

City of Gallipolis, Ohio
Zoning Code
August 15, 2002



An Ordinance Amending Ordinance No. 85-47, as Amended by Ordinance No. 98-144, as Amended by Ordinance No. O2000-33, as Amended by Ordinance No. O2001-35, as Amended by Ordinance O2002-60, Establishing Comprehensive Zoning Regulations for the City of Gallipolis, Ohio, and Providing for the Administration Enforcement and Repeal Thereof. (Adopted July 16, 2002)

ARTICLE I

GENERAL REQUIREMENTS

A. TITLE, INTERPRETATION, AND ENACTMENT.

1. Title.
This ordinance shall be known and may be cited as the “Zoning Ordinance of the City of Gallipolis.”
2. Provisions of Ordinance Declared to be Minimum Requirements.
The interpretation and application provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, and general welfare. Whenever the requirements of this Ordinance vary with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or that imposing the higher standard shall govern.
3. Separability Clause.
Should any Section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the parts so declared to be unconstitutional or invalid.
4. Repeal of Conflicting Ordinances, Effective Date.
All zoning ordinances or parts of ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect. This Ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

B. DEFINITIONS.

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the Ordinance. Words used in the present tense shall include the future; the singular number shall include the plural; the word "used" shall include "arranged, designed, constructed, altered, converted, rented, leased," or "intended

to be used;" the word "shall" is mandatory; and the word "may" is permissive.

1. Accessory Use or Structure: Use of a structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.
2. Abutting: Having a common border with or being separated from such common border by a public right-of-way, alley, or easement.
3. Adult Bookstore: An establishment that has as a substantial portion of its stock-in-trade and offers for sale or rent for any form of consideration any one of the following items: (1) books, magazines, periodicals, or other printed matter; photographs, films, motion pictures, video cassettes, slides, compact disks, or other visual representations, audio tapes, cassettes, records, compact disks, or other audio representations or any other similar material that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas or (2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
4. Adult Cabaret: A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
5. Adult Group Homes: See Group Homes.
6. Adult Motion Picture Theater: An establishment, where for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.
7. Advertising Sign: A sign which directs attention to goods, services, or entertainment sold or offered on the premises. This includes free-standing, wall-mounted projection, or incidental signs.
8. Agriculture: The use of land for farming, dairy, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the

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necessary accessories for packing, treating, and storing the produce; provided, however, that the operations of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

9. Airport: Any runway, land area, or other facilities designed and commonly used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage, and tie-down areas, hangars, and other necessary buildings and open spaces.
10. Alley or Lane: The public or private thoroughfare typically not more than thirty feet (30') wide affording only secondary means of access to abutting property.
11. Amusement Arcades: A building or part of a building in which five (5) or more pinball machines, video games, or other similar player-operated amusement devices are maintained.
12. Area of Sign: The surface of the sign to be included when computing maximum allowable square footage. The area includes molding and framing, but excludes supporting members. Planters or other decorative supporting structures shall not be considered in the computation of signage unless the structure exceeds twenty-four inches (24") in height or eight feet (8') in length. In this case, the entire structure will be included in the computation of sign area. In the case of double or multi-faced structures, all faces shall be included in the computation of sign area.
13. Arterial Street: Roadways that typically have a sixty foot (60') to one hundred foot (100') right-of-way providing relatively high overall traffic speed and volumes linking other communities or major traffic generators within the region.
14. Automobile or Trailer Sales Area: An open space area other than a street used for the display, sale, or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done, including farm implements, boats, motorcycles, bicycles, and lawnmowers.
15. Automotive Repair: The repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.
16. Automotive Service Station or Filling Stations: See Filling or Gas Stations.
17. Banner. A temporary sign, usually made of plastic or cloth, used for advertising sales and events without being permanently attached to a structure.

18. Bar, Tavern, or Cocktail Lounge: Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded by law. It shall not mean a premises wherein such beverages are sold in conjunction with the sale of food for consumption on the premises.
19. Basement: The story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five feet (5') above grade.
20. Bed and Breakfast: An owner-occupied single-family dwelling that contains guest rooms where short-term lodging with or without meals is provided for compensation.
21. Block: In describing the boundaries of a district, the word "block" refers to the legal description. In all other cases, the word "block" refers to property between two (2) or more public streets, railroad, right-of-way, or watercourse that does not include a street, railroad, right-of-way, or watercourse in the interior boundaries of such block.
22. Board: The Board of Zoning Appeals of the City of Gallipolis, Ohio.
23. Boarding or Rooming House: A dwelling or part thereof occupied by a single housekeeping unit where meals and lodging are provided for three (3) or more persons for compensation by previous arrangement and where no cooking or dining facilities are provided in individual rooms. The arrangement is characterized as a longer-term arrangement and not meant to include transient guests or travelers as characterized by a Motel, Hotel, or Bed and Breakfast.
24. Building: Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building with respect to the minimum side yard requirements as hereinafter provided.
25. Building, Height of: The vertical distance between the average contact with the ground level at the front wall of the building to the highest point of the roof.
26. Building, Setback Line: A line established by this Zoning Ordinance generally parallel with and measured perpendicularly from the front lot line. It defines the limits of the front yard in which no building or structure may be located except as provided by this Ordinance or district regulations or as established by the Board

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of Zoning Appeals.

27. Bulletin Board: A sign not exceeding fifteen square feet (15 s.f.) typically with changeable copy used to identify events for public and semi-public uses.
28. Capacity: The maximum number of persons which may be accommodated by the use as determined by its design and/or by fire code regulations, whichever is greater.
29. Carry-out Business: See Convenience Store.
30. Car Wash: An auto service facility either manually operated or automatic for cleaning interior and exterior of automobiles or other motor vehicles.
31. Cemetery: Land used or intended to be used for the burial of human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.
32. Certificate of Occupancy: A certificate which is issued by the Code Enforcement Officer to allow occupancy after a building within the City of Gallipolis has been built or altered, and a final inspection made to determine if the building is in accordance with the provisions of this Ordinance.
33. Certificate of Zoning: a certificate which is issued by the Code Enforcement Officer which allows a change in land use such as rezoning in accordance with the provisions of this Ordinance.
34. Child Care Center: An establishment that administers to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the 24-hour day other than the child's own home. For the purposes of this Ordinance, the term "child care center" shall include all non-home- operated child care and all home-operated child care with over twelve (12) children in attendance. The term "child care center" also includes nursery schools where children under the age of five (5) are receiving schooling.
35. Child Care Center, Home-Operated: A private residence where care, supervision, and protection are provided on a regular basis to no more than twelve (12) infants, toddlers, preschool children, and school children outside of school hours by a

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person who is not the parent but is a resident of the home. For the purposes of this definition, the resident children who are under sixteen (16) shall be included with the non-resident children when counting the number of children. A dwelling with a family with more than twelve (12) children who are all living in the dwelling unit and are related shall not be considered a home-operated child care if the resident is not caring for any non-resident children on a regular basis.

36. Clinic: A place used for the care, diagnosis, and treatment of sick, ailing, infirm, and injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room or kept overnight on the premises.
37. Club: A building or portion thereof or premises owned or operated by a person for social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.
38. Conditional Use: A use which more intensely affects the surrounding area in which it is located than permitted uses in the same zoning district. Conditional use permits may be granted, in accordance with procedures described in **Article I, Section H**.
39. Conditional Use Permit: A permit issued by the Code Enforcement Officer on approval by the Planning Commission to allow a conditionally permitted use to be established within the district.
40. Conforming Sign: A sign which complies with the requirements of the Zoning Ordinance.
41. Construction Permit: The document issued by the City Code Enforcement Officer authorizing construction or alteration of a building or structure.
42. Convalescent Home: A home designed for the care of patients after they leave the hospital, but before they are released from observation and treatment.
43. Convenience Store: Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than five thousand square feet (5,000 s.f.). The definition of convenience store does not include the sale of gasoline for automobiles unless such use is specifically stated as a permitted or conditional use.
44. Court: An open unoccupied and unobstructed space other than a yard on the same

lot with a building or group of buildings.

45. Density: A unit of measurement or the number of dwelling units per acre of land.
 - a. Gross Density: The number of dwelling units per acre of the total land to be developed.
 - b. Net Density: The number of dwelling units per land exclusive of that area in publicly dedicated land.
46. Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations.
47. Directory Sign: A sign advertising more than one (1) business.
48. Display Surface: Area intended for display of advertising.
49. Double-Faced Sign: A sign having two (2) display surfaces.
50. Drive-Ins and Drive-Throughs: Uses involving window service offered to persons in motor vehicles with or without aisles to direct autos to a point of service. Such uses include, but are not limited to, drive-in restaurants, financial institutions, beverage drive-through sales, and gas service stations.
51. Dwelling Unit: Space within a building comprising living, dining, sleeping rooms, or storage closets as well as space and equipment for cooking, bathing, and toilet facilities all used by one (1) family and its household employees and having a separate means of egress and ingress to a common area or the outside.
52. Dwelling, Single-Family: A building consisting of a single-dwelling unit only separated from other dwelling units by open space.
53. Dwelling, Two-Family: A building consisting of two (2) or three (3) family units which may be either attached side by side or one above the other and each unit having either a separate or combined entrance or entrances.
54. Dwelling, Multiple-Family: A building consisting of four (4) or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multiple-family housing may include public housing and industrialized units.

55. Dwelling, Industrialized Unit: A series of structural units which when assembled becomes a detached residential dwelling designed for occupancy by one (1) family only and transported on streets or highways after fabrication to the assembly site. The unit is constructed of similar material as a site-constructed unit and not to be constructed as a mobile home or double-wide. In addition, said units shall meet the standards of Chapter BB-75, Industrialized Dwelling Houses, of the Ohio Revised Code.
56. Easement: An interest in land owned by another that entitles its holder to a specific limited use or enjoyment.
57. Employees on the Largest Shift: The greatest number of employees that are regularly scheduled to be at a place of employment at one time.
58. Family: One (1) or more persons occupying a single-dwelling unit provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons. Domestic servants employed on the premises may be housed without being considered as members of the family.
59. Fast-Food Restaurant: An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state (1) within the restaurant building, (2) within a motor vehicle parked on the premises, or (3) off the premises as carry-out orders and whose principal method of operation includes food and/or beverages served in paper, plastic, or other disposable containers.
60. Dwelling, Modular Home: See Dwelling, Industrialized Unit.
61. Filling or Gas Station: An establishment selling vehicle fuels and other services such as lubrication, oil, tire changes, and minor repairs. This use does not include paint spraying or body repair.
62. Free-Standing Sign: A sign that is erected on and supported by columns, pipes, posts, angles, channels, or a combination of these materials.
63. Garage or Carport, Private: A detached or accessory building of the principal building used by the occupants of the premises for the storage of self-propelled vehicles or trailers.
64. Gross Floor Area: The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses,

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as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet parking requirements, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

65. Group Dwelling: The residents of a group of six (6) or more persons not related by blood, marriage, adoption, or guardianship and living together as a single housekeeping unit.
66. Home Occupation: Any home occupation conducted in a dwelling unit by a resident or occupant provided that the home occupation does not require any exterior modifications of the dwelling unit to distinguish it from other dwelling units in the vicinity of such home occupation.
67. Hospital: Place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons and those who are in need of medical and surgical attention but who are provided with board or room or kept overnight on the premises.
68. Hotel: A business which offers overnight accommodations to transient guests on a daily rate basis and often provides other services for the guests such as restaurants, meeting rooms, and recreational facilities. (See also Motel.)
69. Incidental Sign: A sign having an above grade height of not more than twenty-four inches (24") or a total area of not more than eight square feet (8 s.f.) containing no advertising and typically erected to identify entrances, exits, restrooms, hours of operation, operational instructions, and/or public utility locations.
70. Industrial, Planned: Coordination and integration of industrial uses designed as separate elements of one specific site layout.
71. Industry: Storage, repair, manufacture, preparation, or treatment of any article, substance, or commodity.
72. Institution: Buildings and/or land designed to aid individuals in the need of mental, therapeutic, or rehabilitative counseling, or other correctional services in coordination with other governmental agencies such as state, county, or federal offices.

73. Junk Salvage Yard or Recycling Center: A place where waste is discarded or salvageable materials are bought, sold, exchanged, baled, packed, disassembled, handled, or recycled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including such places where such uses are conducted entirely within a completely enclosed building and not including pawn shops and establishments for the sale, purchase, or storage of used household equipment, used cars in operable condition, or salvage materials incidental to manufacturing operations.
74. Kennel: Any lot or premises on which five (5) or more domesticated cats, dogs, or other mammals normally considered household pets that are either commercially housed, groomed, bred, boarded, trained, or sold.
75. Light Industrial: Industrial activities which are generally free of nuisance from noise, dust, smoke, odor, or vibration.
76. Loading Space: An off-street space or berth on the same lot within a building or contiguous to a group of buildings for temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
77. Lot: A division of land separated from other division for the purposes of sale, lease, or separate use described on the recorded subdivision plat or by metes and bounds.
78. Lot Coverage: The ratio of enclosed ground floor area of all buildings in a lot to the horizontally projected area of the lot expressed as percentage.
79. Lot Width: The width of a lot at the building setback line measured at right angles to its depth.
80. Lot, Minimum Area of: The area of a lot as computed exclusive of any portion of the right-of-way of any public or private street.
81. Lot of Record: A lot which is part of the original city plat or subdivision recorded in the Office of the Gallia County Recorder or lot or parcel described by a metes and bonds description which has been so recorded.
82. Marquee or Canopy Sign: A sign attached to the underside of a marquee or canopy extending from a building and covering a walkway which identifies

entrance to the establishment, including theaters, auditoriums, fairgrounds, or museums. Signs painted or attached to an awning or canopy shall also be considered as marquee signs.

83. Manufactured Home: A non-self-propelled vehicle transportable in one (1) or more sections, built on a metal chassis or without. These are produced in a factory for use as a residential dwelling only. The minimum width of said structure shall be eighteen (18) feet for the entire length of the structure and the minimum dwelling size shall be one thousand (1,000) square feet. The structure shall be placed on a permanent perimeter foundation although it may be structurally supported from within. All other manufactured homes shall be considered "Mobile Homes" and not allowed within the City. A manufactured home park shall be further described as: Any site or tract of land which meets standards set forth in the Ohio Administrative Code, Chapters 3701-27.
84. Mobile Home. A non self-propelled vehicle transportable in one (1) section, built on a metal chassis. These are produced in a factory for use as a residential dwelling. These are less than 18 feet in width and/or under 1,000 square feet in size. These are not allowed within the City.
85. Motel: A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one (1) unit or a motor lodge shall be deemed a motel. (See also Hotel).
86. Multiple-Face Sign: A sign having more than two (2) display surfaces and shall include spheres and cubes.
87. Non-Conforming Sign: A sign which is not properly erected under the conditions of this Ordinance.
88. Non-Conforming Use: 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.
89. Non-Conforming Lot: A lot which does not meet the requirements of this zoning code due to size and/or other lot dimension.
90. Nursery, Plant Material: A space including accessory buildings or structures for the growing or storage of live trees, shrubs, or plant materials which may be offered for retail sale on the premises, including products used for gardening or

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landscaping.

91. Nursery or Day Care Center: See Child Care Center.
92. Nursing Home: A home or facility for the care and treatment of three (3) or more persons who are living on the premises who are infirmed and not normally capable of leaving the premises without assistance from care givers who are in attendance at the nursing home at all times.
93. Opacity: The grade to which a wall, fence, structure, or landscaping is solid or impenetrable to light and/or vision with a general uniform pattern over a surface.
94. Open Space: That part of a zoning lot including porches or yards which is open and unobstructed from its lowest level to the sky, accessible to all tenants on the zoning lot. Open space shall also mean unique, natural scenic land areas, and land uses that are characterized by an absence of development that is defined by the surrounding development.
95. Parking Area, Private: An open area for the same use as a private garage.
96. Parking Area, Public: An open area other than the street or other public way used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers.
97. Parking Space, Off-Street: Permanently surfaced area not less than two hundred square feet (200 s.f.) either within a structure or in the open exclusive of driveways or access drives for the parking of one (1) motor vehicle.
98. Permitted Use: A class of specific uses of land and indoor structures which is allowed by right within any designated zoning district conforming to site design and other criteria specified within this Ordinance.
99. Personal Services: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.
100. Planned Development: An area of land in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards (such as lot sizes and setbacks) than those restrictions which would normally apply under these regulations. Procedure for approval of such development contains requirements in addition to those of

the standard subdivision, such as building design principle and landscaping plans.

101. Portable Sign: Any sign which is not permanently anchored to a foundation on structure and used to advertise a business establishment, product, service or entertainment.
102. Product Sign: A sign typically located in a window advertising a product or service offered by the business, including foods offered by grocery stores or convenience stores.
103. Recreational Facilities: Any commercial or non-commercial facilities that offer non-passive recreational services to a group of people or the general public. Included in this definition are outdoor recreational facilities such as golf courses, driving ranges, tennis courts, swimming pools, and indoor recreational facilities in which all activities are conducted indoors. This definition could also include a combination of indoor and outdoor recreational services.
104. Rental Office: An administrative office used specifically for renting, leasing, and/or selling and managing condominium or cooperative properties.
105. Research Activities: Research, development, and testing relating to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within an entirely enclosed building and no noise, smoke, glare, vibration, or odor shall be detected outside the said building.
106. Right-of-Way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, the right-of-way incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities and may include special features such as grade separation, landscape areas, viaducts, and bridges.
107. Satellite Dish: A signal receiving device whose purpose is to receive or send communications or signals from earth-orbiting satellites or other sources.
108. Shopping Center: A group of commercial establishments planned, developed, and managed as a unit with off-street parking provided on the property and having common walls between most uses.
109. Sign: Any device, structure, material, or combination of these intended to advertise or draw attention to real estate, a building or structure, product, service, or entertainment sold or offered on the premises.

110. Single-Face Sign: A sign having one (1) display surface.
111. Specified Anatomical Area: As used herein, specified anatomical areas mean and include any of the following: less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
112. Specified Sexual Activities: As used herein, specified sexual activities means and include any of the following: 1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; 2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; 3) masturbation, actual or simulated; or 4) excretory functions as part of, or in connection with, any of the activities set forth in subdivisions in items 1, 2, or 3 of this definition.
113. Story: That part of a building between the surface of a floor and the ceiling immediately above.
114. Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (1) before the improvement or repair is started or (2) if the structure has been changed and is being restored before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for the improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are necessary to ensure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.
115. Structure: Anything constructed where the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground with exception to landscaping.
116. Travel Trailer: A non-self-propelled recreational vehicle designed for conveyance on highways by means of pulling by another vehicle and intended to be used for temporary sleeping purposes, including the tent-type or fold-out-type trailer.

117. Use: The specific purpose for which land or buildings are designated, arranged, intended, or for which they may or may not be occupied or maintained.
118. Variance: A variance is any modification of the strict term 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 to the result of the actions of the applicant where a literal enforcement of the regulations would result in unnecessary undue hardships. Variances may be granted in accordance with procedures described in **Article I, Section G**.
119. Wall-Mounted Sign: Any sign attached to or erected against the inside or outside wall of the building or a wall-type structure that is an integral part of such building or structure with the exposed display surface of the sign in a plane parallel to the plane of the building or structure.
120. Wireless Telecommunications Equipment Shelter: A structure in which electronic receiving and relay equipment for a wireless telecommunications facility is housed.
121. Wireless Telecommunications Facility: A facility consisting of the equipment and structures involved in receiving or relaying telecommunications or radio signals from a mobile radio communication source and transmitting those signals to a central switching computer which connects the mobile unit with land-based telephone lines.
122. Wireless Telecommunications Tower: A structure intended to support equipment used to transmit, relay, and/or receive telecommunications signals including but not limited to monopoles, guyed, and lattice construction steel structures.
123. Yard: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure three feet (3') above the general ground level of the graded lot upward. Provided accessories, ornaments, and furniture may be permitted in a yard subject to height limitations and requirements limiting obstruction of visibility.
- a. Front Yard: A yard extending between side lot lines across the front of a yard and from the front lot line to the front of the principal building.
 - b. Rear Yard: A yard extending between side lot lines across the rear

of a lot and from the rear lot line to the rear of the principal building.

- c. Side Yard: A yard extending from the principal building to the side lot on both sides of the principal building between the lines establishing the front and rear yards.

- 124. Zero Lot Line: The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line. Also, for the purposes of this Ordinance, a zero lot line shall include buildings that are built with a shared wall resting on a lot line and the shared wall shall be considered the zero lot line if the building is intended to be owned by two (2) separate owners on both sides of the shared wall.

C. ENFORCEMENT.

- 1. Construction Permit Required.
No building or structure shall be erected, moved, added to, or structurally altered without a construction permit issued by the Code Enforcement Officer. If it does not conform with provisions of this Ordinance, the applicant must receive a written order from the Board of Zoning Appeals deciding on an appeal or variance as provided by this Ordinance in order to proceed.
- 2. Contents of Application for Construction Permits.
The application for a Construction Permit shall be signed by the owner or applicant attesting to the exactness of all information supplied in the application.
 - a. Name, address, and phone number of the applicant.
 - b. Address of the property.
 - c. Existing use of the property.
 - d. Proposed project description.
 - e. Zoning district.
 - f. Plans drawn to scale showing the actual dimensions and the shape of the lot to be constructed upon; the exact size and location of existing buildings; and the location and dimensions of the proposed buildings or alterations.

- g. Building height.
 - h. Number of off-street parking spaces or loading berths.
3. Approval of Construction Permit.
Within thirty (30) days after receiving an application, the Code Enforcement Officer shall either approve or disapprove the application in conformance with the provisions of this Ordinance.
 4. Expiration of Construction Permit.
If the work described in any Construction Permit is not started within one (1) year from the date of issuance, the permit shall expire. It shall be revoked by the Code Enforcement Officer and written notice shall be given to the persons affected. If the work described in a Construction Permit has not been substantially completed within two and one-half (2-1/2) years from the date of issuance, the permit shall expire and be revoked by the Code Enforcement Officer with written notice to the persons affected together with notice that further work as described in the canceled Construction Permit shall not proceed unless or until a new Construction Permit has been obtained or an extension granted.
 5. Certificate of Occupancy Required.
Before any change in use or ownership, with or without construction of a commercial building, may take place, the applicant shall obtain a certificate of occupancy from the Code Enforcement Officer. The Code Enforcement Officer shall ensure compliance with this Ordinance before a certificate of occupancy may be issued. The issuance of the certificate of occupancy in no way relieves the recipient from complying with all other requirements of this Zoning Ordinance, including a Construction Permit, if applicable. The property owner is responsible for obtaining occupancy certificates from the State of Ohio on all commercial structures which require a state permit.
 6. Demolition.
Any person desiring to raze or demolish any structure shall apply to the Code Enforcement Officer for a Construction Permit.
 7. Complaints Regarding Violations.
Whenever a violation of this Ordinance occurs, any person may file a written complaint. Such complaint must state fully the cause and basis for the complaint and shall be filed with the Code Enforcement Officer.
 8. Penalties for Violations.

Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor of the fourth degree. Each day of violation shall be constituted as a separate offense.

9. Schedule of Fees.

The City Commission shall established a schedule of fees for Construction Permits and other matters pertaining to this ordinance. This aforementioned schedule of fees shall be adopted by separate resolution.

D. NON-CONFORMING USES, BUILDINGS, OR LOTS.

1. Existing Non-Conforming Uses - Continuation.

Except as hereinafter specified, the lawful use of a building or premises existing at the time of the adoption or amendment of this Ordinance may be continued although such use, building, or structure does not conform with the provisions of this Ordinance for the district in which it is located.

2. Non-Conforming Uses or Buildings - Enlargement, Substitution, Etc.

No existing building or premises devoted to a use not permitted by this Ordinance in the district in which such building or premises is located except when required to do so by law or order shall be enlarged, extended, substituted, or structurally altered unless the use thereof is changed to a use permitted in the district in which such building or premises is located and except as follows:

- a. Substitution: When authorized by the Planning Commission, the substitution of a non-conforming use for another less objectionable non-conforming use.
- b. Non-Conforming Use Made to Conform: Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.
- c. Expansion: The Planning Commission shall have the authority to grant an expansion or permit completion of a building devoted to a non-conforming use upon a lot occupied by such building or on a lot adjoining and where such extension is necessary and incidental to the existing use of such building provided, however, that the floor areas of such extension shall not exceed in all one hundred percent (100%) of the floor area of the existing building or buildings devoted to a non-conforming use.

3. Discontinuance of a Use.

No building, structure, or premises where a non-conforming use has been discontinued for a period of twelve (12) consecutive months or more shall again be put to a non-conforming use.

4. Repairs and Alterations.

Repairs, maintenance, alterations, and improvement as required to keep structures in sound condition may be made to a non-conforming building or structure with the exception of mobile homes which are provided for in **No. 6** of this Section

provided the total structural repairs and alterations shall not during its life subsequent to the date of it becoming a non-conforming use, exceed sixty percent (60%) of the appraised value of the building or structure for tax purposes at such date unless such building or structure is permanently changed to a conforming use.

5. Replacing Damaged Buildings.

Any non-conforming building or structure with the exception of mobile homes as provided for in **No. 6** of this Section, damaged more than fifty percent (50%) of its fair market value at the time the damage occurred exclusive of foundations shall not be restored or reconstructed, used or occupied as a non-conforming use unless permitted by the Planning Commission. If such damage amounts to fifty percent (50%) or less of said fair market value, the non-conforming building or structure may be restored provided such restoration shall begin within six (6) months from the time of damage.

6. Mobile Home Units.

Mobile homes may not be placed or replaced in the City except in mobile home parks or on mobile home sales lots.

7. Non-Conforming Lots.

In a district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to the district in which such lot is located. Variances of requirements other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals.

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Ordinance.

E. ADMINISTRATIVE BODIES AND THEIR POWERS AND RESPONSIBILITIES.

1. Purpose.
The purpose of this Section is to identify the bodies responsible for the administration of this Ordinance and to define their powers and responsibilities. The administrative bodies identified herein are the Code Enforcement Officer, the Planning Commission, the Board of Zoning Appeals, the City Commission, and the Solicitor for the City of Gallipolis.

2. Code Enforcement Officer.
A Code Enforcement Officer designated by the City Manager shall administer and enforce this Ordinance. He or she may be provided with the assistance of such other persons as the City Manager may direct. For the purpose of this Ordinance, the Code Enforcement Officer shall have the following powers and responsibilities:
 - a. Enforce the provisions of this Ordinance and interpret the meaning and applications of its provisions.

 - b. Respond to questions concerning applications for amendments to the Zoning Ordinance text and the City of Gallipolis Zoning Map.

 - c. Issue Construction Permits and certificates of occupancy as provided by this Ordinance and keep a record of same with a notation of any special conditions involved.

 - d. Act on all applications upon which he or she is authorized to act by the provisions of this Ordinance within thirty (30) days or notify the applicant in writing of his or her refusal or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within specified time shall entitle the applicant to submit his or her request to the Board of Zoning Appeals.

 - e. Conduct inspections of buildings and uses of land to determine compliance with this Ordinance and in the case of any violation to notify in writing the person(s) responsible, specifying the nature of the violation, and ordering corrective action.

 - f. Maintain in current status the City of Gallipolis Zoning Map which shall be kept on permanent display in the City of Gallipolis offices.

- g. Maintain permanent and current records required by this Ordinance, including but not limited to Certificates of Occupancy and zoning, inspection documents, and records of all variances, amendments, and conditional uses.
 - h. Make such records available for the use of the City Commission, the Planning Commission, the Board of Zoning Appeals, and the public.
 - i. Review and approve site plans pursuant to this Ordinance.
 - j. Determine the existence of any violations of this Ordinance and cause such notifications, revocation notices, stop orders, or tickets to be issued or initiate such other administrative or legal action as needed to address such violations.
 - k. Prepare and submit an annual report to the City Commission and Planning Commission on the administration of this Ordinance setting forth such information as may be of interest and value in advancing and furthering the purpose of this Ordinance. Such report shall include recommendations concerning the schedule of fees.
3. Planning Commission Established.
The City Planning Commission shall consist of the President of the City Commission, who shall be the chairman, the City Manager and three residents of the City who shall be appointed for a term of six years, except that the term of one of the resident members of the first commission shall be for four years and one for two years. Vacancies shall be filled by the recommendation of the City Manager with the approval of the City Commission by motion at a City Commission meeting for the unexpired term of the member affected. All members shall serve without compensation.
4. Proceedings of the Planning Commission.
The Planning Commission shall adopt rules as necessary in order to conduct its affairs in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairperson and/or on a monthly basis, as necessary. All meetings shall be open to the public. The Planning Commission shall keep minutes of its proceedings showing the vote of each member and other official actions, all of which shall be public record. Three (3) members of the Planning Commission shall be required to constitute a quorum for a public meeting.

5. Duties of the Planning Commission.

For the purpose of this Ordinance, the Planning Commission shall have the following duties:

- a. Review all proposed amendments of this Ordinance and make recommendations to the City Commission.
- b. Perform formal site plan reviews per request of the Code Enforcement Officer.
- c. Grant conditional use permits as specified in **Article I, Section H.**
- d. Review any new construction, alterations, or change in use for the NC, OCS, USC and Planned Development Districts.
- e. Initiate advisable City of Gallipolis Zoning Map changes or changes in the text of the Zoning Ordinance where same will promote the best interest of the public in general through recommendations to the City Commission.
- f. Carry on a continuous review of the effectiveness and appropriateness of this Ordinance and recommend such changes or amendments as it feels would be appropriate.

6. Interpretation of Uses Not Found in the Zoning Districts.

In case of a use that is not specifically mentioned in this Ordinance, the Planning Commission shall classify the use of a similar nature to a use that is already listed in this Ordinance. The use that is approved as a similar use shall be recommended by the Planning Commission for addition to the permitted uses in the zoning districts previously described in this Ordinance.

7. Board of Zoning Appeals Created.

The Board of Zoning Appeals is hereby created consisting of five (5) members appointed by the City Commission upon the recommendation of the City Manager each for a term of five (5) years except that the initial appointments shall be one (1) member each for one- (1), two- (2), three- (3), four- (4), and five- (5) year terms.

8. Proceedings of the Board of Zoning Appeals.

The Board shall adopt rules necessary in order to conduct its affairs and to keep within the provisions of this Ordinance. Meetings shall be held at the call of the Chairperson or on a monthly basis, as necessary. The Chairperson may administer an oath and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep notes of its proceedings showing the vote of each member upon each question and keep records of all examination and other official action.

9. Duties of the Board of Zoning Appeals. (Amended by O2002-60, adopted July 16, 2002)

To exercise its duties, the Board may reverse, affirm, or modify any decision of the Code Enforcement Officer. Concurrent vote of three (3) members of the Board shall be necessary to reverse any decision or determination of the Code Enforcement Officer or decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation in the application of this Ordinance. For the purpose of this Ordinance, the Board has the following specific responsibilities:

- a. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the Code Enforcement Officer.
- b. To authorize such variances from the terms of this Ordinance that are not contrary to the public interest or owing to special conditions where literal enforcement of this Ordinance will result in unnecessary hardship.

10. Duties of the Administrative and Judicial Bodies.

It is the intent of this Ordinance that all questions of interpretation and enforcement shall first be presented to the Code Enforcement Officer and then presented to the Board of Zoning Appeals only on appeal from the decision of the Code Enforcement Officer. Any recourse from the decisions of the Board shall be to the courts as provided by law.

11. City Commission. (Amended by O2002-60, adopted July 16, 2002)

Members of the City Commission are elected in accordance with procedures found in Charter of the City of Gallipolis. The powers and duties of the City Commission pertaining to the Zoning Ordinance are as follows:

- a. Appoint members to the Planning Commission.

- b. Appoint members to the Zoning Board of Appeals.
 - c. Initiate or act upon suggested amendments to the Zoning Ordinance text or City Zoning Map.
 - d. The City Commission shall have the power to override a written recommendation of the Planning Commission on a text or map amendment provided that such legislative action is passed by a vote of not less than four-fifths (4/5) of the City Commission.
12. Removal for Misconduct and Vacancy Appointments for the Board of Zoning Appeals and the Planning Commission.
Members of the Board of Zoning Appeals and Planning Commission shall be removed for misfeasance or malfeasance in office or any other reasonable cause by the City Manager. The member so removed shall be given notice of such removal by certified mail or personal service. The members so notified shall have ten (10) days upon receipt to appeal such removal to the City Commission. The City Commission shall set a hearing on the appeal within twenty (20) days of receipt. Vacancies shall be filled by recommendation of the City Manager with the approval of the City Commission.
13. Removal for Failure to Attend Meetings for the Board of Appeals and the Planning Commission. (Established by O2002-60, Effective August 15, 2002)
Members of the Board of Zoning Appeals and Planning Commission shall not fail to attend three (3) consecutive scheduled meetings, without notice to the Code Enforcement Officer of special circumstances. Upon such failure to attend without adequate reason to do so, the City Manager may remove such person(s) and recommend their replacements(s) for approval of the City Commission.

F. AMENDMENT PROCEDURES AND REQUIREMENTS.

The following Section describes the procedure provided by law to amend, supplement, change, or repeal the regulations, restrictions, and boundaries or district classifications of property.

- 1. Purpose.
The following Section describes the procedure provided by law to amend, supplement, change, or repeal the regulations, restrictions, and boundaries, or district classifications of property as provided for in this Zoning Ordinance.
- 2. Initiation of Zoning Amendments.
Amendment to this Ordinance may be initiated in one of the following ways:
 - a. By adoption or motion by the Planning Commission.

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- b. By adoption or resolution by the City Commission.
 - c. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.
3. Contents of Application.
The application for amendment shall contain at least the following information:
 - a. Name, address, and telephone number of applicant.
 - b. Proposed amendment to the text or legal description.
 - c. Present use.
 - d. Present zoning district.
 - e. Proposed use.
 - f. Proposed zoning district.
 - g. Vicinity map drawn to scale and approved by the Code Enforcement Officer showing property lines, streets, existing and proposed zoning, and such other items as the Code Enforcement Officer may require.
 - h. A list of all property owners within two hundred feet (200') contiguous to and directly across the street from the parcels proposed to be rezoned and others that may have substantial interest in the case.
 - i. A fee as established by the City Commission.
4. Transmittal to Planning Commission.
After the adoption of a resolution by the City Commission or the filing of an application by at least (1) owner or lessee of property, the resolution or application shall be transmitted to the Planning Commission.
5. Public Hearing by the Planning Commission.
The Planning Commission shall schedule a public hearing after receiving a transmittal of the resolution from the City Commission, adoption, or a motion from the Planning Commission, or the filing of an application for a zoning amendment.
6. Notice of Public Hearing in Newspaper.
Before holding a public hearing, a notice of such hearing shall be given by the Planning Commission by at least one (1) publication in one (1) or more

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newspapers of general circulation in the City of Gallipolis at least seven (7) days before the day of the said hearing. This notice shall state the time and place of the public hearing and the nature of the proposed amendment.

7. Notice to the Property Owners by Planning Commission.
If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, written notice of the hearing shall be mailed by the Planning Commission at least fifteen (15) days before the date of the hearing to all owners of property within two hundred feet (200') of the affected lot or parcel. The address of such owners appearing on the Gallia County Auditor's tax list or Gallia County Treasurer's mailing list shall be used.
8. Recommendations of the Planning Commission.
Within fifteen (15) days after the public hearing, the Planning Commission shall recommend to the City Commission that the amendment be granted as requested or may recommend a modification of the amendment requested or it may recommend that the amendment not be granted. The Planning Commission shall transmit its recommendation to the City Commission.
9. Public Hearing by the City Commission.
Upon receipt of the recommendations from the Planning Commission, the City Commission shall schedule a public hearing.
10. Notice of the Public Hearing in Newspaper.
Notice of the public hearing required in **Article I, Section F-9**, shall be given by the City Commission in at least one (1) publication in one (1) or more newspapers of general circulation in the City of Gallipolis. The notice shall be published at least thirty (30) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.
11. Notice to Property Owners by the City Commission.
If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, written notice of the hearing shall be mailed by the Clerk of the City Commission at least fifteen (15) days before the date of the public hearing to all property owners within two hundred feet (200') of the affected lot of parcel. The address of such owners appearing on the Gallia County Auditor's tax list or the Gallia County Treasurer's mailing list shall be used. Failure to deliver the notification provided in this Section shall not invalidate such amendment.
12. Action by the City Commission.

Within thirty (30) days after the public hearing, the City Commission shall either adopt or deny the recommendation of the Planning Commission or adopt some modification, thereof. In the event the City Commission denies or modifies the recommendations of the Planning Commission, it must do so by not less than four-fifths (4/5) of the full membership of the City Commission. No such ordinance shall be passed unless it has been fully and distinctly read on two (2) different days, two (2) weeks apart. The ordinance may become emergency legislation if all five (5) members of the City Commission vote to dispense with this rule.

G. PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES.

1. General Purpose.

It is the general purpose of **Article I, Section G** to establish procedures and requirements of the hearing of appeals and variances. As specified in **Article I, Section G-2**, the Board of Zoning Appeals has appellate jurisdiction relevant to appeals and variances.

2. Appeals.

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the City of Gallipolis affected by any decision of the Code Enforcement Officer. Such appeal shall be taken within twenty (20) days after the decision of the Code Enforcement Officer by filing a notice of the appeal specifying the grounds on which the appeal is being taken. Such appeal shall be filed with the Code Enforcement Officer and the Board of Zoning Appeals. The Code Enforcement Officer shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

3. Variance.

The Board of Zoning Appeals may authorize on appeal of specific cases such variance from the terms of this Ordinance that will not be contrary to the public interest where owing to special conditions, a literal enforcement of provisions of this Ordinance will result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district nor any non-permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance.

4. Application and Standards for Variances.

The variance from the terms of this Ordinance shall not be granted by the Board

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of Zoning Appeals unless and until a written application for variance is submitted to the Code Enforcement Officer and the Board of Zoning Appeals containing:

- a. Name, address, and phone numbers of applicants.
 - b. Legal description of property.
 - c. Description of nature of variance requested.
 - d. Fees to be established by City Commission.
 - e. A narrative statement demonstrating the requested variance conforms to the following standards:
 - (1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and are not applicable to other lands, buildings, or structures in the same district.
 - (2) That a literal interpretation of the provisions of this Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - (3) That special conditions and circumstances do not result from the actions of the applicant.
 - (4) That granting the variance as requested will not confer on the applicant any special privilege that is denied by this Ordinance.
 - f. A list of all property owners within 200 feet contiguous to and directly across the street from the parcels proposed to be rezoned and others with substantial interest in the case.
5. Public Hearing by the Board of Zoning Appeals.
The Board of Zoning Appeals shall hold a public hearing within forty-five (45) days after the receipt of an application for an appeal or variance from the Code Enforcement Officer or applicant.
6. Notice of Public Hearing in Newspaper.
Before holding the public hearing required in **Article I, Section G-5**, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the City of Gallipolis at least ten (10) days before the date of the hearing. The

notice shall set forth the time and place of the public hearing and the nature of the proposed appeals or variances.

7. Notice of Parties and Interests.

Before holding the public hearing, written notice of such hearing shall be mailed by the Board of Zoning Appeals by first class mail at least ten (10) days before the day of the hearing to all property owners of adjoining property or that own property within two hundred feet (200') of the affected lot or parcel. The address of such owners appearing on the Gallia County Auditor's tax list or the Gallia County Treasurer's mailing list shall be used. The notice shall contain the same information as required notices published in newspapers specified in **Article I, Section G-6.**

8. Action by the Board of Zoning Appeals.

Within thirty (30) days after the public hearing required in **Article I, Section G-5,** the Board of Zoning Appeals shall either approve, approve with supplementary conditions, or disapprove the request for appeal or relief through variance. If the request for appeal or variance is denied, the applicant may seek relief through the Court of Common Pleas.

H. PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USES.

1. Purpose.

An increasing number of new kinds of uses are appearing daily and many of these and some other more conventional uses possess characteristics so unique and special in nature, relative location, design, size, method of operation, or circulation in public facilities that each specific use must be considered individually. These specific uses, as they are conditionally permitted under the provisions of **Article II,** shall follow procedures and requirements set forth in the following Section:

2. Contents of Application for Conditional Use Permit.

An application for conditional use permit shall be filed with the Code Enforcement Officer by at least one (1) owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

- a. Name, address, and phone number of the applicant.
- b. Legal description of the property.

- c. Description of existing use.
- d. Present zoning district.
- e. Description of proposed conditional use.
- f. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access, traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and other such information as the Commission may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance.
- g. Fee to be established by the City Commission.
- h. A narrative statement evaluating the economic effects on the adjoining property; the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property and discussion of the general compatibility with adjacent and other properties in the district.

3. General Standards Applicable to All Conditional Uses.

In addition to the specific requirements for additional permanent uses, the Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- a. Will be harmonious and in accordance with the general objectives or any specific objective of the City of Gallipolis.
- b. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the area and that such use will not change the essential character of the same area.
- c. Will not be hazardous or disturbing to existing or future neighboring uses.
- d. Will be served adequately by essential public facilities and services.
- e. Will not create excessive additional requirements at public costs for public facilities and services and will not be detrimental to the economic welfare

of the community.

- f. Will not involve the excessive production of traffic, noise, smoke, fumes, glare, or odors.
 - g. Will have vehicular approaches to the property designed not to create an interference with traffic.
 - h. Will not result in destruction, loss, or damage of natural, scenic, or historic feature of major importance.
4. Public Hearing, Notification, and Action by the Planning Commission.
The Planning Commission shall hold a public hearing, notify appropriate parties by mail and take action within a specified period of time in accordance with the procedures specified in **Article I, Section F-6,7.**
5. Action by the Planning Commission.
Within forty-five (45) days after the public hearing, the Planning Commission shall either approve, approve with conditions, or disapprove the application for a conditional use permit. If the request for the conditional use is denied, the applicant may seek an appeal through the Court of Common Pleas.
6. Expiration of the Conditional Use Permit.
The conditional use permit shall be deemed to authorize only one (1) particular condition or use and said permit shall automatically expire if for any reason the conditional use shall cease for more than six (6) months. If an application is subject to conditions, the applicant shall be required to meet the conditions in order to maintain a valid permit, and failure to meet the conditions shall constitute a violation of this ordinance.

I. SITE PLAN REVIEW.

- 1. Conditions for Review.
A formal site review by the Planning Commission will be performed at the request of the Code Enforcement Officer.
- 2. Procedure for Site Plan Review.
The Code Enforcement Officer will determine the need for site plan review during the application process. Submission and review of a site plan is required before any Construction Permit may be issued. Submission and review of a site plan includes following the review procedures and submission requirements defined herein. Notwithstanding these requirements, however, at any time prior to the formal submission and review of a site plan, an applicant may, at his or her option, submit a sketch site plan for informal review and comment. The purpose

of such a sketch site plan is to provide an opportunity to conceptually discuss a proposed development and to provide general guidance to assist in the preparation of a formal site plan. A sketch site plan need not include all items described in **Article I, Section I-6**.

An applicant for formal site plan review shall file eight (8) copies of a plan with the Code Enforcement Officer along with other required documents and an application fee. For developments also requiring conditional use approval, the Planning Commission may address conditional use approval and site plan approval concurrently, and follow the procedure established in **Article I, Section H**. The Planning Commission may concurrently address the issue of site plan approval and conditional use approval.

After reviewing an application for formal site plan review for completeness and determining that the application and site plan is complete, the Code Enforcement Officer shall transmit copies of the site plan to individual departments and agencies deemed necessary to carry out an effective review. If all information required is not provided, the Code Enforcement Officer shall promptly notify the applicant of the items needed. Within forty-five (45) days following the determination that the application is complete, one (1) of the following actions shall be taken:

- a. Approval of the site plan based upon a determination that the proposed plan will constitute a suitable development and the plan meets the standards set forth in this Ordinance.
- b. Disapproval of the site plan based upon a determination that the proposed project does not meet the standards for review set forth in **Article I, Section I-5**. If the plan is disapproved, the applicant may amend and resubmit the site plan to the Planning Commission for reconsideration.
- c. Approval of the site plan subject to any conditions, modifications, and restrictions as required to ensure that the project meets the standards for review.

If the site plan is disapproved, the specific basis for such disapproval shall be provided along with a clear description of how the site plan could be modified to be acceptable.

3. Notification of Property Owners.

The Planning Commission shall notify all owners with property adjacent to the

affected site and all owners with property within two hundred feet (200') of the site ten (10) days before the meeting of the Planning Commission. Failure to notify property owners shall not invalidate any decision of the Planning Commission.

4. Submission Requirements.

A site plan shall be prepared at a scale of one inch equals fifty feet (1" = 50'); developments more than five (5) acres may be drawn at a scale of one inch equals one hundred feet (1" = 100'), with eight and one-half inches by eleven inches (8 ½" x 11") sheets as necessary for narrative. A site plan shall include all data, details, and supporting information as outlined in **Article I, Section I-6**. An additional fee may be required to defray the expenses associated with the public review of the plans, including the need to retain a registered professional engineer, architect, or landscape architect, or other professional consultant to advise the City on any or all aspects of the site plan.

5. Standards for Review.

Site plans shall be reviewed in accordance to the following criteria:

- a. Traffic: Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to the adjoining ways and properties.
- b. Parking: Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control. The Planning Commission shall also consider whether the proposed parking greatly exceeds minimum requirements and would contribute to an extensive amount of paved surfaces and storm water runoff.
- c. Services: Reasonable demands placed on municipal services and infrastructure.
- d. Pollution Control: Adequacy of methods for sewage and refuse disposal and the protection from pollution of both surface water and groundwater. This includes controlling soil erosion both during and after construction.
- e. Nuisances: Protection of abutting properties from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, storm water runoff, etc.

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- f. Existing Vegetation: Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
- g. Amenities: The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside planting, and the retention of open space.
- h. Community Character: The building setbacks, area and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding landscape.

6. Site Plan Content.

A site plan shall include the following data, details, and supporting plans. The number of pages submitted will depend on the proposal's size and complexity. All site plans shall be prepared by a registered professional engineer, architect, or landscape architect. Applicable items required for submission include:

- a. Name of the project, boundaries, and location maps showing the site's location in the City, date, north arrow, and scale of the plan.
- b. Name and address of the owner of record, developer, and seal of the engineer, surveyor, architect, or landscape architect who prepared the site plan.
- c. Names and addresses of all owners of record of abutting parcels and those parcels within two hundred feet (200') of the property line.
- d. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, and abutting land uses.
- e. The location and use of all existing and proposed buildings and structures within the development including building footprints, overhangs, site coverage, building-ground contact, and area. A brief description of the use of the site shall be included with an estimate of the number of employees.
- f. All dimensions of height and floor area and showing all exterior entrances.
- g. Illustrations of traffic movement, ingress and egress, and the location of

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all present and proposed public and private drives, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, walls, and fences.

- h. The location, height, intensity, and bulb type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures.
- i. The location, height, size, materials, and design of all proposed signage.
- j. The location of all present and proposed utility systems; including sewage or septic systems; water supply system; telephone, cable and electrical systems; and storm drainage system, including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales.
- k. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the watertable, and flooding of other properties, as applicable.
- l. Existing and proposed topography at a one foot (1') contour interval. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the one hundred (100) year flood plain, the area will be shown and base flood elevations given. This requirement shall be waived if the project involves an expansion of an existing building.
- m. A landscape plan showing all existing natural land features, trees, forest cover, and water resources, and all proposed changes to these features including size and type of plant material. Water resources will include ponds, lakes, streams, wetlands, floodplains, and drainage retention areas.
- n. For new construction or alterations to any existing building, a table containing the following information must be included:
 - (1) Area of the building to be used for a particular use such as retail operation, office, storage, etc.
 - (2) Maximum number of employees.
 - (3) Maximum seating capacity where applicable.

- (4) Number of parking spaces existing and required for the intended use.

7. Access Control Requirements.

As part of the site plan review process, access shall be reviewed relative to the distance from other drive approaches and from roadway intersections. The preferred method of providing access to parcels is to minimize or eliminate driveways by using service roads, rear access roads, or shared driveways. The Planning Commission may, as part of the site plan review process, require that driveways be moved, combined, re-aligned, or eliminated to reduce the potential for accidents.

8. Conditional Approval of Driveways.

As part of the site plan review process, the Planning Commission may approve a site plan with a specific driveway location, with the condition that an agreement be first entered into between the property owner and the City of Gallipolis requiring that if a service road is constructed in the future, or if the opportunity for a shared driveway should present itself with development of adjacent property, one (1) or more approved driveways shall be closed and measurements taken to utilize such service road or shared drive. Approval of driveways may also include restrictions on turning movements, locations, or other requirements to ensure safe and efficient traffic movement.

9. Construction and Use of Service Roads.

When a service road is required, such improvement shall be constructed by the developer of the involved property before any occupancy or use permit is granted. When a service road is provided, all access to an adjacent property shall use that service road and no direct access to the main thoroughfare shall be provided.

10. Traffic Impact Study.

A traffic impact study shall be a requirement for site plan review if the expected trip generation of the use is one hundred (100) or more cars per hour as identified in the Institute of Traffic Engineers (ITE) Manual. A traffic impact study shall be prepared by a qualified professional engineer at the developer's expense. The traffic impact study shall investigate the feasibility and benefits of improvements such as signals, turn lanes, driveway movement limitations, and other relevant information to the site to protect the safety of the traveling public. The traffic impact study shall include the following elements:

- a. A description of the site and study area.

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- b. Anticipated development of adjacent parcels.
- c. Trip generation and distribution including a description of all assumptions used to generate findings of trip distribution.
- d. Modal split (if applicable).
- e. Traffic assignment resulting from the development.
- f. Projected future traffic volumes.
- g. An assessment of the impact that would result from driveway alternatives.
- h. Recommendations for site access and transportation improvements needed to maintain traffic flow within and past the site at an acceptable and safe level of service.
- i. An evaluation of the effects the proposed development will have on the level of service and roadway capacity.

11. Enforcement.

The City of Gallipolis shall require the posting of a surety bond or other similar performance guarantee to ensure that all planned changes within the public right-of-way are completed in event that the project is abandoned. The City may suspend the Construction Permit when work is not performed as required by the site plan. Site plan approval issued under this Section shall lapse within one (1) year if a substantial use thereof has not commenced, except for good cause.

J. PROVISIONS FOR OFFICIAL ZONING MAP.

1. Official Zoning Map.

The districts established in **Article II** of this Ordinance are shown on the Official Zoning Map which together with all explanatory matter therein is hereby adopted as part of this Ordinance.

2. Identification of Official Zoning Map.

The Official Zoning Map shall be identified by the signature of the President of the City Commission attested by the Clerk of the City Commission and bearing the Seal of the City of Gallipolis.

3. Interpretation of District Boundaries.

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When uncertainty exists with respect to the boundaries of any of the zoning districts that are shown on the Official Zoning Map, the following rules shall apply:

- a. Where district boundaries are indicated as approximate, following the center line of streets or highways, street line, or highway right-of-way line, such center line, street line, or highway right-of-way line shall be construed to be said boundaries.
- b. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- c. Where the district boundaries are so indicated that they are approximately parallel to the center line or street line of the streets, or the center line of the right-of-way line of highways, such district boundaries shall be construed as being parallel and at such distance therefrom as indicated on the Official Zoning Map.
- d. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad tracks.
- e. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the City of Gallipolis unless otherwise indicated.

ARTICLE II

ZONING DISTRICT REGULATIONS

A. GC GENERAL COMMERCIAL DISTRICT.

1. Purpose.

The GC General Commercial District provides for uses requiring a location with a convenient, direct, and visible access to major arterial streets with higher traffic volumes and some warehouse uses whether or not they are open to the general public and depending on site location.

2. Permitted Uses.

In the GC General Commercial District, no buildings, structures, lots, or parcels of land shall be used for any purpose except for the following:

- a. Quasi-public or public facilities, such as electric, cable, gas, and phone service and maintenance offices with no heavy equipment stored on site, unless indoors.
- b. Hotels and motels.
- c. Filling or gasoline stations.
- d. Car washes.
- e. Theaters and auditoriums, not including adult theaters.
- f. Automotive, trailer, mobile home, and farm implement sales.
- g. Retail stores including:
 - (1) Household appliances sales and service.
 - (2) Furniture stores.
 - (3) Clothing stores.

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- (4) Shoe stores.
 - (5) Variety stores.
 - (6) Discount stores.
 - (7) Hardware stores.
 - (8) Paint and wallpaper stores.
 - (9) Accessory shops.
 - (10) Pawn shops.
 - (11) Computer sales and service.
 - (12) Office equipment sales and service.
 - (13) Printing shops with and without a counter for the general public.
- h. Specialty stores and service, including:
- (1) Antique shops.
 - (2) Gift shops.
 - (3) Stationery stores.
 - (4) Magazine and book stores, not including adult bookstores.
 - (5) Video rental and sales, not including adult video stores.
 - (6) Hair cutting, tanning, or nail salons.
 - (7) Tailors and shoe repair shops.
 - (8) Dry cleaning services.
 - (9) Convenience stores with or without motor fuel for sale.
 - (10) Automotive repair services.

- (11) Shopping centers and shopping malls.
- (12) Building material retail sales.
- i. Food, beverage, and drug places, including:
 - (1) Pharmacies.
 - (2) Grocery stores.
 - (3) Specialty food stores.
 - (4) Bakeries in conjunction with retail sales.
 - (5) Restaurants with and without drive-in and drive-through services.
 - (6) Tea rooms.
 - (7) Bars or taverns, not including adult cabarets.
- j. Office uses, including:
 - (1) Engineering and architectural services.
 - (2) Banks and financial services with or without drive-through facilities.
 - (3) Doctors, dentists, chiropractors, and orthodontic offices.
 - (4) Insurance agents, brokers, and related services.
 - (5) Accounting, auditing, and other bookkeeping services.
 - (6) Other professional offices similar to those listed above.
 - (7) Veterinary offices and animal hospitals.
 - (8) Non-profit offices and service centers.
 - (9) Real estate and associated services.

- k. Utility substations, pump houses, and other public facilities.
- l. Boat building and repairing, subject to site location.
- m. River terminals, subject to site location.
- n. Boat sales, service, and storage.
- o. Wholesale produce markets.
- p. Indoor and outdoor recreational facilities.
- q. Public or private parks.
- r. Amusement arcades (**See Article III, Section A-14**).
- s. Training centers and vocational schools.
- t. Parking lots as primary use of lot.
- u. Accessory structures ordinarily incidental to the permitted uses, including drive-ins and drive-throughs.

3. Conditional Uses.

The following uses shall be allowed in the GC General Commercial District in accordance with procedures described in **Article I, Section H**.

- a. Warehouses, whether or not they are open to the general public, subject to site location.
- b. Plant nurseries and greenhouses with retail sales to the general public provided that all heating plants are located not less than two hundred feet (200') from any lot line.
- c. Any permitted use requiring outdoor display or storage at the discretion of the Code Enforcement Officer with the approval of the City Manager. (Amended by O2002-60, adopted July 16, 2002)
- d. Adult cabarets, adult bookstores, and adult video stores (**Article III, Section A-13**).
- e. Residential dwellings, except for mobile homes.

4. Development Standards.

The following development standards are required for arranging and developing

land and buildings in the GC General Commercial District.

a. Minimum yard and lot requirements:

- (1) Minimum lot area: Twenty thousand square feet (20,000 s.f.).
- (2) Minimum front or street side yard depth:
Alleys: Ten feet (10') from dedicated right-of-way.
Streets: Twenty feet (20') from dedicated right-of-way.
State Highways: Sixty feet (60') from dedicated right-of-way.
- (3) Minimum side yard: For parking and structures, ten feet (10'); for uses abutting any residential district, fifteen feet (15').
- (4) Maximum lot coverage of buildings only: Sixty percent (60%).
- (5) Maximum impervious lot coverage: Eighty-five percent (85%).
- (6) Minimum rear yard depth: Ten feet (10').

b. Building Height Regulations:

No principal structure shall exceed three (3) stories or forty-five feet (45') in height above ground level and no accessory structure shall exceed one (1) story or fifteen feet (15') in height, except as provided in **Article III, Section A-10.**

c. Site Development Requirements:

- (1) Applicable sections of the sign, parking, and subdivision regulations must be met for all permitted and conditional uses.
- (2) One (1) curb cut shall be allowed for each one hundred twenty feet (120') of width. On corner lots, one (1) curb cut is permitted for each fronting street, provided that each curb cut is at least sixty feet (60') from the right-of-way of the intersecting streets.
- (3) The site shall be designed to minimize conflict points and provide adequate on-site vehicle storage for expected peak hour use. Stacking space for automobiles utilizing drive-throughs shall be provided, identified, and separated from all other parking aisles and access drives. Parking areas including driving aisle ways shall be set back a minimum of ten feet (10') from a publicly dedicated right-of-way.
- (4) All waste containers shall be stored within a bulk waste container surrounded by a permanent screen wall not less than six (6') feet in

height.

- (5) All side and rear yards adjacent to any residential use shall be screened with a minimum continuous six foot (6') opaque wall, fence, or earth mound located no closer than three feet (3') from the property lines, unless:
 - (A) All parking and business activities are conducted at least forty feet (40') from the residential lot line.
 - (B) A strip of land not less than twenty feet (20') in width is landscaped with evergreen hedge or dense planting of evergreen shrubs not less than four feet (4') in height at the time of planting.
- (6) No screening wall or fence shall obscure traffic visibility within fifty feet (50') of an intersection. All screening walls or fences shall be maintained in good condition and shall not be used to display advertising or other signs.
- (7) When a GC General Commercial District use abuts R-1, R-2, R-3, or R-4 Residential uses, the applicant shall provide plans to create a better transition between the two uses. Acceptable plans shall include a combination of landscape barriers, increased yards, and fencing.

B. HRD - HISTORIC RESIDENTIAL DISTRICTS

1. Purpose

The HRD - Historic Residential Districts are the (2) zones of properties in the vicinity of the City Park, residential in nature, which are protected subject to City Ordinance 2001-36. All properties shall be considered "Listed Properties" per the terms of the ordinance and shall be represented on the Official City Zoning Map.

2. Permitted Uses

In the HRD - Historic Residential Districts, no buildings, structures, lots or parcels of land shall be used for any purpose except for the following:

- a. Residential dwellings, except for mobile homes
- b. Child day care centers

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- c. Community facilities
- d. Public or private parks
- e. Accessory structures ordinarily incidental to the permitted uses.
- f. Other uses which, in the judgement of the Historic Preservation Board, are within the intent of this section and of similar use.

3. Development Standards

Development standards within the HRD - Historic Residential Districts are at the discretion of the Historic Preservation Board.

C. HUSD - HISTORIC URBAN SQUARE DISTRICT

1. Purpose

The HUSD - Historic Urban Square District is the zone of properties in the vicinity of the City Park, commercial in nature, which is protected subject to City Ordinance 2001-36. All properties shall be considered "Listed Properties" per the terms of the ordinance and shall be represented on the Official Zoning Map.

2. Permitted Uses

In the HUSD - Historic Urban Square District, no buildings, structures, lots, or parcels of land shall be used for any purposes except for the following:

- a. Public libraries, municipal buildings, and community facilities.
- b. Quasi-public or public facilities, such as electric, cable, gas, and phone service and maintenance offices with no heavy equipment stored on site, unless stored indoors.
- c. Public or private parks.
- d. Hotels and motels.
- e. Training centers and vocational schools.
- f. Retail stores, including:
 - (1) Household appliances sales and service.
 - (2) Furniture stores.
 - (3) Clothing stores.
 - (4) Shoe stores.
 - (5) Variety stores.
 - (6) Discount stores.
 - (7) Hardware stores.
 - (8) Paint and wallpaper stores.
 - (9) Accessory shops.

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- (10) Small appliance repair shops.
- (11) Pawn shops.
- (12) Computer sales and service.
- (13) Office equipment sales and service.
- (14) Printing shops with or without a service counter for the general public.
- (15) Medical supplies with or without a service counter for the general public.
- g. Specialty stores and service, including:
 - (1) Antique shops.
 - (2) Gift shops.
 - (3) Stationery stores.
 - (4) Magazine and book stores, not including adult bookstores.
 - (5) Video rental and sales, not including adult video stores.
 - (6) Hair cutting, tanning, or nail salons.
 - (7) Tailors and shoe repair shops.
 - (8) Dry cleaning services.
- h. Food, beverage, and drug places, including:
 - (1) Pharmacies.
 - (2) Grocery stores.
 - (3) Specialty food stores.
 - (4) Bakeries in conjunction with retail sales.
 - (5) Restaurants without drive-in or drive through services.
 - (6) Tea rooms.
 - (7) Bars or taverns, not including adult cabarets.
 - (8) Convenience stores or carry-out stores without motor fuel sales.
- i. Office uses, including:
 - (1) Engineering and architectural services.
 - (2) Banks and other financial services.
 - (3) Doctors, dentists, chiropractors, and orthodontic offices.
 - (4) Insurance agents, brokers, and related services.
 - (5) Accounting, auditing, and other bookkeeping services.
 - (6) Non-profit offices and service centers.
 - (7) Real estate and associated services.
- j. Accessory structures ordinarily incidental to the permitted uses, except drive-in and drive-through facilities.
- k. Child day care centers
- l. Residential dwellings, except for mobile homes
- m. Parking lots as primary use
- n. Other uses which, in the judgment of the Historic Preservation Board, are within the intent of this code

3. Development Standards

The following development standards are required for arranging and developing land and structures in the HUSD - Historic Urban Square District.

- A. Minimum Yard and Lot Requirements:
 - 1. Minimum lot area: None.
 - 2. Minimum lot area per dwelling unit: Three thousand, six hundred square feet (3,600 s.f.).
 - 3. Minimum lot width: None.
 - 4. Minimum front or street side yard depth: None.
 - 5. Minimum side yard: None.
 - 6. Maximum lot coverage of buildings only: Sixty percent (60%).
 - 7. Minimum rear yard depth: None.
- B. Building Height Regulations: No principal structure shall exceed three (3) stories or forty-five feet (45') in height above ground level and no accessory structure shall exceed one (1) story or fifteen feet (15') in height, except as provided in **Article III, Section A-10**.
- C. Site Development Requirements:
 - 1. Applicable sections of the sign, parking, and subdivision regulations must be met for all permitted and conditional uses.
 - 2. The site shall be designated to minimize conflict points between pedestrian and vehicular movement.
 - 3. Outdoor trash containers shall be located and screened to conceal them from view.
 - 4. When a HUSD - Historic Urban Square District use abuts R-1, R-2, R-3, or R-4 residential uses, the applicant shall provide plans to create a better transition between the two uses. Acceptable plans shall include a combination of landscape barriers, increased yards, and fencing.
 - 5. The Historic Preservation Board enforces other development standards per City Ordinance 2001-36 .

D. LI LIGHT INDUSTRIAL DISTRICT

1. Purpose.

The purpose of the LI Light Industrial District is to provide suitable areas for the development of industrial activities. Those activities permitted by right are clean, quiet, and free of hazardous and objectionable elements relating to noise, odor,

dust, smoke, and glare; are operated within enclosed structures; and pose no hardship or burden on public utilities or service. Activities that are subject to conditional use approval shall require a conditional use permit. All industrial uses that are permitted or conditionally permitted in this zoning district are listed in this Article ,and uses that are not specifically mentioned are not permitted.

2. Permitted Uses.

In the LI Light Industrial District, no buildings, structures, lots, or parcels shall be used for any purpose except for the following:

A. Manufacturing or assembly processes which by the nature of the materials, equipment, and process used are to a considerable measure clean, quiet, and free of objectionable or hazardous elements. Manufacturing activities shall consist of the following activities and those of similar nature:

- (1) Jewelry.
- (2) Drugs.
- (3) Musical instruments.
- (4) Sporting goods.
- (5) Small household appliances.
- (6) Processing household goods.
- (7) Electronic components or equipment.
- (8) Research and testing laboratories.

B. Lumber storage and dealers.

C. Contractor's yards and offices.

D. Warehouses, including wholesale warehouses.

E. Printing and publishing plants.

F. Carting or hauling.

G. Grain and feed dealers.

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- H. Bottling or canning plants.
- I. Automotive and other repair and temporary storage.
- J. Stone monument works and sales.
- K. Wireless telecommunication facilities (**See Article III, Section A-8**).
- L. Quasi-public or public facilities such as electric, cable, gas, phone service and maintenance offices with or without heavy equipment storage.
- M. Parking lots as a primary use of lot.
- N. Utility substations, pump houses, and other public facilities.
- O. Accessory structures ordinarily incidental to the permitted uses, including drive-in and drive-through facilities.

3. Conditional Uses.

The following uses shall be allowed in the LI Light Industrial District in accordance with procedures described in Article I, Section H.

- A. Railroad yards and terminal facilities.
- B. Manufacture of pottery or ceramic products.
- C. Laundry, cleaning, dyeing works, carpet, and rug cleaning.
- D. Any process, which by its nature, emits excessive noise, smoke, dust, odor, or suffers from danger of explosion or fire.
- E. Quarrying operations.
- F. Retail sales of goods produced on or off the premises.
- G. Gas and oil well drilling.
- H. Storage of recyclable materials.
- I. Storage tanks and similar storage structure.

J. Waste disposal or incineration facilities.

K. Residential dwellings, except for mobile homes.

4. Development Standards:

The following minimum standards are required for arranging and developing land and buildings in the LI Light Industrial District:

A. Yard and Lot Requirements:

- (1) Minimum Lot Area: None, except that the lot size shall be adequate to meet all yard and parking requirements.
- (2) Minimum Lot Width: None, except that all lots must abut a public street and have adequate width to meet parking and yard space requirements.
- (3) Minimum Front Yard or Street Side Yard Depth: Structures shall be set back from all street rights-of-way a minimum of thirty feet (30'); forty feet (40') if located on an arterial street. Parking areas shall be set back at least ten feet (10') from a public right-of-way.
- (4) Minimum Side: Fifteen feet (15') for parking areas and structure; twenty feet (20') if adjacent to any uses other than LI Light Industrial uses; and one hundred feet (100') if adjacent to a residential use.
- (5) Minimum Rear Yard: Fifteen feet (15') in all other cases for principal and accessory structures and parking; twenty feet (20') when abutting residential districts.
- (6) Maximum Lot Coverage: Main and accessory structures shall occupy no more than fifty percent (50%) of the lot nor in total gross floor area exceed eighty percent (80%) of the lot. For all structures, parking, open service areas, and outdoor storage, maximum lot coverage shall be eighty-five percent (85%). The remainder of the site shall be landscaped.

B. Building Height Regulations:

No principal structure shall exceed three (3) stories or forty-five feet (45') in height above ground level and no accessory structure shall exceed one

(1) story or fifteen feet (15') in height, except as provided in Article III, Section A-10.

C. Site Development Requirements:

- (1) Applicable sections of the sign, parking, and subdivision regulations must be met for all permitted and conditional uses.
- (2) All open service areas, outdoor storage areas, or loading docks shall be screened by walls or fences six foot (6') minimum height to effectively conceal such operations from adjacent streets or adjacent property owners and uses.
- (3) One (1) curb cut shall be allowed for each one hundred twenty feet (120') of width. On corner lots, one (1) curb cut is permitted for each fronting street, provided that each curb cut is at least sixty feet (60') from the right-of-way of the intersecting streets.
- (4) All waste containers shall be stored within a bulk waste container surrounded by a permanent screen wall not less than six (6') feet in height.
- (5) The site shall be designed to minimize conflict points between pedestrians and vehicles and provide adequate on-site vehicular storage for employees and visitors.
- (6) All applicable State of Ohio air and water quality standards shall be considered as district regulations upon permitted or conditional uses.
- (7) A descriptive text shall indicate the nature of the activity to be carried on and expected levels of noise, dust, smoke, glare, odor, or vibration to result from the normal operation of such activity. Further information as required by the Planning Commission shall be submitted either in text or on plans.
- (8) All side and rear yards adjacent to any residential use shall be screened with a minimum continuous six foot (6') opaque wall, fence, or earth mound located no closer than three feet (3') from the property lines.

E. MHP MANUFACTURED HOME PARK DISTRICT.

1. Purpose.
The MHP Manufactured Home Park District is hereby created to provide appropriate locations for manufactured home parks.
2. Approval Procedure.
Manufactured home parks shall be located only in the MHP district and shall be developed according to the standards and regulations stated in this Article. The procedure to amend the City Zoning Map to establish an MHP District is the procedure for amendments specified in **Article I, Section F.**
3. General Standards for Manufactured Home Parks.
The Planning Commission and City Commission shall review the particular facts and circumstances of each proposed manufactured home park development in terms of the following standards before amending the City Zoning Map and establishing an MHP District:
 - A. The proposed park will be served adequately by essential public facilities and services such as highways, streets, drainage, refuse disposal, schools, police and fire protection or that persons involved in the establishment of the park will provide such services adequately.
 - B. The vehicular approaches to the proposed park property will be so designed as not to create traffic interference or congestion on the surrounding public streets or roads.
 - C. The establishment of the proposed park will not result in the damage, destruction, or loss of any natural, scenic, or historic features of major importance.
 - D. The establishment of the proposed park will not be demonstrably detrimental to the value of the surrounding properties or the character of the adjacent neighborhood.
 - E. The establishment of the proposed park is in general conformance with the master plan.
4. Manufactured Home Park Requirements.
All manufactured home parks shall comply with the requirements of **Ohio Administrative Code Chapter 3701** promulgated by the Ohio Public Health Council in accordance with **Chapter 3733 of the Ohio Revised Code.**

F. NC NEIGHBORHOOD COMMERCIAL DISTRICT.

1. Purpose.
The NC Neighborhood Commercial District provides an area for small-scale businesses, that primarily service the immediate neighborhoods, and do not

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normally attract a city-wide clientele. In order to minimize the impact of traffic on adjacent neighborhoods, a limit on the size of useable floor space has been imposed.

2. Permitted Uses.

In the NC Neighborhood Commercial District, no buildings, structures, lots, or parcels of land shall be used for any purpose except for the following:

- A. Churches and places of worship.
- B. Public libraries, municipal buildings, and other community facilities.
- C. Retail stores, including:
 - (1) Household appliances sales and service.
 - (2) Furniture stores.
 - (3) Clothing stores.
 - (4) Shoe stores.
 - (5) Variety stores.
 - (6) Discount stores.
 - (7) Hardware stores.
 - (8) Paint and wallpaper stores.
 - (9) Accessory shops.
- D. Specialty stores and service, including:
 - (1) Antique shops.
 - (2) Gift shops.
 - (3) Stationery stores.
 - (4) Magazine and book stores, not including adult bookstores.
 - (5) Video rental and sales, not including adult video stores.
 - (6) Hair cutting, tanning, or nail salons.
 - (7) Laundromats.
 - (8) Dry cleaning services.

- (9) Tailors and shoe repair shops.
- E. Food, beverage, and drug places, including:
 - (1) Pharmacies.
 - (2) Grocery stores.
 - (3) Specialty food stores.
 - (4) Bakeries in conjunction with retail sales.
 - (5) Restaurants without drive-in and drive-through services.
 - (6) Tea rooms.
- F. Office uses, including:
 - (1) Engineering and architectural services.
 - (2) Banks and other financial services.
 - (3) Doctors, dentists, chiropractors, and orthodontic offices.
 - (4) Insurance agents, brokers, and services.
 - (5) Accounting, auditing, and other bookkeeping services.
 - (6) Non-profit offices and service centers.
 - (7) Real estate and associated services.
 - (8) Quasi-public or public facilities, such as electric, cable, gas, phone service, and maintenance offices with no heavy equipment stored on site, unless stored indoors.
- G. Accessory structures ordinarily incidental to the permitted uses, except for drive-in and drive-through facilities.

3. Conditional Uses.

The following uses shall be allowed in the Neighborhood Commercial District in accordance with procedures described in Article I, Section H.

- A. Child day care.
- B. Residential as a secondary use to a primary building that has a business

storefront, subject to the following conditions:

- (1) The objective of this use is to encourage redevelopment and maintenance of the older building stock in Gallipolis. Although the applicant will not be prohibited from submitting plans for new buildings for which the applicant would like to seek a permit for this conditional use, the applicant shall be aware that the City shall show preference to those requests that meet the overall objective of this conditional use.
- (2) The applicant shall provide a plan for safe pedestrian access for residents of the intended building and patrons of the businesses of the same building. A reduction in the number of apartments or limitations on the type of business permitted in the building may be imposed to create a safer environment for both uses.
- (3) The intended business use of the building may be restricted in order to minimize health hazards and noise levels, even if the use is permitted in the district.

C. Drive-ins and drive-throughs as an accessory use.

D. Other residential dwellings, except for mobile homes.

4. Development Standards.

The following development standards are required for arranging and developing land and buildings in the Neighborhood Commercial District.

a. Minimum Yard and Lot Requirements:

- (1) Minimum lot area: None.
- (2) Minimum lot area per dwelling unit: Three thousand square feet (3,600 s.f.).
- (3) Minimum lot width: None.
- (4) Minimum front or street side yard depth: None.
- (5) Minimum side yard: None.

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- (6) Maximum lot coverage of buildings only: Sixty percent (60%).
 - (7) Minimum rear yard depth: None.
 - (8) Maximum size for a single business: Seven thousand five hundred square feet (7,500 s.f.) of usable floor space.
- b. **Building Height Regulations:**
No principal structure shall exceed three (3) stories or forty-five feet (45') in height above ground level and no accessory structure shall exceed one (1) story or fifteen feet (15') in height, except as provided in **Article III, Section A-10.**
- c. **Site Development Requirements:**
- (1) Applicable sections of the sign, parking, and subdivision regulations must be met for all permitted and conditional uses.
 - (2) The site shall be designed to minimize conflict points between pedestrian and vehicular movement.
 - (3) Outdoor trash containers shall be located and screened to conceal them from view.
 - (4) When a Neighborhood Commercial District use abuts R-1, R-2, R-3, or R-4 Residential uses, the applicant shall provide plans to create a better transition between the two (2) uses. Acceptable plans shall include a combination of landscape barriers, increased yards, and fencing.

G. OCS OFFICE/COMMUNITY SERVICE DISTRICT.

- 1. Purpose.
The purpose of the OCS Office/Community Service District is to provide for the coordinated and logical development of office uses independent of traditional retail/commercial areas. Office/Community Service uses typically generate significantly less traffic volume than most retail/commercial uses and operate primarily during the weekdays. Because of its less intense nature, Office/Community Service uses may be used as a buffer between more intense retail and commercial uses and less intense residential uses.
- 2. Permitted Uses.
In an OCS Office/Community Service District, no buildings, structures, lots, or

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parcels shall be used for any purpose except for the following:

- A. Administrative and business offices, including:
 - (1) Banks and other financial services.
 - (2) Insurance agents, brokers, and related services.
 - (3) Real estate and associated services.

- B. Professional offices, including:
 - (1) All medical and medical-related activities, but not to include veterinary offices or animal hospitals.
 - (2) Engineering and architectural services.
 - (3) Accounting, auditing, and other bookkeeping services.
 - (4) Other approved professional offices similar to those listed above.

- C. Community service and educational needs, including:
 - (1) Hospitals.
 - (2) Elementary, secondary, or high schools, public or private, with no housing of students.
 - (3) Training centers and vocational schools.
 - (4) Libraries, museums, and art galleries.
 - (5) Churches and places of worship.
 - (6) Non-profit offices and service centers.
 - (7) Child day care centers.
 - (8) Colleges.

- D. Meeting halls, lodges, or offices of non-profit organizations or labor unions.

- E. Theaters and auditoriums, not including adult theaters.

- F. Public or private parks, playgrounds, playfields, public or private golf

courses, and country clubs.

G. Restaurants without drive-in and drive-through services.

H. Pharmacies.

I. Accessory structures ordinarily incidental to the permitted uses, except drive-in and drive-through facilities.

3. Conditional Uses.

The following uses shall be allowed in the OCS Office/Community Service District in accordance with procedures described in Article I, Section H.

A. Residential dwellings, except mobile homes.

B. Boarding or rooming houses.

C. Student dormitories, sorority, and fraternity houses.

D. Motels and hotels.

E. Convenience stores or carry-out stores without motor fuel sales.

F. Veterinary offices and animal hospitals.

G. Funeral homes and related facilities.

H. Drive-in and drive-through facilities as an accessory use to a permitted use.

I. Nursing homes.

J. Parking lots as primary use of lot.

4. Development Standards.

The following minimum standards are required for arranging and developing land and building in the OCS Office/Community Service District:

A. Yard and Lot Requirements:

- (1) Minimum Lot Area: None, except that the lot size shall be adequate to meet all yard and parking requirements.
- (2) Minimum Lot Width: None, except that all lots must abut a public street and have adequate width to meet parking and yard space requirements.
- (3) Minimum Front Yard or Street Side Yard Depth: Structures shall be set back from all street rights-of-way a minimum of thirty feet (30'); forty feet (40') if located on an arterial street. Parking areas shall be set back at least ten feet (10') from a public right-of-way.
- (4) Minimum Side (for parking areas and structure): Fifteen feet (15'); twenty feet (20') when abutting a residential district.
- (5) Minimum Rear Yard: Fifteen feet (15') when abutting a residential district; twenty feet (20') for principal and accessory structures and parking.
- (6) Maximum Lot Coverage: Main and accessory structures shall occupy no more than fifty percent (50%) of the lot nor in total gross floor area exceed eighty percent (80%) of the lot.

B. Building Height Regulations:

No principal structure shall exceed three (3) stories or forty-five feet (45') in height above ground level and no accessory structure shall exceed one (1) story or fifteen feet (15') in height, except as provided in Article III, Section A-10.

C. Site Development Requirements:

1. Applicable sections of the sign, parking, and subdivision regulations must be met for all permitted and conditional uses.
2. One (1) curb cut shall be allowed for each one hundred twenty feet (120') of width. On corner lots, one (1) curb cut is permitted for each fronting street, provided that each curb cut is at least sixty feet (60') from the right-of-way of the intersecting streets.

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3. All waste containers shall be stored within a bulk waste container surrounded by a permanent screen wall not less than six (6') feet in height.
4. The site shall be designed to minimize conflict points between pedestrians and vehicles.
5. All side and rear yards adjacent to any residential use shall be screened with a minimum continuous six-foot (6') opaque wall, fence, or earth mound located no closer than three feet (3') from the property lines, unless:
 - a. All parking and business activities are conducted at least forty feet (40') from the residential lot line.
 - b. A strip of land not less than twenty feet (20') in width is landscaped with evergreen hedge or dense planting of evergreen shrubs not less than four feet (4') in height at the time of planting.
6. No screening wall or fence shall obscure traffic visibility within fifty feet (50') of an intersection. All screening walls or fences shall be maintained in good condition and shall not be used to display advertising or other signs.

H. OS OPEN SPACE DISTRICT.

1. Purpose.
The purpose of the OS Open Space District is to protect unique natural, scenic, and open space areas while insuring adequate land is set aside for parks and recreation. In addition, the Open Space District provides protection for agricultural areas by controlling and assuring compatibility with surrounding areas.
2. Permitted Uses.
In the OS Open Space District, no buildings, structures, lots, or parcels of land shall be used for any purpose except for the following:
 - A. Agricultural uses provided any lot or parcel used for such use shall not be less than five (5) acres in size.

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- B. Plant nurseries or greenhouses provided that any greenhouse heating plant shall be located not less than two hundred feet (200') from any lot line.
- C. Nature preserves or sanctuaries.
- D. Farm dwellings and related accessory buildings as part of an active agricultural operation.
- E. Public or private golf courses.
- F. Public or private parks.
- G. Accessory structures ordinarily incidental to the permitted uses, except drive-in and drive-through facilities.

3. Conditional Uses.

The following uses shall be allowed in the OS Open Space District in accordance with procedures described in Article I, Section H.

- A. Any commercial activity that is carried on in conjunction with golf course clubhouse facilities, including golf pro shops and eating facilities.
- B. Cemeteries.
- C. Utility substations, pump houses, and other public facilities provided that such uses do not detract from the general character of the areas nor adversely impact residents.
- D. Residential dwellings, except for mobile homes.

4. Development Standards.

- A. Yard and Lot Requirements: None, except that in all applicable cases, structures must be setback from all public rights-of-way and adjacent property lines a minimum of fifty feet (50').
- B. Building Height Regulations: No principal structure shall exceed thirty feet (30') in height.

I. PD PLANNED DEVELOPMENT DISTRICT.

1. Purpose.

The purpose of the PD Planned Development District is to achieve, to the greatest possible degree, land development that is responsive to the natural and environmental assets and liabilities of a given site. The PD provides an alternative zoning category that is intended to encourage imaginative design of development. The PD should be a well-integrated development in terms of major design elements such as roads, drainage systems, utilities, and open space. The PD allows greater design flexibility so that natural features may be protected and development concentrated in an innovative and efficient manner.

2. General Requirements and PD District Designation.

Subsequent to the approval of the City Commission, the designation of PD may be applied to any existing zoning district with the limitations described herein. There are two types of PDs. A PD may be a predominantly residential development and is referred to as a PD-RS. A PD-RS may only be applied to an existing residential district. A PD may also be a mixed-use development, referred to as a PD-MX. A PD-MX may be applied to any existing non-residential zoning district. Upon the approval of the final development plan according to this Section, the City Zoning Map shall be amended to designate the property "PD-RS or PD-MX." The tract of land proposed to be developed as a PD-MX or a PD-RS must be owned, leased, or controlled by one person or single entity and must be at least five (5) contiguous acres in size.

3. Permitted Uses.

The permitted uses in both the PD-RS and PD-MX District are as set forth below:

A. Permitted Uses - PD-RS: An applicant may propose to include any mixture of permitted or conditional uses in any existing residential district, as well as land uses which are allowed as a permitted use in the NC Neighborhood Commercial district, provided that not more than twenty-five percent (25%) of the net acres in the development are devoted to non-residential uses.

B. Permitted Uses - PD-MX: An applicant may propose to include any mixture of non-residential land uses in a proposed PD-MX development provided that at least sixty percent (60%) of the net acres in the development are devoted to uses permitted in the district(s) applying to the property at the time of application.

4. General Development Standards.

The following standards represent broad parameters under which all PD developments must be designed:

- A. Central Water and Sewer Facilities: All structures in developments approved as a PD must be served by central or public water and sewer facilities.
- B. Development Layout and Design: The design and layout of all PDs shall display excellence in design by properly considering significant site features, such as topography, natural drainage patterns, roadway access, circulation, surrounding land uses, and general public welfare to result in desirable land development. Attractive landscaped buffers shall be provided between incompatible land use and activities.
- C. Front, Side, and Rear Setback Standards for Perimeter Lots: All lots that are located along the perimeter of the PD shall have minimum front, side, and rear setbacks equal to those that would normally be specified in the zoning district prevailing at the time of application for PD approval or twenty-five feet (25'), whichever is greater.
- D. Off-Street Parking and Loading Facilities: For all land uses located within the PD, the parking and loading standards contained in **Article III, Section C** shall be applied.

5. Residential (PD-RS) Development Standards.

In addition to the general development standards described in **Article II, Section M, 4-b** above, residential PDs shall meet the following development standards:

- A. Clustering Residential Development and Required Open Space: Clustering residential density is encouraged to provide required common open space. A minimum of twenty percent (20%) of the land developed for residential purposes in a PD-RS project shall be reserved for common open space. This required amount of common space shall be established as common open space under one ownership and provisions shall be established for maintenance and care. The legal articles relating to any organization of property owners in the development charged with such open space maintenance shall be submitted to the City. The City Commission may require as a condition of final approval any evidence deemed necessary to document that the required common space will remain in its stated condition as long as the development exists (including

such legal documents as deed restrictions, conservation easements, etc.).

- B. Clustering Residential Density: To achieve a clustering of residential density and to provide for the required common open space, the lot area requirements for residential land uses may be reduced from the densities required under the district(s) applying to the property at the time of application, by up to twenty percent (20%). The lot width and yard requirements for residential lots may also be reduced as needed to accommodate a variety of structural patterns, clustering designs and housing types.
- C. Residential Dwelling Types: Along with clustering residential density, a PD-RS may include a mixture of dwelling types, including single-family detached dwellings, two-family units, zero lot-line units, and multiple-family units, provided the maximum densities defined in each originally existing zoning classification is not exceeded.

6. General PD Approval Procedure.

The applicant for a PD is encouraged to informally present conceptual or preliminary plans to both the City Commission and the Planning Commission for review, prior to extensive engineering and formal submission of a final development plan. Property proposed to be developed as a PD must be rezoned to PD, and the decision to approve a final development plan and to rezone a property to PD are done concurrently.

- A. Final Plan: The applicant for a PD shall submit ten (10) copies of the proposed final plan to the Code Enforcement Officer along with the required application fee. The final plan shall include:
 - (1) The specific description of permitted, conditionally permitted, and accessory uses to be allowed in each area of the development.
 - (2) A copy of proposed deed restrictions.
 - (3) The final plan shall be drawn to illustrate:
 - (A) A survey and legal description of the proposed development site showing dimensions and bearings of the property lines; area in acres; topography (at two foot [2'] contour intervals); and existing features of the development site, including major wooded areas, streets, easements,

utility lines, and existing land uses.

- (B) The location and dimensions of all lots, setbacks, and building envelopes.
 - (C) Conceptual drawings of sewer and water facilities, as well as street and drainage systems.
 - (D) A table indicating acreage devoted to various development types.
 - (E) Landscaping plan for all buffers and other common areas.
 - (F) Architectural guidelines to apply throughout the development.
 - (G) The proposed names of all interior streets proposed for the development.
 - (H) Layout and dimensions of all parking and loading areas along with an indication of what they will be built to serve.
- (4) A description of the expected timing of the development.

In addition to the above, the City of Gallipolis may require additional information, including environmental impact studies and archaeological surveys prepared by appropriate professionals to document the impacts of the development and to address potential mitigation measures. The applicant shall be responsible for reasonable expenses incurred by the City in reviewing final development plans. Such expenses are beyond application fees established by the City, and may include professional service fees such as legal expenses or fees from other professionals, such as engineers, landscape architects, planners, or environmental scientists incurred in connection with reviewing the submitted plans.

- B. Final Plan and Rezoning Approval Procedure Process: The decision to rezone land to PD and to approve the final plan are accomplished concurrently. All PD final plan submissions are deemed to be an application for amendment to the Zoning Ordinance according to **Article**

I, Section F. All procedures (Planning Commission Review, public hearings, and action by the City Commission) shall be followed in considering an application for rezoning of the land in question to PD. Upon approval of such plan and rezoning, the City Zoning Map shall be amended to designate the project area as "PD-RS or PD-MX." Thereafter, with the concurrent approval of the rezoning and final plan pursuant to the criteria stated, all development restrictions and conditions described in the final plan shall become official requirements of the PD.

C. Criteria of Approval, Final Plan: The Planning Commission and City Commission shall review the proposed Final Plan according to the following criteria:

- (1) That the proposed development is in conformity with the goals and objectives of the comprehensive plan for the City of Gallipolis.
- (2) That the proposed development advances the general health, safety, and morals of City of Gallipolis.
- (3) That the interior road system, proposed parking, and any off-site improvements are suitable and adequate to carry anticipated traffic generated by and within the proposed development.
- (4) That any exception from standard district requirements can be warranted by design and other amenities incorporated in the final development plan, according to these PD requirements.
- (5) That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- (6) That the existing and proposed utilities, including water and sewer service and drainage plan, will be adequate for the population densities and non-residential uses proposed in the PD.

7. Amendments (Changes).

After the final development plan has been approved by the City Commission, adjustments or rearrangements of buildings, parking areas, entrances, heights, or yards may be requested by the proponents. Minor changes as defined herein are allowed, provided such requests conform to the standards established by the final development plan and this Ordinance. A minor change shall require approval by

the Planning Commission and shall include the following:

- A. Adjustments to the size and location of buildings, swimming pools, and other on-site structures provided:
 - (1) They do not result in an increase in the number of housing units approved in the final plan.
 - (2) They do not encroach materially into the established setback areas.
 - (3) They do not create a larger building mass either through an increase in their height or length that would magnify their effect on the adjoining areas.
- B. Alterations to the proposed drives and/or parking areas if they do not encroach into building areas or specified recreation areas.
- C. Adjustments in the size and location of development identification signs.

A major change is any change that does not meet the criteria above and in addition is one which would constitute a significant alteration in the basic plan design or result in a use different from those originally intended. A major change shall require submittal of a final plan as defined in **Article II, Section M-6** of that portion of the development proposed to undergo a major change.

J. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

- 1. Purpose.
The R-1 Single-Family Residential District provides an area exclusively for single-family residences on larger lots with a limited number of uses that are compatible with single-family residences.
- 2. Permitted Uses.
In the R-1 Single-Family Residential District, no buildings, structures, lots, or parcels of land shall be used for any purpose except for the following:
 - A. Single-family dwellings, except mobile homes.
 - B. Churches and places of worship provided all parking regulations are met and the site is at least three (3) acres.
 - C. Elementary, secondary, or high schools, public or private, with no housing of students provided that all the parking regulations are met and the site is at least three (3) acres.

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- D. Public or private parks, playgrounds, play fields, public or private golf courses, and country clubs.
- E. Accessory structures ordinarily incidental to the permitted uses, except drive-in and drive-through facilities.

3. Conditional Uses.

The following uses shall be allowed in the R-1 Single-Family Residential District in accordance with procedures described in Article I, Section H.

- A. Private schools with no housing of students.
- B. Child day care centers.
- C. Other public facilities, such as public libraries, municipal buildings, and community facilities subject to location, traffic consideration, and site characteristics.
- D. Customary home occupations meeting the requirements of Article III, Section B, and all sign regulations and having no adverse impact on neighboring properties subject to traffic and parking considerations.
- E. Other residential dwellings, except for mobile homes.

4. Development Standards.

The following development standards are required for arranging and developing land and buildings in the R-1 Single-Family Residential District:

- A. Minimum Yard and Lot Requirements:
 - (1) Minimum lot area: Fifteen thousand square feet (15,000 s.f.).
 - (2) Minimum lot width: One hundred feet (100').
 - (3) Minimum front or street side yard depth: Forty feet (40').
 - (4) Minimum side yard: Ten feet (10').
 - (5) Minimum rear yard depth: Forty feet (40').
- B. Accessory Buildings: The minimum side yard for all accessory buildings

within the R-1 Single-Family Residential District shall be three feet (3') with a six foot (6') minimum setback from the rear property line.

- C. Building Height Regulations: No principal structure shall exceed three (3) stories or forty-five feet (45') in height above ground level and no accessory structure shall exceed one (1) story or fifteen feet (15') in height, except as provided in Article III, Section A-10.
- D. Site Development Requirements:
 - (1) Applicable sections of the sign, parking, and subdivision regulations must be met for all permitted and conditional uses.
 - (2) A forty foot (40') minimum building setback shall be required on all arterial streets.
 - (3) Private pools are permitted in the R-1 Single-Family Residential District, subject to **Article III, Section A-3**, Private Swimming Pools.

K. R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT.

- 1. Purpose.
The R-2 Single-Family Residential District provides an area exclusively for single-family residences on smaller lots with a limited number of uses that are compatible with single-family residences.
- 2. Permitted Uses.
In the R-2 Single-Family Residential District, no buildings, structures, lots, or parcels of land shall be used for any purpose except for the following:
 - A. Single-Family dwellings, except mobile homes.
 - B. Churches and places of worship provided all parking regulations are met and the site is at least three (3) acres.
 - C. Elementary, secondary, or high schools, public or private, with no housing of students, provided that all the parking regulations are met and the site is at least three (3) acres.
 - D. Public or private parks, playgrounds, play fields, public or private golf courses, and country clubs.
 - E. Accessory structures ordinarily incidental to the permitted uses, except drive-in and drive-through facilities.

3. Conditional Uses.

The following uses shall be allowed in the R-2 Single-Family Residential District in accordance with procedures described in Article I, Section H.

- A. Child day care centers.
- B. Other public facilities, such as public libraries, municipal buildings, and community facilities, subject to location, traffic consideration, and site characteristics.
- C. Customary home occupations meeting the requirements of Article III, Section B, and all sign regulations and having no adverse impact on neighboring properties subject to traffic and parking considerations.
- D. Other residential dwellings, except for mobile homes.

4. Development Standards.

The following development standards are required for arranging and developing land and buildings in the R-2 Single-Family Residential District.

A. Minimum Yard and Lot Requirements:

- (1) Minimum lot area: Ten thousand square feet (10,000 s.f.).
- (2) Minimum lot width: Sixty feet (60').
- (3) Minimum front or street side yard depth: Twenty-five feet (25').
- (4) Minimum side yard: Ten feet (10').
- (5) Minimum rear yard depth: Forty feet (40').

B. Accessory Buildings.

The minimum side yard for all buildings within the R-2 Single-Family Residential District shall be three feet (3') with a six foot (6') minimum setback from the rear property line.

C. Building Height Regulations.

No principal structure shall exceed three (3) stories or forty-five feet (45') in height above ground level and no accessory structure shall exceed one (1) story or fifteen feet (15') in height, except as provided in Article III, Section A-10.

D. Site Development Requirements.

- A. Applicable sections of the sign, parking, and subdivision

regulations must be met for all permitted and conditional uses.

- B. A forty-foot (40') minimum building setback shall be required on all arterial streets.
- C. Private pools are permitted in the R-2 Single-Family Residential District, subject to Article III, Section A-3, Private Swimming Pools.

L. R-3 SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICT.

1. Purpose.
The R-3 Single- and Two-Family Residential District provides an area for single-family residences on small lots and allows two-family and multi-family residences by conditional use. A limited number of uses that are compatible with residential uses are also allowed.
2. Permitted Uses.
In the R-3 Single-Family Residential District, no buildings, structures, lots, or parcels of land shall be used for any purpose except for the following:
 - A. Single-Family dwellings, except mobile homes.
 - B. Churches and places of worship provided all parking regulations are met and the site is at least three (3) acres.
 - C. Elementary, secondary, or high schools, public or private, with no housing of students provided that all the parking regulations are met and the site is at least three (3) acres.
 - D. Public and private parks, playgrounds, play fields, public or private golf courses, and country clubs.
 - E. Accessory structures ordinarily incidental to the permitted uses, except for drive-in and drive-through facilities.
3. Conditional Uses.
The following uses shall be allowed in the R-3 Single-Family Residential District in accordance with procedures described in **Article I, Section H.**
 - A. Two- or Three Family dwellings, except for mobile homes.

- B. Multiple-family dwellings, except for mobile homes.
- C. Child day care centers.
- D. Other public facilities, such as public libraries, municipal buildings, and community facilities, subject to location, traffic consideration, and site characteristics.
- E. Customary home occupations meeting the requirements of **Article III, Section B** and all sign regulations and having no adverse impact on neighboring properties subject to traffic and parking considerations.
- F. Bed and breakfasts.
- G. Boarding or rooming houses.
- H. Meeting halls, lodges, or offices of private, non-profit organizations, or labor unions, not including those that are ordinarily utilized by a gainful business.

4. Development Standards.

The following development standards are required for arranging and developing land and building in the R-3 Single-Family Residential District.

A. Minimum Yard and Lot Requirements:

- (1) Minimum lot area: Five thousand square feet (5,000 s.f.).
- (2) Minimum lot width: Forty feet (40').
- (3) Minimum front: Twenty-five feet (25').
- (4) Minimum side yard: Three feet (3').
- (5) Minimum rear yard depth: Twenty-five feet (25').

B. Accessory Buildings.

The Code Enforcement Officer may issue permits for accessory buildings without Planning Commission approval.

C. **Building Height Regulations.**

No principal structure shall exceed three (3) stories or forty-five feet (45') in height above ground level and no accessory structure shall exceed one (1) story or fifteen feet (15') in height, except as provided in **Article III, Section A-10.**

D. **Site Development Requirements.**

- (1) Applicable sections of the sign, parking, and subdivision regulations must be met for all permitted and conditional uses.
- (2) A forty foot (40') minimum building setback shall be required on all arterial streets.
- (3) Private pools are permitted in the R-3 Single-Family Residential, subject to **Article III, Section A-3, Private Swimming Pools.**
- (4) Because two-family dwellings often require two (2) driveways, joint or combined driveways shall be provided wherever feasible, thus insuring maximum yard space and minimizing traffic hazards.

M. R-4 MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

1. Purpose.

The R-4 Multiple-Family Residential District provides an area for a mix of residential units, ranging from single-family to multiple-family at a higher density than the other residential districts in Gallipolis. A limited number of uses are conditionally permitted which are considered compatible with higher density residential areas.

2. Permitted Uses.

In the R-4 Multiple-Family Residential District, no buildings, structures, lots, or parcels of land shall be used for any purpose except for the following:

- A. Single-Family dwellings, except mobile homes.
- B. Two- or Three-Family dwellings, except for mobile homes.
- C. Multiple-Family dwellings, except for mobile homes.
- D. Churches and places of worship provided all parking regulations are met and the site is at least three (3) acres.

- E. Elementary, secondary, or high schools, public or private, with no housing of students, provided that all the parking regulations are met and the site is at least three (3) acres.
- F. Public and private parks, playgrounds, play fields, public or private golf courses, and country clubs.
- G. Accessory structures ordinarily incidental to the permitted uses, except for drive-in and drive-through facilities.

3. Conditional Uses.

The following uses shall be allowed in the R-4 Multiple-Family Residential District in accordance with procedures described in **Article I, Section H.**

- A. Child day care centers.
- B. Public libraries, municipal buildings, and community facilities subject to location, traffic consideration, and site characteristics.
- C. Customary home occupations meeting the requirements of **Article III, Section B**, and all sign regulations and having no adverse impact on neighboring properties subject to traffic and parking considerations.
- D. Rental offices.
- E. Nursing homes.
- F. Boarding or rooming houses.
- G. Bed and breakfasts.
- H. Meeting halls, lodges, or offices of private, non-profit organizations, or labor unions, not including those that are ordinarily utilized by a gainful business.

4. Development Standards.

The following development standards are required for arranging and developing land and buildings in the R-4 Multiple-Family Residential District.

- A. Minimum Yard and Lot Requirements:

- (1) Minimum lot area: Ten thousand square feet (10,000 s.f.).
- (2) Minimum lot area per dwelling unit: Per review/approval of Planning Commission.
- (3) Minimum lot width: One hundred feet (100').
- (4) Minimum front or street side yard depth: Twenty-five feet (25').
- (5) Minimum side yard: Fifteen feet (15') from all property lines.
- (6) Minimum distance between buildings: For two (2) or more buildings on a single lot, the distance between exterior walls shall be fifteen feet (15').
- (7) Maximum lot coverage: For structures and pavement, lot coverage shall not exceed seventy-five percent (75%).
- (8) Minimum rear yard depth: Forty feet (40').

B. Accessory Buildings.

The minimum side yard for all accessory buildings within the R-4 Multiple-Family Residential District shall be three feet (3') with a six foot (6') minimum setback from the rear property line.

C. Building Height Regulations.

No principal structure shall exceed three (3) stories or forty-five feet (45') in height above ground level and no accessory structure shall exceed one (1) story or fifteen feet (15') in height, except as provided in **Article III, Section A-10**.

D. Site Development Requirements.

- A. Applicable sections of the sign, parking, and subdivision regulations must be met for all permitted and conditional uses.
- B. A forty foot (40') minimum building setback shall be required on all arterial streets.
- C. For driveways within one (1) lot, the minimum distance between curb cuts along publicly dedicated streets shall be one hundred twenty feet (120'). A minimum number of driveways along the lot width and joint driveways between adjacent buildings are encouraged where possible.

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- D. The site shall be designed to minimize conflict points between pedestrian and vehicular movement.
- E. Outdoor trash containers shall be located and screened to conceal them from view.
- F. Private pools are permitted in the R-4 Multiple-Family Residential District, Subject to **Article III, Section A-3, Private Swimming Pools.**

ARTICLE III
SPECIAL DISTRICT REGULATIONS

A. SUPPLEMENTARY DISTRICT REGULATIONS.

1. Purpose.
The purpose of the Supplementary District Regulations is to assess specific conditions on various uses or classification of uses in areas where problems are frequently encountered.

2. Dwelling Unit Conversions.
A residence may not be converted to accommodate an increased number of dwelling units, unless:
 - A. The yard dimensions still meet the yard dimensions required by the Official Zoning Ordinance or the Planning Commission for new structures in that district.
 - B. The lot area per family equals the lot area requirements for new structures in that district.
 - C. The conversion is in compliance with all of the relevant codes and ordinances.

3. Private Swimming Pools.
Wading or swimming pools in residential areas that are designed to hold less than three thousand (3,000) gallons of water are excluded from this Ordinance, whether or not they are considered portable. All other private swimming pools are permitted as an accessory use to a primary dwelling and shall be subject to the following conditions and requirements:
 - A. The pool is intended to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
 - B. Pools shall not be permitted in the front yard of any residential lot.

- C. It is not closer than ten feet (10') to any property line measured from the water edge. Accessory buildings shall maintain the minimum side yard required.
 - D. The swimming pool area or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access by children. The fence or wall shall not be less than six feet (6') in height and shall be secured and maintained in good condition.
- 4. Tennis Courts.
Tennis courts may be located in any rear yard within three feet (3') of the property line. Such courts may be fenced with a chain link fence up to ten feet (10') in height at the court's perimeter. Any fence over six feet (6') in height shall be planted with large shrubs in sufficient quantities to screen and filter the view of the fence from neighboring property. Tennis court lighting, sufficient to permit night play, may be permitted upon application if it is reviewed and approved by the Board of Zoning Appeals.
- 5. Community or Club Pools.
Community or club pools shall comply with the following conditions and requirements:
 - A. The pool is intended solely for the enjoyment of the members and families and guests members of the association or club of whose ownership or jurisdiction the pool is operated.
 - B. The pool and accessory structures, including the areas used by bathers, shall not be closer than fifty feet (50') to any property line.
 - C. The swimming pool and all of the area used by bathers shall be walled or fenced to prevent uncontrolled access by children. The fence or wall shall not be less than six feet (6') in height and shall be secured and maintained in good condition.
- 6. Temporary Buildings.
Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work may only be permitted in any district during the period of construction and shall be removed upon completion of the construction work.
- 7. Parking and Storage of Vehicles.

Automotive vehicles or trailers of any kind without current license plates shall not be parked or stored on any residentially zoned property other than inside completely enclosed buildings. However, one (1) boat and one (1) travel trailer may be stored in the rear yard if they have a current license.

8. Satellite Dishes and Wireless Telecommunication Facilities.

Satellite dishes are subject to the following provisions:

A. **Roof-Mounted Satellite Dishes:** Satellite dishes under two feet (2') in diameter which are mounted on the roof of a building are permitted in any district as an accessory use and are also subject to the following conditions:

- (1) The use of the satellite dish is restricted to the use or enjoyment of those occupying the main building in any district. In residential districts, those satellite dishes for receiving signals shall only be permitted.
- (2) The maximum height of any satellite dish apparatus as measured from its mounting point to the highest point of the satellite dish shall not exceed three feet (3').
- (3) The satellite dish can be mounted on existing structures normally permitted in the district providing that no structure is required for proper installation and installation and receiving of signals. This dish shall be mounted in accordance with all applicable building codes.
- (4) The satellite dish shall be wired and grounded in accordance with all applicable electric codes.

B. **Other Satellite Dishes:** Satellite dishes over two feet (2') in diameter are permitted in any district as an accessory structure and are subject to the following conditions:

- (1) The use of the satellite dish is restricted to the use or enjoyment of those occupying the main building. In residential districts those satellite dishes for receiving signals shall only be permitted.
- (2) **For Residential Districts:** The maximum diameter of any ground mounted satellite dish shall not exceed six feet (6') in diameter.

- (3) For Residential Districts: Satellite dishes shall be no less than fifteen feet (15') from the rear property line, ten feet (10') from the side lot lines, and one foot (1') from any easements and shall not exceed eight feet (8') in height.
- (4) For Non-Residential Districts: Satellite dishes shall be no less than fifteen feet (15') from the rear property line, ten feet (10') from the side lot lines, and one foot (1') from any easements and shall not exceed fifteen feet (15') in height.
- (5) The satellite dish apparatus shall be painted to complement the surrounding environment and shall not bear any advertisement, lettering, or pictures.
- (6) The apparatus shall not be located in a side yard or in a front yard or between the principal building and the right-of way.
- (7) Any satellite dish mounted upon a solid concrete slab shall be constructed in such manner that it will withstand wind forces of up to eighty (80) miles an hour.
- (8) The site of the apparatus shall be screened with shrubbery and/or landscaped if mounted on the ground.
- (9) Only metal supports of galvanized construction shall be used.
- (10) Any guy wires attached to a satellite dish apparatus shall be enclosed by an approved fence.
- (11) Any driving motor shall be limited to one-hundred and ten (110) volt maximum power and shall be encased in a protective guard.
- (12) All wiring between the apparatus and any other structure shall be placed underground in approved conduit.
- (13) The satellite dish apparatus shall be bonded to an approved grounding rod.

9. Wireless Telecommunications Facilities.

In the interest of general safety and welfare of the public, all wireless

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telecommunication facilities are subject to the following conditions:

- a. Telecommunication facilities shall not be permitted within three hundred feet (300') of any residentially zoned area.
- b. All telecommunication facilities with a telecommunication tower, any guy wires, and any structures shall be surrounded by a fence at least six feet (6') in height, and the fence shall be locked to prohibit unauthorized access.
- c. All towers and fencing shall be painted to blend in with its environment and minimize its visibility unless prohibited by FCC or FAA.
- d. An evergreen screen shall be planted around the fence, with exception to the entrance, that will achieve a height of at least five feet (5') and shall be maintained by the applicant or his or her representatives.
- e. No tower shall be artificially lighted unless required by the FAA. Security lighting directed inward towards the facility is required. No trespassing or similar warning signs shall be posted around the facility with an emergency telephone number indicating the person(s) or authority to contact in the event of an emergency.
- f. Towers shall have no handholds or footholds closer to the finished grade than forty feet (40').
- g. All utility service to a facility shall be provided underground. Underground equipment shelters or support facilities are encouraged and may be required by the Planning Commission.
- h. Facilities shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance or emergency situations after construction.
- i. The applicant must agree to permit other wireless telecommunications service providers to co-locate onto the proposed facility, unless mechanical, structural, or regulatory factors prevent such co-location, on reasonable economic terms consistent with the actual capital and operating expenses of the facility, and with the construction on ongoing operation of the tower. The application shall provide documentation on this subject on request of the City of Gallipolis.

- j. equipment shelter shall exceed three hundred square feet (300 s.f.). Combined square feet of all shelters shall not exceed six hundred square feet (600 s.f.).
- k. communications towers shall not exceed two hundred feet (200') in height. Equipment shelters shall not exceed twenty feet (20') in height.
- l. If the telecommunications facility is built as an accessory use of a site, the facility shall not be located between the principal building and any public right-of-way.
- m. When a proposed wireless telecommunications facility is to include a new tower, the applicant shall submit a site plan to the City according to procedures outlined in **Article I, Section I**. In addition to information required in **Article I, Section I**, the applicant shall:
 - (1) Provide a map indicating the location of all structures and buildings and their use within three hundred feet (300') of the planned wireless telecommunications facility.
 - (2) Provide a landscape plan showing how the wireless telecommunications facility will be screened from adjoining uses.
 - (3) Provide evidence of written contact with all wireless service providers who supply service within two thousand feet (2,000') of the proposed facility. The applicant shall inquire about potential co-location opportunities at all technically feasible locations. The applicant's letters to providers as well as responses shall be required as a means of demonstrating the need for a new tower and to establish proof that a newly constructed tower is necessary since co-location of an existing tower is not feasible.
 - (4) Provide a statement of need by the applicant, clearly demonstrating why the proposed facility must be located where it is proposed and why other nearby structures cannot be used to support the proposed antenna and why a tower and the proposed site is technically necessary.
 - (5) Provide evidence of legal access to the tower site thereby maintaining this access regardless of other development that may

take place on the site.

- (6) Demonstrate that the design of the tower complies with all FCC and FAA regulations concerning radio frequency, electromagnetic emission standards, and safety.
- (7) Provide elevation plans showing the proposed telecommunications facility, and the specifications for the antenna and support structure shall be submitted. The applicant must also submit information concerning the telecommunication tower's maximum capacity in terms of antenna. The telecommunication tower design must withstand at least one hundred (100) mile an hour wind.
- (8) Submit a statement of compliance confirming that the proposed facility complies will all federal and state laws and regulations concerning aviation safety.
- (9) Submit a maintenance plan of how the facility will be maintained in the future and by whom.
- (10) Any other information deemed necessary by the Code Enforcement Officer.

10. Exceptions to Yard and Height Regulations.

In addition to all yard regulations, these provisions shall be used for interpretation and clarification:

- A. **Setback Requirements for Corner Buildings:** On a corner lot, the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which these structures are located.
- B. **Visibility at Intersections:** On a corner lot in a residential district, no object shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between the height of two and one-half feet (2-1/2') and ten feet (10') above the centerline grades of the intersecting streets and the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty feet (50') from the point of intersection. Such a violation shall be considered an abatable nuisance.
- C. **Fence and Wall Restrictions in Front Yards:** In any required front yard, no

fence or wall shall be permitted which impedes vision across such yard above the height of two and one-half feet (2-1/2') and no hedge or vegetation shall be permitted which materially impedes vision across such yard between the height of two and one-half feet (2-1/2') and ten feet (10'). Screening devices up to six feet (6') in height shall be permitted in the remaining yards. Such a violation shall be considered an abatable nuisance.

- D. Architectural Projections: Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered a part of the building to which they are attached and shall not project into the required minimum front, side, or rear yard.

11. Exceptions to Height Regulations.

All buildings or structures shall comply with the regulations set forth in each district with the exception of spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will create a hazard to the safe approach and take-off of aircraft at an established airport.

12. Environmental Standards.

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, obnoxious, or otherwise objectionable conditions which could adversely affect surrounding areas except that any use permitted by this Ordinance may be undertaken and maintained with acceptable measures and safeguards to reduce dangerous and objectionable conditions as established by the following performance standards:

- A. Fire Hazards: Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire prevention equipment and by such safety devices that are normally used in the handling of such material. These hazardous areas shall be kept from adjacent activities at a sufficiently safe distance.
- B. Radioactivity or Electrical Disturbance: No permitted activity shall emit dangerous radioactivity at any point or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the source of such disturbance.

- C. Noise: Objectionable noise due to volume, frequency, or beat shall be muffled or otherwise controlled.
 - D. Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
 - E. Air Pollution: No pollution of air by fly ash, dust, paper, odors, smoke, or other substance shall be permitted which is harmful to health, animals, vegetation, or other property or which can cause excessive soiling. Air pollution shall be subject to the regulations established by the Ohio Environmental Protection Agency.
 - F. Glare: No direct or reflected glare shall be permitted which is visible from any property outside of an industrial district or from any street.
 - G. Erosion: No erosion by either wind or water shall be permitted which will carry an objectionable substance onto neighboring properties.
 - H. Water Pollution: Water pollution shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency and other federal and state regulatory agencies.
13. Adult Cabarets, Adult Bookstores, and Adult Video Stores.
In addition to complying with all regulations within the district where they are located, all adult cabarets, adult bookstores, and adult video stores (also called adult businesses) shall comply with the following criteria:
- A. No adult business shall be permitted in a location that is within one thousand five hundred feet (1,500') of another adult business.
 - B. No adult business shall be permitted in a location that is within one thousand feet (1,000') of any church, public or private school, park, playground, or any social services facility or neighborhood center.
 - C. No adult business shall be permitted in a location that is within five hundred feet (500') of any residence or any residential district.
14. Amusement Arcades.
In addition to complying with all regulations within the district where they are located, all amusement arcades shall comply with the following criteria:

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- A. An adult who is eighteen (18) years of age or over shall supervise the amusement arcade at all times during its hours of operation.
- B. It shall be the obligation of the exhibitor of an amusement arcade to maintain peace and quiet and order in and about the premises. Failure to do so shall constitute a nuisance.
- C. Coin operated amusement machines shall be placed at least two feet (2') apart, and have four feet (4') of free space in front of the machine, separate and apart from the walking aisles.
- D. The applicant shall provide evidence that the structure meets the minimum requirements of the appropriate electrical and fire codes.
- E. If the place of business or premises for which an amusement arcade is proposed is a free standing building, an exterior lighting plan must be approved by the Planning Commission.
- F. In establishments that serve alcoholic beverages, any area containing amusement devices shall be visually separated from that portion or portions of the establishment wherein alcoholic beverages are served or sold for carrying out of the premises.
- G. No amusement arcade may be established, operated, or maintained in any place of business or on any premises that is within five hundred feet (500') of any adult business, or within one thousand feet (1,000') of a school.
- H. The applicant shall be required to file a copy of a license to operate and exhibit amusement devices and a notarized statement that the applicant shall not permit any school-aged person fourteen (14) years of age or younger to operate any devices on the premises before 4:00 p.m. on days when school is in session.

B. HOME OCCUPATIONS.

1. Purpose.

The purpose of this Section is to permit certain home occupations as accessory uses in dwelling units as long as they are clearly incidental and secondary to the use of the dwelling and do not change the character or adversely affect the uses permitted in the residential district of which it is a part. In general, home occupation is an accessory use located and conducted so that the average neighbor, under normal circumstances, would not be aware of its existence other than for some form of outside identification.

2. Permit Required.

All persons wishing to conduct a home occupation shall apply for a permit from the Code Enforcement Officer, submitting all information necessary to show that the provisions of this Section are met. Following inspection of the property, the Code Enforcement Officer may issue a temporary accessory home occupation permit for a period of not more than two (2) years. On expiration of this permit, the Code Enforcement Officer may issue a new permit if all conditions of this Section continue to be complied with. Said permit may be revoked at any time should the Code Enforcement Officer determine that the conditions of this Section are not being met.

3. Performance Standards.

A. Employees: No person other than members of the family residing on the premises shall be employed in the home occupation.

B. Incidental and Subordinate: The home occupation shall be clearly incidental and subordinate to the home's use for residential purposes and on an average not more than twenty-five percent (25%) of the total floor area of the dwelling unit shall be used in conducting the home occupation. Larger areas of the home may be used to carry on the home occupation as long as the use is clearly incidental, subordinate to the primary residential use and these larger areas of the home are used for conducting a home occupation only on an infrequent basis (e.g., meetings or group sessions).

C. Use of Accessory Building: Except as outlined below or for outdoor play space for child care, all home occupations shall be conducted entirely within a principal structure. No home occupation shall be permitted in any accessory building. The Planning Commission may permit the storage of sample sales materials in garages by manufacturers, sales

representatives, or the use of a garage for pottery, minor woodworking activities, or other arts and crafts materials. Machine tool-type operations and any form of vehicle or equipment repair in an accessory structure within a residential structure is prohibited.

D. Exterior Evidence of Business: There shall be no exterior evidence of conduct of a home occupation other than the presence of a non-illuminated sign permitted in Article III, Section E-4a.

E. Traffic:

(1) All parking for the home occupation shall be located off-street and shall not be located in any front yard except within the driveway.

(2) The conduct of a home occupation shall not reduce or render unusable areas provided for required off-street parking.

(3) Traffic generated by home occupation shall not exceed the volume normally expected for residents in a residential neighborhood which for the purpose of this Ordinance means up to eight (8) trips per day.

C. OFF-STREET PARKING AND LOADING REQUIREMENTS.

1. Off-Street Parking.

A. Purpose: The purpose of the off-street parking regulations is to assure the provisions of adequate vehicle storage and circulating space that does not interfere with traffic movement on City streets and adversely affect surrounding uses.

B. General Standards: In all zoning districts, except the Urban Square Commercial District (USC), no building shall be erected, structurally altered, or changed in use unless permanently maintained off-street parking spaces have been provided in accordance with Article III, Section C-1 and C-2.

(1) Whenever a building or structure is changed or enlarged in floor area, number of employees, number of housing units, or seating capacity, additional parking spaces shall be provided on the basis of the enlargement or change. If enlarged fifty percent (50%) or more in floor area, number of employees, number of housing units, seating capacity, or otherwise, the structure shall comply with the full parking requirements.

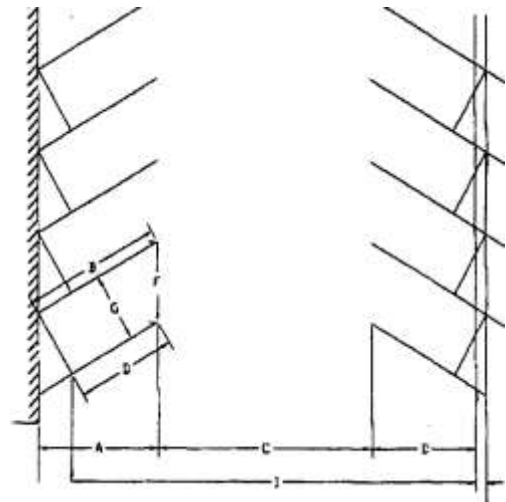
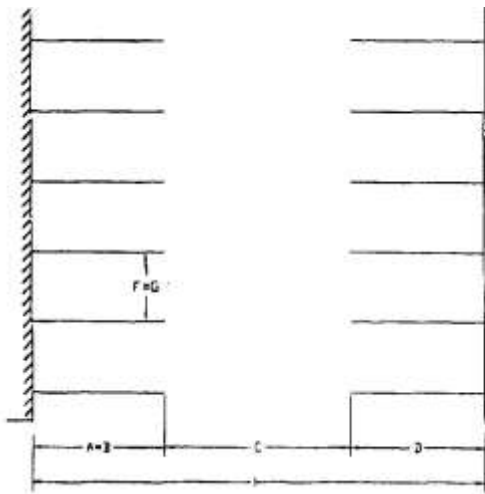
(2) A minimum of two (2) handicapped spaces per lot or three percent (3%) of the total number of spaces, whichever is greater (rounded

to the next whole number), shall be provided.

C. Specific Standards: (Amended by O2002-60, adopted July 16, 2002)

(1) Parking Space and Aisle Dimensions:

Dimensions	45 Angle	60 Angle	75 Angle	90 Angle
A. Stall Depth to Wall	19'	20'	19.5'	18'
B. Stall Depth Parallel to Vehicle	18'	18'	18'	18'
C. Aisle Width	12'	18'	22'	25'
D. Stall Depth to Interlock	17'	18.5'	18.5'	18'
E. Stall Depth Reduction Due to Interlock	2'	1.5'	1'	0'
F. Stall Width Parallel to Aisle 1	12.7'	10.4'	9.3'	9'
G. Stall Width Perpendicular to Vehicle	9'	9'	9'	9'
H. Module Width Wall to Wall	50'	58'	61'	61'
I. Module Width Interlock to Interlock	46'	55'	59'	61'



(2) Exceptions to Parking Standard Dimensions

- (1) Where natural and/or man-made obstacles, obstructions or other features such as but not limited to landscaping, support columns, or grade difference exist, the City may approve a reduction in stall width, stall length and/or module width as part of the site plan review process. In all instances where a reduction is requested, attention to emergency vehicle access shall be considered and incorporated into the parking lot design.

2. Number of Parking Spaces Required:

The following minimum number of off-street parking spaces are required by use:

A. Dwellings and other living facilities.

- (1) For new single-, two-, and multiple-family, the requirement shall be two (2) per dwelling unit.
- (2) For boarding and rooming houses, the requirement shall be one (1) per each sleeping room.
- (3) For student dormitories, sorority and fraternity houses, the requirement shall be one (1) space per bedroom or sleeping room.
- (4) For manufactured homes, the requirement shall be two (2) spaces per each unit.
- (5) For nursing homes, the requirement shall be one (1) space per ten (10) patient beds, plus one (1) space per employee on the largest shift, plus one (1) space per staff member and visiting doctor.
- (6) For hotel or motel, the requirement shall be one (1) space per room plus one (1) space per every three (3) employees on the largest shift.

B. Commercial.

- (1) For funeral homes, the requirement shall be one (1) space per four (4) parlor seats or twenty-five (25) per chapel unit, whichever is greater.

- (2) For a grocery store, the requirement shall be one (1) space per two hundred square feet (200 s.f.) of gross floor area involved with customer service and one (1) space per two hundred square feet (200 s.f.) of gross floor area in storage.
- (3) For restaurants with or without drive-ins and drive-throughs, the requirement shall be one (1) space per four (4) patron seats or one (1) space per two hundred square feet (200 s.f.) of gross floor area, whichever is greater, plus one (1) space per employee.
- (4) For fast food restaurants, the requirement is one (1) space per fifty square feet (50 s.f.) of gross floor area, plus one (1) space per employee on the largest work shift, plus five (5) off-street waiting spaces per drive-in lane.
- (5) For bars or taverns not including adult cabarets, the requirement is one (1) space per fifty square feet (50 s.f.) plus, one (1) space per employee on the largest shift.
- (6) For automotive, trailer, mobile home, and farm implement sales, the requirement is one (1) space per one thousand five hundred square feet (1,500 s.f.) of gross floor area.
- (7) For automotive repair services, the requirement is one (1) space per four hundred square feet (400 s.f.) of gross floor area, plus one (1) space per employee on the largest work shift.
- (8) For haircutting, tanning, and nail salons, the requirement is three (3) spaces per operator or one (1) space per one hundred square feet (100 s.f.) of gross floor area, whichever is larger, plus one (1) space per employee on the largest shift.
- (9) For shopping centers and shopping malls, the requirement is one (1) space per two hundred-fifty square feet (250 s.f.) of gross floor area.
- (10) For theaters and auditoriums, not including adult theaters, the requirement is one (1) space per three (3) patrons based on the maximum seating capacity.

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- (11) For boat building and repairing, the requirement is one (1) space per three hundred square feet (300 s.f.) of gross floor area, plus one (1) space per employee on the largest work shift.
- (12) For convenience stores or carry-out stores without motor fuel sales, the requirement is one (1) space per one hundred square feet (100 s.f.) of gross floor area.
- (13) For other commercial uses, the requirement is one (1) space per two hundred fifty square feet (250 s.f.) of gross floor area, plus one (1) space per employee on the largest shift.

C. Office.

- (1) For banks and other financial services, the requirement shall be one (1) space per two hundred fifty square feet (250 s.f.) of gross floor area plus five (5) off-street waiting spaces per drive-in lane, plus one (1) space per employee on the largest shift.
- (2) For doctors, dentists, chiropractic, and orthodontic offices, the requirement is five spaces per doctor.
- (3) For other office uses, the requirement is one (1) space per two hundred-fifty square feet (250 s.f.) of gross floor area.

D. Institutional.

- (1) For churches and places of worship, the requirement is one (1) space per four (4) seats of maximum capacity.
- (2) For public libraries, municipal buildings, and other community facilities, the requirement is one (1) space per two hundred and fifty square feet (250 s.f.), plus one (1) space per employee.
- (3) For quasi-public or public facilities such as electric, cable, gas, phone service offices, and maintenance offices with or without indoor storage of equipment, the requirement is one (1) space per employee on the largest shift, plus one (1) space per company vehicle normally stored on the premises.
- (4) For elementary and junior high schools, the requirement is one (1)

space per teacher and staff member, plus one (1) space per two (2) classrooms.

- (5) For senior high schools, the requirement is one (1) space per teacher and staff member on the largest shift, plus one (1) space per five (5) students.
- (6) For child day care centers, the requirement is one (1) space per teacher/employee on the largest shift, plus one (1) off-street loading space per six (6) students.
- (7) For hospitals, the requirement is one (1) space per patient bed, plus one (1) space per doctor and each employee.
- (8) For training centers and vocational schools, the requirement is one (1) space per three (3) students, plus one (1) space per employee (including faculty).
- (9) For other institutional uses, the requirement is one (1) space per two hundred fifty feet (250') of gross floor area.

E. Recreation.

- (1) For indoor and outdoor recreational facilities, the requirement is one (1) space per four (4) expected patrons at capacity, plus one (1) space per employee on the largest shift.
- (2) For community and recreation centers, the requirement is one (1) space per two hundred fifty square feet (250 s.f.) of gross floor area or one (1) space per four (4) patrons to the maximum capacity, plus one (1) space per employee on the largest shift.
- (3) For country clubs, the requirement is one (1) space per four (4) seats.
- (4) For public or private golf courses (9- and 18-holes), the requirement is forty-five (45) spaces per nine (9) holes, plus one (1) space per employee on the largest shift, plus fifty percent (50%) of the spaces otherwise required for any accessory uses (e.g. bars and restaurants).

- (5) For recreational vehicle parks, the requirement is one and one-half (1-1/2) spaces per each recreational vehicle site, plus one (1) space per employee on the largest shift.
- (6) For swimming facilities, the requirement is one (1) space per two hundred square feet (200 s.f.) of gross water area, plus one (1) space per employee on the largest shift.
- (7) For tennis, racquetball, and handball courts, the requirement is three (3) spaces per court, plus one (1) space per employee on the largest shift.
- (8) For bowling alleys, the requirement is five (5) spaces per lane, plus one (1) space per employee on the largest shift.
- (9) For marinas, the requirement is one and one-half (1-1/2) spaces per berth of ship with at least ten percent (10%) of the spaces large enough to accommodate cars with boat trailers.

F. Industrial.

- (1) For manufacturing, research, and development, the requirement is one (1) space per employee on the largest shift, plus one (1) space per company car normally stored on the premises.
- (2) For parking lots as the primary use of the lot, the requirement is one (1) space per employee on the largest shift, plus one (1) space per truck normally stored on the premises, plus (1) space per three (3) patrons.
- (3) For storage of building materials and other storage facilities, the requirement is one (1) space per employee on the largest shift, plus one (1) space per four thousand square feet (4,000 s.f.).
- (4) For warehouses, including wholesale warehouses subject to site location, the requirement is one (1) space per employee on the largest shift, plus one (1) space per four thousand square feet (4,000 s.f.) of gross floor area.
- (5) For mini-warehouses, the requirement is one (1) space per ten (10) storage areas, plus two (2) spaces per office, plus one (1) space per

twenty-five (25) storage areas located at the warehouse office.

- (6) For gas and oil drilling, the requirement is one (1) space per employee on the largest shift.

G. Agriculture and conservation related.

- (1) For agricultural uses, the requirement is one (1) space per four (4) expected patrons at capacity.

- (2) For plant nurseries and greenhouses, the requirement is one (1) space per employee on the largest shift, plus one (1) space per two hundred square feet (200 s.f.) of gross floor area of inside sales or display area.

H. Other.

- (1) For river terminals, the requirement is one (1) space per employee on the largest shift.

- (2) For airport landing fields, the requirement is one (1) space per employee, plus one (1) space per airplane hangar or tie-down area, plus fifty percent (50%) of the spaces otherwise required for any accessory use.

3. Parking Lot Design.

- A. Paving and Drainage: Off-street parking areas for more than five (5) vehicles shall be graded for proper drainage and improved with an acceptable impervious material to provide a durable and dust-free surface.

- B. Lighting: Parking areas utilized during non-daylight hours shall be properly illuminated to avoid accidents. Lights used to illuminate a parking lot shall be arranged to reflect the light away from adjoining property.

- C. Parking Space Use: Parking spaces located on a lot other than the one containing the principal use may be used with the approval of the Planning Commission provided a written agreement between the parties is filed with the application for a Construction Permit.

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- D. Location: No parking area, including access drives, shall be closer than twenty feet (20') to any dwelling unit, school, hospital, or other institution for human care located on an adjacent lot unless separated by adequate screening at seventy-five percent (75%) opacity.
 - E. Landscaping: Landscaping may be provided in lieu of such wall or fence and shall consist of a strip of land not less than fifteen feet (15') in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four feet (4') in height. In no case shall any part of a parking area be closer than one foot (1') to any established street or alley right-of-way.
4. Off-Street Loading:
- A. Purpose: The purpose of the off-street loading regulations is to assure the provision of adequate space for the loading and unloading of goods and merchandise located so as not to interfere with the surrounding areas and on-site auto and pedestrian movement.
 - B. Number of Spaces Required: One (1) off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring the delivery of goods and having a gross floor area of up to five thousand square feet (5,000 s.f.). One (1) Class A or two (2) Class B loading spaces shall be provided for each additional thirty thousand square feet (30,000 s.f.) or fraction thereof.
5. Dimensions: Each loading space shall be no less than the following:
- A. Class A Space (for semi-truck vehicles): Fourteen feet (14') minimum width, fifty-five feet (55') minimum length, fifteen feet (15') height clearance and shall not encroach on service access to neighboring facilities, loading or parking areas.
 - B. Class B Space: Twelve feet (12') minimum width, thirty feet (30') minimum length, fifteen feet (15') height clearance and shall not encroach on service access to neighboring facilities, loading, or parking areas.
6. Additional Restrictions:
- A. A loading space may occupy all or any part of any required side or rear yard space; however, no loading or unloading shall occur in the front yard.

- B. No space shall be located closer than fifty feet (50') to any other lot in any residential district unless completely enclosed or enclosed by a six foot (6') high painted solid board fence or masonry wall.

D. FLOODPLAIN REGULATIONS.

All property within the City of Gallipolis that lies within a floodplain, shall be subject to the City's current Floodplain Ordinance. (Amended by O2002-60, adopted July 16, 2002)

E. SIGN REGULATIONS.

- 1. Purpose.
The purpose of this Section is to promote and protect the health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstruction that may contribute to traffic accidents, reduce hazards caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development.
- 2. Compliance.
No sign shall be erected in any zoning district except as hereinafter provided.
- 3. General Provisions.
 - A. Height: No part of any sign shall exceed an above grade height of fifteen feet (15'). The maximum height of a sign is to be interpreted to mean that the signs may be no more than thirty feet (30') above the main roadway level.
 - B. Movement:: No sign shall incorporate movement or the illusion of movement. Flashing signs shall not be permitted.
 - C. Illumination: Internally illuminated signs shall be constructed to allow illumination of letters, numbers, or other identifying symbols only on the display surface. Internally illuminated signs shall not exceed eight hundred (800) milliamp ere fluorescent tubes mounted not closer than twelve inches (12") on the center. External illumination shall be

effectively shielded so as not to cast light onto adjoining property. No external light source shall be located or arranged to create confusion or conflict with traffic control signals.

- D. Signs by Public Right-of-Way: No signs, except exempted signs, shall be placed on or above the public right-of-way.
- E. Directory Signs: All directory signs shall be wall-mounted signs.
- F. Construction or Subdivision Signs: Signs used to advertise the erection of a building or subdivision including such information as the architect, builder, engineer, etc., shall not exceed thirty-two square feet (32 s.f.) and shall be permitted for a period of not more than thirty (30) days plus the construction period. There shall be only one (1) sign per project. Such signs shall not be closer than fifteen feet (15') to any public right-of-way. Signs larger than sixteen square feet (16 s.f.) shall not be allowed unless attached to the face of a structure.
- G. Political Signs: Political signs pertaining to the election of one (1) or more persons to public office or to one (1) or more public issues shall be erected not sooner than forty-five (45) days prior to the general or special election at which the office is to be filled or issue decided. Political signs shall not be greater than sixteen square feet (16 s.f.) in sign area as defined in Article Ail Section F, Subparagraph (8)(a) and may not be located closer than ten feet (10') to any public right-of-way. The signs shall be removed within one (1) week following the election.
- H. Marquee Signs: A sign shall be permitted to be mounted as a marquee as specified in Article I, Section B. A sign underneath a marquee shall be permitted, but shall not exceed four square feet (4 s.f.) per side or face with a maximum of two (2) faces. The sign shall be a minimum of eight feet (8') above the sidewalk surface.
- I. For Sale, Rent, or Lease Signs: Signs not exceeding sixteen square feet (16 s.f.) in area advertising the sale, rental, or lease of the premises on which a sign is located, shall be permitted on any property. Signs advertising the sale, rental, or lease of the property may be located only on the property for sale, rent, or lease. Signs advertising the sale of real estate shall not remain longer than one (1) week following the closing of said property. Real estate open house signs shall be permitted only when the property is open for inspection and shall be permitted only on the

property open for inspection.

- J. Incidental Signs: Incidental signs shall be excluded in the computation of sign area and shall not exceed twelve square feet (12 s.f.) of total area for all such signs. Placement of public utility locational signs shall be held to a minimum.
- K. Window Signs: Window signs shall be displayed only on the inside of windows and shall not occupy more than twenty-five percent (25%) of the available window area.
- L. Temporary Signs: Banners, pennants, and other decorative materials or innovative signs, and other devices shall be permitted if such banners, signs, and decorative materials are not displayed for more than three (3) days preceding the event and removed within three (3) days thereafter. Signs associated with the opening of a business may be displayed fifteen (15) days prior to the opening and fifteen (15) days thereafter. In no case shall a temporary sign be placed or extended on public right-of-way, except for publicly-owned signs. The level of illumination emitted or reflected from a temporary sign shall not be bright enough to constitute a safety hazard to vehicular movement on any street from which a sign may be viewed. Illuminating signs shall be constructed and maintained so that the source of the illumination is shielded from beaming directly into adjacent lots or streets. Also, temporary signs shall be properly constructed and maintained to ensure that no hazard is created. Banners larger than sixteen square feet (16 s.f.) shall not be permitted unless attached to the face of a structure.
- M. Roof Signs: Signs that project above the parapet wall or angle of a mansard roof or placed on the top of a building shall be prohibited.
- N. Portable Signs: Portable signs larger than eight square feet (8 s.f.) on one (1) side shall be prohibited in all zoning districts.
- O. Maintenance: All signs shall be reasonably maintained as needed.
- P. Traffic Visibility: No sign shall be erected in any manner to interfere with vehicular or pedestrian safety.

4. Residential Districts.

- A. Signs advertising home occupation shall be wall-mounted non-illuminating and not more than four square feet (4 s.f.) in area and not more than one (1) sign per building.
- B. No sign or identifying symbol denoting the name or address of an owner or a tenant of a building in any residential district in the City shall be erected that is in excess of two square feet (2 s.f.) in area. In computing the area of such sign, all faces on which symbols or letters are displayed are to be considered sign area. No permit shall be required for the erection of such sign.
- C. A simple permanent sign identifying a subdivision or other single-family or multi-family development may be erected provided that the sign is not larger than twenty square feet (20 s.f.) and is not closer than two feet (2') to any street or alley or right-of-way. In larger developments of twenty (20) or more acres, one sign not more than twenty square feet (20 s.f.) in area may be erected at each principal entrance provided the total sign area does not exceed sixty square feet (60 s.f.) for all such signs.
- D. An owner, occupant, or person having control over residential, industrial, commercial, or public building shall display the numerical address of the building in numbers not less than three inches (3") in height.

5. Neighborhood Commercial, Office/Community Service, General Commercial, and Light Industrial Districts.

- A. In the Neighborhood Commercial, Office/Community Service, General Commercial and Light Industrial Districts, each business shall be permitted one (1) wall-mounted sign. Projections of wall-mounted signs shall not exceed one foot (1') measured from the main wall of the building.
- B. The area of all permanent wall advertising signs for any single business enterprise shall be limited according to the width of the building or part of the building occupied by such enterprise. For the purpose of this Section, width shall be measured along the building face nearest parallel to the street line. In the case of a corner lot, either width may be used in determining maximum area of the sign. Such signs shall be erected on the designated width used in computing allowable sign area.

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- C. The area of all permanent advertising signs for any single building shall be equivalent to one and one-half square feet (1-1/2 s.f.) of sign area for each linear foot of width of building, but shall not exceed a maximum area of one hundred square feet (100 s.f.). In computing the area of wall signs, all faces on which advertising is displayed are considered sign area.
 - D. Free-standing advertising signs may be erected provided the sign does not exceed fifteen (15') in height and does not have a total sign area of more than one hundred twenty square feet (120 s.f.). The area of any face of said sign shall not exceed sixty square feet (60 s.f.). The sixty square foot (60 s.f.) total sign area applies whether a free-standing advertising sign is used exclusively or in conjunction with other signs and is to be located not closer than ten feet (10') to a public right-of-way or thirty-five feet (35') to an adjoining property line. There shall be not more than one (1) free-standing advertising sign per parcel.
 - E. An owner, occupant, or person having control over a residential, industrial, commercial, or public building shall display the numerical address of the building in numbers not less than three inches (3") in height.
6. Historic Districts.
New signage and sign alterations are at the discretion of the Historic Preservation Board.
7. Exemptions.
Public signs by governmental bodies and traffic control signs, commemorative plaques, and historical markers are exempt from the provisions of this sign Ordinance.
8. Notification of Non-Conformity.
Legal non-conforming signs are those which do not meet the intent and specifications of this Ordinance. Any sign which exists at the time of adoption of this Ordinance which was legally erected prior to enactment of this Ordinance, but fails to conform to the provisions specified herein, shall be regarded as a legal non-conforming sign which may be continued as long as it is kept in good repair and maintained in safe condition. The burden of establishing that any non-conforming sign is a legal non-conformity shall, in all cases, be upon the owner of such non-conformity and not upon the City of Gallipolis. A legal non-conforming sign shall immediately lose its legal non-conforming designation and must be brought into compliance with these regulations or be removed if:

- A. The sign is altered in any way in structure or copy (except for changeable copy signs and normal maintenance).
- B. The sign is relocated.
- C. The sign is replaced.
- D. The sign is part of an establishment that discontinues its operation for a period of ninety (90) consecutive days.
- E. The sign is structurally altered.
- F. The sign is reprinted (excluding normal touch up, repainting, or normal maintenance).
- G. The sign is damaged over sixty percent (60%).

9. Sign Permits.

- A. A separate permit shall be required for the erection of signs regulated in this Zoning Ordinance and larger than sixteen square feet (16 s.f.) in area, including lettering and graphics. Sign area is defined as the product of the maximum width and the maximum height of the sign frame. Frameless sign area is defined as the product of the maximum width of contiguous graphics and the maximum height of contiguous graphics.
- B. Each application for a sign permit shall be accompanied by a drawing showing the design proposed; size; style; color of letters, lines, and symbols; method of illumination; and the exact location of the sign with relation to the building. Structural details shall be provided. Commercial signs also require a state permit.

F. LANDSCAPING REQUIREMENTS.

- 1. Landscaping Required in Certain Non-Residential Districts.
Landscaping shall be provided according to the following standards for the following districts, with the new construction of any principal building:
 - A. NC Neighborhood Commercial.

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- B. USC Urban Square Commercial.
- C. OCS Office Community Service.
- D. GSC General Service Commercial.
- E. LI Light Industrial.

2. Special Exceptions.

The City shall recognize that in some cases the landscaping requirements may be difficult or impractical to meet due to specific site characteristics. In these cases, an alternate landscaping plan may be approved by the Planning Commission as part of the site plan review process.

3. Screening of Service Courts, Storage Areas, and Loading Docks.

For all uses that include areas used for service loading and unloading activities and adjoining a residential district, such areas shall be screened along the entire rear lot line and side lot lines from the rear lot line to the rear building line to the following minimum standards:

- A. The width of the screening area shall be a minimum of five feet (5'). Screening shall consist of walls, hedges, fences, vegetation, or an acceptable combination of these elements provided that screening must be at least seven feet (7') in height.
- B. Vegetation used for screening shall have a minimum opaqueness of seventy-five percent (75%) at all times within two (2) years of planting.

4. Screening of Trash Container Receptacles.

Trash containers shall be screened according to the following minimum standards:

- A. Trash containers designed to service more than one (1) residential unit or to service a non-residential structure shall be screened on three (3) sides by walls, fences, or natural vegetation or an acceptable combination of these elements.
- B. The height of such screening shall be at least six feet (6'). The maximum height of walls and fences shall not exceed ten feet (10'). Vegetation shall have a minimum opaqueness of seventy-five percent (75%) at all times within two (2) years of planting. The use of evergreen vegetation is encouraged. Vegetation shall be a variety that will attain six feet (6') in

height within two (2) years of planting.

5. Parking Lot Screening and Landscaping.

Parking lot screening and landscaping includes both perimeter screening and interior landscaping.

6. Screening of Exterior Mechanical Equipment.

Exterior components of plumbing, processing, heating, cooling, and ventilating systems (including but not limited to piping, tanks, stacks, collectors, heating, cooling, and ventilating-equipment fans, blowers, ductwork, vents, louvers, meters, compressors, motors, incinerators, ovens, etc.) shall not be directly visible at ground level. Any landscaping or structural means employed to screen exterior components of plumbing, processing, heating, cooling, and ventilating systems from direct view shall appear as integrated parts of the buildings and shall be constructed of complementary and durable materials and finished in a texture and color scheme complementary to the overall architectural design. Any exterior components of plumbing, processing, heating, cooling, and ventilating systems and their screening devices which will be visible from upper floors of adjacent buildings shall be kept to a visible minimum, shall be installed in a neat and compact fashion, and shall be painted such a color as to allow their blending with their visual backgrounds.

7. Interior Parking Area Landscaping.

Landscaping within parking areas where ground cover or upright plant material is necessary not only to reduce the generation of heat and water runoff, but to break up visually the expanse of paved areas. The use of parking islands or peninsulas strategically placed throughout the parking lot is required to landscape parking lot interiors. The use of shade trees in these landscape areas is encouraged. Except in LI District, any open parking area containing more than six thousand square feet (6,000 s.f.) of area or fifteen (15) or more parking spaces shall provide the following interior landscaping in addition to the required perimeter screening:

- A. An area equal to five percent (5%) of the total area devoted to parking spaces and parking lanes shall be landscaped and permeable.
- B. Whenever possible, large parking areas of thirty thousand square feet (30,000 s.f.) or larger shall be designed so as to break up their visual expanse and create the appearance of smaller parking lots. This distinction or separation can be achieved by interspersing yard space and buildings in strategic areas and by taking advantage of natural features

such as slope, existing woodland or vegetation, drainage courses, and retention areas.

- C. Landscaping in parking areas shall be dispersed throughout in peninsulas or islands. The minimum island or peninsula size shall be one hundred and eighty square feet (180 s.f.), with a two foot (2') minimum distance between all trees or shrubs and the edge of pavement where vehicles overhang and should have a minimum width of ten feet (10'). Islands shall typically be located every ten (10) to twelve (12) parking spaces and may be curbed.
- D. The required plant materials for the interior of parking areas shall be one deciduous tree for every three thousand square feet (3,000 s.f.). Where site distance or maneuvering conflicts exist, trees shall have a clear trunk of at least five feet (5') above the ground, and the remaining required landscape areas shall be planted with shrubs or ground cover not to exceed two feet (2') in height.

8. Plant Material Specifications.

The following Sections include specifications for plant materials. Alternatives to these materials that can be shown to meet both the intent and requirements of this Ordinance may be approved as part of a site plan:

- A. Shrubs: Shrubs shall be at least twenty-four inches (24") in height and spread at the time of planting and, where required for screening, shall form a continuous, year-round solid visual screen within five (5) years after planting.
- B. Ground Cover and Grass: Ground cover shall be planted a minimum of eight inches (8") on center and in such a manner to present a finished appearance and seventy-five percent (75%) coverage after one complete growing season. If approved as part of a site plan, ground cover may also consist of rocks, pebbles, wood chips, and other material. Grass shall be planted in species normally grown as permanent lawns.
- C. Prohibited Tree Species: Within any required landscaping, the following tree species may not be used:

Box Elder	Tree of Heaven	Catalpa
Black Walnut	Poplar	Willow
Mountain Ash	Siberian Elm	Black Locust

Hickory

Mulberry

In addition to the specific species listed above, trees which produce nuts, seeds, or fruit that can create a hazard to pedestrians or vehicles, shall not be planted in that the natural dripline of an average adult tree of the species planted will be any closer than three feet (3') of a pedestrian walkway or parking lot.

G. SIDEWALKS.

1. Sidewalks and Curbs.

All project proposals which border public streets shall show a concrete or brick sidewalk with a minimum width of four feet (4') on the Site Plan. Actual installation shall be pending site plan review. Concrete walks shall be a minimum of four inches (4") thick with reinforcement mesh. The sidewalks shall be placed to allow continuity with adjoining properties with no substantial changes in the finished elevation. Sawcuts or expansion joints shall be made at intervals of five feet (5') to ten feet (10') laterally.

Obstructions - All wiring, conduit, and similar tripping hazards shall be avoided by placing under sidewalk. Walk may be cut as large as necessary and later replaced, in-kind, with expansion joints on each end. Curbing, as required, shall tie into the outside sidewalk perimeter at a constant slope with a minimum width of eight inches (8").

SECTION 3: The zoning map which was a part of the Ordinance 98-144 and which was inadvertently not published as required under the City Charter after passage of such Ordinance, is hereby amended as provided herein as if it had been properly passed and published.

SECTION 4: That there has been sufficient and substantial compliance with the Zoning Code necessary to amend such code.

SECTION 5: This Ordinance shall take effect and be in full force and effect from and after the earliest period of time allowed by law.

PASSED: _____

ATTEST:

Clerk of the City Commission

President of the City Commission

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The foregoing Ordinance is hereby approved as to form.

Gallipolis City Solicitor