

# PLANNING AND ZONING CODE

CITY OF WELLSTON  
JACKSON COUNTY, OHIO

*Effective April 07, 2002*

Office Copy

**CITY OF WELLSTON  
PLANNING AND ZONING CODE  
TABLE OF CONTENTS**

**PART ONE - GENERAL PROVISIONS**

Article I -Purpose and Authorization ..... 4  
Article II -Definitions ..... 6

**PART TWO -ADMINISTRATION AND ENFORCEMENT**

Article III -Administrative Entities and Their Duties..... 15  
Article IV -Zoning Permit Procedures ..... 18  
Article V -Subdivision Procedures..... 21  
Article VI -Amendments ..... 26  
Article VII -Appeals and Variances ..... 29  
Article VIII -Conditional Uses ..... 32  
Article IX -Fees and Violations..... 34  
Article X -Nonconformities..... 36  
Article XI -RESERVED FOR FUTURE USE ..... 39

**PART THREE - ZONING DISTRICT REQUIREMENTS**

Article XII-Standard Zoning District Regulations ..... 41  
Article XIII -Zoning Districts and District Map..... 44  
Article XIV -SR - Suburban Residential District ..... 46  
Article XV -UR - Urban Residential District ..... 48  
Article XVI -MH-R - Manufactured Home Residential District..... 51  
Article XVII - AR - Apartment Residential District ..... 55  
Article XVIII -RESERVED FOR FUTURE USE ..... 57  
Article XIX -NC - Neighborhood Business District ..... 57  
Article XX-CB - Community Business District ..... 61  
Article XXI -DE - Downtown Enterprise District..... 64  
Article XXII -RESERVED FOR FUTURE USE ..... 66  
Article XXIII -I - Industrial District..... 66  
Article XXIV -RC - Regional Commerce District ..... 69  
Article XXV - SU - Special Use District..... 73  
Article XXVI -RESERVED FOR FUTURE USE ..... 76  
Article XXVII -RESERVED FOR FUTURE USE ..... 77

**PART FOUR - ADDITIONAL ZONING REQUIREMENTS**

Article XXVIII -General Development Standards ..... 79  
Article XXIX -Accessory Uses and Structures ..... 80  
Article XXX -Off-Street Parking and Loading Requirements ..... 86  
Article XXXI -Signs ..... 92  
Article XXXII -Landscaping as a Buffer ..... 100  
Article XXXIII -Adult Entertainment Facilities..... 102  
Article XXXIV -RESERVED FOR FUTURE USE ..... 105  
Article XXXV -RESERVED FOR FUTURE USE ..... 106

**PART FIVE - SUBDIVISION DEVELOPMENT REQUIREMENTS**

Article XXXVI -Obligations of Developer and Village..... 108  
Article XXXVII -Minimum Design Standards and Requirements..... 112  
Article XXXVIII -Site Improvements..... 121  
Article XXXIX -RESERVED FOR FUTURE USE ..... 123

**APPENDIX A- STREET CLASSIFICATION SYSTEM ..... 124**

**PART ONE  
GENERAL PROVISIONS**

## ARTICLE I

### PURPOSE AND AUTHORIZATION

#### Section 1.01 Title

This Ordinance shall be known and may be cited as the "Planning and Zoning Code of the City of Wellston, Ohio." Unless otherwise provided herein or by the law or implication thereof, the same rules of construction, definition, and application shall govern the interpretation of this Ordinance as those governing the interpretation of the Ohio Revised Code.

#### Section 1.02 Purpose

This Ordinance is enacted for the general purpose of promoting and protecting the public health, safety, comfort, prosperity and general welfare of the residents of Wellston by regulating and limiting the subdivision and use of land areas, and the erection and/or alteration of buildings. In addition, it is the intent of these regulations to:

- A. Protect the property rights of all individuals by assuring the compatibility of uses and practices within districts,
- B. Facilitate the adequate, economic and efficient provision of public utilities and public services,
- C. Provide for safe and convenient traffic circulation, and lessen congestion on public streets, roads and highways;
- D. Protect the character of existing areas and provide for the orderly development of lands hereafter within the City;
- E. Provide for sufficient land for future provision of open spaces for schools, recreation and other public purposes,
- F. Obtain accurate surveying of land,
- G. Provide for the administration and enforcement of this Ordinance, including the provision of penalties for its violation and any other purpose provided in this Ordinance, the Ohio Revised Code, or under common law rulings.

#### Section 1.03 Interpretation

The provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of public health, safety, and the general welfare. It is not intended that this Ordinance shall abrogate, annul or interfere with any easements, covenants, or other agreements between parties, unless they violate this Ordinance. When a provision of this Ordinance conflict with any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall apply.

#### Section 1.04 Applicability

The regulations set forth in this Ordinance shall be applicable to all buildings, structures, uses and lands owned or controlled by any individual, organization, political subdivision, district, taxing unit or bond-issuing authority located within the corporate limits of the City of Wellston, and any additional lands over which the City may have future zoning or subdivision jurisdiction..

# PLANNING AND ZONING CODE

CITY OF WELLSTON  
JACKSON COUNTY, OHIO

*Effective April 07, 2002*

Office Copy

**CITY OF WELLSTON  
PLANNING AND ZONING CODE  
TABLE OF CONTENTS**

**PART ONE - GENERAL PROVISIONS**

Article I -Purpose and Authorization ..... 4  
Article II -Definitions ..... 6

**PART TWO -ADMINISTRATION AND ENFORCEMENT**

Article III -Administrative Entities and Their Duties..... 15  
Article IV -Zoning Permit Procedures ..... 18  
Article V -Subdivision Procedures..... 21  
Article VI -Amendments ..... 26  
Article VII -Appeals and Variances ..... 29  
Article VIII -Conditional Uses ..... 32  
Article IX -Fees and Violations..... 34  
Article X -Nonconformities..... 36  
Article XI -RESERVED FOR FUTURE USE ..... 39

**PART THREE - ZONING DISTRICT REQUIREMENTS**

Article XII-Standard Zoning District Regulations ..... 41  
Article XIII -Zoning Districts and District Map..... 44  
Article XIV -SR - Suburban Residential District..... 46  
Article XV -UR - Urban Residential District..... 48  
Article XVI -MH-R - Manufactured Home Residential District..... 51  
Article XVII - AR - Apartment Residential District ..... 55  
Article XVIII -RESERVED FOR FUTURE USE ..... 57  
Article XIX -NC - Neighborhood Business District..... 57  
Article XX-CB - Community Business District..... 61  
Article XXI -DE - Downtown Enterprise District..... 64  
Article XXII -RESERVED FOR FUTURE USE ..... 66  
Article XXIII -I - Industrial District..... 66  
Article XXIV -RC - Regional Commerce District..... 69  
Article XXV - SU - Special Use District..... 73  
Article XXVI -RESERVED FOR FUTURE USE..... 76  
Article XXVII -RESERVED FOR FUTURE USE ..... 77

**PART FOUR - ADDITIONAL ZONING REQUIREMENTS**

Article XXVIII -General Development Standards ..... 79  
Article XXIX -Accessory Uses and Structures ..... 80  
Article XXX -Off-Street Parking and Loading Requirements ..... 86  
Article XXXI -Signs ..... 92  
Article XXXII -Landscaping as a Buffer ..... 100  
Article XXXIII -Adult Entertainment Facilities..... 102  
Article XXXIV -RESERVED FOR FUTURE USE..... 105  
Article XXXV -RESERVED FOR FUTURE USE ..... 106

**PART FIVE - SUBDIVISION DEVELOPMENT REQUIREMENTS**

Article XXXVI -Obligations of Developer and Village..... 108  
Article XXXVII -Minimum Design Standards and Requirements..... 112  
Article XXXVIII -Site Improvements..... 121  
Article XXXIX -RESERVED FOR FUTURE USE..... 123

**APPENDIX A- STREET CLASSIFICATION SYSTEM ..... 124**

**PART ONE**

**GENERAL PROVISIONS**

## **ARTICLE I**

### **PURPOSE AND AUTHORIZATION**

#### **Section 1.01 Title**

This Ordinance shall be known and may be cited as the "Planning and Zoning Code of the City of Wellston, Ohio." Unless otherwise provided herein or by the law or implication thereof, the same rules of construction, definition, and application shall govern the interpretation of this Ordinance as those governing the interpretation of the Ohio Revised Code.

#### **Section 1.02 Purpose**

This Ordinance is enacted for the general purpose of promoting and protecting the public health, safety, comfort, prosperity and general welfare of the residents of Wellston by regulating and limiting the subdivision and use of land areas, and the erection and/or alteration of buildings. In addition, it is the intent of these regulations to:

- A. Protect the property rights of all individuals by assuring the compatibility of uses and practices within districts,
- B. Facilitate the adequate, economic and efficient provision of public utilities and public services,
- C. Provide for safe and convenient traffic circulation, and lessen congestion on public streets, roads and highways;
- D. Protect the character of existing areas and provide for the orderly development of lands hereafter within the City;
- E. Provide for sufficient land for future provision of open spaces for schools, recreation and other public purposes,
- F. Obtain accurate surveying of land,
- G. Provide for the administration and enforcement of this Ordinance, including the provision of penalties for its violation and any other purpose provided in this Ordinance, the Ohio Revised Code, or under common law rulings.

#### **Section 1.03 Interpretation**

The provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of public health, safety, and the general welfare. It is not intended that this Ordinance shall abrogate, annul or interfere with any easements, covenants, or other agreements between parties, unless they violate this Ordinance. When a provision of this Ordinance conflict with any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall apply.

#### **Section 1.04 Applicability**

The regulations set forth in this Ordinance shall be applicable to all buildings, structures, uses and lands owned or controlled by any individual, organization, political subdivision, district, taxing unit or bond-issuing authority located within the corporate limits of the City of Wellston, and any additional lands over which the City may have future zoning or subdivision jurisdiction..

**Section 1.05 Separability**

The invalidation of any clause, sentence, paragraph, or section of this Ordinance by a court of competent jurisdiction shall not affect the validity of the remainder of this Ordinance either in whole or in part.

Office Copy

## ARTICLE II

### DEFINITIONS

#### Section 2.01 Interpretation

For the purpose of this Ordinance, certain terms and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include plural and plural shall include singular. 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".

Terms related to specific Articles or Sections may be defined within the specific portions of the Ordinance where those general requirements are found.

#### Section 2.02 Definitions

"Accessory use" means a use subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as the principal building or use.

"Accessory building" or "accessory structure" means a building or structure occupied by an accessory use.

"Administrative and business offices" means offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

"Agriculture" means the same as stated in Section 519.01 of the Ohio Revised Code, as may be amended, to include farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to the care and raising of livestock, equine and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

"Alley" means a public right-of-way ten (10) to twenty (20) feet wide which provides only secondary means of access to abutting property.

"Average Daily Traffic" or "ADT" means the average number of motor vehicles per day that pass over a given point in street or thoroughfare.

"Basement" means a story whose floor level, two (2) feet or more below grade level, but having less than half its clear height above grade level.

"Block" means the property abutting one side of a street, and lying between two consecutive intersecting streets.

"Board" or "Planning and Zoning Board" means the Planning and Zoning Board established in Article III of this Ordinance.

"Building" means a structure permanently affixed to the land with one (1) or more floors and a roof supported by columns or walls, used or intended to be used for shelter or enclosure of persons, animals and/or property.

“Height of building” means the vertical distance from the average grade surrounding the building to the highest point of the roof.

“Building line” means the front yard setback line established by this Ordinance, generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front yard in which no building or structure may be located.

“Business services” means any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

“Cemetery” means land used or intended to be used for the burial of human dead.

“Certificate of Zoning Compliance” means a certificate issued by the Zoning Inspector, pursuant to Section 4.08 of this Ordinance, confirming that the zoning requirements of this Ordinance have been met, and the building can be occupied.

“Clinic, Human” means an establishment where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or group of physicians.

“Conditional use” means an uncommon or infrequent use which may be permitted in specific zoning districts subject to compliance with certain standards, explicit conditions, and the granting of a conditional use permit as specified in Article VIII of this Ordinance.

“Congregate or group home” means a residential care facility in which not less than nine (9) but not more than sixteen (16) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment.

“Cul-de-sac” (see “Street”)

“Development Plan” means a site plan for a property and the physical development that is proposed on such site, as specified in Section 12.02.07 of this Ordinance.

“Director of Public Service” means the Service Director of the City of Wellston, or his/her designated agent.

“Drive-through facility” means traffic lanes, drive-up windows and/or other physical accrements located on a business site which enable that business to provide goods or services to customers without such customers leaving his/her automobile.

“Driveway” means a private road giving access from a public way to a detached single family dwelling on abutting ground or to a group of multi-family or commercial buildings.

“Dwelling” or “residence” means any building or portion thereof which is designed or used for residential purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

“Multiple-family dwelling”, “multi-family dwelling” or “multiple-family residence” means a building designed or used as a residence for three or more families living independently and doing their own cooking therein.

“Single family dwelling” or “single family residence” means a building designed for or occupied exclusively by one family.

“Two-family dwelling” or “two-family residence” means a building designed for or occupied exclusively by two families living independently.

“Easement” means a right or privilege of use of land, as distinct from fee simple ownership.

“Essential Services” means the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conducts, cables, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare, but not including buildings.

“Failure of delivery” means that a particular notice was not received, due to circumstances beyond the control of the City, and does not include the lack of mailing of the subject notices in the matter specified in the Ordinance.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from 1) the overflow of inland or tidal waters and/or 2) the unusual and rapid accumulation of runoff of surface waters from any source

“Flood plain” means an area, as determined by the applicable Flood Insurance Rate Maps as subject to flood or flooding

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

“Floor area” of a building means the sum of the gross horizontal areas of the building floors, measured from the exterior faces of exterior walls. Floor area shall not include basements, elevator and stair bulkheads, unfinished attic spaces, terraces, breezeways, open porches, uncovered steps, or garages.

“Frontage” or “lot frontage” means that portion of the lot that directly abuts the street, and has direct access thereto. Lot frontage shall be measured along the minimum building setback line for the district within which such lot is located.

“Garage, private” means a building, or portion of building, designed or used for the storage of motor-driven vehicles owned and/or used by the occupants of the principal use of the property.

“Home occupation” means any occupation or profession conducted primarily by immediate resident family members, which is clearly incidental and secondary to the dwelling's residential use. A home occupation must meet the standards and requirements specified in Section 29.02 of this Ordinance.

“Hospital” means a building or structure containing beds for at least four (4) patients allowing for overnight or continuous care, diagnosis and treatment of human ailments.

“Hotel” or “motel” means a building in which lodging is provided or offered to the public for compensation and which is open to transient guests, in contradiction to a boarding house or lodging house operated on a membership basis.

“Improvements” means any addition to the natural state of land which increases its value or utility, including buildings, street pavements, sidewalks, crosswalks, water mains, sanitary sewers, storm sewers, landscaping, street lighting, street trees, public utilities, paved parking areas and other appropriate items.

- A. “Site improvements” means the improvements made to the land outside the exterior limits of a structure or structures.
- B. “Public improvements” means all improvements financed entirely or in part by public funds or which have been dedicated to public use by plat, easement or deed of transfer.

“Industrialized unit” means a building unit or assembly of closed construction that is fabricated in an off-site facility, that is substantially self-sufficient as a unit or as a part of a greater structure, that requires transportation to the site of intended use. “Industrialized unit” includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. “Industrialized unit” does not include a manufactured or mobile home as defined herein.

“Institution” means an organization providing social, cultural, educational or health services to member agencies, organizations, and individuals, or to the general public.

“Loading space” is a space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of trucks.

“Lot” means a division of land separated from other divisions for purposes of sale, lease, or separate use, described on recorded subdivision plat, recorded map or by metes and bound, and includes the terms “plat” and “parcel”.

“Corner lot” means any lot at the junction of and abutting on two (2) or more intersecting streets, where the angle of intersection is not more than 135 degrees.

“Lot coverage” means the ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

“Rear lot line” means that lot line which is opposite and furthest removed from the front lot line. In the case of a lot where the side lot lines meet at the rear of the lot (i.e., a triangular lot), the rear lot line shall be considered to be the point of intersection of the side lot lines. In the case of a corner lot, the rear lot line is opposite and furthest removed from the lot line considered to be the front lot line for purposes of computing the front yard depth.

“Side lot line” means the lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.

“Lot of record” means any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder, Jackson County, Ohio, as of the effective date of this Ordinance.

“Minimum area of lot” means the area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.

“Lot width” is the width of a lot at the building setback line measured at right angles to its depth.

“Manufactured home” means a building unit or assembly of closed construction that is fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the *Manufactured Housing Construction and Safety Standards Act of 1974*, and has a label or tag permanently affixed to it, certifying compliance with all applicable federal construction and safety standards.

“Manufactured home community” or “manufactured home park” means a development constructed primarily for manufactured homes, with continuing local management and special facilities for common use by residents. Typically, the land or lots upon which the manufactured homes are located will not be owned by the resident of the individual manufactured home.

“Manufacturing” means any production or industrial process, including food processing, which combines one (1) or more raw materials or components into a product or which changes the nature of the materials entering the process, and which by the nature of the materials, equipment and/or process

utilized is not objectionable by reason of odor, noise, vibration, gas fumes, dust, smoke, refuse, or water-carried wastes.

“Mobile home” means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) feet in length, or, when erected on the site, is 320 or more square feet, that is built on a permanent chassis and is transportable in one or more sections, and does not qualify as a manufactured home or industrialized unit, as defined herein.

“Modular home” means a non-site-built home that is certified as meeting the requirements of the State of Ohio Building Code for *modular housing*. For the purposes of this Resolution, once certified by the State of Ohio, modular homes shall be subject to the same standards as site-built homes.

“Nonconforming use” means the use of land or a building, or a portion thereof, which does not conform with the use regulations of the district in which it is situated, which use was lawful prior to the enactment of this Zoning Ordinance.

“Nursery” or “Day care center” means a facility which temporarily assumes responsibility for more than six (6) children other than those related to the resident of the premises. Such responsibility shall consist of administering to the needs of those children during any part of a twenty-four hour day for a period of two (2) consecutive days.

“Nursing home” includes convalescent and extended care facilities; an establishment which specializes in providing necessary care, shelter and nursing services and services to those unable to be responsible for themselves.

“Open space” means that part of a zoned property, including courts or yards, which is open and unobstructed from its lowest level to the sky, accessible to all tenants upon the zoning property.

“Parking space (off-street)” means any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in Article XXXI of this Ordinance.

“Parking area” or “parking lot” means any area other than street, drive, or alley, used or intended to be used for the storage of motor vehicles, with or without a fee.

“Permanent foundation” means a permanent masonry, concrete or locally approved footing or foundation, to which a manufactured home may be affixed.

“Permanently sited manufactured home” means a manufactured home that meets all of the following criteria:

- A. The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- B. The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, and a length of at least twenty-two (22) feet at one point, and a living area of at least 900 square feet, excluding garages, porches, or attachments;
- C. The structure has a minimum 4:12 roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;
- D. The structure was manufactured after January 1, 1995;
- E. The structure is not located in a manufactured home community or manufactured home park as defined herein.

“Person” means any individual, corporation, company, business, partnership, association or legal entity.

“Personal services” means any enterprise, conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, retail dry cleaning, barber and beauty shops, and related activities.

“Plan,” means a drawing showing the proportion and relation of parts of improvements to each other and their surroundings.

- A. “Construction plan” means a plan which gives information required to construct improvements including plan views, sections, profiles, details, quantities, reference specifications and standard drawings.

“Plat” means a plan of a tract or parcel of land made by a surveyor registered in the State of Ohio showing public dedications, property lines, lot lines and such other information as is required herein.

“Professional office” means the business office of a person or persons engaged in providing to the general public services of a professional nature such as legal, medical, accounting, and architectural services.

“Recreational facilities” means public or privately-operated uses such as country clubs, golf courses, swimming pools, or other areas maintained for the purpose of providing active and passive recreation.

“Residence” - see “Dwelling”.

“Restaurant” means a business establishment where food and beverages are prepared and presented for human consumption on the premises.

“Retail stores” means stores primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

“Right-of-way” means a strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features required by the topography or treatment such as grade separation, landscaped areas, viaducts and bridges.

“Sidewalk” means a paved portion of a street lying outside the curb lines or edge of pavement of a roadway, intended for pedestrian use.

“Similar use” means a use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements of Section 12.02.05 of this Ordinance.

“Street” means the full width of the right-of-way between two (2) property lines, both paved and unpaved, intended to provide principal means of access to an abutting property. Streets shall be classified as follows:

- A. “Arterial Street” means a street connecting Wellston with outside activity centers and serving as the primary routes through and within the City. Arterial streets carry the largest volume of traffic - over 5,000 vehicles per day ADT - usually on a continuous route. Service to the adjacent land is subordinate to the provision of travel service on arterial streets.
- B. “Collector Street (Major)” means a thoroughfare which carries vehicular traffic from local streets to arterial streets, and is designed to accommodate 1,000 - 5,000 vehicles per day ADT.
- C. “Collector Street (Minor)” means a thoroughfare which primarily carries vehicular traffic from local streets to major collector and arterial streets, and is designed to accommodate 500-1,000 vehicles per day ADT. .

- D. "Cul-de-sac" means a short local street having but one end open for motor traffic and the other end terminated by a vehicular turn-around or back-around.
- E. "Local Street" means a street on which the majority of the traffic originates or terminates in the abutting properties. These streets are designed to accommodate up to 500 vehicles per day ADT at low speeds.
- F. "Private Street" means a strip of privately-owned land providing access to abutting properties.
- G. "Public Street" means a strip of land providing public access to abutting property, as dedicated to the City or Jackson County upon a plat which has been duly approved, filed and recorded in the Jackson County Recorder's Office.
- H. "Service road" or "access road" means a minor street parallel to a thoroughfare to afford abutting property owners access to the thoroughfare at limited points.

"Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including among other things walls, buildings, and patios. "Structure" does not include fences, but shall include mobile or manufactured structures.

"Structural alteration" means any change which would replace or tend to prolong the life of a supporting member of a structure, such as bearing walls, columns, beams, or girders.

"Subdivision" means:

- A. the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites and where the lots resulting are not reduced below minimum sizes required by law, shall be exempted; or
- B. the improvement of one (1) or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or leaseholders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

"Survey" means the legal description of a property, with text and map, that precisely locates the property by referencing permanent monuments, markers and/or pins.

"Thoroughfare Plan" means the document now or hereafter adopted, which may be considered a component of the *Wellston Comprehensive Land Use Plan*, which sets forth the location, alignment and/or classification of existing and proposed streets.

"Use" means the purpose for which a building or land is arranged, designed, or intended, or for which such or building may be occupied or maintained.

"Variance" means a modification from the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of action by the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

"City" means the City of Wellston, Ohio

"City Engineer" means the Professional Engineer who is employed by the City and authorized by City Council to assist the Planning and Zoning Board in administration of this Ordinance.

“Yard” means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general level of the graded lot upward.

“Front yard” means that portion of a lot extending across the front of the lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the front of the building or structure.

“Rear yard” means that portion of a lot extending across the rear of the lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the building or structure.

“Side yard” means that portion of a lot that is located between the side lot line and the nearest building or structure.

“Zoning Inspector” means the zoning enforcement official of the City appointed pursuant to Article III, who is charged with the enforcement of this Ordinance.

“Zoning permit” means an official statement certifying that a proposed building or use complies with all the provisions of Parts One through Four of this Ordinance.

“Zoning District” means a portion of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of Parts One through Four of this Ordinance.

“Zoning Map” means the map of the City showing the various zoning districts, as established by Article XII, together with all amendments subsequently adopted by City Council.

Office

PART TWO

ADMINISTRATION AND ENFORCEMENT

Office Copy

**ARTICLE III**

**ADMINISTRATIVE BODIES AND THEIR DUTIES**

**Section 3.01 Planning and Zoning Board**

3.01.01 Planning and Zoning Board Established

Pursuant to Sections 711 and 713 of the Ohio Revised Code, there is hereby established a Planning and Zoning Board in and for the City of Wellston. Such Board shall have seven (7) members, consisting of the Mayor, Director of Public Service, President of the Board of Park Commissioners, and four (4) residents of the City, all to be appointed by the Mayor with the approval of City Council. Such members shall be appointed for terms of six (6) years, except for the term of one of the members of the first Board shall be four (4) years and one for two (2) years. All vacancies shall be filled by the Mayor, with the approval of Council.

3.01.02 Removal of Members

Members of the Board shall be removable for non-performance of duty, misconduct in office, or other cause by the City Council. Prior to such removal, a hearing shall have been held before City Council regarding such charges. The member shall be given the opportunity to be heard and answer such charges.

3.01.03 Quorum

Three (3) members of the Board shall constitute a quorum. Any action by the Board must be by a concurring vote of the majority of the total Board membership.

3.01.04 Procedures

The meetings of the Board shall be public. However, the Board may go into executive session, as permitted by ORC Section 121.22, as amended, for discussion but not for vote on any case before it. The Board shall organize annually and elect a Chairman, and Vice-Chairman. The Board shall adopt, from time to time, such rules and regulations as it may deem necessary to carry into effect the provisions of this Zoning Ordinance.

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question; or, if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official action, all of which shall be a public record.

The Board may call upon the various departments of the City, or outside consultants hired for the specific purpose, for assistance in the performance of its duties. It shall be the duty of such departments to render assistance to the Board as may reasonably be required.

3.01.05 Powers and Duties

For the purposes of this Ordinance, the Board is hereby designated as the platting authority of the City of Wellston and shall have the powers and

authority granted under Chapters 711, 713 and 735 of the Ohio Revised Code, including the following specific responsibilities:

- A. Take actions to approve, approve with modification or disapprove subdivisions, as authorized by this Ordinance.
- B. Review all proposed amendments to this Ordinance in accordance with Article VI, and make recommendations to the City Council.
- C. Authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to the special conditions of the land, a literal enforcement of this Ordinance will result in unnecessary hardship, in accordance with the provisions of Article VII of this Ordinance.
- D. Hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the Zoning Inspector.
- E. Declare a zoning permit null and void pursuant to Section 4.09 of this Ordinance.
- F. Grant zoning permits for conditional uses as specified in the district regulations and establish such additional safeguards as will uphold the intent of this Ordinance.
- G. Authorize the substitution or extension of nonconforming uses, as specified in Article X of this Ordinance.
- H. Prepare and present a zoning plan for newly annexed territory, pursuant to Article XII of this Ordinance.
- I. Such other powers and duties as specified in the other Articles of this Ordinance.

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on variation in the application of this Ordinance, pursuant to Article VII.

### **Section 3.02 Zoning Inspector**

#### **3.02.01 Office of Zoning Inspector Established**

The Zoning Inspector, who shall be appointed by the Mayor with the approval of City Council, shall enforce the provisions of this Ordinance. All officials and employees of the Municipality shall assist the Zoning Inspector by reporting any new development of land, construction, reconstruction, or apparent violations to this Ordinance.

#### **3.02.02 Relief From Personal Liability**

The Zoning Inspector, and any officer or employee who acts in good faith and without malice in the discharge of his duties during enforcement of this Ordinance is relieved of personal liability subject to the provisions of Chapter 2744 of the Ohio Revised Code

3.02.03

Duties of Zoning Inspector

For the purposes of this Ordinance, the Zoning Inspector shall have the following duties:

- A. Enforce the provisions of this Ordinance and take such steps as may be necessary to remedy conditions found in violation. Such steps include ordering, in writing, the discontinuance of illegal uses or work in progress, and directing cases of noncompliance to appropriate City official(s) for action.
- B. Coordinate the submittal and processing of material so as to fulfill the requirements of Articles IV-VIII of this Ordinance
- C. Issue zoning permits when the provisions of this Ordinance have been met, or refuse to issue same in the event of noncompliance.
- D. Report to the Planning and Zoning Board on a regular basis on development activity that has occurred in the City.
- E. Collect the designated fees as established for zoning permits, applications for appeals and conditional uses.
- F. Make and keep all records necessary and appropriate to the office including records of issuance and denial of zoning permits and receipt of complaints of violation of this Ordinance and action taken on same.
- G. Inspect any buildings or lands to determine whether any violations of this Ordinance have been committed or exist.
- H. Advise the Planning and Zoning Board of other matters pertaining to the enforcement of and amendments to this Ordinance
- I. Other duties directly pertaining to the enforcement of this Ordinance that may be assigned by City Council.

**Section 3.03 Powers of Zoning Inspector, Planning and Zoning Board, and City Council on Matters of Appeal**

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Planning and Zoning Board only on appeal from the decision of the Zoning Inspector. It is further the intent of this Ordinance that the powers of City Council in connection with this Ordinance shall not include hearing and deciding questions interpretation and enforcement that may arise. City Council shall not have the authority to overrule the decisions of the Planning and Zoning Board and/or the Zoning Inspector on such matters of appeal or variance. The procedure for deciding such questions shall be as stated in Article VII of this Ordinance.

**ARTICLE IV**  
*Building*  
**ZONING PERMIT PROCEDURES**

**Section 4.01 Zoning Permits**

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a zoning permit therefore, issued by the Zoning Inspector. The zoning permit shall certify that the proposed action is in conformance with this Ordinance.

**Section 4.02 Conditions Under Which a Zoning Permit is Required**

A zoning permit is required for any of the following:

- A. Occupancy and/or use of vacant land.
- B. Construction or structural alteration of any building, including accessory buildings.
- C. Change in use of an existing building or accessory building to a use not listed as a permitted use in the zoning district where the building is located.

**Section 4.03 Application for Zoning Permit**

Applications for a zoning permit shall be obtained from the Zoning Inspector. The application shall contain the following information:

- A. Name, address, and telephone number of the applicant.
- B. Legal description of property, as recorded in Jackson County Recorder's office.
- C. Existing and proposed uses
- D. Zoning district in which property is located.
- E. Plans and/or drawings drawn to approximate scale, showing the dimensions and shape of the lot to be built upon; and the dimensions and location of existing and/or proposed buildings or alterations.
- F. Height of proposed buildings or alterations.
- G. Number and dimensions of existing and proposed off-street parking or loading spaces, if applicable.
- H. Such other material as may be requested by the Zoning Inspector to determine conformance with, and provide for the enforcement of this Ordinance.

Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor. In particular cases, the Zoning Inspector may reduce the submittal requirements for applications, when the scope and scale of the proposed action warrants.

**Section 4.04 Approval of Zoning Permits**

Within 30 days after the receipt, the application shall be either approved or disapproved by the Zoning Inspector, unless the provisions of Section 4.05, or other specific sections of this Ordinance apply. In taking action on a zoning permit application, the Zoning Inspector may bring the specific case to the Planning and Zoning Board for input. All zoning permits shall be conditional upon the commencement of work within one (1) year. One (1) copy of the application shall be returned to the applicant by the Zoning Inspector, after such copy is marked as either approved or disapproved and attested to same by the signature of the Zoning Inspector, or his/her designated agent, on such copy. In the case of disapproval, the Zoning Inspector shall state on the returned plans the specific reasons for

disapproval. Two (2) copies of plans, similarly marked, shall be retained by the Zoning Inspector. One (1) copy retained by the Zoning Inspector shall be forwarded to the County Auditor upon issuance of a Certificate of Zoning Compliance along with one (1) copy of the application. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alternation is in conformance with the provisions of this Ordinance.

#### **Section 4.05 Submission to the Director of the Department of Transportation**

Before any zoning permit is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation, or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail to the Director of the Department of Transportation. The Zoning Inspector shall not issue a zoning permit for 120 days from the date the notice is received by the Director of the Department of Transportation. If the Director of the Department of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of the Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest thereof agreed upon by the Director of the Department of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provision of this Ordinance, issue the zoning permit in conformance with the provisions of Section 4.06 of this Ordinance.

#### **Section 4.06 Record of Zoning Permit**

A record of all zoning permits shall be kept on file in the office of the Zoning Inspector and copies shall be furnished upon request to any persons having proprietary or tenancy interest in the building or land affected.

#### **Section 4.07 Expiration of Zoning Permits**

If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, or has not been completed within two (2) years from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector. Written notice thereof shall be given to the persons affected, together with notice that further work as described in the expired permit shall not proceed unless and until a new zoning permit has been obtained or an extension has been granted by the Planning and Zoning Board.

#### **Section 4.08 Certificate of Zoning Compliance**

##### **4.08.01 Certificate of Zoning Compliance Required**

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

##### **4.08.02 Application for Certificate of Zoning Compliance**

Certificates of Zoning Compliance shall be applied for by the applicant giving written notice to the Zoning Inspector that the exterior erection or structural

alteration of such building shall have been completed in conformance with the provisions of this Ordinance.

4.08.03 Approval of Health Department Required

If the property in question is not served by public water and sewer and the proposed project requires water and/or sewage disposal, a Certificate of Zoning Compliance shall not be issued by the Zoning Inspector until approval of the water and sewage disposal systems have been given by the Jackson County Health Department, or Ohio Environmental Protection Agency.

4.08.04 Record of Certificate of Zoning Compliance

The Zoning Inspector shall maintain a record of all Certificates of Zoning Compliance and a copy of any individual certificate shall be furnished upon request to occupant or his legally authorized representative.

**Section 4.09 Void Zoning Permits**

A zoning permit shall be void if any of the following conditions exist:

- A. The zoning permit was issued by the Zoning Inspector contrary to the provisions of this Ordinance .
- B. The zoning permit was issued based upon a false statement by the applicant.
- C. The zoning permit has been assigned or transferred.

When a zoning permit has been declared void for any of the above reasons by the Planning and Zoning Board, written notice of its revocation shall be given by certified mail to applicant, sent to the address as it appears on the application. Such notices shall also include a statement that all work upon or use of the building, structure, or land cease, unless and until a new zoning permit has been issued.

## ARTICLE V

### SUBDIVISION PROCEDURES

#### Section 5.01 Scope

It shall be unlawful for any person, organization or entity to subdivide any land within the City, or within any area over which the City has subdivision jurisdiction, unless said subdivision complies with the regulations herein contained. No plat shall be recorded and no land or lot shall be sold until said plat has been approved as herein required. All land contracts and/or long term leases affecting a present or future subdivision of land, as defined in Article II, shall be subject to the requirements of this Ordinance.

#### Section 5.02 Pre-Application Meeting

Prior to preparation of a preliminary plat, an owner and/or applicant is encouraged to meet with the Planning and Zoning Board to familiarize himself/herself with the provisions of this Code, the Comprehensive Plan and other applicable requirements.

#### Section 5.03 Submittal of Application for Preliminary Plat

The Owner/Developer and/or applicant shall submit ten (10) copies of the preliminary plat to the Zoning Inspector at least ten (10) days prior to the date of the Planning and Zoning Board's meeting. The material required for submittal shall be as follows:

- A. Proposed name of the subdivision and its location;
- B. Names and addresses of owners and developers;
- C. Name, address and registration number of the engineer or surveyor preparing the plat.
- D. Date, north arrow and plan scale. Scale shall be one inch equals 100 feet or larger scale;
- E. Boundary lines of the proposed development and the total acreage encompassed therein;
- F. Locations, widths and names of all existing public streets or other public ways, railroad and utility rights of way or easements, parks and other public open spaces.
- G. Existing sewers, water mains, culverts and other underground facilities within the tract, adjacent to the tract or that will be used in developing the tract, indicating pipe sizes, grades and locations;
- H. The adjoining lines of adjacent tracts, parcels or lots, and names of property owners, and, in the case of a replat of an existing subdivision, the existing lot lines;
- I. Existing zoning;
- J. Existing drainage channels, wooded areas, watercourses and other significant physical features, including topography with contour lines based on USGS data at not more than a two (2) foot difference in elevation.
- K. Layout of proposed streets, including their names and rights of way, easement sewers, waterlines, culverts and other major improvements;
- L. Layout, numbering and dimensions of lots.
- M. Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the conditions proposed for such covenant, and for the dedications;
- N. Tentative street grades and sewer size and slope;

The applicant may present additional plans, renderings or other supportive material as is desired by the applicant.

Upon receipt, the Zoning Inspector shall transmit one (1) copy of the application for the preliminary plat to the Director of Public Service, the Fire Chief and other local entities as he/she deems appropriate. Each such entity shall review the application and submit recommendations to the Planning and Zoning Board.

#### **Section 5.04 Minor Subdivisions**

If the Zoning Inspector determines that the proposed subdivision of land

- A. adjoins an existing public street and does not involve opening, widening, extension or improvement of any roadway or the installation of any public utilities, and
- B. creates no more than five (5) lots, and
- C. does not adversely affect adjoining tract of land, and
- D. complies with the applicable zoning regulations of the City

then it shall be classified as a *minor subdivision*.

If the subdivision is classified as a minor subdivision, only such drawings and information as is determined necessary by the Zoning Inspector to determine compliance with pertinent platting, zoning and other regulations need to be submitted for approval. In determining compliance with these standards, the Zoning Inspector may seek input from other departments of the City. If the public water and sewer is not available, the application materials must contain approval of the Jackson County Board of Health. The Zoning Inspector shall submit the application for a minor subdivision to the Chairman of the Planning and Zoning Board, along with a recommendation for approval or disapproval.

The Chairman of the Planning and Zoning Board may approve or disapprove said minor subdivision by indicating upon the preliminary plan "*Approved (Disapproved) City of Wellston Planning and Zoning Board*". One (1) copy of the preliminary plan, with such notation thereon, shall be retained for the files of the Planning and Zoning Board.

After approval of a minor subdivision by the Chairman of the Planning and Zoning Board, the owner/applicant may submit a deed or deeds describing lots by metes and bounds, which shall conform to the approved preliminary plan. The Chairman of the Planning and Zoning Board shall approve such conveyances if they conform to the preliminary plan by noting on said deed or deeds "*Approved, City of Wellston Planning and Zoning Board*"

#### **Section 5.05 Recommendation by Planning and Zoning Board**

The Board shall review and make recommendations on the submitted preliminary plat not later than the second regular meeting following receipt of the review by the Director of Public Service. In reviewing the preliminary plat, the Planning and Zoning Board may seek the input of other City Departments, or consultants retained for that purpose. The cost of all reviews deemed necessary by the Board shall be paid by the applicant.

The Planning and Zoning Board may recommend to City Council that the submitted preliminary plat be approved, disapproved, or approved with modification. In making its recommendation to City Council, the Planning and Zoning Board shall respond to the criteria cited in Section 5.06 A-D below.

#### Section 5.06 Action by City Council

City Council shall take action on the preliminary plat not later than thirty (30) days after receipt of the recommendation from the Planning and Zoning Board, or within such further time as is agreed to by the applicant. A preliminary plat shall not be approved unless the City Council finds that:

- A. The proposed subdivision complies with the provisions of the Ohio Revised Code, these regulations and other codes and ordinances of the City as applicable, and
- B. The preliminary plat is in general compliance with the Comprehensive Plan of the City, and
- C. The subdivision can be adequately served with public facilities and services, and
- D. All land intended for building sites can be used safely and without endangering the health and safety of the residents by peril from floods, erosion, continuously high water table, poor soil conditions or other menace.

Approval of the preliminary plat shall confer upon the applicant the right for a two (2) year period from the date of approval that the general terms and conditions under which approval was granted will not be changed, and that within the two (2) year period, the whole, part or parts of the preliminary plat may be submitted for final approval.

#### Section 5.07 Final Plat Submittal

Upon approval of the preliminary plat, a final plat may be submitted for land being subdivided. The final plat shall be drawn to a scale of one (1) inch to one-hundred feet, on a sheet or sheets 24 by 36 inches in size, or other size and scale as determined appropriate by the Planning and Zoning Board. Such final plat shall include the following:

- A. Name of the subdivision and the section number, if it is a portion of the total subdivision.
- B. A description giving the number of acres, the military survey number, City, township, county and property owner's name.
- C. Sheet and total number for each sheet, including covenant sheet and construction plan.
- D. Scale and north indicator.
- E. The bearings and distances of the boundary lines of the subdivision.
- F. The bearings and distances of all lot lines or areas dedicated to public uses within the subdivision. In case of curved sides of lots, the tangent deflection angle, the length of the tangent, the length of radius, the length of arc and the length and bearing of the chord shall be given.
- G. Lot numbers.
- H. The bearing and distances of all straight sections of street center lines. Curved sections of street center lines shall show the same information as curved lot lines.
- I. Street names.
- J. Street, alley and easement widths. Any easements not parallel to property lines shall show the bearings and distances of the lines.
- K. The location of all permanent markers or monuments.
- L. Building setback lines with their distance from the right-of-way lines.
- M. The proposed location of all utilities and easements.
- N. Requested covenants.

The final plat of the subdivision shall be a comprehensive plan of the development. It shall incorporate all modifications required by the City Council and otherwise conform to the preliminary plat as approved. The applicant may submit a final plat of only that portion of an approved preliminary plat which he proposes to develop and record at the time, provided that such portion conforms to all provisions of these regulations. Nonetheless, all portions of the tract covered by the preliminary plat shall be developed within a two (2) year period, unless an extension of time is granted by the Board.

#### **Section 5.08 Plans and Specifications for Site Improvements**

Prior to submission of an application for a final plat, the applicant shall prepare Construction and Grading Plans, specifications and cost estimates of the required site improvements, and submit three (3) copies to the Board. The items of the estimates shall conform to the *City of Wellston Regulations and Material Specifications*, as may be subsequently amended, and shall be grouped as follows:

- A. Street and parking area improvements, including curb, pavement, sidewalks, street lighting, and storm drainage;
- B. Water mains, including lines, valves and hydrants;
- C. Sanitary sewers, including manholes, Y's, Tee's and cleanout;
- D. Site improvements, including seeding and sodding.

#### **Section 5.09 Review by the Director of Public Service**

The Director of Public Service shall review the plans referenced in Section 5.08 above, and, subject to his review, they shall be approved or returned with comments. The Director may transmit one or more of the required copies to consultant(s) procured to assist in the review process. If such assistance is sought, it is understood that the cost of such assistance shall be paid by the applicant.

#### **Section 5.10 Construction of Improvements or Performance Guarantees**

The applicant may install, construct, have inspected and approved all required site improvements prior to submitting application for approval of a final plat, or he/she may furnish satisfactory performance guarantees for the construction of such improvements. The cost of reviews of all improvements shall be paid by the applicant. Such inspections and reviews shall be performed by a Registered Engineer accepted by the City.

No lot, parcel or tract shall be transferred from the proposed development nor shall any construction work on such development, including grading, be started that may affect the arrangements of public streets or other public improvements until the owner has obtained the necessary approvals of the Construction and Grading Plans from the Director of Public Service.

#### **Section 5.11 Application for Approval of Final Plat**

Application for approval of final plat shall be submitted in writing to the Zoning Inspector at least ten (10) days prior to a regularly scheduled meeting of the Board, together with the final plat and such other material as required in Section 5.08 above. The applicant shall submit all fees as applicable for a final plat, as established by City Council under separate ordinance.

The application shall be submitted within two (2) years after approval of the preliminary plat; otherwise, approval of the preliminary plan will become null and void unless an extension is granted by the Board. The Zoning Inspector shall submit the application to the Board at its next regularly scheduled meeting, which shall be the date of submittal of the final plat.

#### **Section 5.12 Action by Planning and Zoning Board**

If the final plat as submitted to the Board at a regularly scheduled meeting conforms to the provisions of the Ohio Revised Code and this Ordinance, and is consistent with the preliminary plat with such changes as required by the Planning and Zoning Board, and if satisfactory provision is made regarding site improvements, the Board shall take action on the final plat within thirty (30) days from

the date of submittal, or such further time as agreed to by the owner/applicant. If the Board fails to act upon the final plat within the time allotted, the plat shall be considered as approved. The approval of the final plat shall be indicated in writing on the original tracing by the signature of the Chairman. Reasons for disapproval of a final plat shall be stated in the records of the Board.

#### **Section 5.13 Acceptance of Public Land**

If land is to be dedicated to the public use, the plat shall contain appropriate statements indicating such dedications with provision for acceptance by the City.

#### **Section 5.14 Recording of Plat**

A final plat shall be filed and recorded by the applicant in the office of the Jackson County Recorder within sixty (60) days following approval by the Board. If the developer fails to file the plat within such period, the approval by the Board shall be null and void. If any change is made in the final plat after approval of the Board, the approval shall be null and void. After recording the final plat, transfer of ownership may take place. The developer shall furnish the City with the original tracings and two (2) prints of the final plat containing indication of approval by all pertinent parties and the recording of the plat.

Office COPY

## ARTICLE VI

### AMENDMENTS

#### Section 6.01 Power of City Council

Whenever the public necessity, convenience, or general welfare require, Council may, by Ordinance, after receipt of a recommendation thereon from the Planning and Zoning Board and subject to the procedures provided by law, amend, supplement or change the regulations, district boundaries or classifications of property now or hereafter established by this Ordinance or amendments thereof. The Planning and Zoning Board shall submit its recommendation regarding all applications or proposals for amendments or supplements to Council.

#### Section 6.02 Initiation of Amendments

Amendments to this Ordinance may be initiated in one of the following ways:

- A. By referral of a proposed amendment to the Planning and Zoning Board by City Council.
- B. By the adoption of a motion by the Planning and Zoning Board submitting the proposed amendment to City Council.
- C. By the filing of an application by at least one (1) owner or lessee of property, or his designated agent, within the area proposed or affected by the said amendment.

#### Section 6.03 Application

An application for amendment shall be transmitted by the applicant to the Zoning Inspector and shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Proposed amendment to the text or, in cases where property is proposed to be placed in a different zoning district, a legal description of the property affected.
- C. Present use and district.
- D. Proposed use and district.
- E. A map showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
- F. A list of all property owners within the 200 feet, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the Jackson County Auditor's current tax list. The requirement for addresses may be waived when more than ten (10) parcels are proposed to be rezoned.
- G. A statement as to how the proposed amendment will impact adjacent and proximate properties.
- H. Any other information as may be requested by the Zoning Inspector to determine conformance with, and provide for enforcement of this Zoning Ordinance.
- I. A fee as established by the City Council.