the pool to an enclosed state. This restoration shall be performed within 30 days of the date that the City is made aware of the situation. All fences surrounding swimming pools shall conform to the following requirements:

- (1) In-ground pool fences. For in-ground pools, the top of the fencing shall be at least 48 inches above the grade measured on the side of the fence which faces away from the pool, but not to exceed 72 inches in height as measured from grade along the line of the fence as installed.

- A. The maximum vertical clearance between grade and the bottom of the fence shall be four (4) inches measured on the side of the fence which faces away from the pool.
  - B. Solid fences which do not have openings, such as masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
  - C. Spacing between vertical members of a wood or vinyl fence shall not exceed one and three quarter inches in width.
  - D. Maximum mesh size for chain link fences shall not exceed one and three quarter inch square unless the fence is provided with slats fastened at the top or bottom which reduce the openings to no more than one and three quarter inches.
  - E. In a lattice fence the maximum opening formed by the diagonal members shall be no more than one and three quarter inches.
  - F. Spacing between vertical members of a decorative metal fence shall be no more than four (4) inches and any gate shall have no opening greater than one-half inch within 18 inches of the release mechanism.
  - G. Access gates to the pool shall be equipped with a lock operated by a key, or combination lock, and shall be locked when not in use. Pedestrian access gates shall open outward, away from the pool, and shall be self-closing and have a self-latching device. Where the release mechanism of a self-latching device is located less than 54 inches from the bottom of the gate, (a) the release mechanism shall be located on the pool side of the gate at least three (3) [inches] below the top and (b) the gate and fence shall have no opening greater than one-half inch within 18 inches of the release mechanism.
- (2) Aboveground pool fences. For aboveground pools, fencing shall be the same as required by this section for in-ground pools except that, if the sides of the pool are 42 inches or more above the minimum adjacent grade, and the pool is equipped with a removable ladder or a ladder that folds up and locks in an upright position when the pool is not in use, or the steps or ladder is surrounded by a fence as described in this section, then additional fencing will not be required. If an aboveground pool has a fence at the top of the pool, the maximum vertical clearance between the top of the pool and the bottom of the fence shall not exceed four (4) inches. A 36 inch minimum guardrail conforming to the Residential Code of Ohio is required for any porch, balcony or raised floor surface located more than 30 inches above the floor or grade below.
- (i) Maintenance. Fences shall be maintained in good condition, be structurally sound, safe, and attractively finished at all times. Any repairs or replacement ordered by the City shall be made within 30 days of the date of the order. Grounds between fences and property lines and between fences shall be well maintained at all times. Any fence shall be designed, constructed and finished so the supporting members thereof shall face the property of the owner of the fence. If a fence does not meet these standards, the owner of the property with the fence shall be subject to the penalty.

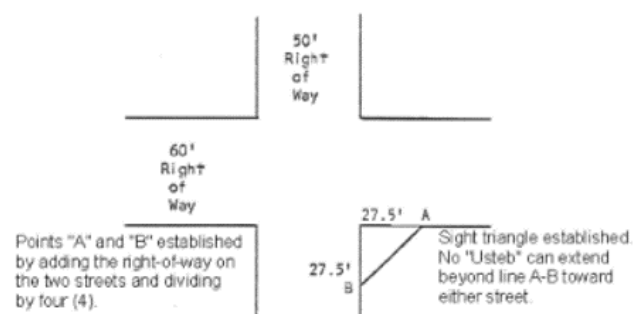
## CHAPTER 1111 SITE ELEMENTS

### 1111.06 OUTDOOR LIGHTING

- (a) Holiday light displays are not subject to the standards herein.
- (b) Any nonresidential parking area with ten (10) or more off-street parking spaces and any residential parking area with 20 or more off-street parking spaces shall be illuminated during poor visibility to provide an average intensity of one-half foot candles of light as measured at the parking surface area. All outdoor lighting shall be constant intensity, and shall be directed, reflected or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians or drivers, create a nuisance or unreasonably interfere with a neighboring property owner's right to enjoy their property.
- (c) Exterior building illumination shall be from concealed sources. Strobe lights, flashing light, rope lighting, and metal halide lighting are prohibited.
- (d) Lighting fixtures shall not exceed 20 feet above grade.
- (e) In parking lots, lights shall be placed in landscaped parking lot islands or on a solid base to protect both lights and vehicles.
- (f) The average illumination shall be one (1) foot-candle measured at the property line when not adjacent to residential zoning districts or uses. When adjacent to residential zoning districts or uses, the average illumination measured at the property line shall not exceed one-half (0.5) foot-candle. The average illumination level on the ground shall not exceed two (2) foot-candles.
- (g) The maximum illumination of any vertical surface shall not exceed four (4) foot-candles.
- (h) Security lighting shall be from full cutoff type fixtures, shielded and aimed so that illumination is directed to the designated areas with the lowest possible illumination level to effectively allow surveillance.
- (i) In the interest of reducing 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.

### 1111.07 SIGHT TRIANGLE

- (a) At every intersection of street rights-of-way a sight triangle shall be established as described by the right-of-way lines of the intersecting streets as existing or as may be required by the Gahanna Major Thoroughfare Plan whichever is greater, and the third side. The third side is established by the line related by connecting points on each right-of-way line identified by measuring along each right-of-way line from the intersection a distance equal to the sum of the width of both rights-of-way divided by four.



- (b) Within the sight triangle there shall be maintained a clear visibility between the heights of two (2) feet and ten (10) feet above the average center line grade

Figure 38: Illustrative figure showing an example of the sight triangle for an intersection of a 50-foot right-of-way and a 60-foot right-of-way.

of the intersection streets within the sight triangle, except trunks of existing trees or light or sign supports. Such supports shall have a maximum dimension of six (6) inches or less of its horizontal section. If there are two (2) or more supports on a framework, they shall not be closer to each other than four (4) feet. There shall be no vehicle parking or standing space provided within the sight triangle.



# Chapter 1113

## SIGN STANDARDS

# Sign Standards

### 1113.01 PURPOSE

The purpose of the sign regulations is to establish permissive standards by which signs shall be regulated relative to time, place and manner.

(a) The City has determined that the individual user's right to convey a message must be balanced with the public's right to be free of signs which unreasonably compete, distract drivers and pedestrians, and produce confusion. It is the City's intent to provide business and industry in the City with equitable sign standards in accordance with fair competition and aesthetic standards acceptable to the community; to provide the public with a safe and effective means of locating businesses, services and points of interest within the City; and to provide for a safe vehicular and pedestrian traffic environment. This chapter is based on the premise that signs are subject to control as much as noise, odor, debris and other similar characteristics of land use, and that if not regulated, can become a nuisance to adjacent properties or the community in general, or depreciate the value of other properties within the community. To mitigate the potential negative consequences, reasonable limitations on signs are appropriate with respect to the size, height and construction of signs, and the time, place and manner of their display.

(b) Specifically, the City has determined that regulations for signs are desirable in order to:

- (1) Prevent or limit traffic and pedestrian accidents, injuries, deaths, and property damages resulting from obstructed vision, distraction or confusion to the public due to the undue proliferation of signs;
- (2) Minimize the risk of damage and injuries from signs that are dilapidated, structurally deficient, wind-blown or electric shock hazards;
- (3) Achieve a degree of uniformity in the size, height, number, and placement of signs;
- (4) Enhance the aesthetics of the City by regulating the amount of time which temporary signs may be displayed, regulating the location of signs relative to public rights-of-way, and regulating

## CHAPTER 1113 SIGN STANDARDS

- the manner that signs are displayed;
- (5) Visually promote and maintain residential, commercial and industrial districts;
  - (6) Maintain and preserve the City's values in residential, commercial and industrial districts;
  - (7) Prevent blight characterized by oversized, overcrowded, abandoned, and/or dilapidated signs;
  - (8) Eliminate nonconforming signs;
  - (9) Facilitate an equitable, regulatory, and administrative process involving signs located within the City; and,
  - (10) Protect the public's right to receive information protected by the First Amendment of the United States Constitution.

### 1113.02 COMPREHENSIVE SIGN TABLE

(a) The following table summarizes the sign types and features permitted by this Zoning Ordinance.

Table 19: Comprehensive Sign Table															
Key: P Permitted Blank Not Permitted	Zoning District													Sign Type Standards	
	ER	R-1	R-2	R-3	R-4	OF	NC	GC	RI	IM	CON	CMU	CR		
SIGN TYPE															
Awning or Canopy Sign					P	P	P	P	P	P		P	P	1113.04(a)	
Directional Sign					P	P	P	P	P	P	P	P		1113.04(b)	
Flag Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	1113.04(c)	
Freestanding Sign					P	P	P	P	P	P	P	P		1113.04(d)	
Projecting Sign					P	P	P	P	P	P	P	P		1113.04(e)	
Sandwich Board Sign					P	P	P	P	P	P	P	P	P	1113.04(f)	
Temporary Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	1113.04(g)	
Wall Sign					P	P	P	P	P	P	P	P	P	1113.04(h)	
Window Sign					P	P	P	P	P	P	P	P	P	1113.04(i)	
SIGN FEATURE															
External Illumination	P	P	P	P	P	P	P	P	P	P	P	P	P		
Internal Illumination					P	P	P	P	P	P	P	P			
Changeable Copy					P	P	P	P	P	P	P	P			
Electronic Message Center							P	P	P	P				1113.04(j)	

*Note: Before any permanent sign is erected, moved, altered, or enlarged, it must receive a sign permit. Temporary signs may be of any type but must adhere to the sign regulations for height and area.*

### 1113.03 GENERAL SIGN STANDARDS

(a) Sign Height for Freestanding Signs. Sign height for freestanding signs is limited to 15 feet above grade.

(b) Determining Sign Area. The maximum permitted sign area shall apply to the entire area enclosing the extreme limits of writing, representation, emblem or figure. Sign area shall consider the entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.

- (1) Any frame, material, or color forming an integral part of the display or used to differentiate a sign from the background against which it is placed shall count toward the maximum permitted sign area. For example, if a wall sign is painted with background colors and/or graphics integral to the overall graphic scheme of a sign, the entire wall shall be considered a sign and its measurement computed as such. If a sign is painted on a wall, and the sign can be logically separated and measured separately from the background graphics, the background graphic scheme shall not be computed in the sign area.
- (2) Necessary supports or uprights on which a sign is placed are excluded from the computation of sign area.
- (3) The permitted actual size of a sign shall apply to each facing of a sign structure; however, where signs are double-faced, placed back-to-back, or in a "V-type" construction when the "V" is at a 45-degree angle or less, only one side of the sign shall be counted. Back-to-back signs must be enclosed within the same cabinet or affixed to the same pole and not separated by more than 18 inches to qualify under this section.
- (4) The overall height of a freestanding sign shall be computed as the distance from the base of the sign at average grade to the top of the highest attached component of the sign. Average grade shall be construed to be the lower of:
  - A. Existing grade prior to construction; or,
  - B. The newly established grade after construction, exclusive of any filing, berming, mounding, or excavating solely for the purpose of locating or increasing the height of the sign.

(c) Aggregate Sign Area. The maximum aggregate sign area for a lot is determined by the lot area.

Maximum Aggregate Sign Area (sq. ft.) = 0.01a

where "a" is the lot area in square feet.

For example, a 6,000-square-foot lot may have a total of 60 square feet of signs.

In no case shall the aggregate sign area of a lot exceed 400 square feet.

For multi-tenant properties, each tenant shall govern a percent of the aggregate sign area no greater than the percent of gross floor area that such tenant occupies. For example, if the gross floor area of a multi-tenant property is 100,000 square feet, and Tenant A occupies ten (10) percent of the gross floor area, or 10,000 square feet, it shall govern no more than ten (10) percent of the aggregate sign area for the property.

## CHAPTER 1113 SIGN STANDARDS

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(d) Individual Sign Area. The maximum sign area for any individual sign is determined by the sign's distance from a street right-of-way.

$$\text{Maximum Sign Area (sq. ft.)} = 12 + d$$

where d is the shortest distance (in feet) between the sign face and a street right-of-way.

For example, a sign located 40 feet from the nearest street right-of-way may have a maximum sign area of 52 square feet.

### 1113.04 STANDARDS BY SIGN TYPE

#### (a) Awning or Canopy Sign

- (1) An awning or canopy sign may be located on an awning or canopy that extends over the public right-of-way, but only when authorized by a valid permit.

#### (b) Directional Sign

- (1) A directional sign must be located within ten (10) feet of the street right-of-way and within ten (10) feet of a curb cut or vehicular accessway to a property.

#### (c) Flag Sign

- (1) Each flag sign may not exceed a sign area of 24 square feet.
- (2) When measuring sign area for flag signs, the entire fabric area shall be considered the sign area.

#### (d) Freestanding Sign

- (1) No freestanding sign may be within ten (10) feet of any other freestanding sign.
- (2) A landscaped area, required as follows, shall be provided, and centered around the base of all freestanding signs.
  - A. The landscaped area shall be comprised of a variety of natural materials, such as shrubbery, hedges, herbs, trees and other plants, earth mounds, flowers, and groundcover. Plant material should be chosen to maintain twelve months of foliage;
  - B. Ground cover shall be limited to 50 percent of the total landscaped area; and,
  - C. All plantings shall be properly installed, well-maintained, weeded, mulched and kept free of trash and debris.

#### (e) Projecting Sign

- (1) A projecting sign may only extend over the public right-of-way with a valid permit.

#### (f) Sandwich Board Sign

- (1) A sandwich board sign may be located on the public right-of-way only with a valid sign permit.
- (2) A sandwich board sign may only be displayed during the public business hours of the principal use of the lot.

**(g) Temporary Sign**

- (1) A lot may not display a unique temporary sign for more than 180 days within one (1) calendar year.
- (2) A temporary sign may not be displayed on a lot containing a commercial use except when such temporary sign is within five (5) horizontal feet of the principal structure.
- (3) Each temporary sign on a lot containing only a residential use or residential uses may not exceed 16 square feet in sign area.
- (4) Each temporary sign on a lot containing a commercial use may not exceed 32 square feet in sign area.
- (5) 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.

**(h) Wall Sign**

- (1) The difference in elevation of the lowest part of a wall sign and the highest part of that wall sign may not exceed ten (10) percent of the structure height of the structure on which it is mounted.
- (2) The City may designate a wall sign as a public art mural, which is exempt from these sign regulations. A public art mural is any mosaic, painting, or graphic art, or combination thereof, which is professionally applied to a building generally for the purposes of decoration or artistic expression and which does not contain any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession, or business, or any logo, trademark, trade name, or other commercial message.

**(i) Window Sign**

- (1) A window sign may not exceed 20 percent of the window area in which it is displayed.
- (2) The area of a window shall include the area of all contiguous transparent panes or panels, including those separated by mullions, grilles, seams and other non-structural elements, and bound by the window casing or other non-transparent elements on the buildings façade.
- (3) The square footage of window signs must be included in the overall permitted display area for the building.

**(j) Electronic Message Center**

- (1) Electronic message center's are only permissible as part of a freestanding sign, but only when authorized by a valid sign permit.
- (2) The electronic portion of the sign is limited to a maximum of one-third (33.3 percent) of the total size of the sign.
- (3) The electronic message displayed may not change more than once a day and is not permitted to scroll, flash, or move in any way.
- (4) Colors for the electronic portion of the sign are limited to amber, white, or a similar color. Only one color shall be permitted. The background for the electronic portion of the sign is limited to black.



## CHAPTER 1113 SIGN STANDARDS

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### (k) Signs that are Exempt from Regulations

- (1) These sign regulations shall not regulate: the copy and message of signs; official traffic signs, or signs mounted in the public right-of-way by government agencies having jurisdiction within such right-of-way; a public art mural designated by the City; flags; scoreboards on athletic fields; gravestones; the display of street numbers; or any display or construction not defined herein as a sign.
- (2) A menu board sign at a drive-thru establishment shall not be considered a sign, provided that it meets the requirements of Section 1111.01(n).
- (3) A sign that is not visible from outside of the property and is used to communicate information of any kind to a person only within the boundaries of the lot shall not be considered a sign for the purposes of this Chapter, and shall be exempt from these sign regulations.

### (l) Prohibited Signs. The following sign types are prohibited in all Zoning Districts:

- (1) Abandoned signs;
- (2) Bench signs;
- (3) Flashing signs;
- (4) Hazardous signs;
- (5) Inflatable, lighter-than-air, or kite-type materials containing commercial messages;
- (6) Merchandise, equipment, products, trailers, or other items not themselves for sale and placed for advertising purposes; this prohibition is not intended to prohibit any form of vehicular signage used in the normal day-to-day operations of a business, such as a sign attached to a bus or lettered on a motor vehicle, unless the primary purpose of such vehicle is for advertising;
- (7) Portable signs;
- (8) Roof signs;
- (9) Street banners;
- (10) Pole signs;
- (11) Signs within the sight triangle of an intersection;
- (12) Signs within the public right-of-way located on utility or street light poles, utility boxes, or street signs, unless granted permission by the right-of-way authority;
- (13) Signs resembling traffic signs or traffic control devices on a public street or road;
- (14) Signs which obstruct ingress or egress of a property; and
- (15) Signs with reflective materials, except for those required by the Ohio Department of Transportation.

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# Chapter 1115

## WATERSHED MANAGEMENT

# Watershed Management

## 1115.01 FLOODPLAIN REGULATIONS

(a) Purpose. The City of Gahanna, State of Ohio, adopts these floodplain regulations, as permitted by Article XVIII, Section 3, of the Ohio Constitution, in order to promote the health, safety, and general welfare of its citizens and to minimize public expenditures and private losses due to flood conditions.

(b) Findings of Facts. The flood hazard areas of the City are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

(c) Methods. In order to accomplish its purposes, these floodplain regulations include methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;
- (4) Controlling filling, grading, dredging and other development which may increase flood damage;
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

(d) Applicability. These floodplain regulations shall apply to all areas of special flood hazards within the jurisdiction of the City of Gahanna, Ohio, as identified by the Federal Emergency Management Agency, including any additional flood hazard areas annexed by the City of Gahanna that are not identified on the effective Flood Insurance Rate Map.

## CHAPTER 1115 WATERSHED MANAGEMENT

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The areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study, Franklin County, Ohio and Incorporated Areas". This study, with accompanying Flood Insurance Rate Maps with an effective date of August 2, 1995, and any revisions thereto, is hereby adopted by reference and declared to be a part of this Zoning Ordinance. The Flood Insurance Study is on file with the City.

(e) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under State statutes. Where a provision of this chapter is in conflict with State law, such State law shall take precedence over this chapter.

(f) Disclaimer of Liability. The degree of flood protection required by these floodplain regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These floodplain regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. These floodplain regulations shall not create liability on the part of the City of Gahanna, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder.

(g) General Floodplain Standards

In all areas of special flood hazards the following standards are required:

- (1) Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (2) Construction materials and methods
  - A. All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
  - B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and
  - C. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  - D. Where permitted, fill or other materials shall be protected against erosion by vegetative cover, riprap or bulkheading.
- (3) Utilities. The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:
  - A. All new and replacement water supply systems shall be designed to minimize or

eliminate infiltration of floodwaters into the system.

- B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and
- C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) Subdivision proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage.
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- D. All subdivision proposals shall meet the specific standards of Section 1115.01(j), Subdivisions and Large Developments.

(h) Standards in Areas of Special Flood Hazard Without Base Flood Elevation Data. In all areas of special flood hazard identified as Zone A on the Flood Insurance Rate Map where base flood elevation data are not available from any source, the following provisions apply:

The applicant shall be required to supply the following:

- (1) Calculation of water surface elevations and flood protection elevations based upon a hydraulic analysis of the portions of the stream channel and other areas inundated by the base flood. Flood protection elevations shall be one (1) foot above the water surface elevations of the base flood plus the increase in flood heights caused by the proposed development.
- (2) Computation of the floodway required to convey this flood without increasing flood heights to an extent which would cause substantial upstream or downstream damage to existing or reasonably anticipated future development. Computation of increases in flood heights caused by any encroachment shall be based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. Any increase in flood stages attributable to encroachments on the floodplain of any river or stream shall not exceed five-tenths foot at any point along the river or stream.

(i) Specific Floodplain Standards

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Chapter 1115, the following provisions are required.

- (1) Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to the flood protection elevation.
- (2) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the flood protection elevation; or, together with



## CHAPTER 1115 WATERSHED MANAGEMENT

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attendant utility and sanitary facilities, shall:

- A. Be flood proofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the base flood elevation. In order to be eligible for lower flood insurance rates, the structure should be flood proofed at least one (1) foot above the base flood elevation.
- B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- C. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. Such certification shall be provided to the official as set forth in Section 1117.16(d).

(3) Accessory Structures.

A relief to the elevation or dry flood proofing standards may be granted for accessory structures (e.g., sheds, detached garages) containing 576 square feet or less in gross floor area. Such structures shall meet the encroachment provisions of Section 1115.01(k) and the following additional standards:

- A. They shall not be used for human habitation;
- B. They shall be designed to have low flood damage potential;
- C. They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- D. They shall be firmly anchored to prevent flotation; and
- E. Service facilities such as electrical and heating equipment shall be elevated or flood proofed.

(4) Enclosures Below the Lowest Floor. The following standards apply to all new and substantially improved residential and nonresidential structures which are elevated to the base flood elevation using pilings, columns, or posts.

Fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must:

- A. Be certified by a registered professional engineer or architect; or
- B. Shall meet or exceed the following criteria:
  - 1. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area shall be provided;
  - 2. The bottom of all openings shall be no higher than one (1) foot above grade;

3. Openings may be equipped with screens, louvers, valves or other openings provided that they permit the automatic entry and exit of floodwaters.

(j) Subdivisions and Large Developments

In all areas of special flood hazard where base flood elevation data have not been provided in accordance with this chapter, the following standards apply to all subdivision proposals, including manufactured home subdivisions and other proposed developments containing at least 50 lots or five (5) acres (whichever is less):

- (1) The applicant shall provide base flood elevation data performed in accordance with standard engineering practices;
- (2) If division (j)(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1115.01(g), General Floodplain Standards, and Section 1115.01(i), Specific Floodplain Standards.

(k) Floodways

The Flood Insurance Study referenced in Section 1115.01(d) identifies a segment within areas of special flood hazard known as a floodway. Floodways may also be delineated in other sources of flood information as specified in Section 1115.01(d). The floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential. The following provisions apply within all delineated floodway areas:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a hydrologic and hydraulic analysis performed in accordance with standard engineering practices demonstrates that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If subsection (1) hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1115.01(i), Specific Floodplain Standards.
- (3) Any encroachment within the floodway that would result in an increase in base flood elevations can only be granted upon the prior approval by the Federal Emergency Management Agency. Such requests shall be submitted by the Department of Planning or their designee to the Federal Emergency Management Agency and shall meet the requirements of the National Flood Insurance Program.

(l) Floodways - Prohibited Uses. The following structures and uses are hereby prohibited in the floodway:

- (1) Structures designed or used for human habitation;
- (2) The storage or processing of materials that are pollutants, buoyant, flammable, poisonous, explosive or could be injurious to human, animal or plant life in time of flooding, or that have a high flood damage potential;
- (3) Garbage and waste disposal facilities including any further encroachment upon the floodway at existing sites.
- (4) Any use which will adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributary to the main stream, drainage ditch or any other drainage facility or system.

## CHAPTER 1115 WATERSHED MANAGEMENT

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(m) Floodways - Permitted Uses. The following uses may be permitted within the floodway provided that they comply with the provisions of this section and other standards established in this Zoning Ordinance, and any conditions attached by the Department of Planning or their designee to the issuance of the floodplain permit:

- (1) Agricultural uses such as general farming, pasturing, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting;
- (2) Industrial-commercial uses such as loading areas and parking areas;
- (3) Recreational uses such as golf courses, tennis court, driving ranges, soccer fields, baseball diamonds, archery ranges, picnic grounds, boat launching ramps, swimming areas, basketball courts, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, hunting and fishing areas and hiking and horseback riding trails;
- (4) Residential uses such as lawns, gardens, parking areas and play areas;
- (5) Circuses, carnivals and similar transient amusement enterprises;
- (6) Roadside stands;
- (7) Extraction of sand, gravel and other materials;
- (8) Navigational and drainage aids, marinas, boat rentals, docks, piers, wharves, and water measuring and control devices;
- (9) Railroads, streets, bridges, utility transmission lines, underground culverts, pipes and pipelines;
- (10) Stables;
- (11) Storage of material or equipment other than that prohibited by these floodplain regulations, provided that such material or equipment is not subject to major damage by floods, is firmly anchored to prevent flotation, is readily removable from the area within the time available after flood warning and before flooding, and does not present an ecological quality risk;
- (12) Public utility facilities and water-oriented industries which must be adjacent to watercourses, provided that the development is located so that it shall not substantially alter flood flows, heights or velocities of the 100-year flood. Whenever necessary, compensating measures shall be required to be undertaken to offset any adverse effects of allowing the use within the floodway and to keep increases in stages of the 100-year flood within the limits specified in these regulations;
- (13) Structural works for flood control such as dams, levees, dikes and floodwalls, subject to the issuance of a floodplain use permit. In addition, any proposed structural work in the beds of public waters as defined in Ohio R.C. 1521.06, which shall change the course, current or cross section of the waters shall be subject to the provision of Ohio R.C. 1521.06 and 1521.07, and other applicable statutes;
- (14) Other uses similar in nature to uses described in this subsection which are consistent with the provisions set out in the purpose clause; and
- (15) Structures, temporary or permanent, accessory to permitted uses, provided that:
  - A. They have a low flood damage potential;

- B. They are constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures;
- C. They are firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and
- D. Service facilities such as electrical and heating equipment are placed at or above the regulatory flood protection elevation for the particular area or adequately flood proofed.

### 1115.02 STORMWATER MANAGEMENT

#### (a) Purpose

These stormwater management regulations are adopted to implement best management practices that minimize the impact to public waters 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 Ohio Environmental Protection Agency general permit for construction activities.

#### (b) References

The stormwater management regulations rely on the following sources of data:

- (1) 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.
- (2) 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.
- (3) 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.

#### (c) Applicability

The stormwater management regulations apply to all land development, except for land preparation for active agricultural areas, orchards, sod farms and nursery operations; and land grading or leveling for erosion control under direction of the local soil conservation district.

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### (d) Approval

The Planning Commission shall not approve the final plat of any development or subdivision over which it has jurisdiction without certification from the City that such development or subdivision shall be in full compliance with the design requirements of the stormwater management regulations.

### (e) Waivers

- (1) A waiver may be granted for development situations that have none of the harmful effects associated with increases in runoff rates and volume. 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. 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. 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.

- (2) The following land uses and developments are eligible to apply for a waiver on stormwater runoff control requirements contained in this chapter:

Development areas abutting and tributary to Big Walnut Creek on which surface watershed flows directly into Big Walnut Creek.

- (3) All waiver applications shall be recommended by the City and the Planning Commission and approved by Council.
- (4) In no case shall a waiver eliminate or replace any other local, state or federal permit or compliance requirements.

### (f) Stormwater Management Standards

- (1) Stormwater management shall address both peak rate of runoff and total volume of runoff.
- (2) 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 (1) year up to a 100-year return period; 24-hour storm.
- (3) 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.
- (4) The permissible peak rates shall be determined as follows:
  - A. Determine the total volume of runoff from a one (1)-year return period, 24-hour storm, occurring over the area before and after development; and
  - B. Using TR-55 Methodology, or other volume-based methodology acceptable to the City (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:

Table 20: Critical Storm Criteria		
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

- (5) The peak rate of runoff from the critical storm occurring over the development shall not exceed the peak rate of runoff from a one (1)-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 (5)-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 (1)-year return period storm under predevelopment conditions in the area. The runoff from a more intense storm, up to a 100-year return period storm must be controlled so as not to exceed the predevelopment peak rate from the same return period storm.
- (6) 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.
  - A. 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;
  - B. 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;
  - C. 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;
  - D. 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.
  - E. Other methods for controlling post construction water quality as approved by the City Engineer.



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- F. 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.
- G. 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:
  - 1. 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.
  - 2. All structures shall be designed in accordance with the Ohio Department of Natural Resource's rainwater and land development handbook (most recent edition).
- (7) 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.
- (8) 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.
  - A. 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.
  - B. For five (5)-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 prior to selecting a methodology for large watershed.

### (g) 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 (5)-year storm at just full flow. Pressure flows for five (5) year design storms are unacceptable.

- B. The storm sewer hydraulic grade line shall be determined for the ten (10)-year storm event. The hydraulic grade line at the ten (10)-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, 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 (10)-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.
- (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.

(h) 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 (7) 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 (1) foot or be of such depth that flow would extend out of the right-of-way if the side ditch is less than one (1) foot in depth. Velocity at this depth shall not exceed six (6) feet per second with grass swales or ten (10) 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 (10) feet per second. In addition to the above,

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the following are maximum encroachments of the minimum five (5)-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 (1) lane shall be free from water.
- C. For primary streets, one (1) 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.

(i) 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 (6) 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.

(j) 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 unpleasing, 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.

(k) Public Notification of Watercourse. In all sales offices, land developers shall place 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.

### 1115.03 EROSION AND SEDIMENT CONTROL

#### (a) Purpose

This section is adopted for the purpose of controlling the pollution of public waters by sediment from accelerated stormwater runoff caused by earth-disturbing activities and land use changes connected with developing urban areas. Control of such pollution shall promote and maintain the health, safety and general well-being of life and inhabitants within the city.

#### (b) Applicability

A Sediment and Erosion Control Plan shall be submitted to the City prior to any earth disturbing activity on property of one (1) acre or more for residential development or re-development, and on all land disturbances of one (1) acre or more for commercial, manufacturing, multi-family development or redevelopment and public utility construction. For earth disturbing activity on residential property of less than one (1) acre, the need for erosion and sediment control activity shall be determined by the City.

#### (c) Process

The Sediment and Erosion Control Plan may be submitted as a part of the detailed engineering plans. A copy of the approved Stormwater Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) must be posted on site, submitted to the City for review, and available for review throughout the entire construction process.

The City shall within 15 working days of receipt of a Sediment Control Plan, indicate its approval or disapproval (status of compliance or noncompliance) to the person who filed the plan. Indication of disapproval (noncompliance) shall include the plan deficiencies and the procedures for filing a revised plan. Pending preparation and approval (determination of compliance) of a revised plan, earth-disturbing activities shall proceed only in accordance with conditions outlined by the City.

#### (d) Sediment and Erosion Control Plan Content

A Sediment and Erosion Control Plan for a proposed development, with maps drawn to a scale of one inch equals 50 feet, shall be submitted to the City containing the following information:

- (1) Location of the area and its relation to its general surroundings including but not limited to:
  - A. Off-site areas susceptible to sediment deposits or to erosion caused by accelerated runoff; and
  - B. Off-site areas affecting potential accelerated runoff and erosion control;
- (2) Existing and proposed topography and drainage of the development area and adjacent land within 100 feet of the boundaries. A topographic map should contain an appropriate contour interval to clearly portray the conformation and drainage pattern of the area:
  - A. Existing and proposed drainage watersheds, including the size of each watershed in acres (entire watershed area, not just the individual site).
  - B. Surface water locations including springs, wetlands, streams, water bodies, etc. on or

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within 200 feet of the site. This should include the locations of riparian, or wetlands setbacks, floodway, and the 100-year floodplain.

- (3) The location of existing buildings, structures, utilities, water bodies, drainage facilities, vegetative cover, paved areas (streets, roads, driveways, sidewalks, etc.) and other significant natural or man-made features on the development area and adjacent land within 100 feet of the boundaries;
- (4) A general description of the predominant soil types, their location and their limitations for the proposed use. Special attention should be given to hydric or highly erodible soils.
- (5) Proposed use of the development area including present development and ultimate utilization with detail on soil cover, both vegetative and impervious;
- (6) Section/phasing limits of the development area;
- (7) All proposed earth disturbance including:
  - A. Areas of excavation, grading and filling;
  - B. The finished grade, stated in feet horizontal to feet vertical, of cut and fill slopes;
  - C. Kinds of utilities and proposed areas of installation;
  - D. Proposed paved and covered areas in square feet or to scale on a plan map;
  - E. Makeup of proposed surface soil (upper six (6) inches) on areas not covered by buildings, structures or pavement. Description shall be in such terms as original surface soil, subsoil, sandy, heavy clay, stony, etc.; and
  - F. Proposed kind of cover on areas not covered by buildings, structures or pavement. Description shall be in such terms as: Lawn, turf grass, shrubbery, trees, forest cover, rip-rap, mulch, etc.
- (8) Provisions for temporary and permanent erosion control shall follow the latest edition of the Ohio Department of Natural Resources (ODNR), Rainwater and Land Development Manual and shall be depicted on the plan and shall also comply with OEPA CGP.
- (9) Provisions for the management of stormwater, derived both on-site and from upper watershed areas, including the control of accelerated on-site runoff, to a stable receiving outlet;
- (10) Location of designated construction entrances where vehicles will enter/exit site. A detail for this entrance must be included on the plan.
- (11) Provisions for maintenance of control facilities including easements to ensure short as well as long term erosion and sediment pollution control and stormwater management;
- (12) Proposed construction sequence and time schedule for all earth disturbing activities and installation of provisions for erosion and stormwater management;
- (13) Design computations and applicable assumptions for all structural measures for erosion and sediment pollution control and water management. Volume and velocity of flow shall be given for all surface water conveyance. This information shall also be provided for surface water outlets;
- (14) Seeding mixtures and rates, lime and fertilizer application rates, and kind and quantity of

- mulching for both temporary and permanent vegetative control measures;
- (15) Location of any in stream activities, including stream crossings.
  - (16) Location of permanent stormwater management practices to be used to control pollutants after construction operations are complete.
  - (17) Estimate of cost of erosion and sediment control and water management structures and features;
  - (18) Title, scale, direction, legend and date of all plan maps;
  - (19) Names and addresses of the person(s) preparing the plan, the owner and the person responsible for the development area;
  - (20) Certification that all earth disturbance, construction and development shall be done pursuant to the plan;
  - (21) Total area of the site, and the area of the site that is expected to be disturbed, including off-site borrow areas;
  - (22) A calculation of the runoff coefficients for both the pre-construction and post construction site conditions.
  - (23) An estimate of the existing percentage based on the site's predevelopment condition as well as proposed percentage based on the site post-development condition impervious area created by the construction activity.
  - (24) Location of stormwater and sediment and erosion control BMP's. A detail specification for each must be included in the plan.

The City may waive specific requirements for plan detail or may require additional information to show that work shall conform to basic requirements of this chapter, solely at his/her discretion.

(e) Erosion and Sediment Control Standards

In order to control sediment pollution of water resources the owner or person responsible for the development area shall use conservation planning and practices to maintain the level of conservation established by the following standards:

- (1) Timing of sediment-trapping practices. Sediment control practices shall be functional throughout earth-disturbing activity. Settling facilities, perimeter controls and other practices intended to trap sediment shall be implemented as the first step of grading and within seven (7) days from the start of grubbing. They shall continue to function until the upslope of a development area is restabilized.
- (2) Stabilization of denuded areas. Denuded areas shall have soil stabilization applied within seven (7) days if they are to remain dormant for more than 21 days. Areas within 50 feet of a stream must be seeded within three (3) days if they are to remain dormant for more than 21 days. Permanent or temporary soil stabilization shall be applied to denuded areas within seven (7) days after final grade is reached on any portion of the site, and shall also be applied within seven (7) days to denuded areas which may not be at final grade, but shall remain dormant (undisturbed) for longer than 21 days. Temporary seeding, and mulching may be disturbed several times during construction, and replacement applications will be required. The design



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standards contained in the latest edition of ODNR's Rainwater and Land Development Manual shall be used to determine appropriate stabilization specifications and methods.

- (3) Settling facilities. Concentrated stormwater runoff from denuded areas shall pass through a sediment-settling facility.

The facility's storage capacity shall be sized per the current requirements of the construction general permit.
- (4) Sediment barriers. Sheet flow runoff from denuded areas shall be filtered or diverted to a settling facility. Sediment barriers such as sediment fence or diversions to settling facilities shall protect adjacent properties and water resources from sediment transported by sheet flow.
- (5) Storm sewer inlet protection. All storm sewer inlets which accept water runoff from the development area shall be protected so that sediment-laden water shall not enter the storm sewer system without first being filtered or otherwise treated to remove sediment, unless the storm system drains to a settling facility.
- (6) Working in or crossing streams.
  - A. Streams including bed and banks shall be restabilized immediately after in-channel work is completed, interrupted or stopped.
  - B. To the extent practicable, construction vehicles shall be kept out of streams. Where in-channel work is necessary, precautions shall be taken to stabilize the work area during construction to minimize erosion. The design standards contained in the latest edition of Ohio Department of Natural Resources' Rainwater and Land Development Manual shall be used to determine appropriate stabilization specifications and methods.
  - C. If a live (wet) stream shall be crossed by construction vehicles regularly during construction, a temporary stream crossing shall be provided.
- (7) Construction access routes. Measures shall be taken to prevent soil transport onto surfaces where runoff is not checked by sediment controls or onto public roads.
- (8) Sloughing and dumping.
  - A. No soil, rock, debris or any other material shall be dumped or placed into a water resource or into such proximity that it may readily slough, slip or erode into a water resource unless such dumping or placing is authorized by the City Engineer and, when applicable, the U.S. Army Corps of Engineers, for such purposes as, but not limited to, constructing bridges, culverts and erosion control structures.
  - B. Unstable soils prone to slipping or landsliding shall not be graded, excavated, filled or have loads imposed upon them unless the work is done in accordance with a qualified professional engineer's recommendations to correct, eliminate or adequately address the problems.
- (9) Cut and fill slopes. Cut and fill slopes shall be designed and constructed in a manner which shall minimize erosion. Consideration shall be given to the length and steepness of the slope, soil type, upslope drainage area, groundwater conditions and slope stabilization.
- (10) Stabilization of outfalls and channels. Outfalls and constructed or modified channels shall be



designed and constructed to withstand the expected velocity of flow from a post-development, ten (10)-year frequency storm without eroding.

- (11) Establishment of permanent vegetation. A permanent vegetation shall not be considered established until ground cover is achieved which, in the opinion of the approving agency, provides adequate cover and is mature enough to control soil erosion satisfactorily and to survive adverse weather conditions.
- (12) Dewatering. Sediment laden water that is removed from trenches, or other facilities must be directed to a sediment basin, detention/retention pond, or other equally effective sediment control device. Dewatering activities shall not cause turbid discharges to surface waters. At no time can untreated discharge from any sediment laden depression, structural, or non-structural, be pumped directly into a stream, storm sewer inlet, or onto the street.
- (13) Maintenance. All temporary and permanent erosion and sediment control practices shall be designed and constructed to minimize maintenance requirements and be coordinated with post construction runoff controls. They shall be maintained and repaired as needed to assure continued performance of their intended function. The person or entity responsible for the continued maintenance of permanent erosion controls, and assurance of adequate funding, shall be identified to the satisfaction of the plan-approving authority.

(f) Post-Construction Runoff Controls

Post-construction runoff controls are permanent controls designed to maintain a receiving stream's characteristics. Owner/developer must provide detailed drawings and maintenance plans for all Post-Construction Best Management Practices (BMPS). Maintenance plans shall also be provided by the permittee to the post-construction operator of the site (including homeowner associations). The permittee, land owner or other entity with legal control over the property shall be required to develop and implement a maintenance plan to comply with local MS4 requirements. The use of innovative and/or emerging stormwater management post-construction technologies shall be at the discretion of the City Engineer and could require monitoring to ensure compliance with OEPA'S Construction General Permit (CGP) Requirements Part III, Section G.2E.

- (1) The post-construction portion of the stormwater pollution prevention plan shall include the following:
  - A. Description of post-construction BMPS to be installed during construction, including estimated installation schedule and sequencing plan (including post-construction sediment removal and installation of final outlets).
  - B. Rationale for selection - to address anticipated downstream impacts (on the channel and floodplain, morphology, hydrology and water quality).
  - C. Detailed post-construction BMP drawings and specifications.
  - D. MP maintenance plan for all BMPs selected and presented to post-construction operator. This maintenance plan shall include a disposal statement for structural BMPs to ensure pollutants collected with structural BMPs are disposed of in accordance with local, state and federal regulations.
- (2) Post-Construction Runoff Control Design. Selected structural BMPs shall be sized for protection of watercourses from erosion (quantity) and include water quality volumes for

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controlling sediment volumes.

WQv = Volume of runoff from A 0.75 inch rain event

WQv is determined according to following method:

$$WQv = C * P * A/12$$

where:

WQv = Channel protection and water quality volume in acre-feet

C = Runoff coefficient appropriate for storm less than 1 inch.

P = 0.75 inch precipitation depth

A = Area draining into the BMP in acres

I = Watershed imperviousness ratio (percent total impervious divided by 100)

Table 21: Runoff Coefficients for WQv	
Land Use	Runoff Coefficient (C)
Industrial, commercial	0.8
Residential of more than 8 dwellings/acre	0.8
Residential of 4-8 dwellings/acre	0.4
Residential of fewer than 4 dwellings/acre	0.3
Open space, recreational	0.2

### NOTES:

- Where the land use will be mixed, the runoff coefficient should be calculated using a weighted average.
- An additional volume equal to 20 percent of the WQv shall be incorporated into the BMP for sediment storage and/or reduced infiltration capacity during construction.
- BMPs shall be designed such that the drain time is long enough to provide settlement treatment, but short enough to provide storage available for successive rain events.

\* Provide both a permanent pool and an extended detention volume above the permanent pool, each sized for 75 percent WQV.

- (3) Recommended Post-Construction Best Management Practices. The post-construction best management practice controls, on the following page, are identified in Ohio Environmental Protection Agency's NPDES General Permit and shall be incorporated in project development and design.

The City will also consider non-structural practices in combination with these structural practices in reviewing site plans. Supporting documentation of non-structural BMP estimated pollutant removal information, map of on-site BMP locations, description of BMP

**Table 22: Drawdown Times for Post Construction BMPs**

Best Management Practice (BMP)	Drawdown Time of WQv (in hours)
Infiltration	24-48
Vegetated swale or filter strip	24
Extended detention basin (dry basin)	48
Retention basin (wet basin)	24
Constructed wetland (above permanent pool)	24
Media filtration, bio-retention	40

type, and frequency with which the BMPs include: Site impervious area sweeping, natural buffers, pervious pavements, etc.

All BMPs shall be designed and constructed per the Ohio Department of Natural Resources Rainwater and Land Development Manual.

- (4) Post Construction Runoff BMP Drawdown Curve. A drawdown curve (Volume vs. Drawdown Time) shall be calculated and drawn for each BMP and submitted to the City.
- (5) Ponds. Ponds are one of the most widely used BMPs for meeting water quantity requirements and providing water quality treatment. A pond improves water quality by detaining stormwater for an extended period of time in a permanent pool to allow pollutants to settle. Pollutants removed include suspended solids, organic matter, dissolved metals, and nutrients. Pond BMPs must specifically follow the guidelines below; BMPs other than ponds shall include consideration for all of the guidelines below and shall address each item to the greatest extent practical.
  - A. Land area - Land constraints, such as small sites or highly developed areas, may preclude the installation of a pond. The wet pond BMP is most useful for large subdivisions, or development sites. Owners of small properties may cooperatively construct a single large wet pond to serve several sites. Fewer ponds are preferred to numerous individual small ponds. Wet detention ponds are effective in meeting stormwater quantity and water quality (post construction runoff control) goals. Well designed wet ponds can also provide an aesthetic amenity.
  - B. Soils and minimal water supply - Wet detention ponds must maintain a permanent pool of water. Wet ponds are recommended for medium to large drainage areas (generally greater than ten (10) acres).
  - C. Retrofit - Wet ponds provide opportunities for retrofit coverage for existing development. With minor excavation and/or modification of the outlet, existing dry ponds can be converted to wet ponds. The retrofits can generate greater water quality benefits for the receiving stream, helping the (community) meet water quality goals. Retrofit opportunities are encouraged in the City of Gahanna.
  - D. Maintenance - Adequate maintenance access and easements from public or private right-of-way to the basin shall be reserved. The access shall be on a slope of 5:1 (vertical

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to horizontal) or shallower, stabilized to support heavy construction equipment, and provide direct access to both the forebay and the riser outlet. An adequate area for temporary staging of spoils, prior to ultimate disposal shall be provided. This area shall be protected such that no sediment laden runoff will be directed back into the stormwater management system or onto private property. An easement must be provided over the disposal area.

- E. Pond shape and depth - Surface area to volume ratio shall be maximized to the extent feasible. Depths of the permanent pool should be varied and average between three (3) and six (6) feet. A minimum length-to-width ratio of 3:1 should be used unless structural measures are used to extend the flow path. Ponds should be wedge-shaped, narrower at the inlet and wider at the outlet. Irregular shorelines are preferred. A marsh fringe should be established near the inlet or forebay and around at least 50 percent of the pond's perimeter. A shelf, a minimum of four (4) feet wide at a depth of one (1) foot, will surround the interior of the perimeter to provide suitable conditions for the establishment of aquatic vegetation, and to reduce the potential safety hazard to the public. For safety purposes and to minimize erosion, basin side slopes will not be flatter than 20:1, nor steeper than 3:1. Steeper slopes may be allowed if fencing at least five (5) feet in height is provided, although fencing is discouraged for aesthetic reasons.
- F. Basin inlet/outlet design . - Velocity dissipation measures shall be incorporated into basin designs to minimize erosion at inlets and outlets, and to minimize the resuspension of pollutants. Inverts for inlet pipes shall discharge at the elevation of the permanent pool and perpendicular to the surface to allow the pool to dissipate the energy of the inflow. Stone riprap shall extend from the pipe invert to the pond bottom to prevent erosion. Antiseep collars should be installed on any piping passing through the sides or bottom of the basin to prevent leakage through the embankment. To the extent feasible, the distance between inlet and outlet shall be maximized. The length and depth of the flow path across basins can be maximized by:
  - 1. Increasing the length-to-width ratio of the entire design.
  - 2. Increasing the dry weather flow path within the system to attain maximum sinuosity.
- G. Dual orifices, or other designs should be used to assure an appropriate detention time for all storm events. Where a pipe outlet or orifice plate is to be used to control discharge, it should have a minimum diameter of six (6) inches. If this minimum orifice size permits release rates greater than those specified in these rules, alternative outlet designs will be utilized that incorporate self-cleaning flow restrictors, such as perforated risers, that provide the required release rate. The outlet should be well-protected from clogging. A reverse-slope-submerged orifice or hooded, broad crested weirs are recommended options. If a reverse-slope pipe is used, an adjustable valve may be necessary to regulate flows. Orifices used to maintain a permanent pool level should withdraw water at least one (1) foot below the surface of the water.
- H. Backwater (tailwater) on the outlet structure from the downstream drainage system shall be evaluated when designing the outlet. All outlets shall be designed to be easily accessible for heavy equipment required for maintenance purposes.

- I. All basins shall include provisions for a defined emergency spillway constructed on undisturbed soil.
- J. The emergency spillway should be set at the elevation of the 100-year or more frequent storm. Where feasible, a drain for completely dewatering wet ponds should be installed for sediment removal and other maintenance purposes.
- K. Riser design - Hoods or trash racks should be installed on the riser to prevent clogging. Grate openings should be a maximum of three (3) inches. The riser should be placed near or within the embankment, to provide for ready maintenance access. Inlet and outlet barrels and risers should be constructed of materials that will reduce future maintenance requirements. The riser pipe should be a minimum of 24 inches in diameter for riser pipes up to four (4) feet in height. Riser pipes greater than four (4) feet in height should be 48 inches in diameter. Riser pipes shall be constructed with poured-in-place concrete bottoms.
- L. The height of water in detention facilities shall not be excessive and shall comply with the ODNR dams and reservoir safety requirements.
- M. A table of elevations (stage-storage-discharge table with storage volume and discharge rates) shall be provided with the final engineering and construction plans for all basins. Profile view drawings of the outlet structure, with elevations, shall also be included.
- N. Prior to final acceptance of the pond improvements, as-built data shall be submitted to the City verifying that the structure(s) have been built as designed and will function accordingly. The as-built information shall be prepared and stamped by a registered professional Civil Engineer or a registered Landscape Architect.

(g) Stormwater Management Maintenance and Operation Plans

- (1) All stormwater treatment practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed.
- (2) This agreement shall include any and all maintenance easements required to access and inspect the stormwater treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater treatment practice.
- (3) A legally binding covenant specifying the parties responsible for the proper maintenance of all stormwater treatment practices shall be secured prior to issuance of any permits for land disturbance activities. An executed copy of the agreement shall be provided to the City of Gahanna, prior to project acceptance.

(h) Stormwater Management Fees

The stormwater pollution prevention plan review, filing, and inspection fee is part of a complete submittal and is required to be submitted to the City and the Franklin County Stormwater Conservation District before the review process begins. Please consult with the City for current fee schedule.

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### (i) Stormwater Management Enforcement

- (1) All development areas may be subject to external inspections by the City of Gahanna, its authorized agents, or the Ohio Environmental Protection Agency to ensure compliance with the approved Stormwater Pollution Prevention Plan.
- (2) After each external inspection, the City or its authorized agents shall prepare and distribute a status report to the applicant.
- (3) If an external inspection determines that operations are being conducted in violation of the approved Stormwater Pollution Prevention Plan, the City is authorized to take action as detailed in Chapter 1117.

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# Chapter 1117

## ADMINISTRATION AND PROCEDURES

# Chapter 1117

## ADMINISTRATION AND PROCEDURES

### Administration and Procedures

Key: R Recommendation D Decision A Appeal Blank No Review Required	Table 23: Zoning Ordinance Decision				
	Department of Planning	Planning Commission	Board of Zoning and Building Appeals	City Council	Application Code Section
<b>APPLICATIONS</b>					
Conditional Use	R	D	A		1117.03
Master Sign Plan	R	D			1117.06
Major Development Plan	R	D	A		1117.07(a)
Minor Development Plan	D	A			1117.07(a)
Zoning Map and Text Amendment	R	R		D	1117.04
<b>SUBDIVISIONS</b>					
Final Plat	R	R		D	1117.08(a)
Subdivision without Plat	D		A		1117.08(b)
<b>VARIANCES</b>					
De Minimis	D	A			1117.02(c)
Dimensional	R	D	A		1117.02(e)
Non-Dimensional	R	D	A		1117.02(d)
<b>PERMITS</b>					
Fence Permit	D				1117.16(a)
Floodplain Use Permit	D	A			1117.16(b)
Home Occupation	D				
Sign Permit	D				
Zoning Permit	D				1117.01

## CHAPTER 1117 ADMINISTRATION AND PROCEDURES

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### 1117.01 ZONING PERMITS

(a) Unless otherwise exempted by this Zoning Ordinance, a zoning permit is required for the following activities:

- (1) A change of use of a property;
- (2) A new use of a property or a home occupation;
- (3) The erection of a new sign, or any change to an existing sign;
- (4) The erection of a new fence, or any change to, including in material, dimensions, or location of an existing fence;
- (5) The erection of a structure;
- (6) A change in dimensions, location, or design of a structure;

(b) An application form shall be made available by the City. The application shall include details on application requirements and procedural timelines. Applications may require fees, which shall be described on a centralized fee schedule, approved by the City.

### 1117.02 VARIANCES

(a) If a proposed use or structure does not conform to all requirements of this Zoning Ordinance, it may apply for a de minimis variance, a non-dimensional variance, or a dimensional variance.

(b) An application for a variance shall be made available by the City. The application shall include details on application requirements and procedural timelines.

(c) De Minimis Variances

- (1) A de minimis variance is a deviation of ten (10) percent or less of a dimensional or numerical standard.
- (2) The City shall have the authority to grant de minimis variances.
- (3) In determining whether a de minimis variance shall be granted, the City shall find that the strict application of the Zoning Ordinance would create practical difficulties for the property owner.
- (4) A de minimis variance shall stay with the lot. A de minimis variance shall expire if the de minimis variance addresses a dimensional standard for a structure which has been demolished.

(d) Non-dimensional Variances

- (1) A non-dimensional variance is any variance that does not seek to alter the dimensional development standards governing buildings or other physical site elements on a lot. A non-dimensional variance shall include changes to permitted uses within a building or lot.
- (2) The Planning Commission shall have jurisdiction to grant non-dimensional variances from the provisions or requirements of this Zoning Ordinance
- (3) In order to grant a non-dimensional variance, the Planning Commission must find that the strict application of the Zoning Ordinance would cause the property owner to suffer the loss

of all economically viable use of their property.

- (4) The Planning Commission may, during the granting of a non-dimensional variance, impose reasonable conditions as deemed necessary to accomplish the purposes of this Zoning Ordinance.
- (5) A non-dimensional variance shall stay with a use of a lot. A non-dimensional variance shall expire if the use for which the non-dimensional variance was granted is not conducted on a property for a period of 24 consecutive months.

(e) Dimensional Variances

- (1) A dimensional variance shall include any variance which seeks to alter the dimensional development standards governing size, location, height, and setback of buildings, or any other dimensional requirements of site elements
- (2) The Planning Commission shall have jurisdiction to grant variances from dimensional requirements of this Zoning Ordinance.
- (3) Before granting a dimensional variance, the Planning Commission shall find that:
  - A. The variance is not likely to result in substantial change to the essential character of the neighborhood;
  - B. The variance is not likely to result in damage to adjoining properties;
  - C. The variance is not likely to adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
  - D. The variance is not likely to result in environmental impacts greater than what is typical for other lots in the neighborhood.
  - E. The variance is necessary for the economical use of the property, and such economical use of the property is not easily achieved through some method other than a variance; and,
  - F. The variance is not likely to undermine the objectives of the comprehensive plan.
- (4) The Planning Commission may, during the granting of a dimensional variance, impose reasonable conditions as deemed necessary to accomplish the purposes of this Zoning Ordinance.
- (5) A dimensional variance shall stay with the lot. A dimensional variance shall expire if the dimensional variance addresses a dimensional standard for a structure which has been demolished.

### 1117.03 CONDITIONAL USES

- (a) Uses set forth in any zoning district as conditionally permitted require a conditional use approval prior to the issuance of a zoning permit.
- (b) An application for conditional use approval shall be made available by the City. The application shall include details on application requirements and procedural timelines.

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- (c) The Planning Commission shall hold a public hearing where it shall accept public comment on a conditional use application and shall grant or refuse to grant a conditional use approval.
- (d) Before granting a conditional use approval, the Planning Commission shall find that:
  - (1) The essential character of the neighborhood is not likely to be substantially altered by the proposed conditional use;
  - (2) Adjoining properties are not likely to suffer as a result of the proposed conditional use;
  - (3) The proposed conditional use is not likely to place substantial burden on government services (e.g., water, sewer, garbage);
  - (4) The proposed conditional use is likely to satisfy an economic or cultural need in the city; and
  - (5) The proposed conditional use is not likely to undermine the objectives of the comprehensive plan.
- (e) The Planning Commission may, during the granting of a conditional use approval, impose reasonable conditions as deemed necessary to accomplish the purposes of this Zoning Ordinance.
- (f) If the conditional use for which the conditional use approval was granted is not conducted on a property for a period of 24 consecutive months, the conditional use approval shall expire.

### 1117.04 ZONING MAP OR TEXT AMENDMENTS

- (a) The official zoning map or the text of this Zoning Ordinance may be amended when approved by the Planning Commission and City Council.
- (b) An application form for zoning map or text amendments shall be made available by the City. The application shall include details on application requirements and procedural timelines.
- (c) The applicant for zoning map or text amendments must be:
  - (1) The City;
  - (2) The Planning Commission;
  - (3) A landowner of a lot affected by the proposed zoning map amendment; or
  - (4) A landowner of a lot affected by the proposed text amendment.
- (d) The Planning Commission shall hold a public hearing where it shall accept public comment on a zoning map or text amendment application and shall recommend or not recommend the zoning map or text amendment to City Council.
- (e) In deciding on the proposed amendment, the Planning Commission shall consider the elements of the application, including, but not limited to:
  - (1) Consistency with the goals, policies and comprehensive land use plan of the City of Gahanna, including any corridor plans, or subarea plans.
  - (2) Compatibility of the area's physical, geological, hydrological, and other environmental features

with the potential uses allowed in the proposed zoning district.

- (3) The compatibility of all the potential uses allowed in the proposed zoning district with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence (a five (5) percent or more material reduction) in the value of existing abutting lands or approved developments.
- (4) The capacity of City infrastructure and services to accommodate the uses permitted in the requested zoning district without compromising the “health, safety, and welfare” of the City’s citizens.
- (5) The apparent demand for the types of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned to accommodate the demand.

(f) If the Planning Commission votes down the proposed amendment, nothing further shall be done, unless within 14 days from the date of the decision the applicant files a request with the Clerk of Council to forward the recommendation to Council in the nature of an appeal. In that case, Sections 11.05 and 11.06 of Article XI of the Municipal Charter shall be followed. Any request to Council after the 14-day period shall be considered a new request and shall be referred to the Planning Commission as required by Charter.

(g) If the Planning Commission is in favor of the proposed amendment, it shall recommend adoption of such amendment to Council.

(h) Council Action. Before any zoning map or text amendment is adopted, Council shall carry out the requirements set forth in Sections 11.05 and 11.06 of Article XI of the Municipal Charter.

### 1117.05 ZONING OF ANNEXED TERRITORY

All newly annexed territory being accepted by Council after shall immediately upon acceptance be subject to the zoning classification, regulations and restrictions, as hereinafter set forth in this section:

- (a) All territory annexed to the City containing one (1) or more acres shall be zoned Estate Residential.
- (b) All territory annexed to the City containing less than one (1) acre shall be zoned to the most appropriate category based on the size of the lot and current land uses: R-1, R-2, R-3, or R-4.
- (c) The owner(s) may file, prior to acceptance of the annexed property by Council, a zoning application with the Department of Planning or their designee for such newly annexed territory for any zoning category included in the Zoning Ordinance. Such filing shall be in accordance with the provisions of this chapter.
- (d) Subsequent zoning applications shall be submitted in the manner prescribed by this chapter.

### 1117.06 MASTER SIGN PLAN

(a) The intent of a master sign plan is to establish uniform sign character and quality that enhances the development. A master sign plan may be requested to define consistent standards pertaining to the size, location, height, color, and design of signs for a multi-tenant building or multi-building development.

(b) An application form for master sign plans shall be made available by the City. The application shall include details on application requirements and procedural timelines.

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- (c) The Planning Commission shall hold a public hearing where it shall accept public comment on a master sign plan application and shall approve or disapprove a master sign plan.
- (d) Before granting a master sign plan approval, the Planning Commission shall find that:
  - (1) The proposed signs meet the applicable development standards of this Zoning Ordinance, unless variances are being requested. Any variance request is subject to Chapter 1117.02;
  - (2) The proposed signs are sited and scaled appropriately to create a cohesive character for the multi-tenant building or multi-building development;
  - (3) The proposed signs are not in conflict with public streets, open spaces, public or private utilities, or rights-of-way;
  - (4) The proposed signs would not have undesirable effects on the surrounding area.
- (e) The Planning Commission may, during the approval of a master sign plan, impose reasonable conditions as deemed necessary to accomplish the purposes of this Zoning Ordinance.

### 1117.07 DEVELOPMENT PLAN

- (a) Development Plan Procedure.
  - (1) A Development Plan application shall be required prior to the commencement of any construction activities for any new development, redevelopment, addition, alteration, or other improvement under the jurisdiction of this code.
  - (2) A Minor Development Plan application may be administratively approved when it has been determined by staff to meet all applicable codes and meets the parameters of Chapter 1117.07. All other requests shall be processed as a Major Development Plan. After completing the staff review process, Major Development Plan applications shall be forwarded to Planning Commission for consideration.
    - A. Minor Development Plan – A Minor Development Plan may be administratively approved if it is determined the proposed development meets any of the following conditions:
      - 1. Addition(s) or accessory building(s) where the total area is 5,000 square feet or less.
      - 2. New or modified structures, as defined in this Zoning Ordinance, located on property with existing building(s) and/or structure(s).
      - 3. Expansion of nonconforming uses less than 25 percent of the total floor area.
      - 4. Painting a building 25 percent or more of a new color identified in Chapter 1109, Design Guidelines.
      - 5. New parking lots or modifications to existing parking lots including new access points or modifications to existing access points.
      - 6. New landscaping or modifications to approved landscape plans.



7. Replacement of building materials with a new material identified in Chapter 1109, Design Guidelines.
  8. New or modifications to site or building lighting.
  9. Changes to building appearance, including but not limited to, doors, windows, roofs, awnings, decks, and other similar building elements.
- B. Major Development Plan – A Major Development Plan is required if the proposed development meets any of the following conditions:
1. Construction of any new building(s).
  2. Addition(s) or accessory building(s) greater than 5,000 square feet.
  3. Expansion of nonconforming uses greater than 25 percent of the total floor area.
  4. New or modified structures, as defined in this Zoning Ordinance, located on property without existing building(s) and/or structure(s).
  5. Painting exterior of building a new color not identified in Chapter 1109, Design Guidelines.
  6. Replacement of building materials when the new material is not identified in Chapter 1109, Design Guidelines.
  7. Any new construction or exterior modifications located within the Creekside Mixed Use (CMU) zoning district, even if they meet the provisions of a Minor Development Plan.
  8. Any development which is not expressly enumerated as a Minor Development Plan or exempt shall require a Major Development Plan.
- C. Exemptions – The following are exempt from Development Plan review but may require the review and approval of other permits:
1. One- or two-unit dwellings.
  2. Property within the right-of-way is not subject to the standards of this Zoning Ordinance unless expressly stated. Development within the right-of-way may require additional permitting and may be subject to other codes and requirements.
  3. Repainting of existing buildings, regardless of color, when less than 25 percent of the building.
  4. Other similar development proposals as determined by the Department of Planning or their designee.

(b) General Requirements.

The Development Plan shall conform to all applicable requirements of this Zoning Ordinance.

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Additionally, the following principles and standards shall be observed:

- (1) Encourage the orderly and harmonious development of the area in a manner keeping with the overall character of the community.
- (2) Every effort should be made to protect any adjacent residential areas from a potential nuisance created by a proposed commercial, industrial, or multi-family development.
- (3) To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features such as:
  - A. Unique and/or fragile areas including wetlands.
  - B. Significant trees or stands of trees.
  - C. Lands within the 100 year floodplain.
  - D. Steep slopes in excess of 20 percent as measured over a ten (10) foot interval.
  - E. Habitats of endangered plant materials or wildlife.
- (4) The development shall be laid out to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; and to mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties.
- (5) The City may impose additional requirements regarding design and construction of the proposed development, including but not limited to streets, curbs, gutters, and access.
- (6) Sidewalks shall be installed for any new proposed development, or redevelopment of a property where sidewalks do not currently exist. Multi-use trail may be required in areas that are identified by the City as areas identified for regional trail systems/connections.

### (c) Pre-application Meeting

- (1) A pre-application meeting is highly encouraged, but not required, prior to submittal of the Development Plan application. A concept of the development, including conceptual site drawings, should be included as part of the pre-application meeting.
- (2) This conceptual plan need not be full engineered drawings but should include a majority of those requirements as provided in Section 1117.07(d), and shall be presented to staff at the pre-application meeting. The plan will facilitate discussion and understanding and could possibly serve to avoid conflicts with applicable development standards

### (d) Development Plan Submittal

An application for development plan approval shall be made available by the City. The application shall include details on application requirements and procedural timelines.

### (e) Development Plan Action

- (1) Action by the Department of Planning or their designee.
  - A. An application for a Minor Development Plan complying with all applicable requirements

and containing all information required under this Zoning Ordinance shall be reviewed by the Department of Planning or their designee for action.

- B. An application for a Minor Development Plan approval which is not in compliance with this Zoning Ordinance may be forwarded to the Planning Commission for action, as determined by the Department of Planning or their designee.

(2) Action by the Planning Commission.

- A. An application for a Major Development Plan complying with all applicable requirements and containing all information required under this Zoning Ordinance shall be forwarded to the Planning Commission for action.
- B. An application for a Major Development Plan approval which is not in compliance with this Zoning Ordinance shall not be forwarded to the Planning Commission until the application meets all requirements or a variance has been requested.
- C. The Planning Commission shall hold a public hearing on an application for a Major Development Plan approval within 30 days of the receipt of the application, and supporting materials.
- D. Before approving or denying the application before it, the Planning Commission shall hold at least one (1) 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 the municipal building, in a location accessible to the public, and shall include place, time, date and nature of such applied for during the calendar week prior to the public hearing.
  - 1. 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.
  - 2. 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.

(f) Minor Development Plan Approval

- (1) The Department of Planning or their designee shall act on a Minor Development Plan in one of the following ways:
  - A. Approval: The Department of Planning shall approve an application for a Minor Development Plan if the following four (4) conditions are met:
    - 1. The proposed development meets the applicable development standards of this Zoning Ordinance.

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2. The proposed development is in accord with appropriate plans for the area.
  3. The proposed development would not have undesirable effects on the surrounding area.
  4. The proposed development would be in keeping with the existing land use character and physical development potential of the area.
- B. Disapproval: The Department of Planning may disapprove an application for a Minor Development Plan for any one of the following reasons:
1. The proposed development does not meet the applicable development standards of this Zoning Ordinance.
  2. The proposed development is not in accord with appropriate plans of the area.
  3. The proposed development will have undesirable effects on the surrounding area.
  4. The proposed development is not in keeping with the existing land use character and physical development potential of the area.
- (2) Any approval of a Minor Development Plan shall be valid for a period of 18 months. Construction activities must begin within this period or the plans shall expire.
- (g) Major Development Plan Approval
- (1) The Planning Commission shall hold a public hearing and act on a Major Development Plan in one of the following ways:
- A. Approval: The Planning Commission shall approve an application for a Major Development Plan if the following four (4) conditions are met:
1. The proposed development meets the applicable development standards of this Zoning Ordinance.
  2. The proposed development is in accord with appropriate plans for the area.
  3. The proposed development would not have undesirable effects on the surrounding area.
  4. The proposed development would be in keeping with the existing land use character and physical development potential of the area.
- B. Approval with modification: The Planning Commission may approve, with modification, an application for a Major Development Plan if the proposed use meets the applicable development standards of the zoning district, but plan modification is required:
1. To be in accord with the appropriate plans for the area; and
  2. To prevent undesirable effects on adjacent property and the surrounding area. Such modification may include but not be limited to a limitation on the extent or intensity of development, a requirement for additional screening by fence or

landscaping, a change in the method or plan for lighting, time limits as to the length of time the use may be permitted to exist, control of access or other conditions of development as may be required to meet the applicable development standards of the zoning district. Requirements regarding the modification of plans or other appropriate actions shall be stated with the reasons for each requirement.

C. Disapproval: The Planning Commission may disapprove an application for a Major Development Plan for any one of the following reasons:

1. The proposed development does not meet the applicable development standards of this Zoning Ordinance.
2. The proposed development is not in accord with appropriate plans of the area.
3. The proposed development will have undesirable effects on the surrounding area.
4. The proposed development is not in keeping with the existing land use character and physical development potential of the area.

(2) 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.

(3) Any approval of a Major Development Plan shall be valid for a period of 18 months. Construction activities must begin within this period or the plans shall expire.

(h) Development and Construction of Plan.

(1) Absolutely no site work, earth moving or tree removal activities can begin without the following:

- A. An approved Development Plan.
- B. A Gahanna City Engineer approved Grading and Erosion Control Plan.
- C. All applicable Building, Zoning, Development, and Engineering fees paid in full.
- D. Site inspection of all erosion control measures, tree save fences, preservation zone fences, or other requirements as determined by the Planning Commission, Department of Planning or their designee, or City Engineer.
- E. Parkland dedication or fees in lieu are paid in full if applicable.
- F. Street Tree Plan submitted to Landscape Board for approval if applicable.

(2) Failure to comply with any of the above requirements of Section 1117.07(h) will result in penalties as stated in Chapter 1117(k).

(i) Fees for a Development Plan.

The owner shall pay a fee at the time of submission of the Development Plan. The fee shall be as established in the Building and Zoning Fee Schedule set forth in Section 135.10 in Part One of these

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Codified Ordinances.

(j) Revision of Plan After Approval.

Any modification or revision of any kind, except for the addition of appropriate easements as approved by the City Engineer or designee, shall require approval by the Department of Planning or the Planning Commission. A new application shall be required and approved prior to commencement of any modification or revision.

(k) Penalty.

- (1) Violation of the provisions of Section 1117.07 or failure to comply with any of its requirements shall constitute a misdemeanor of the first degree. Any person, company, or contractor who violates Section 1117.07 or fails to comply with any of its requirements shall pay all costs and expenses involved in the case, including the costs of restoring the area to its original condition prior to the violation. Each day that the violation continues can be considered a separate offense.
- (2) Any tree in excess of six (6) inches in caliper that is removed from a site prior to Development Plan approval shall be replaced by the identical caliper size that is removed. Multiple trees can replace larger trees that are removed so long as the minimum caliper of the replacement tree is two and one-half inches.
- (3) Nothing herein contained shall prevent the City of Gahanna from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Gahanna shall prosecute any violation of this chapter in accordance with the penalties stated herein.

### 1117.08 SUBDIVISIONS

(a) Final Plat

(1) Preapplication Conference

An owner of land desiring to subdivide or develop that land, should schedule a pre-application conference with the Department of Planning to discuss the concept of the proposed development. The developer should bring a site plan to the conference for review and discussion.

(2) Final Plat Filing

The owner of land proposed to be subdivided shall submit an application for final plat to the Department of Planning. The owner shall pay a fee, as established in the Building and Zoning Fee Schedule set forth in Section 135.10 in Part One of These Codified Ordinances. The final plat drawing shall contain and clearly show the following:

A. Identification

1. Name of proposed subdivision.
2. Key map showing location of proposed subdivision within the City.
3. Names and addresses of the land owners, developers, and design professionals involved with the proposed subdivision.

4. Date.
5. North arrow.
- B. Survey and Engineering Data.
  1. Boundary of plat based on an accurate traverse with angular and lineal dimensions.
  2. True angle and distance to the nearest street intersection, accurately described on the plat.
  3. Radii, internal angles, points of curvature, tangent bearings and lengths of all short dimensions.
  4. All lot numbers and lines with accurate dimensions in feet and hundredths and bearings in degrees and minutes.
  5. Accurate location of permanent monuments marking each boundary corner of the subdivision.
  6. Accurate location, width and name of all streets and other public ways.
  7. Minimum building setback lines along all streets and other public ways.
  8. Accurate outlines and delineation of all drainage easements, floodway routing, flood hazard areas and other watercourses contained within or contiguous to the plat boundaries.
  9. Accurate outlines and delineation of any areas to be dedicated or reserved for public use, with purposes indicated thereon, and of any area to be reserved by deed covenant for the common use of all property owners.
  10. Any restrictions and covenants which are to be included as part of the deed to any lot within the subdivision plat.
  11. Any restrictions and covenants which are to be included as part of the deed to any lot within the subdivision plat
- C. Certification and Approval Provisions.
  1. Certification by an Ohio registered surveyor that the plat represents a survey made by the surveyor or under the surveyor's direction and that the monuments shown exist as designated or will be set following construction and that all dimensional and geodetic details are correct.
  2. Notarized certification by the land owner as to adoption of the plat and the dedication to public use of the streets and other public ways shown on the plat. No private property shall extend into the dedicated right-of-way for any street or public way.



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3. Space for approval by signature of the City Engineer.
4. Space for approval by signature of the Chair of Planning Commission.
5. Space for approval by signature of the Mayor.
6. Space for transfer by the County Auditor and recording by the County Recorder with a statement indicating the expiration date of any or all approvals granted by the City relating to the final plat.
7. An environmental plan as prescribed in Section 1117:16(f)(11) is required with the application.

### (3) Final Plat Approval.

- A. The Planning Commission shall consider an application for final plat approval within 30 days of the receipt of the application and certificate of ability for stormwater management compliance.
- B. The Planning Commission shall review the application and shall approve such application unless it is determined that one or any of the following conditions exist:
  1. The granting of the application shall adversely affect the health and safety of persons living or working within the area of the proposed plat.
  2. The granting of the application shall be materially detrimental to the public welfare or injurious to property or improvements within the general area of the proposed plat.
  3. The granting of the application shall be contradictory to existing City development standards, zoning ordinances or development plans of the City.
- C. The Planning Commission shall disapprove an application for final plat approval which is not in full compliance with the requirements stated above.

### (4) Acceptance of Dedicated Improvements.

- A. Council shall not accept dedication to public use of improvements required under Chapter 1117 until the City Engineer or designee certifies in writing that all required improvements have been completed as follows:
  1. The installation of all sanitary sewers and inspections;
  2. The storm sewers and all appurtenances have been completed and inspected;
  3. All water lines have been installed and tested; and
  4. All street, curbs and base at a minimum have been completed.
- B. Upon certification of final completion of the streets, street lights, chlorination and other appurtenances, the City Engineer or designee shall certify that the improvements are accepted, at which time the developer shall post a two (2)-year maintenance bond and

the performance bond shall be released.

- C. The developer shall be required to provide a cash maintenance bond equal to five (5) percent of the total cost of the street light installations. Such amount shall be deposited at the time energization is requested, and shall be used by the City to perform necessary repairs during the one (1)-year developer maintenance period following energization and burn test. Should the amount be insufficient to cover all repairs required during this period, additional moneys shall be deposited. In the event that all funds are not expended, the unused balance shall be returned to the developer without interest.

(5) Landlocked Parcels Prohibited.

No application shall be approved which would result in any parcel of land becoming or remaining landlocked.

(6) Action by Land Owner.

- A. When an application for final plat is approved, the land owner shall file and record the plat with the County Recorder within six (6) months of the date of approval. Failure by the owner to properly record the plat within this time period shall cause the approvals to become null and void.
- B. The final plat drawing, that is to be recorded, shall be prepared on mylar film 18 inches by 24 inches or 24 inches by 36 inches in size and at a minimum scale of one inch equals 100 feet or to whatever size the County Recorder requires.

(7) Development of Land Within Plat.

- A. No permits for construction or improvements of any kind relating to the proposed development shall be issued by the City prior to approval of the application for final plat approval by Council.
- B. No construction or improvement work relating to the proposed development, including grading, which may affect the arrangement or alignment of public streets or other public improvements or may alter a natural water drainage course may be started prior to approval of the application for final plat approval by Council.
- C. No permit shall be issued by the City for construction of any structure within the proposed development until all improvements required to be dedicated to public use have been accepted by Council under the provisions of Chapter 1117.
- D. All platted subdivisions shall be marketed, promoted, advertised and identified using the name approved on the final plat and recorded at the Franklin County Court House.

(8) Revision of Plat After Approval.

- A. No modification or revision of any kind except for the addition of appropriate easements as approved by the City Engineer or designee shall be made in or to a final plat under the provisions of this chapter unless such modification or revision is first submitted and approved.

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### (b) Subdivision without Plat

#### (1) Application.

Written application for a subdivision without plat shall be submitted to the Department of Planning. Upon acceptance, the application will be processed and routed for review in accordance with the provisions of this chapter.

#### (2) 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.

#### (3) 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.

#### (4) Administrative Approval.

- A. An application for a subdivision without plat shall be reviewed by appropriate City staff and approved by the Department of Planning or their designee when the application has been determined to meet all applicable code requirements, including the following:
  1. 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.
  2. No opening, widening or extension of any road, street or other public way is involved.
  3. No more than five (5) lots are involved after the original tract is completely subdivided.
  4. The request for subdivision is not contrary to platting, subdividing or zoning regulations of the City.
- B. An application for a subdivision without plat which is not in compliance with all of the above conditions shall be denied unless a variance is approved.

#### (5) Variance Required.

An application for a subdivision without plat which would result in one (1) or more parcels

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being in noncompliance with this Zoning Ordinance shall not be approved until final determination has been made on all required variances under the procedures established in Chapter 1117.

(6) Landlocked Parcels Prohibited.

No application for subdivision without plat shall be approved which would result in any parcel of land becoming or remaining landlocked.

(7) Certification of Approval.

After approval, the Department of Planning, 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.

(8) Appeal of Denied Applications.

In the event of an application for subdivision without plat is denied, 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.

### 1117.09 APPEALS

(a) Appeals of decisions of the Planning Commission or the City may be taken to the Board of Zoning and Building Appeals, pursuant to the City of Gahanna Charter Article XII, the City of Gahanna Administrative Code Chapter 147, and the Rules of Procedures adopted by the Board of Zoning and Building Appeals.

(b) Appeals of decisions of the Board of Zoning and Building Appeals shall be brought to the Franklin County courts.

### 1117.10 ENFORCEMENT

(a) The Department of Planning or their designee shall enforce this Zoning Ordinance. It shall be the duty of all officials and employees of the municipality to assist the Department of Planning by reporting to them any new construction, reconstruction, or land uses or apparent violations.

(b) In case any structure is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of this chapter or any amendment or supplement thereto, the Department of Planning, the legal representative of the municipality, or any party in interest who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, on any other appropriate action, actions, proceeding, or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

(c) City staff, such as the Police Chief and City Attorney, shall assist with the enforcement of this Zoning Ordinance.

### 1117.11 INSPECTION OF PROPERTY - RIGHT OF ENTRY

(a) The City officials responsible for enforcement or administration of this Zoning Ordinance or their duly authorized representatives may, upon the presentation of proper credentials to the occupant or owner, request permission to enter any premises or private property with reasonable cause or prior notification

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for the purpose of investigating and inspecting the premises or property in order to determine compliance with the standards of this Zoning Ordinance.

(b) If admission or entry is refused, the City employee or official may petition a court of competent jurisdiction for an appropriate warrant or other authority to enter said property.

(c) Failure to allow access for any inspection or reinspection associated with review of an application or permit may result in the denial, revocation, or voiding of the permit or approval, as applicable.

### 1117.12 CEASE AND DESIST ORDER

The Department of Planning or their designee may issue an order to cease work on any project on which there is an uncorrected violation of a provision of this Zoning Ordinance or of a permit or other form of authorization issued in compliance with this Zoning Ordinance. The City may also order work to be ceased in the event the activity is being conducted without having obtained a required permit or approval.

### 1117.13 VIOLATION

(a) Any use of land or structures operated or maintained contrary to the provisions of this Code and any structure constructed or maintained contrary to the provisions of this Zoning Ordinance are declared to be a violation of this Zoning Ordinance and a public nuisance. Any condition attached to the granting of a permit or approval, or any other permit or approval provided for in this Zoning Ordinance, has the same force and effect as if it were incorporated in this Zoning Ordinance.

(b) Complaints Regarding Violation. Whenever a violation of this Zoning Ordinance or of the conditions of a permit or approval granted under the provisions of this Zoning Ordinance occurs or is alleged to have occurred, any person may file a complaint. The complaint must be consistent with the following process:

- (1) The complaint must be filed in accordance with City protocol; and
- (2) The City shall inspect the premises or cause them to be inspected and shall make a report of the findings of the inspection. Whenever practical, photographs of the premises shall be attached to the report. The City shall keep all such reports on file for the period prescribed in the City's records retention schedule. The report shall:
  - A. Include a description of the real estate sufficient for identification;
  - B. Include a statement of the violation or violations and why the notice is being issued;
  - C. Include a correction order allowing reasonable time to correct the violation(s) and/or bring the property or structure into compliance with the provisions of this code;
  - D. Inform the property owner, owner's authorized agent, tenant, occupant and/or contractor of the right to appeal; and
  - E. Include a statement of the right to file a lien when applicable.
- (3) If the correction of the violation(s) does not occur with the specified period and the person upon whom a notice to comply is served does not request an opinion from the Board of Zoning and Building Appeals, the Department of Planning or their designee may initiate modification proceedings, revocation proceedings, or enforcement action.

Any person who violates or fails to comply with a provision of this Zoning Ordinance shall be prosecuted within the limits provided by State or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense. For a first offense, any person who violates or fails to comply with a provision of this Zoning Ordinance shall be guilty of a misdemeanor of the fourth degree. For a subsequent second or third offense in a five (5)-year period, any person who violates or fails to comply with a provision of this Zoning Ordinance shall be guilty of a misdemeanor of the third degree. For a subsequent fourth or greater offense in a five (5)-year period, any person who violates or fails to comply with a provision of this Zoning Ordinance shall be guilty of a misdemeanor of the first degree.

### 1117.14 FINES

Any person, firm, or corporation violating any regulation in or any provision of this chapter or any amendment or supplement thereto, shall be fined not more than \$1,000.00 (one thousand) for each offense.

### 1117.15 ADDITIONAL REMEDIES

This section establishes procedures for the recovery of costs, including City staff time expended on the enforcement of the provisions of this Zoning Ordinance in order to correct a violation. The intent of this Section is to recover City costs reasonably related to enforcement in compliance with this Section.

#### (a) Record of Costs

- (1) Administrative costs. The City shall maintain records of all administrative costs incurred by responsible City departments associated with the processing of violations and enforcement of this Zoning Ordinance, in order to recover the costs from the property owner in compliance with this Section. City staff time shall be calculated at an hourly rate as established and revised from time to time by the Council.
- (2) Nuisance abatement costs. The City shall maintain records of all costs to abate a public nuisance.

#### (b) Summary of Costs and Notice

- (1) At the conclusion of the case, the City shall send an invoice of costs associated with enforcement action (including any delinquent fines or citation fees) to the owner and/or person having possession or control of the property by certified mail. If nuisance abatement was conducted, the summary of costs shall be provided upon completion of abatement.
- (2) If the charge is not paid within thirty days after mailing, the City shall certify the charges for services to the County Auditor, together with a proper description of the premises. Such amounts shall be entered upon the tax duplication, shall be a lien upon such lands from the date of the entry, and shall be collected as other taxes and returned to the City pursuant to Ohio Revised Code 731.54.
- (3) The obligation to pay any unpaid costs shall be made a personal obligation of the property owner.
- (4) The obligation may be recovered against the property owner through a civil action initiated by the City or its authorized collection agent, or in any other manner provided for by law.
- (5) The City shall be entitled to recover all costs related to the civil action, including the City Attorney's fees.

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### (c) Attorney's Fees

- (1) In any action or administrative proceeding resulting from this chapter, the prevailing party in the action or proceeding is entitled to recover reasonable attorney's fees; however, the amount of attorney's fees awarded to a prevailing party may not exceed the amount of attorney's fees incurred by the City in the action or proceeding.
- (2) An award of attorney's fees in compliance with this section shall only be allowed where the City elects, at the initiation of the action or proceeding, to seek recovery of its own attorney's fees.

### 1117.16 OTHER PROCEDURES

#### (a) Fence Permits

- (1) No new fence shall be erected without an approved permit, which must clearly be displayed during construction. Replacement of a fence shall be allowed without a fence permit provided materials, height and location do not vary from existing fence and the placement is conforming to the current code.
- (2) It is the responsibility of the applicant to verify all applicable deed restrictions. If the required information regarding deed restrictions has been misrepresented, the permit shall be revoked and the fence shall be removed.
- (3) No person other than the property owner and/or a commercial fence erector, registered in the City, shall engage in the business of erecting, maintaining or replacing fences of any type when a building permit is required.

#### (b) Floodplain Use Permit

- (1) A floodplain use permit is required before construction or development begins within any area of special flood hazard established in Chapter 1115. An owner, tenant, option holder or other person having a financial interest in the piece of property in question may apply for a floodplain use permit using forms furnished by the City and shall include the following:
  - A. Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures located in special flood hazard areas where base flood elevation data are utilized;
  - B. Elevation in relation to mean sea level to which any proposed structure will be flood proofed in accordance with Chapter 1115 where base flood elevation data are utilized;
  - C. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 1117.16(b)(8)(E) where base flood elevation data are utilized;
  - D. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.



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- E. Two (2) sets of plans drawn to scale showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures and the relationship of the above to the location of the channel.
- (2) Additionally the application shall include, but not be limited to the following information, if determined necessary by the City:
  - A. A typical valley cross section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross sectional areas to be occupied by the proposed development and high water information.
  - B. Plan, surface, view, showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information.
  - C. Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.
  - D. Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
  - E. Any other information requested by the City.
- (3) The applicant shall include with his application, payment of 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.
- (4) Time for Acting on Application. The City shall act on an application in the manner above described within 14 days from receiving the application, except when additional information is required and requested by the City.
- (5) Applications for certificates of zoning compliance shall also conform to Chapter 1117.
- (6) Nothing in this chapter shall be construed as prohibiting an applicant from applying for a floodplain use permit under this section concurrently with the request for a change in zoning from one zoning district to another.
- (7) Floodplain use permits or certificates or zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement or construction. Any use, arrangement or construction at variance with that authorized shall be denied as violation of this chapter and punishable as provided in Section 1191.99.
- (8) Decision of the Department of Planning or their designee
  - The City may attach such conditions as it deems necessary to further the purposes of this chapter. Among such conditions, without limitation because of specific enumeration, may be included:
    - A. Modification of waste disposal and water supply facilities.
    - B. Limitations on period of use and operation.

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- C. Imposition of operational controls, sureties and deed restrictions.
- D. Requirements for construction of channel modifications, dikes, levees and other protective measures.
- E. Flood proofing measures shall be designed for nonresidential development consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Department of Planning or their designee shall require that the applicant submit a plan or document certified by a registered professional engineer, architect or other expert that the flood proofing measures are consistent with the flood protection elevation and associated flood factors for the particular area. The following flood proofing measures may be required without limitation because of specific enumeration:
  - 1. Anchorage to resist flotation and lateral movement.
  - 2. Installation of watertight doors, bulkheads, shutters or similar methods of construction.
  - 3. Reinforcement of walls to resist water pressures.
  - 4. Use of paints, membranes or mortars to reduce seepage of water through walls.
  - 5. Addition of mass or weight to structures to resist flotation.
  - 6. Installation of pumps to lower water levels in structures.
  - 7. Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters.
  - 8. Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures.
  - 9. Construction to resist rupture or collapse caused by water pressure or floating debris.
  - 10. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and stormwaters into the building or structures. Gravity draining of basements may be eliminated by mechanical devices.
  - 11. Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding and provide protection from inundation by the base flood.
  - 12. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to

public health, safety and welfare above the flood protection elevation or provision of adequate flood proofing to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into floodwaters.

(9) Exemption from Filing a Floodplain Use Permit

An application for a floodplain use permit shall not be required for maintenance work such as roofing, painting and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$1,000.00 (one thousand). Any proposed action exempt from filing for a floodplain use permit is also exempt from the standards of this chapter.

(c) Variances and Appeals in Special Flood Hazard Area

- (1) In passing upon variance applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
  - A. The danger that materials may be swept onto other lands to the injury of others;
  - B. The danger to life and property due to flooding or erosion damage;
  - C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - D. The importance of the services provided by the proposed facility to the community;
  - E. The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
  - F. The necessity to the facility of a waterfront location, where applicable;
  - G. The compatibility of the proposed use with existing and anticipated development;
  - H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - I. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  - K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (2) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that items (A) to (K) in

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subsection (1) hereof have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

- (3) Upon consideration of the factors of Section 1117.16(c) and the purposes of this chapter, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- (4) The City shall report any variances to the Federal Insurance Administration upon request.
- (5) Conditions for Variances.
  - A. Variances may be issued for the repair, rehabilitation or restoration of historic structures listed on the National Register of Historic Places upon a determination that the proposed repair, rehabilitation or restoration will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
  - B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  - C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - D. Variances shall only be issued upon:
    - 1. A showing of good and sufficient cause;
    - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
    - 3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this chapter, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - E. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the flood protection elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

### (6) Fees and Permits

Any person desiring to do or to cause to be done any work for which a permit is required by the floodplain zoning shall, at the time the permit is issued, pay all required fees as established in the Building and Zoning Fee Schedule and comply with all requirements set forth in Section 135.10 in Part One of these Codified Ordinances.

### (d) Floodplain Management

The duties and responsibilities of the Department of Planning or their designee shall include, but are not limited to:

- (1) Permit Review.

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- A. Review all floodplain use permits to determine that the permit requirements of this chapter have been satisfied.
  - B. Review all floodplain use permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the Department of the Army under Section ten of the Rivers and Harbors Act and Section 404 of the Clean Water Act.
  - C. Review all floodplain use permits to determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Boundary and Floodway Map or the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provision of Section 1115.01(k) are met.
  - D. The Department of Planning or their designee shall file all charges on behalf of the City of Gahanna for all violations of this chapter and such actions shall be the act of the City.
- (2) Use of Other Base Flood Elevation and Floodway Data. Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency in accordance with Section 1115.01(h), are designated as Zone A on the community's Flood Insurance Rate Map. Within these areas, the City shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 1115.01(i)-(m).
- (3) Information to be Obtained and Maintained. Where base flood elevation data are utilized within areas of special flood hazard on a community's Flood Insurance Rate Map, regardless of the source of such data, the following provisions apply:
- A. Obtain and record the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures, and record whether or not such structures contain an enclosure below the lowest floor;
  - B. For all new or substantially improved flood proofed nonresidential structures:
    - 1. Verify and record the actual elevation (in relation to mean sea level) to which the structure was flood proofed; and
    - 2. Maintain the flood proofing documentations required in Section 1117.16(b)(1); and
    - 3. Maintain for public inspection all records pertaining to the provisions of this chapter.
- (4) Alteration of Watercourses.
- A. Notify adjacent communities and the Ohio Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. A watercourse is considered to be altered if any change occurs within its banks.

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- B. Maintain engineering documentation that the flood carrying capacity of the altered or relocated portion of said watercourse will not be diminished.
  - C. Require that necessary maintenance will be provided for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished.
- (5) Interpretation of Flood Boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Where a map boundary and field elevations disagree, the elevations delineated in the flood elevation profile shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation.

### (e) Improvements

#### (1) Required Improvements.

- A. The owner of land who desires to develop it shall provide and pay the entire cost of improvements to such land as follows:
  - 1. Street improvements shall consist of grading the right-of-way for full width, construction of permanent curbing or roadway and construction of drainage structures and appurtenances. Two (2) roof drain openings shall be provided in the curb for each lot and each drain shall not be more than four (4) feet in from each side lot line, one (1) on each side.
  - 2. Sanitary sewers, including manholes, services and all appurtenances.
  - 3. Water distribution system, including mains, services, valves, fire hydrants and all appurtenances.
  - 4. Pedestrian Facilities (sidewalk and/or multi-use trail as directed by the City Engineer) on both sides of the street, plus curbs and sidewalks/multi-use trail on existing streets, as directed by the City Engineer.
  - 5. Storm sewers, including manholes, inlets and all appurtenances.
  - 6. Paved driveways, concrete or asphalt.
  - 7. Street lights in accordance with the specifications of Section 1117.16(f)(10).
- B. All phases of the improvement shall be approved by the City Engineer and shall be constructed in accordance with Municipal specifications.

#### (2) Inspection.

The construction of all improvements shall be inspected at the time of installation by the City Engineer or designee. Under no circumstances are such installations to be made without an inspector on the job. The City Engineer or designee shall be notified three (3) days before any construction work is begun.

#### (3) Bond, Fees and Insurance.

- A. Before the approval of the final plat, the owner or developer shall agree in writing

that, prior to construction of any street, the owner or developer shall provide a bond acceptable to the City, or a certified check, guaranteeing the completion of the street improvement and appurtenances within one (1) year from the date of the agreement, or such time as may be agreed to by Council. The bond or check shall be in an amount equal to the estimated cost of constructing the street improvements, and as approved by the City Engineer or designee. A maintenance bond in the amount of ten (10) percent of the preliminary estimated or final construction cost shall be provided for the maintenance period of one (1) year, beginning with the date of acceptance of the improvements by Council, and certification of the final completion of the improvements and appurtenances by the City Engineer or designee.

- B. The City shall inspect the improvements after one (1) year and the bond released after any deficiencies are corrected to the satisfaction of the City and all fees owed to the City by the owner or developer are paid.
- C. The developer shall pay an as-built deposit in the amount required on the Engineering Fee Schedule. The amount shall be released at the time that the record drawings are submitted to the City. In the event that record drawings are not submitted within 90 business days of the final inspection, the record drawings retainage fee becomes the property of the City. Shall the amount not cover the cost of record drawing production, additional expenses will be billed to the developer.
- D. The developer shall be required to provide a cash maintenance bond, or certified check equal to five (5) percent of the total cost of the street light installations. Such amount shall be deposited prior to construction as required on the Engineering Fee Schedule, and shall be used by the City to perform necessary repairs during the one (1)-year developer maintenance period following energization and burn test. Should the amount be insufficient to cover all repairs required during this period, additional moneys shall be deposited. In the event that all funds are not expended, the unused balance shall be returned to the developer without interest.
- E. In lieu of a bond for sanitary sewer and water main improvements, the City may accept private agreements for sanitary sewer and water main construction and maintenance. Such agreements shall be executed on forms approved and supplied by the City.
- F. Subject to the approval of Council, improvements may be constructed on an assessment basis. A petition in a form approved by the City Attorney, and bearing the signature of 100 percent of the property owners of the front footage abutting the proposed improvements, shall be prepared and submitted to Council for consideration.
- G. The owner or developer shall, prior to construction, deposit with the City a sum of money, to defray the cost of inspection, the engineering services provided, and any expense incurred by the City due to the installation of the improvements and review of the plat and plans as required by the Engineering Fee Schedule. Should the amount of such deposit be insufficient to pay the cost thereof, the owner or developer shall immediately, upon demand, deposit such additional sums as are estimated by the Director of Finance to be necessary. Upon completion and acceptance of the improvement, any unexpended balance remaining from such deposits shall be refunded.



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- H. The owner or developer shall hold the City free and harmless from any and all claims for damages of every nature arising or growing out of the construction of such improvements, and shall defend, at his or their own cost and expense, each and every suit or action brought against the City by reason thereof, until the improvement has been accepted by the City and the developer notified in writing within 30 days. The owner or developer, at the time of commencing construction, shall furnish proof to the City of liability insurance of not less than \$1,000,000.00 each occurrence, \$1,000,000.00 aggregate for bodily injury and \$1,000,000.00 each occurrence, \$1,000,000.00 aggregate for property damage.
- I. If any violation of, or noncompliance with any of the provisions and stipulations of this Subdivision Ordinance occurs, the City shall have the right to stop the work forthwith and hold the bonding company responsible for the completion of the improvement or to use the certified check, or proceeds thereof, for such purpose.

### (4) Construction Drawings.

- A. All construction drawings shall be on a horizontal scale of one inch to 50 feet and a vertical scale of one inch to five (5) feet. The sheet size shall be 22 inches by 36 inches.
- B. All drawings shall have the orientation of north, and lettering towards the top or to the right of the sheet, to coincide with the official street map of the City of Gahanna
- C. Upon the approval and acceptance of all improvements, the original construction drawings for the improvements shall be revised to reflect the actual construction. All drawings, including the master grade plan, or reproductions thereof on mylar, shall become the property of the City and shall be on file in the office of the City Engineer.
- D. Within 90 business days after the Engineer's final inspection, record drawings shall be submitted to the Department of Public Service and Engineering. Record drawings are required to be submitted in electronic format as well as mylar form. All electronic record drawing information shall be contained on a technology approved by the City Engineer. The computer aided design (CAD) drawings shall have a drawing (.DWG) file type. A separate CAD drawing with all utilities shall be drafted in State Plane Coordinates. Private commercial developments shall include architectural building drawings in CAD. Sanitary and storm flow calculations should be included on the electronic format. They shall be made accessible through Microsoft Word and Excel. Consult with the City Engineer's office as to which release of the software is acceptable for storage.

### (f) Standards

#### (1) Standards in General.

Features of any proposed subdivision or development not specifically set out or provided for in this chapter shall be at least equal to the generally accepted good practice existing at the time such subdivision or development is proposed. Conformity to the applicable standards, not in conflict herewith, promulgated by the Mid-Ohio Regional Planning Commission, of which this City is a contributing member, shall be deemed satisfactory compliance with this chapter.

#### (2) Streets.

- A. Streets shall be dedicated to public use by the owner. Minor residential streets shall be so designed as to discourage their use by nonlocal traffic. Except where necessitated by local conditions, alleys will not be approved in residential districts. Dead-end alleys are prohibited in all districts. Easements for utilities must be provided along side or rear lot lines, where possible. Street rights of way shall have the following minimum widths:
  - 1. Primary (includes Federal, State and County roads which are main arteries of access to the City) 100 feet; an additional width of 45 feet shall be provided to accommodate a service drive, wherever lots are to face a primary road.
  - 2. Secondary (next in importance as avenues of access between sections of the City as opposed to commercial traffic and nonlocal traffic), 80 feet.
  - 3. Collector (within new subdivision), 60 feet.
  - 4. Minor (completely residential in nature), 50 feet.
  - 5. Cul-de-sac circles, a minimum diameter of 100 feet for right-of-way.
  - 6. Alleys, 20 feet.
  - 7. Easements, as required.
- B. Minimum pavement widths shall be as follows:
  - 1. Primary, variable as conditions may require.
  - 2. Secondary, 36 feet.
  - 3. Collector, 32 feet.
  - 4. Minor, 26 feet.
  - 5. Cul-de-sac circles, as approved by the City Engineer.
  - 6. Alleys, 18 feet.
  - 7. Service drives, 20 feet.
  - 8. Sidewalks (residential), five (5)-foot minimum width; (commercial), to be as approved by the Engineer.
- C. The maximum grades shall be:
  - 1. Primary streets, four (4) percent.
  - 2. Secondary streets, five (5) percent.
  - 3. Collector, minor streets and alleys, six (6) percent.
    - (a) The minimum grade for any street shall be one-half of one percent at the gutter, unless otherwise approved by the City Engineer or designee. Street

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intersections shall be rounded by radii not less than 20 feet at the curb line. Sidewalks shall be located as approved by the City Engineer or designee.

4. All street construction and specifications for materials shall be in conformity with standards required by the City.
5. The plans must bear the approval of the City Engineer and the Mayor. Places shall be provided for such signatures, including that of the Director of Public Service.

### (3) Sanitary Sewers.

- A. Plans and profiles of sanitary sewers shall be submitted to the City. All grades, pipe sizes, manholes and other appurtenances shall be shown and such installation and materials shall be in conformity with Municipal standards.
- B. Sewer plans must bear the approval of the Director of Public Service, the Water Resources Engineer, the City Engineer and the Mayor. Places shall be provided for such signatures, including that of the Director of Finance.

### (4) Water Distribution Systems.

- A. Plans of proposed water distribution systems shall be submitted to the City. All plans must show pipe sizes, locations of valves, fire hydrants and other appurtenances. Such installation and materials shall be in conformity with Municipal standards.
- B. Water distribution system plans must bear the approval of the City Engineer, the Water Resources Engineer, the Mayor and the Director of Public Service. Places shall be provided for such signatures, including that of the Director of Finance.

### (5) Storm Sewer Systems.

- A. Proposed storm sewers, including grades, pipe sizes, manholes, inlets and appurtenances may be shown on the street improvement plans. Installation and materials shall be in conformity with Municipal standards.
- B. The owner or developer shall follow the recommendations of the City Engineer with regard to the proper method and direction of drainage stormwater, following a review of the proposed plan of such drainage as submitted by the owner or developer or his engineer.
- C. The storm sewer plans, if not incorporated as part of the street improvement plans, must bear the approval of the City Engineer, the Water Resources Engineer, the Mayor and the Director of Public Service. Places shall be provided for such signatures, including that of the Director of Finance.

### (6) Lots and Blocks.

Every lot shall abut on a dedicated street. At the intersection of two (2) streets, property line corners shall be rounded by an arc of a minimum ten (10)-foot radius. Size, shape and orientation of residential lots shall be appropriate to the location of the proposed subdivision and for the types of development contemplated and in conformity with the Zoning Ordinance, with proper regard given yard areas, setback lines, etc. Excessive depth

in relation to length shall be avoided. A proportion of two to one depth to frontage shall be normal for lots having a width of 60 feet or more. Depths in excess of three times the lot width are not recommended. Side lines of lots shall be approximately at right angles or radial to the street line. Corner lots shall have extra width sufficient to permit maintenance of building lines of both the front and sides of the lot. The maximum length of blocks may not exceed 1,800 feet, except where topographic conditions require longer blocks, nor shall they be less than 400 feet in length. Wherever blocks are longer than 900 feet, crosswalks or crosswalk easements not less than ten (10) feet in width may be required near the center of the block, and Council may require that a sidewalk or multi-use trail be constructed in accordance with the City standards. The width of a block shall normally be sufficient to allow two tiers of lots of appropriate depth. Where frontage on a primary street is involved, the long dimension of the block shall front thereon, in order to minimize access intersections.

(7) Drainage.

- A. General: The Planning Commission shall not approve any subdivision having inadequate storm drainage or other physical drainage impairment, as determined by the City Engineer or designee. In areas known to be subject to periodic floods, such drainage improvements must be made as to satisfy the aforementioned public officers, in order that the safety, health and welfare of the people will be protected.
- B. Protection of Drainage Courses: No natural drainage course shall be altered and no fill, buildings or structures shall be placed in it, unless provisions are made for the flow of water in a manner satisfactory to the City Engineer. An easement shall be provided on both sides of any existing important surface drainage course adequate for the purpose of protecting, widening, deepening, enclosing or otherwise improving such stream for drainage purposes.
- C. Lot Drainage: A master grade plan shall be prepared for all subdivisions and shall be presented to the City Engineer for review and approval. The grading plan shall show the existing topography, the proposed street grades and the proposed storm sewers with pipe sizes and grades. It shall also show the proposed elevation at each lot corner, the proposed finish grades at the house and shall delineate the method of rear yard drainage by showing proposed swales and direction of surface slope by arrows. The grading plan shall follow the standards established for such grading by the Federal Housing Administration.
  - 1. Wherever possible, with exceptions being made where the topography of an area does not permit such grading practice, lots shall be graded from the rear lot line to the street. Where a lot abuts directly on two (2) streets, the grade shall be from the corner of the lot which is diagonally opposed to the corner of the two (2) streets on which the lot abuts. This regulation is included in a desire to reduce the amount of water standing in yards to a minimum. Therefore, where it is not possible to grade a lot in the prescribed manner, the owner or developer shall provide for the adequate drainage of any and all low areas and tie such drainage into and make it a part of the storm sewer system of the development and the City, as directed by the City Engineer or designee, with approval of such drainage subject to inspection by the Engineer along with the inspection of other storm sewer installations.

## CHAPTER 1117 ADMINISTRATION AND PROCEDURES

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- D. Gutters and Downspouts: All buildings and structures or appurtenances thereto erected within the City shall be provided with gutters and downspouts for the purpose of collecting and channeling roof water from such buildings and structures.
- E. Conductors into Gutters, Storm Sewers: All water from sumps, sump pumps, gutters or downspouts, which water would flow by gravity over a public sidewalk or over adjacent property, shall be carried, by means of conductors, away from such adjacent property, beneath the sidewalk and through the curb outlets provided, into the gutter or storm sewer. If the curb outlets provided are not used or are not sufficient in number, any curb cuts made shall be drilled.
- F. Garage Construction: Except upon written approval of the Director of Public Service or their designee, garage floors shall not be constructed less than 12 inches above the top of the curb elevation.

### (8) Street Construction.

- A. Henceforth the minimum requirements for residential streets in the City shall be in accordance to the latest edition of the standard drawings, and Construction and Material Specifications of the City of Columbus, or as directed by the City Engineer or designee.
- B. In addition to the specifications for the construction of public streets in the City now found in subsection (a) hereof, henceforth it shall be lawful to build public streets in the City in accordance with the specifications now in force for the building of public streets in the City of Columbus, Ohio, so long as such specifications are determined by the City Engineers to be of a higher type construction than the specifications approved by the City in subsection (a) hereof.

### (9) Rights-Of-Way for Connecting Streets Between Subdivisions.

- A. Certain special standards will apply on streets designated by the Planning Commission and/or the City Thoroughfare Plan as being connecting streets between subdivisions.
- B. The minimum right-of-way for such streets will be 60 feet.
- C. The minimum pavement width for such streets will be 36 feet.

### (10) Street Lighting

The Director of Public Service or their designee shall cause to be prepared and designed, specifications for street lighting in accordance with the following standards:

- A. Design and Layout: The design and layout for the street lighting, the underground wiring and other pertinent equipment to be used shall be designed by a registered engineer, and approved by the City Engineer or designee.
  - 1. All energy lines leading to the light standard shall be underground in new developing subdivisions.
  - 2. All street lighting designs to be coordinated with the supplier of electric energy.

## CHAPTER 1117 ADMINISTRATION AND PROCEDURES

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Two (2) drawings for each street lighting layout shall be submitted to the supplier of electric energy for record purposes.

3. Street lights are to be installed in accordance with street lighting specifications of the City, which will be kept on file in the office of the City Engineer.
  4. The drawings and specification sheets for street light standards, luminaries, lamps and pedestal termination points will be available at the Office of the Director of Public Service.
  5. All connections to the supplier of electric energy secondary service locations shall be made by the supplier.
- B. Lights to be Installed before Acceptance. Any person, firm or corporation desiring a final acceptance of a street, shall before this final acceptance is granted, have the street lights installed and ready for use.
- C. Maintenance Responsibility of City. It shall be the responsibility of the City to secure and pay the cost of the energy for lighting and assume the maintenance costs of the installations following expiration of the developer's one (1) full year of total maintenance.
- D. Damage to Distribution System. Any contractor or agent for the developer, while in the process of installing street lights, who damages the distribution system of electric energy supplier shall be liable for such damages and for any other cost as a result of such damages, and may charge and receive payment for such damages from the party responsible.
- E. Completion Bond Required. If conditions are such that street lights cannot be installed prior to the acceptance of the streets upon which these lights are to be installed, as required in subsection (b) above, the person, firm or corporation requesting acceptance of such streets shall deposit with the Director of Finance, an amount of cash or collectible funds, or performance bond in a form satisfactory to the City Attorney, equal to one and one-half times the estimated cost of the installation of these lights, as security for the installation of such lights which installation shall be completed within six (6) months of the date of deposit of the funds or bond. Failure on the part of such person, firm or corporation to complete this installation within six (6) months period shall be cause for the Director of Public Service to order the installation by such other contractor as the Director of Public Service chooses and cause the cost of the installation to be paid from the funds or bonds so deposited. That portion of these funds not used for such installation shall be returned to the depositor at the completion and acceptance by the City of such street lighting installation.
- F. Easement for Energy Lines to Light Standards. The developer shall provide the necessary easement for street lighting. The City will coordinate with the developer where necessary, the easement leading to the electric lighting standard so that lighting may be properly spaced.

## CHAPTER 1117 ADMINISTRATION AND PROCEDURES

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- G. Location for Plan. The location, in plan view, of the street lighting, shall be incorporated in the street, storm and water plan.

(11) Environmental Plan.

- A. An environmental plan shall be required to be submitted with the plat. This plan is required so that all environmental concerns are evaluated before a development occurs and to ensure that the natural environment is protected. Such environmental plan shall include, but not be limited to, the following items:
  - 1. Description of the general nature of the proposed action/development;
  - 2. Description of the existing environmental features on the property, such as woodlands, ravines, floodplains, streams, lakes, ponds and/or steep slopes;
  - 3. Description of the potential environmental impact of the action/development; and
  - 4. Description of alternatives and other proposed actions to avoid, minimize and mitigate any potential short-term or long-term adverse impacts.
- B. An impact statement is also required with the environmental plan. It shall include a statement of the short and long term direct and indirect impacts of the proposed development on natural features of the property including, but not limited to soils, geology, surface water and ground water, vegetation, wetlands, woodlands, wildlife, air, reflected or generated light, noise, historical areas and visual aesthetics.
- C. If conditions exist that the development may cause significant adverse impacts to the environment of the site or surrounding properties, the City may request the submission of a mitigation statement by the applicant that would become part of the environmental plan. This mitigation statement shall include the following:
  - 1. A plan showing the location of natural features that are to be disturbed and undisturbed.
  - 2. A plan showing the location of the proposed buffer zones and preservation zones that will alleviate the adverse impacts of the development.
  - 3. A statement which addresses the plans for mitigating the adverse environmental impacts. The replacement or restoration of areas which are considered to be environmentally significant shall be addressed. This replacement or restoration statement shall include type, size and amount of materials and/or vegetation.
  - 4. A statement which includes any other means by which the developer plans to lessen the environmental impacts.
  - 5. Any other items that may be requested by the City.
- D. The Planning Commission shall consider the environmental plan when deciding on the plat.



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# Chapter 1119

## NONCONFORMITIES

# Nonconformities

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### 1119.01 NONCONFORMING LOTS

No subdivision, lot split, or adjustment to lot lines shall be approved that would increase the nonconformity of an existing lot.

Structures may be erected or redeveloped on existing nonconforming lots, provided that such structures conform with all development standards with the exception of lot size and lot frontage.

### 1119.02 NONCONFORMING STRUCTURES

(a) Any structure existing at the time of the enactment of this Zoning Ordinance may be continued even though such structure does not conform with the provisions of this Zoning Ordinance for the zoning district in which it is located. It is the intent of this section to permit these nonconformities to continue until they are discontinued or removed, but not to encourage their continuance or survival. Such structures are declared by this section to be incompatible with permitted structures in the zoning district involved. It is further the intent of this chapter that nonconformities shall not be enlarged, expanded, or extended, or changed to any other nonconforming structure.

(b) Ordinary repairs and maintenance, or repairs and replacement of nonbearing walls, fixtures, wiring, heating, air conditioning or plumbing may be undertaken on any nonconforming structure, or portion of a structure, provided the cubic content of the structure existing when it became nonconforming is not increased.

### 1119.03 NONCONFORMING USES

(a) Any use existing at the time of the enactment of this Zoning Ordinance may be continued even though such use does not conform with the provisions of this Zoning Ordinance for the zoning district in which it is operating. It is the intent of this section to permit these nonconformities to continue until they are discontinued or removed, but not to encourage their continuance or survival. Such uses are declared by this section to be incompatible with permitted uses in the zoning district involved. It is further the intent of this chapter that nonconformities shall not be enlarged, expanded, or extended, or changed to any other nonconforming use except as follows:

- (1) Additions to the structure containing a nonconforming use are permissible as a Minor

## CHAPTER 1119 NONCONFORMITIES

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Development Plan when the expansion is less than 25 percent of the total floor area of the original structure. An expansion of 25 percent or more of the total floor area of the original structure shall require approval by Planning Commission. The Planning Commission shall review the appropriateness of the expansion request in conjunction with the Major Development Plan application, Section 1117.07(a). Expansion of the structure shall not create any new condition of noncompliance unless a variance is granted.

- (b) When a nonconforming use is discontinued for a period of at least six (6) consecutive months, the nonconforming use shall not be resumed.
- (c) An existing nonconforming use may be hereafter extended throughout those parts of the structure which were manifestly arranged or designed for such use at the time of the enactment of this Zoning Ordinance.
- (d) No structure or portion of a structure containing a nonconforming use shall hereafter be extended to facilitate an increase in use area of the nonconforming use.

### 1119.04 NONCONFORMING SIGNS

- (a) A sign, which is nonconforming on the effective date of this Zoning Ordinance and does not conform with the regulations of this or a subsequent amendment, shall be deemed a nonconformity.
- (b) Any permanent graphic, sign, marquee, canopy, or awning, other than a temporary sign, which is deemed to be a nonconformity, and not erected in accordance with a city permit, and which remains or becomes a nonconformity upon the adoption of this chapter or any subsequent amendment thereto, may be continued only in accordance with the following regulations.
- (c) Ordinary repairs and non- structural alterations may be made to a nonconforming sign. No structural alterations shall be made in, to, or upon such nonconforming sign, except those required by law to make the sign conform to the regulations of this chapter, unless the sign was erected in accordance with a City permit.
- (d) A nonconforming sign shall not be added to or enlarged in any manner, except to make the sign conform to the regulations of this Zoning Ordinance.
- (e) No nonconforming sign shall be moved in whole or in part to any other location unless such sign, and the use thereof, is made to conform to all regulations of this chapter.

### 1119.05 RELOCATION OF NONCONFORMITY

No nonconforming building, structure, facility, or sign shall be moved to another location on the same lot or any other lot unless the entire building, structure, facility or sign shall thereafter conform to the regulations of the zoning district in which it will be relocated. Moreover, no nonconforming land use shall be relocated, in whole or in part, to any other location on the same or any other lot unless such use shall thereafter conform to the regulations of the zoning district in which it is relocated.

### 1119.06 RECONSTRUCTION AND REPAIRS OF NONCONFORMITY

Any nonconforming building, structure, facility, or sign where more than 75 percent of its Gross Floor Area (GFA) above the foundations or sign where more than 75 percent of the surface area or structural elements of the sign are damaged by fire, flood, explosion, earthquake, war, riot, or similar event shall not be reconstructed and used as before such casualty. If less than 75 percent building, structure, facility, or sign is so damaged, it may be reconstructed or used, provided that such reconstruction or use is accomplished within 12 months of such casualty.

Nothing in this Zoning Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any nonconforming building, structure, facility, or sign declared unsafe.

### 1119.07 ABANDONMENT OF NONCONFORMITY

(a) No lot, where the intent of the owner to discontinue the use for a period of six (6) months or more is apparent or where a nonconforming use has been replaced by a use permitted in the zoning district in which such lot is located, shall again be devoted to any use not permitted in such zoning district.

# Chapter 1121

## GLOSSARY

# Glossary

### 1121.01 TERMS A-Z

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.

## A.

**Abandoned sign** means a sign which is discontinued for a period of 90 consecutive days. Determination that a sign is abandoned shall be self-evident of the intent of the owner to discontinue the use of the sign. Damage, deterioration or condition of disrepair to a sign or its structure, lack of visibility or obstruction of the sign, or advertisement of businesses, uses, or services that no longer exist or have ceased operating on the property shall be considered factors for establishing intent to discontinue a sign.

**Access sign** means a sign which indicates location and access of curb cuts, vehicular entrances, and parking facilities. An access sign may be a freestanding or building sign that is located within ten (10) feet of the street right-of-way and within ten (10) feet of a curb cut or other vehicular accessway to a lot.

**Accessory dwelling unit (ADU)** means a secondary dwelling unit that occupies the same lot as a larger, primary dwelling use and providing complete independent living facilities for one (1) or more persons. An accessory unit may be attached or detached from the primary dwelling. Accessory dwelling units are known as granny flats, carriage houses, mother-in-law units, alley flats, backyard bungalows, basement apartments, coach houses, or guest houses.

**Accessory use or structure** means a subordinate structure, either attached to or separate from the main building, which is incidental to that of the main building or a use that is subordinate to the main use of the premises. An accessory use or structure shall not include a portable temporary storage unit and shall not include a temporary structure, as defined in this ordinance.

**Adult use** means any business classified as sexually oriented under the City of Gahanna Code of Ordinances Section 771.03.



## CHAPTER 1121 GLOSSARY

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**Aesthetics** is a term dealing with form, design, and/or quality of construction of a particular sign, building, site or structure that presents a subjective statement concerning the level of beauty or artistic value.

**Agriculture** means farming, dairying, pasturage, apiculture, plant cultivation, viticulture, animal and poultry husbandry, sod farming, and furbearing animal production. Agriculture includes NAICS code 1114 (greenhouse, nursery, and floriculture production).

**Air transport services** means services involving the use of aircraft to transport goods or persons. Air transport services include airports. However, airport designers and administrators and logistics brokers are defined under professional services.

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

**Alternative structure** includes, but is not limited to existing structures that can include clock towers, bell steeples, light poles, street light/traffic poles, power poles, and similar alternative-design mounting structures or other buildings (e.g., church, library, municipal government, hospital, school, utility).

**Alternative tower structure** includes, but is not limited to man-made trees, clock towers, bell steeples, light poles, and other similar alternative design mounting structures that camouflage or conceal antennas or towers.

**Animated sign** means any attention-diverting apparatus, equipment or devices in a sign that uses movement or change of lighting to depict action or create a special effect or scene. Animated signs shall include: blinking, coursing, flashing, moving, racer-type, rotating, revolving, spinning, and other similar types of apparatus, equipment or devices. (See "electronic message" and "flashing" signs.)

**Animal care** means housing, training, exercising, and/or providing a medical service for large and small animals, including any outside runs, kennels, or training areas. This term includes doggy daycare and puppy camp services.

**Antenna** means any transmitting or receiving device used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless communications signals, or other communication signals.

**Antenna support structure** means any building or structure other than a tower which can be used for the location of wireless communications facilities.

**Applicant** means any person that applies for administrative review, conditional use review, zoning certificate, or other permit or approval.

**Area of special flood hazard** means the land in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. "Areas of special flood hazard" are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, A1-30 and A99.

**Artisanal manufacturing** means the preparation, display, and sale of individually crafted products, such as artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items or handcrafted food products in an establishment not exceeding 3,000 square feet of floor area.

**Arts, sciences, and cultural** means the collection, display, preservation, or production of art, science, and

cultural capital in a facility that is open to public visitation. Examples of arts, sciences, and cultural uses are zoos, conservatories, galleries, libraries, museums, theaters, concert halls, ballets, and operas. Arts, sciences, and cultural uses must have a central mission of promoting the advancement of art, science, and/or culture and the delivery of art, science, and/or culture to the general public. Arts, sciences, and cultural uses do not have central missions to sell products, produce products to sell, or provide direct for-profit services. Research and development activities, universities, galleries that display art for the primary mission of selling art, and artist studios that are not open to public visitation are not considered arts, sciences, and cultural uses. Arts, sciences, and cultural uses may dedicate up to 25 percent of the principal structure to office uses in association with the management or development of the principal use. Arts, sciences, and cultural uses include NAICS codes 7111 (performing arts companies, when not commercial in nature) and 7121 (museums, historical sites, and similar institutions).

**Attached one-unit dwelling** means a one-unit dwelling attached to another or multiple other one-unit dwellings by common vertical walls.

**Automotive sales** means the selling or leasing of personal vehicles, including cars, light trucks and SUVs, motorcycles, RVs, ATVs, and motorized watercraft, new and used.

**Automotive services** means the commercial care of personal automobiles and light trucks, including repair, cleaning, maintenance, and refueling or gas stations. Deliveries of parts and towing of vehicles may occur daily, but heavy truck traffic is infrequent. Centers for heavy truck repair are commercial services.

**Awning** is a permanent roof-like cover, often of fabric, metal or glass which projects from a wall or roof of a structure over a window, walk, door or the like and is designed and intended for protection from the weather or as a decorative embellishment. Also called a canopy when the projection extends more than three (3) feet from the face of the building.

**Awning sign** is a sign located on an awning.

## B.

**Backhaul network** means the infrastructure that connects a provider's wireless communications facility sites to one (1) or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network via wire, microwave, mesh network or gigabit fiber optics.

**Bar** means a structure in which the principal use is the preparation and sale of alcoholic beverages. Bar includes taverns, micro-breweries, and tap rooms, but does not include liquor stores or grocery stores. Bar includes, but is not limited to, all uses categorized under the NAICS code 722410 (drinking places - alcoholic beverages).

**Base flood** means the flood having a one (1) percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 100 year flood.

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

**Bed and breakfast** means an owner-occupied, one-unit dwelling in which rooms are rented to paying transients or travelers on an overnight basis, with only breakfast being served. No room may be rented to any person for a period of more than 14 consecutive days or more than 24 days in any calendar year. Bed

## CHAPTER 1121 GLOSSARY

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and breakfast shall include uses that are categorized within NAICS code 721191 (bed-and-breakfast inns).

**Bench sign** is a sign located on the seat or back of a bench placed on or adjacent to a public right-of-way.

**Best Management Practice (BMP)** means a range of management procedures, schedules of activities, prohibitions on practices and other management practices which have been demonstrated to effectively control the quality and/or quantity of water runoff and which are compatible with the planned land use.

**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.

**Building coverage** means the total area occupied by principal and accessory buildings, divided by the total area of the lot. Buildings include 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.

**Building frontage** means the horizontal linear dimension designed as the primary façade of that side of the building.

**Building identification sign** means a wall sign bearing only the address of the premises.

**Building historical marker sign** means any sign composed of letters, words, or insignia cut into a masonry surface or made of bronze or other permanent material permanently mounted to a building to convey a memorial, the name of a building, address, date of construction, or incidental information.

**Building sign** means any wall sign, window sign, awning sign, canopy sign, or projecting sign. Building signs do not include roof signs.

## C.

**Cable microcell network (CMN)** means a wireless telecommunications facility characterized by small antennas and equipment cabinets, and typically located on a small diameter monopole; on an existing or replacement street light, power pole, sign, or other suitable structure; or on an existing building.

**Canopy** means a permanently roofed shelter projecting over a sidewalk, driveway, entry, window or similar area, which may be wholly supported by a building or partially supported by columns, poles, or braces extending from the ground. Any roof overhang extending more than three (3) feet from the face of a building shall be considered a canopy. Also called an awning when the projection from the face of a building is three (3) feet or less.

**Canopy sign** means any sign that is a part of or attached to a structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy sign.

**Cellular-on-wheels (COW)** means a temporary mobile wireless communications facility that consists of a wireless antenna tower and associated equipment on a truck, trailer, or other mobile structure designed to be part of a wireless network.

**Chain link fence** means a fence usually made of metal consisting of loops of wire interconnected in a series of jointed links. In no case shall a chain link fence be considered a decorative open face fence.

**Changeable copy sign** means any sign designed so that letters or numbers attached to the sign can be periodically changed to indicate a different message.

**Channel** means a natural stream that conveys water; a ditch or channel excavated for the flow of water.

**City** means the government of the City of Gahanna, Ohio, or any civil servant of the City of Gahanna, Ohio.

**Clearing** means the removal of trees, brush, and other unwanted material in order to develop land for other uses, or to provide access for site work.

**Co-location** means the use of, or ability to use, a wireless communications facility or support structure by more than one (1) wireless communications provider or more than one (1) wireless antenna array.

**Commercial fence erector** means an individual or a company qualified to erect, maintain and repair all types of fences covered by these Codified Ordinances and who erects a fence for hire, or as a part of a sales agreement involving home improvement or the sale of fencing material.

**Commercial message** means any sign wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity. Signs which advertise that patrons are “welcome” or that display “help wanted”, “for rent”, “for sale” and similar messages shall be deemed commercial messages.

**Commercial sales** means the sale or leasing of goods to other businesses rather than directly to household consumers. Examples of commercial sales include the selling of raw materials, equipment, office furniture, and commercial vehicles.

**Commercial services** means a use that provides services to other companies rather than directly to household consumers. These services typically involve the arrival and departure of heavy trucks more than once per day. Examples of commercial services are farm equipment rental services, machinery repair services, and commercial linen laundering.

**Commercial zone** means any of the following zones: Office, Neighborhood Commercial, General Commercial, Restricted Institutional, or Innovation & Manufacturing.

**Conditional use** means a use allowed in a zoning district only when the Planning Commission grants a conditional use approval.

**Conservation recreation** means a use that preserves natural habitat or recreates natural communities in outdoor settings. Associated educational interpretation, trails, and shelters are included in conservation recreation uses. Examples of conservation recreation uses include arboreta, preserves, scenic river corridors, and hiking areas.

**Council** means the City Council of the City of Gahanna, Ohio.

## **D.**

**Decorative open fence** means a fence constructed for its beauty or decorative effect, and when viewed at right angles and enclosing the outline of all parts of the fence in its vertical plane, has an open face area of at least 30 percent. Decorative open fences shall include, but not be limited to:

## CHAPTER 1121 GLOSSARY

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**Rail or split rail fence** means a fence constructed of narrow, whole or split, wooden timbers or vinyl placed horizontally between upright supporting posts.

**Picket fence** means a fence made of upright poles or slats that alternate with an open face.

**Iron or steel fence** means a fence constructed of narrow poles that are placed vertically and horizontally to resemble a fence that would be considered to be an antique or historical.

**Hardware cloth**, see *Hardware Cloth* definition, shall be used only in conjunction with any of the above listed decorative open fences, and must be attached to the owner's side of the fence.

**Deteriorated sign** means a sign which has outlived the useful life span of its construction materials and which is likely to lead to production of litter or other aesthetic problems if continued to be posted, as determined by the Chief Building Official.

**Development** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**Development area** means any contiguous (abutting) area owned by one (1) person or operated as one (1) development unit and used or being developed for nonfarm commercial, industrial, residential or other nonfarm purposes upon which earth-disturbing activities are planned or underway.

**Development identification sign** means a permanent sign identifying an entrance to a residential subdivision, residential complex, institutional use, commercial shopping area, industrial park, business park or other similar use.

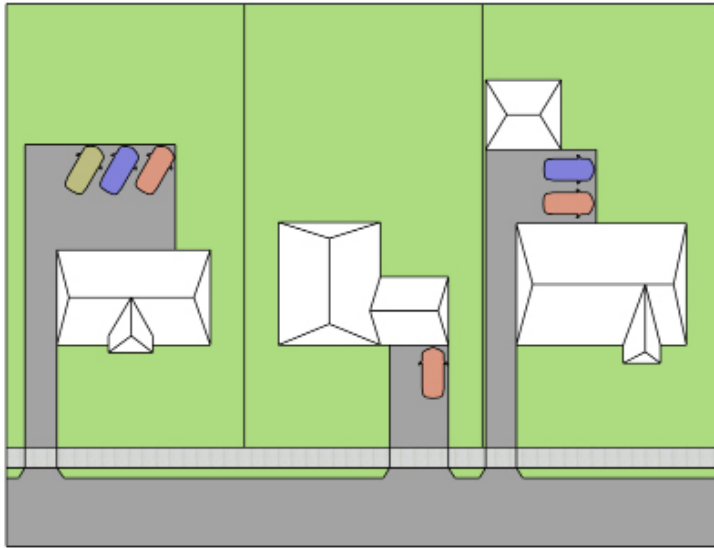
**Distributed antenna system (DAS)** means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure which also may or may not contain fiber optic transport and/or landline components.

**Ditch** means an excavation either dug or natural for the purpose of drainage or irrigation with intermittent flow.

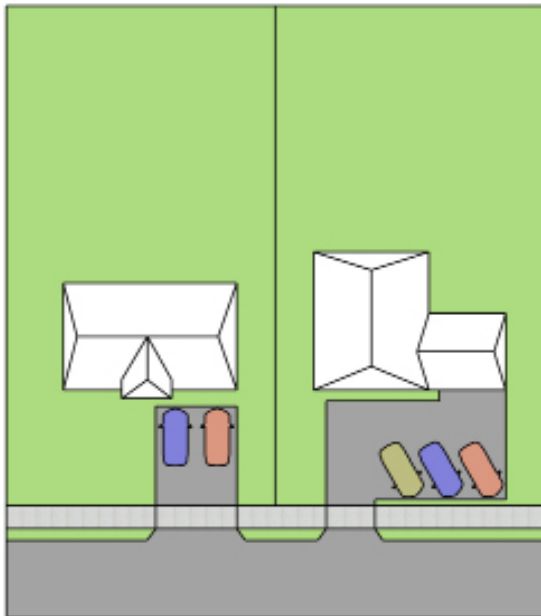
**Drainageway** means an area of concentrated water flow other than a river, stream, ditch or grassed waterway.

**Drive-thru** means an amenity of an establishment that allows the establishment to dispense products or services to patrons who remain in their private vehicles. Drive-thrus do not include windows or building openings intended to allow an establishment to dispense products or services to pedestrians.

**Driveway** means any unenclosed motor vehicular pathway that (a) does not exceed eighteen (18) feet in width and (b) in the shortest distance practicable, provides a vehicular path from a street right-of-way to a private garage or to an area to the side or rear of the principal structure.



The above image shows driveways. Each path is no more than eighteen (18) feet in width and provide a vehicular path from the street to a private garage or to the area to the side or rear of the principal structure. The left and the right lots show driveways that, to the rear of the principal structure, are wider than 18 feet, at which point the vehicle use area is considered a parking area, not a driveway.



The above images show vehicles parked on areas that are not considered driveways. The lot on the left of the image includes vehicles parked on a paved area that does not lead to a private garage or to the side or rear of the principal structure. The other house shows a paved area that, while it leads to a private garage, does not follow the shortest distance path practicable.

## CHAPTER 1121 GLOSSARY

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**Dumping** means grading, pushing, piling, throwing, unloading or placing.

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

**Dwelling unit** means one (1) 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.

### **E.**

**Earth-disturbing activity** means actions taken to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils.

**Earth material** means soil, sediment, rock, sand, gravel and organic material or residue associated with or attached to the soil.

**Electronic message center** means a sign feature with a fixed or changing display or message, wherein the sequence of message and the rate of change is electronically programmed and can be modified by electronic process.

**Elevation (architectural)** means an orthographic projection of the exterior faces of a building that is a two-dimensional drawing of the building's façades. The roof shall not be considered part of a vertical elevation (e.g., front elevation, rear elevation, side elevation) for the purposes of design guidelines.

**Emergency** means a reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action, mitigation, or abatement.

**Emergency medical care** means services provided by medical personnel that include emergency room care, trauma care, or overnight care. Emergency ambulance services may frequently visit emergency medical care uses.

**Engineer** means any engineer currently licensed by the State of Ohio.

**Equipment shelter or equipment cabinet** means the structure in which the electronic receiving and relay equipment or other necessary equipment for a wireless communications facility is located.

**Erosion** means:

- (1) The wearing away of the land surface by running water, wind, ice or other geological agents, including such processes as gravitational creep.
- (2) Detachment and movement of soil or rock fragments by wind, water, ice or gravity.
- (3) Erosion includes:
  - A. Accelerated erosion means erosion much more rapid than normal, natural or geologic erosion, primarily as a result of the influence of the activities of man.
  - B. Floodplain erosion means abrading and wearing away of the nearly level land situated



on either side of a channel due to overflow flooding.

C. Gully erosion means the erosion process whereby water accumulates in narrow channels during and immediately after rainfall or snow or ice melt and actively removes the soil from this narrow area to considerable depths such that the channel would not be obliterated by normal smoothing or tillage operations.

D. Natural erosion (geologic erosion) means wearing away of the earth's surface by water, ice or other natural environmental conditions of climate, vegetation, etc., undisturbed by man.

E. Normal erosion means the gradual erosion of land used by man which does not greatly exceed natural erosion.

F. Rill erosion means an erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed soils.

G. Sheet erosion means the removal of a fairly uniform layer of soil from the land surface by wind or runoff water.

**Externally illuminated sign** means a sign illuminated primarily by light directed toward or across it or by backlighting from a source not within it.

## F.

**FAA** means the U.S. Federal Aviation Administration, and any legally appointed, designated, or elected agent or successor.

**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 (3) foster children, half-way houses for individuals released from incarceration, or facilities for drug abuse rehabilitation programs.

**Family care services** means uses that provide commercial services such as child day care and adult day care, where customers are not overnight residents of the property. At home family care services that meet the State of Ohio requirements are considered home occupations.

**FCC** means the U.S. Federal Communications Commission and any legally appointed, designated, or elected agent or successor.

**Federal Emergency Management Agency (FEMA)** means the agency with the overall responsibility for administering the National Flood Insurance Program.

**Fence** means an artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas. For the purposes of this chapter, a fence does not mean a structure.

**Flag** means a fabric, banner, or bunting containing distinctive colors, patterns or symbols, used as a symbol

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of a recognized government or political subdivision, corporation, lodge, fraternity or sorority, political party, nonprofit organization, charity, club, association or other similar entity.

**Flashing sign** means a sign, the illumination of which is not constant in intensity when in use, and which exhibits sudden or marked changes in lighting effects.

**Flood or flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

The overflow of inland or tidal waters; and/or

The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM)** means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazards.

**Flood Insurance Study (FIS)** means the official report in which the Federal Emergency Management Agency has provided the flood profiles, floodway boundaries, and the water surface elevations of the base flood.

**Flood protection elevation** means elevation one (1) foot above the base flood elevation plus any increase to flood heights caused by the proposed development.

**Floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.5 foot. Please refer to Appendix "A" for diagram.

**Floodway fringe** means that portion of the regulatory floodplain outside of the floodway. Please refer to Appendix "A" for diagram.

**Food manufacturing** means the preparation of food products or meals in a facility. Consumers of the food products may not purchase the food products at the small food products manufacturing facility, which differentiates small food manufacturing from carry-out restaurants. Catering kitchens, ghost kitchens, food processing centers, and commercial kitchens are examples of small food manufacturing. This term includes NAICS code 3121 (beverage manufacturing) and 311 (food manufacturing), but this term does not include 3116 (animal slaughtering and processing) nor 3117 (seafood product preparation and packaging).

**Freestanding sign** means a sign that is attached to, erected on, or supported by some structure, such as a post, mast, or frame that is not itself an integral part of or attached to a building or other structure whose principal function is something other than support.

## G.

**Garage** means a building or a portion of a building used or designed to be used for the storage of one (1) or more motor vehicles.

**Garage, private** means 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.

**Garage, public** means a building or a portion of a building, not a private garage, which is used or designed to be used for the storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles.

**General personal services** means a use that provides day-to-day services to the general public. These services include salons, spas, laundromats, dry cleaners, shoe repair, physical fitness centers under 3,000 square feet, and dance studios under 3,000 square feet, martial arts studios under 3,000 square feet, art education centers under 3,000 square feet, and electronics repair. For these services, customers may stop in and out throughout the day. Heavy truck shipments to the location of general personal services uses are infrequent.

**GFA** means gross floor area; the total number of square feet of floor area within the outside line of walls and including the total of all space on all floors of a building, including porches and garages, but not including space in a basement or cellar when the basement or cellar space is used only for storage or incidental uses, and not including floor space with less than 78 inches of vertical clearance.

**Government administration** means a use that provides office space, hearing chambers, waiting rooms, and other facilities for administering government responsibilities and categorized under NAICS code 92 (public administration), such as legal services, planning services, resource protection administration, education programming administration, and emergency services; but not including police and fire stations.

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

**Grassed waterway** means a broad or shallow natural course or constructed channel covered with erosion-resistant grasses or similar vegetative cover and used to conduct surface water.

**Ground sign** means a freestanding detached sign whose support structure is imbedded in the ground.

**Ground transport services** means services involving the use of trains, trucks, or busses to transport goods or persons. Ground transport services include truck depots, train stations, and bus stations, but not taxi depots or car rental centers. Ground transport services do not include the storage of goods to be transported and, therefore, do not include warehouses.

## H.

**Half-story** means a story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

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

**Hazardous sign** means any sign or sign support structure that is structurally or electrically unsafe, as determined by the Chief Building Official.

**Heavy industrial** means an establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line. This term includes but is not limited to: (a)

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processing and packaging of alcohol beverages; (b) chemical manufacturing; (c) stonework or concrete product manufacturing; (d) fabrication of metal products; (e) manufacturing of agricultural, construction, or mining machinery; (f) motor vehicle manufacturing; (g) lumber milling; (h) ship or boat construction (i) permanent concrete/batch plant. Heavy industrial includes NAICS codes 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), 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, but not NAICS codes 332992, 332993, and 332995), 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), and 339 (miscellaneous manufacturing).

**Height or above ground level (AGL)** means, when referring to a tower or other structure, the distance measured from the finished grade at the base of the tower or structure to the highest point on the tower or structure, including the base pad and any antenna, but not including lightning arrest devices.

**Historic structure** means any structure that is:

Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district of a district preliminarily determined by the Secretary to qualify as a registered historic district;

Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

By an approved state program as determined by the Secretary of the Interior; or

Directly by the Secretary of the Interior in states without approved programs.

**Home occupation** means an accessory use of a dwelling unit for legitimate businesses, professions, trades or vocations conducted within an enclosed dwelling unit, which is clearly incidental and secondary to residential occupancy and does not change the residential character thereof.

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

**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.

**Hotel or motel** 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 may be provided within the building or in any accessory building. Hotel or motel shall include uses categorized under NAICS code 721110 (hotels--except casino hotels--and motels).

## I.

***Illuminated sign*** means a sign lighted by, or exposed to, artificial lighting either by lights on or in the sign, or directed towards the sign.

***Impervious coverage*** means the total area occupied by impervious, man-made materials, divided by the total area of the lot. Impervious materials include buildings, asphalt, concrete, swimming pools, barns, and carports, but exclude porous pavement, permeable pavers, decks with gaps between decking for drainage, lawn grasses, gardens, stormwater retention and detention basins, and other landscaping.

***Indoor recreation*** means uses that include indoor leisure and recreation uses of more than 3,000 square feet but smaller than 50,000 square feet, such as skating rinks, gymnastics studios, dance studios, boxing clubs, bowling alleys, large physical fitness centers, and cinemas. Large scale indoor recreation uses also include organization and membership club centers that are meeting areas for the membership of fraternal organizations, political organizations, and business organizations. Up to 50 percent of the floor area of a large scale indoor recreation use may be used as the offices of administrators. Physical fitness centers smaller than 3,000 square feet are categorized as general personal services uses. Large scale indoor recreation uses include, but are not limited to, uses that are more than 3,000 square feet and smaller than 50,000 square feet and fall within NAICS codes 7111 (performing arts companies, when commercial), 7132 (gambling industries), and 7139 (other amusement and recreation industries, when indoors).

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

***Interior lot*** means a lot other than a corner lot or a through lot. An interior lot has only one (1) front lot line.

***Internally illuminated sign*** means a sign whose light source is located either in the interior of the sign so that the rays go through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign.

## J.

***None.***

## K.

***Kennel or other animal shelters*** means the keeping of more than five (5) animals at least three (3) months of age for pleasure, profit, breeding or exhibiting.

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### **L.**

**Landscaping** means bringing the soil surface to a smooth finished grade, installing plant material and other natural materials to produce a pleasing visual effect of the premises.

**Landslide** means the rapid downward and outward movement of large rock material and/or soil mass under the influence of gravity in which the movement of the soil mass occurs along an interior surface of sliding.

**Large scale light industrial** means an establishment engaged in the indoor warehousing, manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This term includes but is not limited to a business engaged in the processing, fabrication, assembly, treatment, or packaging of food, textile, leather, wood, paper, chemical, plastic, or metal products, but does not include basic industrial processing from raw materials. Large scale light industrial uses have principal structures of 25,000 square feet or more per lot. Large scale light industrial includes uses of 25,000 square feet or more for NAICS code 3231 (printing and related support activities), 22112 (electric power transmission, control, and distribution), 3121 (beverage manufacturing), and 311 (food manufacturing), 42 (wholesale trade), 44 and 45 (retail trade), and 48 and 49 (transportation and warehousing). Large light industry specifically does not allow NAICS codes 3116 (animal slaughtering and processing), 3117 (seafood product preparation and packaging), 42314 (motor vehicle parts merchant wholesalers), or 42452 (livestock merchant wholesalers).

**Large scale outdoor recreation** means a use that provides opportunities to play and relax on lots larger than 2 acres. Such uses may include disc golf courses, golf courses, non-professional and non-collegiate sports fields, regional beaches, large pools, and sledding hills. Large scale outdoor recreation includes, but is not limited to, uses that fall within NAICS codes 712190 (nature parks and other similar institutions, which is also included in arts, sciences, and cultural uses), and 7139 (other amusement and recreation industries, when outdoors).

**Large scale retail** means the selling or leasing of goods directly to household consumers in retail spaces exceeding 25,000 sq. ft. of GFA per lot. For the purposes of calculating GFA for this definition, retail units in attached structures that straddle lot lines shall be calculated as being located on the same lot. Retail includes, but is not limited to, the selling or leasing of clothing, unprepared food, home goods and furnishings, collectibles and antiques, electronics, non-motorized recreation equipment, art and décor, pets and pet care products, and appliances.

**Live-work unit** means a combination dwelling-commercial unit that allows a person or persons to both reside and operate a commercial enterprise from the same unit. The unit must be equipped with space for cooking, bathing, sleeping, and working.

**Logo** means the graphic or pictorial presentation of a message, including, but not limited to, the use of shapes, designs, decorations, emblems, trademarks, symbols or illustrations.

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

**Lot, corner** means a lot abutting upon two (2) or more streets at their intersections, or upon two (2) 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.

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

**Lowest floor** mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is built in accordance with the applicable design requirements specified in this chapter for enclosures below the lowest floor.

## M.

**Marquee sign** means a sign designed to have changeable copy which is attached to a roof-like structure of a permanent nature that projects from the wall of a building or its supports and may overhang the public right-of-way.

### **Menu board sign:**

Temporary: A two (2)-sided, erasable-style, portable, freestanding sign displayed only during the hours of operation providing a bill of fare associated with indoor or outdoor dining.

Permanent: A ground-mounted sign displaying the bill of fare for a restaurant, drive-in or drive-thru restaurant or instructions or services for other drive-thru establishments.

**Medical office services** means services provided by medical personnel that do not include emergency room care or trauma center care or overnight care but do include psychological treatment and social work, urgent care, dental care and surgery, chiropractic care, and veterinary care. Emergency ambulance services do not frequently visit medical office services.

**Mobile sign** means a sign attached to, mounted to, pasted, painted or drawn on any vehicle, whether motorized or pulled, that is placed, parked or maintained at one particular location for the express purpose and intent of promotion or conveying an advertising message.

**Monopole** means a support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

**Monument sign** means a ground sign with low overall height and the base of the sign structure on the ground. See Freestanding Sign.

**Multi-unit dwelling** means a use intended for the residence of three (3) or more households in three (3) or more dwelling units per lot.

**Multi-use tower** means a self-supporting, or monopole structure constructed from grade which supports more than one (1) wireless communications facility.



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***Municipal separate storm sewer systems (MS4)*** refers to a storm sewer system owned and operated by the city in which it is located. These storm sewer systems may discharge into local rivers and streams and are regulated by the Environmental Protection Agency to reduce the amount of pollutants that reach these bodies of water from the storm sewer system.

### **N.**

***NAICS*** means the North American Industry Classification System, which is a United States governmental system for classifying business establishments. This classification system may be electronically accessed at <http://www.census.gov/naics>.

***Neighborhood agriculture*** means the production of plants or their products, including but not limited to gardening and fruit production, that will not be made for sale. Neighborhood agriculture does not include poultry or other livestock husbandry.

***Neon sign*** means a sign containing glass tube lighting in which gas and phosphorus are used in combination to create a colored light.

***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.

***Nonconforming sign*** means a sign lawfully erected and maintained prior to the effective date of this section that does not conform with the requirements of this chapter.

***Nonconforming tower*** means any tower or antenna lawfully existing at the effective date of or amendment to this chapter which does not currently conform to the requirements of this chapter.

***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 zoning district in which it is situated.

***Non-enclosing fence*** means a fence which allows at least 30 percent open perimeter around the area visually defined.

### **O.**

***Off-premises sign*** means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the lot or premises on which the sign is located.

***On-premises sign*** means any sign which relates to or directs attention to a business, commodity, service or entertainment conducted, sold or offered on the premises where the sign is installed and maintained.

***One-unit dwelling*** means a dwelling use consisting of no more than one (1) dwelling unit per lot.

***Open space*** means the percentage of the lot area that is unoccupied by manmade structures or surfaces. Such open space must be occupied by natural vegetation or other vegetated landscaping, such as turf grass, shrubs, trees, or gardens, or by stormwater detention or retention basins. Open space may include

the area required to remain unoccupied when applying minimum setbacks.

**Other school** means a school, other than a primary school, a secondary school, and a post-secondary school, established to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, modeling school).

**Outdoor entertainment venue** means a use that entertains large volumes of visitors in an outdoor setting, has an occupancy capacity of more than 5,000 persons, and may induce high volumes of traffic, light, and/or noise. Examples of outdoor entertainment venues include commercial water parks, regional amusement parks, professional or collegiate sports venues, and outdoor music venues. Outdoor entertainment venue includes, but is not limited to, outdoor uses within NAICS code 71 (arts, entertainment, and recreation), especially outdoor attractions under NAICS code 7111 (performing arts companies, when not defined as arts, sciences, and cultural uses) and 7112 (spectator sports).

**Outdoor storage** means an area that is subordinate to a principal use on a lot used for the display or storage of any goods, equipment, materials, or other items outside of a structure.

**Outdoor storage yard** means a facility or lot which provides for the commercial storage of automobiles, recreational vehicles and boats, as well as equipment, building supplies and construction materials that would typically be stored outside.

## **P.**

**Parking area** means any all-weather, dustless surface used or intended to be used for the temporary storage of a motor vehicle. A parking area may be appended to a driveway, but a driveway does not constitute a parking area.

**Parking space** means the area required for parking one (1) automobile, not including passageways.

**Patio house** means a one-family dwelling on a separate lot with open space setbacks on three (3) 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.

**Penal institution** means a publicly or privately operated facility housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

**Permanent sign** means a sign affixed to a structure or embedded in the ground whose principal supporting structure is intended, by design and construction, to be used on a permanent basis.

**Person** means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, County or State agency, the Federal government, or any combination thereof.

**Pick-up window** means an opening in a building, including windows, doors, chutes, or mechanical devices, through which occupants of a motor vehicle or persons on foot are passed or otherwise receive or obtain a product or service.

**Planning Commission** means the City of Gahanna Planning Commission as defined by Title Eleven of the Charter of the City of Gahanna.

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

**Pole sign** means a permanent freestanding sign that is mounted on one (1) or more poles or other support so that the bottom edge of the sign face is six (6) feet or more above the grade.

**Portable sign** means a temporary sign not permanently attached to the ground or other permanent structure which is designed to be easily moved from one location to another. Portable signs include, but are not limited to, signs made as A-frames or T-frames, a sign designed to be transported on wheels, or balloons or umbrellas used as signs.

**Post-secondary school** means an educational institution authorized by the state to award associate, baccalaureate, or higher degrees.

**Portable temporary storage unit** means a transportable unit designed and used primarily for temporary storage of building materials (before they are utilized for building purposes); household goods; construction refuse, and other such materials for use on a limited basis. A portable temporary storage unit includes Portable On-Demand Storage-type units. Such unit shall not be considered an accessory use structure and shall not be considered a temporary structure.

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

**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."

**Primary school** means an institution providing full time instruction for children not more than 15 years of age and including accessory facilities traditionally associated with a program of study.

**Principal structure** means a building or other facility that is designed for or occupied by a principal use.

**Principal use** means a use that is the primary function of land or structures.

**Privacy fence** means a fence made to inhibit public view and provide seclusion and, when viewed at right angles and enclosing the outline of all parts of the fence in its vertical plane, has an open face of less than 30 percent. "Privacy fences" shall include, but not be limited to:

Basket weave or woven fence means a fence made of interwoven strips or slats of flexible or semi-flexible material in which the pattern has the appearance of a plaited basket.

Louver , ventilating , shadow box or stockade fence means a fence made of a series of slats placed at an angle or positioned so as to provide air but to deflect light perpendicular to its vertical plane.

**Professional services** means services involving office staff, where shipments from heavy trucks are rare. The majority of the persons on site are employees, and work schedules are typically day-time. Professional services do not include the storage, processing, testing, or production of materials that may pose a threat to nearby residential uses, such as materials that are carcinogenic, flammable, explosive, or unstable, other than those in quantities typically found in personal computing equipment and office settings. Professional services include financial services (such as insurance and banking firms), realtors,

travel agents, engineers, pet trainers, and medical office services. Professional services include, but are not limited to, NAICS codes 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, but not NAICS code 6111--elementary and secondary schools), 62 (health care and social assistance, but not NAICS codes 623--nursing and residential care facilities--or 62422--community housing services), 7113 (promoters of performing arts, sports, and similar events), 7114 (agents and managers for artists, athletes, entertainers, and other public figures), and 7115 (independent artists, writers, and performers).

**Projecting sign** means any permanent building sign attached perpendicular to a building wall and extending laterally more than 12 inches but not more than 48 inches from the face of such wall.

**Public art mural** means any mosaic, painting, or graphic art, or combination thereof, which is professionally applied to a building generally for the purposes of decoration or artistic expression and which does not contain any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession, or business, or any logo, trademark, trade name, or other commercial message, and which is designated as a public art mural by the City.

**Public information sign** means any sign erected and maintained by public officials or public agencies, or approved and authorized for use by state or local government authorities.

**Public safety** means police, fire, and emergency medical services and their associated garages, offices, grounds, boarding halls, and sleeping facilities.

**Public waters** means water within rivers, streams, ditches and lakes except private ponds and lakes wholly within single properties, or waters leaving property on which surface water originates.

## Q.

**None.**

## R.

**Reach** means longitudinal segments of a stream or river, which will be affected by the placement of an obstruction in a floodway or floodway fringe.

**Reader board sign.** See Changeable copy sign.

**Reconstructed tower** means a tower which is removed in whole or in part and replaced in whole or in part. For the purposes of this chapter, a reconstructed tower is a tower for which approvals have been granted in accordance with the provisions of this chapter. The term and its use shall not apply to nonconforming towers.

**Record of determination** means the official written record of action by the Administrative Review Team.

**Recreation with lodging** means a use that allows for the lodging of guests in tents, cabins, or recreation vehicles, where each guest may not stay for not more than 180 consecutive days. Associated sales of

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camping-related sundries, laundry services, and equipment rental may be offered.

**Recreational vehicle** includes but is not limited to:

**Camper trailer** means a folding or collapsible vehicular structure, mounted on wheels but without its own power, designed as a temporary living quarters for travel, camping, recreation and vacation uses, which is not encompassed in the definition of travel trailer.

**Motor bus** means any motor vehicle having motor power designed and used for carrying more than nine (9) passengers.

**Motor home** means a self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.

**Recreational trailer** means any form of device, equipment, or machinery on wheels, or a single wheel, that is intended to be pulled by a motor vehicle, whether or not attached to a motor vehicle. This shall include every vehicle designed and utilized for the sole purpose of transporting any boat, auto, snowmobile, recreational habitation, and the like, which does not have motive power, but is designed to be drawn by another vehicle.

**Travel trailer** means a non-self-propelled recreational vehicle, including a tent type fold out camping trailer as defined in R.C. 4517.01(S).

**Truck camper** means a non-self-propelled recreational vehicle, without wheels for road use but with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation and vacation use, and designed to be placed upon and attached to a motor vehicle. Truck camper does not include truck covers, which consist of walls and roof, but do not have floors and facilities for using same as a dwelling.

**Watercraft** includes, but is not limited to, any of the following when used or capable of being used for transportation on the water:

- 1 A boat operated by machinery either permanently or temporarily affixed.
- 2 A sailboat other than a sailboard.
- 3 An inflatable, manually propelled boat having a hull identification number meeting the requirements of the United States Coast Guard.
- 4 A canoe or row boat.

**Religious place of worship** means a building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

**Renewable energy generation** means a solar panel array, wind turbine, or other electricity generation equipment that is roof-mounted or supported by ground-anchored structures.

**Residential care services** means uses that provide services such as nursing care, rehabilitation care, senior assisted living care, homeless day and/or night shelters, and "halfway home" care centers, where customers may remain overnight with on-site supervisory staff.

**Residential zone** means any of the following zones: Estate Residential, Large Lot Residential, Medium Lot Residential, Small Lot Residential, and Multi-Unit Residential.

**Restaurant** means a structure in which the principal use is the preparation and sale of food. Restaurant includes sit-down restaurants, fast food restaurants, carry-out only restaurants, cafes, and ice cream parlors. Restaurant includes, but is not limited to, all uses categorized under the NAICS code 722 (food services and drinking), but does not include NAICS code 722410 (drinking places - alcoholic beverages).

**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. A "retail filling station" is the same as a "gasoline service station".

**Right-of-way (ROW)** means a strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a street, trail, waterline, sanitary sewer, and/or other public utilities or facilities.

**Roof sign** means a sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and projects above the highest point of a building with a flat roof, the eave line of a building with gambrel, gable, or hip roof or the deck line of a building with a mansard roof.

## S.

**Secondary school** means an institution providing full time instruction for children older than 12 years of age and including accessory facilities traditionally associated with a program of study.

**Sediment** means solid material both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity or ice, and has come to rest on the earth's surface above or below sea level.

**Sediment basin** means a barrier, dam or other suitable detention facility built across an area of waterflow to settle and retain sediment carried by the runoff waters.

**Sediment control plan** means a compilation of maps and a written description, acceptable to the City Engineer, of methods for controlling sediment pollution from accelerated erosion on a development area of one (1) or more contiguous acres or from erosion caused by accelerated runoff from a development area of one (1) or more contiguous acres.

**Sediment pollution** means failure to use management or conservation practices to abate wind or water erosion of the soil or to abate the degradation of the waters of the State by soil sediment in conjunction with land grading, excavating, filling or other soil-disturbing activities on land used or being developed for nonfarm commercial, industrial, residential or other nonfarm purposes.

**Semi-detached** means a one-family dwelling attached to another 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).



## CHAPTER 1121 GLOSSARY

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**Setback** means distance or area specified as an offset from any front, side, or rear lot line. The area created by a setback is yard.

**Sight triangle** means the horizontal and vertical areas at the intersections of streets and/or driveways which must remain unobstructed in order to ensure that drivers can see traffic and pedestrians around the corner of the intersection, entrance or driveway.

**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 to persons beyond the boundary of the lot upon which the device, fixture, placard, or structure is located.

**Sign copy** means any word, letter, number or emblem affixed to the sign surface either permanently or in removable form.

**Sign erector** means any person or entity engaged in the business of erecting, constructing, altering, maintaining, repairing or removing signs.

**Sign face** means the area of a sign on which the copy is placed.

**Sign height** means the vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure. The overall height of a freestanding sign shall be computed as the distance from the base of the sign at average grade to the top of the highest attached component of the sign. Average grade shall be construed to be the lower of:

Existing grade prior to construction or

The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating or increasing the height of the sign.

In cases in which the grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public road or the grade of the land at the principal entrance to the principal structure on the zoned lot, whichever is lower.

**Slip** means landslide, as defined in this Zoning Ordinance.

**Sloughing** means a slip or downward movement of an extended layer of soil resulting from the undermining action of water or the earth-disturbing activity of man.

**Small scale light industrial** means an establishment engaged in the indoor warehousing, manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This term includes but is not limited to a business engaged in the processing, fabrication, assembly, treatment, or packaging of food, textile, leather, wood, paper, chemical, plastic, or metal products, but does not include basic industrial processing from raw materials. Small scale light industrial uses have principal structures of less than 25,000 square feet per lot. Small scale light industrial includes NAICS code 22112 (electric power transmission, control, and distribution), 3121 (beverage manufacturing), and 311 (food manufacturing), 3231 (printing and related support activities), 42 (wholesale trade), 44 and 45 (retail trade), and 48 and 49 (transportation and warehousing). Small scale light industry specifically does not allow NAICS codes 3116 (animal slaughtering and processing),



3117 (seafood product preparation and packaging), 42314 (motor vehicle parts merchant wholesalers), or 42452 (livestock merchant wholesalers).

**Small scale outdoor recreation** means uses that provide small outdoor parks for play and relaxation within walking distance of residential neighborhoods, on a lot of under 2 acres in size, and with no more than 8 off-street parking spaces. This use includes playgrounds, pocket parks, parklets, basketball courts, tennis courts, small pools, and promenades. Small scale outdoor recreation includes, but is not limited to, uses that fall within NAICS codes 712190 (nature parks and other similar institutions, which is also included in arts, sciences, and cultural uses).

**Small scale retail** means the selling or leasing of goods directly to household consumers in retail spaces up to 25,000 sq. ft. of GFA per lot. For the purposes of calculating GFA for this definition, retail units in attached structures that straddle lot lines shall be calculated as being located on the same lot. Retail includes, but is not limited to, the selling or leasing of clothing, unprepared food, home goods and furnishings, collectibles and antiques, electronics, non-motorized recreation equipment, art and décor, pets and pet care products, and appliances.

**Snow fences** are fences that consist of thin upright slats not to exceed 48 inches in height.

**Soil loss** means soil relocated on or removed from a given site by the forces of erosion and the redeposit of the soil at another site on land or in a body of water.

**Standalone parking lot** means a public or private off-street, ground-level area improved for the temporary storage of motor vehicles on an individual lot.

**Stealth** means a wireless communications facility designed to appear as another natural or artificial object that exists in the surrounding environment or which is architecturally integrated into a building or other structure, and designed to be minimally obtrusive and to camouflage or conceal the presence of antennas or towers, at the determination of the required reviewing body.

**Storm frequency** means the average period of time within which a storm of a given duration and intensity can be expected to be equaled or exceeded.

**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.

**Stream** means a body of water running or flowing on the earth's surface or channel in which such flow occurs. Flow may be seasonally intermittent.

**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.

**Street banner** means any sign applied to cloth, paper, flexible plastic, or lightweight fabric or similar non-rigid material of any kind with only such material for backing that is mounted to a pole, staff, or a building by a string, rope, wire, or frame at one or more edges. This does not include flags as defined in this ordinance.

**Street frontage** means the distance along which a property line of a lot adjoins a public or private street.

**Street right-of-way** means a right-of-way that contains a street. This term differentiates between rights-of-way that contain either no street or contain an alley.

**Structure** means any building or other manmade feature of a lot which generally requires permanent location on the ground or attached to something having permanent location on the ground and which has

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some portion that exceeds two (2) feet in height above grade and which exceeds 50 square feet in ground coverage, but not including temporary structures or vehicles.

**Structure height** means the distance between a horizontal line at the average grade along the structure's front elevation and the highest point of the structure. Exceptions are included in Chapter 1121.

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

**Structural alteration of a sign** means any action that changes the height, size or shape of a sign and any action that affects the structural supports of a sign.

**Structured parking** means a structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building and are partially or fully above or below grade. This definition includes parking garages, deck parking, and underground or under-building parking areas.

**Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement** means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement.

This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

- (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic structure" provided that the alteration will not preclude the structures continued designation as a "historic structure"; or
- (3) Any improvement to a structure which is considered new construction.

**Suspended sign** means a sign that is suspended from the underside of a horizontal plane surface and supported by such surface.

**Swimming pool** means a structure, permanent or portable, filled or capable of being filled with water to a depth of 30 or more inches at any point therein and having a water surface area of 60 square feet or more and used, or designed to be used, for swimming or recreational bathing.

## T.

**Taxi and car rental services** means a center for the hiring or leasing of a taxi or personal car or light truck for a period as brief as less than one (1) day. A taxi and car rental services use may also conduct cleaning, refueling, and light maintenance on a vehicle fleet, and may provide space for offices, respite, and hiring of drivers and support staff. A taxi and car rental services use may not regularly perform collision or heavy

repair. A taxi and car rental services use may not sell vehicles.

**Temporary sign** means a sign that is not permanently affixed to a structure, or permanently embedded in the ground, and is designed to be displayed for a short period of time, specifically, fewer than 180 days in a calendar year.

**Portable or modular structure** means any structure, building, or enclosure, whether or not affixed to the ground, that is not designed or intended for permanent use. Portable or modular structures shall not include vehicles or portable temporary storage units. Portable or modular structures used as construction offices or similar may be permitted for the duration of the construction project and must be removed within 14 days of the completion of construction.

**Temporary use** means those land uses and structures that are needed or are in place for only short periods of time or which are associated with a holiday or special event. A temporary use shall not exceed 45 continuous days.

**Temporary wireless communications facilities** means a cellular-on-wheels unit; an antenna on a bucket truck, crane, crank-up tower, tower; or another wireless communications facility required to evaluate a site for a temporary placement of a wireless communications facility as permitted by this chapter or for providing communications during an emergency, special event, conference, or other situations for limited periods while the use of a permanent wireless communication facility is temporarily interrupted or overwhelmed.

**Through lot** means a lot, other than a corner lot, having frontage on two (2) parallel, or approximately parallel, streets, where such streets do not intersect at a corner of the lot.

**Topsoil** means surface and upper surface soils which presumably are darker colored, fertile soil materials, ordinarily rich in organic matter or humus debris.

**Tower** means any structure designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio, and similar communication purposes, including self-supporting, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, wireless communications towers, and the like. The term includes the structure and any necessary supports.

**Townhouse** means a one-family dwelling in a row of at least three (3) 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 (1) 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.

**Trade contractor** means a professional or business that specializes in the construction, repair, or remodeling of buildings. Trade contractors typically require the onsite storage of commercial vehicles, outdoor storage, and building materials.

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

**Two-unit dwelling** means a use intended for the residence of two (2) households within two (2) dwelling units on one (1) lot, each of which is totally separated from the other by an unpierced wall extending from

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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 duplexes.

### ***U.***

***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.

### ***V.***

***Variance*** means a grant of relief from the standards of this chapter consistent with the variance conditions herein.

### ***W.***

***Wall sign*** means any building sign painted on, attached flush against, or extending not more than 12 inches from an exterior wall in a parallel manner.

***Watercourse*** means a channel in which a flow of water occurs either continuously or intermittently in a definite direction. The term applies to either natural or artificially constructed channels.

***Window sign*** means a permanent sign that is painted or mounted onto a windowpane, or that is hung directly inside a window for the purpose or effect of identifying any premises from the sidewalk or street; or a temporary sign advertising special sales, events, or products.

***Wireless communications facilities (WCF)*** includes, but shall not be limited to, towers, poles, cables, wires, lines, wave guides, antennas, microwave dishes, and/or any other equipment or facilities associated with the transmission or reception of communications as regulated by the FCC (or other unregulated wireless communication facility). The term shall not include:

- A. Any satellite earth station antenna two (2) meters or less in diameter or diagonal measurement located in a non-residential district.
- B. Any satellite earth station antenna one (1) meter or less in diameter or diagonal measurement that is designed to receive direct broadband satellite service, including direct-to-home satellite services, or to receive or transmit fixed wireless signals via satellite regardless of zoning category.
- C. Any antenna that is one (1) meter or less in diameter or diagonal measurement and is designed to receive video programming service via broadband video services (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.
- D. Any antenna that is designed to receive local television broadcast signals and does not use a mast higher than 12 feet above the tallest point of the roof of the tallest principal or accessory

structure, excluding chimneys, cupolas, or other architectural elements.

E. Antennas used by amateur radio operators.

F. Towers, structures, antennas, or other equipment used for the purposes of operating a public safety voice or data radio network or an outdoor early warning system within the City limits. This includes directional and omnidirectional antenna equipment, as well as microwave and point-to-point equipment.

## X.

*None.*

## Y.

**Yard** means an the area between a building and any front, rear, or side lot line. The minimum depth of a yard is determined by the setback. A yard is intended to remain as unoccupied space, open to the sky, on the same lot with a building or structure.

**Yard, front** 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.

**Yard, rear** 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.

**Yard, side** 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.

## Z.

**Zero lot line** means the location of a building on a lot in such a manner that one (1) or more of the building's sides rest directly on a lot line.

**Zoning Ordinance** means Part Eleven - Zoning Ordinance of the City of Gahanna, Ohio.

## Numbers.

**100-year floodplain** means land susceptible to being inundated by water from a base flood that has a one (1) percent or greater chance of being equaled or exceeded in any given year.

# ZONING ORDINANCE

Gahanna, Ohio