

1st Reading Jan. 16th, 2020
2nd Reading - Feb. 6th, 2020
3rd Reading - Feb. 20th, 2020
Sponsor: Clark

ORDINANCE NO. 2020-02

**AN ORDINANCE BY THE CITY OF WELLSTON LEGISLATIVE AUTHORITY
AMENDING RELEVANT SECTIONS OF CHAPTER 153 OF THE WELLSTON CODE**

WHEREAS the City of Wellston Council has established Planning and Zoning regulations for the City of Wellston and have codified those Rules as Chapter 153 of the Wellston Codified Ordinances

WHEREAS the legislative authority for the City has received recommended amendments to various rules and regulations for Chapter 153 of the Wellston Codified Ordinances, specifically Section 153.020, Section 153.209, Section 153.224, Section 153.259 and Section 153.278, a copy of the proposed amended sections is attached hereto as Exhibit A

WHEREAS the Council has reviewed and given input on the Rules and


WHEREAS the Council has determined that it is in best interest of the health safety and welfare of the inhabitants of the City to adopt the proposed amended Sections of Chapter 153, specifically Section 153.020, Section 153.209, Section 153.224, Section 153.259 and Section 153.278, a copy of which is attached as Exhibit A

NOW THEREFORE BE IT ORDAINED by the Council that:

Section One: Section 153.020, Section 153.209, Section 153.224, Section 153.259 and Section 153.278 of Chapter 153 of the Wellston Codified Ordinances as detailed in the attached Exhibit A shall be adopted and hereby codified as Section 153.020, Section 153.209, Section 153.224, Section 153.259 and Section 153.278 of the Wellston Codified Ordinances and that any prior versions of Sections Section 153.020, Section 153.209, Section 153.224, Section 153.259 and Section 153.278 are hereby repealed and replaced by the language in the attached Exhibit which is incorporated herein. All other Sections of Chapter 153 shall remain unchanged.

Section Two: It is hereby found and determined that all formal acts of this council concerning and relating to adoption of this Ordinance were adopted in an open meeting of this council and the deliberations of the council and any of its committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

PASSED AND ADOPTED by the legislative authority of the City of Wellston this 20th day of February, 2020.



Council President

ATTEST:

Amy Skene
Clerk of Council

Approved this 20th day of February, ~~2018~~ ²⁰²⁰.

Chris
Mayor

Posted 2-24-2020 through 3-6-2020 at The Store, Wellston City Hall, Wellston Senior Citizens' Center, the Wellston Public Library and the Post Office.

Prepared by: Randy H. Dupree, Law Director, City of Wellston

Exhibit A

§ 153.020 PLANNING AND ZONING BOARD.

(A) *Planning and Zoning Board established.* Pursuant to R.C. Chapters 711 and 713, there is hereby established a Planning and Zoning Board in and for the city. Such Board shall have seven members, consisting of the Mayor, **City Service Director** and five 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 years, except for the term of one of the members of the first Board, which shall be four years, and one for two years. All vacancies shall be filled by the Mayor with the approval of Council.

(B) *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.

(C) *Quorum.* Three 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.

(D) *Procedures.*

(1) The meetings of the Board shall be public. However, the Board may go into executive session, as permitted by R.C. § 121.22, as amended, for discussion but not for vote on any case before it. The Board shall organize annually and elect a Chairperson and Vice-Chairperson. 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 planning and zoning code.

(2) 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.

(3) 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.

(E) *Powers and duties.*

(1) For the purposes of this chapter, the Board is hereby designated as the planning authority of the city and shall have the powers and authority granted under R.C. Chapters 711, 713 and 735, including the following specific responsibilities:

(a) Take actions to approve, approve with modification or disapprove subdivisions, as authorized by this chapter;

(b) Review all proposed amendments to this chapter, in accordance with §§ 153.080 through 153.086, and make recommendations to the City Council;

(c) Authorize such variances from the terms of this chapter as will not be contrary to the public interest, where, owing to the special conditions of the land, a literal enforcement of this chapter will result in unnecessary hardship, in accordance with the provisions of §§ 153.100 through 153.106;

(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 § 153.043;

(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 chapter;

(g) Authorize the substitution or extension of nonconforming uses, as specified in §§ 153.155 through 153.162;

(h) Prepare and present a zoning plan for newly annexed territory, pursuant to §§ 153.175 and 153.176; and

(i) Such other powers and duties as specified in this chapter.

(2) In exercising its duties, the Board may, as long as such action is in conformity with the terms of this chapter, 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 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 chapter, pursuant to §§ 153.100 through 153.106.

§ 153.209 DEVELOPMENT STANDARDS.

(A) Minimum lot area: 12,000 square feet.

(B) Minimum lot width: for each principal use, there shall be lot width of not less than 80 feet with frontage on a publicly dedicated, improved street or highway. Minimum lot width on curved street shall be 50 feet.

(C) Minimum front yard depth: 30 feet.

(D) Minimum side yard width: 12 feet.

(E) Minimum rear yard depth: 30 feet.

(F) Maximum percent of lot coverage: 30%.

(G) Maximum building height: 35 feet.

(H) Minimum ground floor area: 850 square feet.

§ 153.224 DEVELOPMENT STANDARDS.

(A) Minimum lot area: 5,000 square feet.

(B) Minimum lot width: 50 feet of lot width with frontage on a publicly dedicated, improved street or highway.

(C) Minimum front yard depth: 20 feet, or the distance of the most proximate existing principal structures on the same side of the street and facing thereon within the same block, whichever is less.

(D) Minimum side yard depth: five feet.

(E) Minimum rear yard depth: 15% of lot depth, but not less than 20 feet.

(F) Maximum building height: 35 feet.

(G) Minimum ground floor area: 850 square feet.

(H) Additional requirements for new lots developed in the UR District: presently undeveloped areas outside the older portion of the city may be developed in the UR District, subject to the following regulations.

(1) *Development plan.* A development plan shall be required for all new residential development within the UR District containing more than five dwelling units. Such development plan shall show the proposed layout of all streets, lots and buildings, as well as the location of all public spaces.

(2) *Garages.* All garages shall be located within the rear yard.

(3) *Street trees.* Street trees shall be required along all new streets developed within the UR District. The spacing of trees along streets shall be not less than 30 feet on center. A minimum of 12 feet of overall height or a minimum caliper (trunk diameter measured six inches above the ground) of at least two inches shall be required.

(4) *Sidewalks.* Sidewalks of not less than four feet in width shall be required for both sides of all new streets developed within the UR District.

(5) *Required open space.* Not less than 20% of the total net developable area of the proposed development shall be dedicated to permanent open space parks, and/or public spaces. Such open space shall be granted to a homeowner's association or, with the approval of the City Council, may be granted to the city. For the purposes of this calculation, **NET DEVELOPABLE AREA** shall mean the area of the site proposed for development, minus public and/or private streets and/or alleys.

(6) *Adjacent to UR District.* The property to be zoned for new UR development must be located adjacent to area of the city zoned in the UR District.

§ 153.259 DEVELOPMENT STANDARDS.

(A) Minimum lot area: 4,000 square feet per dwelling unit for two-family dwellings; 3,500 square feet per dwelling unit for all other multiple-family dwellings. This requirement may be reduced to 3,000 square feet per dwelling unit if approved by the Planning and Zoning Board, pursuant to § 153.260.

(B) Minimum lot width: 80 feet of frontage on a publicly dedicated and improved street or highway.

- (C) Minimum front yard depth: 30 feet.
- (D) Minimum side yard width: 20 feet.
- (E) Minimum rear yard depth: 40 feet.
- (F) Maximum building height: 35 feet.
- (G) Minimum ground floor area of any housing unit: 850 square feet
- (H) Landscaping: if side or rear yards are located adjacent to any district where single-family residences are a permitted use, landscaping and screening of those yards shall be required. Such landscaping and/or screening shall consist of walls, fencing, mounding, natural vegetation or a combination of these elements.

§ 153.278 DEVELOPMENT STANDARDS.

(A) *Development plan.* A development plan shall be submitted by the applicant to the Planning and Zoning Board at the time of the proposed rezoning of property into the NB District, or for any new proposed use within the NB District. Such development plan shall show the layout of the site, including proposed structures, driveways, parking areas, vehicular circulation patterns, signage and the methods proposed to address the proximity of the proposed use to any proximate residential property.

(B) *Lot area.* No minimum lot area is required, however, lot area shall be adequate to provide the required parking and yard areas.

(C) *Lot width.* No minimum lot width is required, however, all lots shall abut an improved public street designated as having not less than secondary collector status. All lots shall have adequate width to provide for required parking and yard area.

(D) *Front yard setback.* The minimum front yard setback shall be the average of the existing adjacent commercial structures on the same side of the street and facing thereon within the same block. Where there are no adjacent commercial structures, the front yard setback shall not be less than 20 feet measured from the street right-of-way.

(E) *Side yards.* Fifteen feet, unless adjacent to any district where residences are a permitted use, wherein the side yard shall be no less than 30 feet.

(F) *Rear yards.* Twenty feet, unless adjacent to any district where residences are a permitted use, wherein the rear yard shall be no less than 40 feet.

(G) *Additional yard and pedestrian areas.* Where new development in the NB District is located adjacent to a district where residences are a permitted use, the Planning and Zoning Board may require that at least 5% of the lot area, exclusive of parking areas and public rights-of-way, shall be devoted to landscaped yards or pedestrian space.

(H) *Maximum building size.* Individual uses within the NB District shall have usable floor area of not more than 4,000 square feet, even if such uses occupy more than one building. Any single building containing multiple uses within the NB District shall have a usable floor area of not more than 12,000 square feet.

(I) *Lighting.* Lighting fixtures within the NB District shall be so arranged, shielded and directed so as to not shine directly on any adjacent residential property.

(J) *Parking and loading.* Parking and loading requirements shall be as specified in §§ 153.410 through 153.413. Generally, parking areas shall be arranged so as to minimize the visual and functional impacts of business-related parking on any adjacent residential areas. In addition, parking spaces shall be designed to allow a minimum of five feet between structure(s) and any parked vehicle.

(K) *Landscaping.* The landscaping of all parking and service areas is encouraged in the NB District, particularly if side or rear yards are located adjacent to any areas where single-family or two-family residences are permitted uses.

(L) *Trash and garbage control.* All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. The disposal of trash and maintenance of the area shall be the responsibility of the owner of the property.

(M) *Outside vending machines.* Freestanding vending machines, not including ATM machines, located outside the primary or accessory structures shall not be permitted in the NB District.

(N) Minimum ground floor area of any housing unit: 850 square feet.