

A G E N D A
PIQUA CITY COMMISSION
MONDAY, JUNE 16, 2008
7:30 P.M.
201 WEST WATER STREET
PIQUA, OHIO 45356

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

REGULAR CITY COMMISSION MEETING

1. **APPROVAL OF MINUTES** Approval of the minutes from June 2, 2008 Regular City Commission Meeting and the June 9, 2008 Piqua City Work Session

2. **ORD. NO. 15-08** An Ordinance amending Zoning Ordinance No. 42-96
 (3rd Reading) and map of the City for the rezoning of Outlot 180 from R-1 (One Family Residential) to OS (Open Space)

3. **ORD. NO. 16-(A)-08-Tabled** An Ordinance authorizing the submission of a proposed
 (2nd Reading) amendment of Section 64 of the Piqua Charter to the Electors

4. **ORD. NO. 17-08** An Ordinance amending Sections 154.005, 154.020
 (1st Reading) through 154.026, 154.121 and 154.122 of the Piqua Code relating to residential private garages

5. **ORD. NO. 18-08** An Ordinance amending Sections 154.005 and 154.108
 (1st Reading) of the Piqua Code relating to special events signs

6. **ORD. NO. 19-08** An Ordinance amending Sections 154.127 and 154.143
 (1st Reading) of the Piqua Code relating to demolition standards

7. **RES. NO. R-64-08** A Resolution fixing the time and place for a Public
 Hearing on the proposed City Tax budget for Miami
 County for the calendar year 2009 and Draft
 Appropriation Ordinance

8. **RES. NO. R-65-08** A Resolution awarding a contract for the purchase of a
 pick-up truck for the Police Department

9. **RES. NO. R-66-08** A Resolution requesting preliminary legislation for the Ohio Department of Transportation (ODOT) to resurface State Route 185 from the Miami/Darke County line to the west corporation limit of the City of Piqua

10. **RES. NO. R-67-08** A Resolution authorizing the City Manager to enter into a lease agreement to permit the usage of a portion of Fountain Park, Hardman Field and Hance Pavilion to the Piqua Fourth of July Association

11. **RES. NO. R-68-08** A Resolution authorizing a purchase order to Warren Fire Equipment for the purchase of self contained breathing apparatus for the Fire Department

12. **RES. NO. R-69-08** A Resolution approving the fiscal year 2008 formula allocation program application

13. **RES. NO. R-70-08** A Resolution declaring and designating a blighted area in the City of Piqua, Ohio

14. **RES. NO. R-71-08** A Resolution declaring and designating a blighted area in the City of Piqua, Ohio

15. **RES. NO. R-72-08** A Resolution authorizing a contract addendum with Bollinger Enterprises to provide Administrative Services for the FY 2006 Community Housing Improvement program

16. **RES. NO. R-73-08** A Resolution awarding a contract for Engineering Design Services for the Riverside Drive Reconstruction Phase I and Broadway Avenue Reconstruction-Phase II Projects

ADJOURN

**MINUTES
PIQUA CITY COMMISSION
MONDAY, JUNE 2, 2008
7:30 P.M.**

Piqua City Commission met in Joint Session with Washington Township Trustees at 7:30 P.M. in the Municipal Government Complex Commission Chambers located at 201 W. Water Street. Mayor Hudson called the meeting to order. Also present were Commissioners Martin, Vogt, Fess, and Terry. Absent: None. Trustees Hiegel, McMaken, and Holfinger. Absent: None.

JOINT MEETING WITH WASHINGTON TOWNSHIP TRUSTEES

APPROVAL OF MINUTES

Moved by Commissioner Terry, seconded by Commissioner Martin, that the minutes of the January 7, 2008 Joint Meeting with Washington Township Trustees and Piqua City Commission be approved. Voice vote, Aye: Martin, Vogt, Terry, Hudson, Fess, Holfinger, McMaken, and Hiegel. Nay: None. Motion carried unanimously.

RES. NO. R-63-08

A resolution declaring the intention to levy a tax in excess of the ten mill limitation and requesting the Auditor of Miami County Ohio certification pursuant to Ohio Revised Code 5705.03

There was discussion of the mill limitation and how much it generates now and how much it will increase with the new levy.

Trustee Hiegel stated the levy is only asking for the continuation of the ½ mill levy already in place.

Trustee Holfinger stated we are going to contact the Auditors office to confirm the correct amount anticipated to be generated by the levy.

Finance Director Cynthia Holtzapple stated \$211,000 is the anticipated amount that the new levy will generate.

Scott Martin asked what benefits do the citizens of Piqua receive from this levy, and voiced his concerns over the levy?

Trustee Hiegel stated the fees received pay for the burial plots and the opening and closing of the graves. Over half of the total revenue comes from the levy, said Mr. Hiegel.

City Manager Enderle stated the levy pays for the operation and maintenance of the cemetery, without it they would have to look for other ways to generate funds.

Trustee Hiegel stated Forest Hill Cemetery has been in existence since the early 1800's, and explained what the levy funds would be used for. The Riverside Cemetery in Troy is a taxpayer-funded cemetery by the citizens of Troy. Forest Hill Cemetery is a union cemetery between the City of Piqua and Washington Township, said Mr. Hiegel.

Mr. Martin asked if it would be possible to make Forest Hill Cemetery a private cemetery?

Commissioner Fess stated she is a member Cemetery Board and feels the immediate withdrawal of the levy funds would be disastrous to the cemetery. Making Forest Hill Cemetery a private cemetery might be something that we could look at in the future, said Mrs. Fess.

ORD. NO. 9(A)-08
(3rd Reading)

An Ordinance repealing Schedule A of Chapter 33 of the Piqua Code and adopting a new Schedule A of Chapter 33 of the Piqua Code, relating to wages of certain Municipal Employees

Commissioner Vogt explained his previous proposal for the thirty-cent wage increase, and voiced his concern over the three-percent wage increase, and further stated it is admirable that the department heads are willing to give up their wage increase at this time.

Commissioner Terry stated the raise was considered at the budget meeting in November and we voted for it at that time, and supports it at this time.

Commissioner Vogt stated it was mentioned causally at the November Budget meetings, that there could be a possible deficit this year. But now we are in a recession and our tax base is down, and he feels it may end up in a workforce reduction before it is all over.

Commissioner Terry stated we will have to take a closer look at the budget for next year in the fall, and consider whether there should be any cost of living increases for 2009.

Commissioner Fess stated she has looked at this issue very carefully. With over 209 employees in the city, it would not be fair to the 33 employees to not receive the increase when all of the other employees have already received the increase. Mrs. Fess further stated that benefits will have to be looked at the next budget meeting, but does not think this raise is the place to start to make cuts. The City Manager and the Department Heads have declined their raise at this time and she appreciates what they have done.

Commissioner Martin stated he does not believe the employees do not deserve the raise. But we have been told that we need to generate more revenue somewhere, and maybe giving a smaller percentage increase would be better at this time, and stated he agrees with Mr. Vogt.

Commissioner Fess stated this budget deficit has not just come on this year. We received a memo in 2002 about the budget deficit, this is not something new, said Mrs. Fess.

Moved by Commissioner Fess, seconded by Commissioner Terry, that Ordinance No. 9 (A)-08 be adopted. Roll call, Aye: Hudson, Fess, and Terry. Nay, Vogt and Martin. Motion carried on a 3-2 vote. Mayor Hudson then declared Ordinance No. 9 (A)-08 adopted by a 3-2 vote.

ORD. NO. 15-08
(2nd Reading)

An Ordinance amending Zoning Ordinance No. 42-96 and map of the City for rezoning of Outlot 180 from R-1 (One Family Residential) to OS (Open Space)

Commissioner Fess asked if the applicant was aware that farms animals are not allowed in the city?

Jim Hiegel, Gordon Street, explained that there has been livestock on the land for over seventy years. The zoning changed in 1997 and there was livestock on the land until 2000.

City Manager Enderle stated the zoning change does not have anything to do with the keeping of the livestock.

Mr. Hiegel stated about half of the pasture is in the city and half is out. City Manager Enderle stated the city would look into it and get back with Mr. Hiegel

Moved by Commissioner Terry, seconded by Commissioner Martin, that Ordinance No. 15-08 be given a second reading. Mayor Hudson then declared Ordinance No. 15-08 be given a second reading.

ORD. NO. 16-08

(1st Reading)

An Ordinance authorizing the submission of a proposed amendment of Section 64 of the Piqua Charter to the electors.

Stacy Wall explained we could do three readings and still make the August deadline to the Board of Elections. Mr. Felver requested that we waive the three reading rule, so if the commission did not pass the ordinance he would have time to get out and get signatures to put it on the November ballot.

Moved by Commissioner Terry, seconded by Commissioner Vogt, to suspend the three reading rule. Voice vote, Aye: Hudson, Martin, Vogt, Terry and Fess. Nay, None. Motion carried unanimously.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to adopt Ordinance No. 16-08.

No vote was taken at this time.

Gary Felver, Park Avenue came forward and voiced his concern on the timeframe to have the amendments turned into the Board of Elections to be on the November ballot.

Law Director Wall stated she had a discussion with the Director of the Board of Elections, and the deadline is August.

City Manager Enderle stated if the City Commission passes this ordinance, it is obvious that it is their desire to put it on the ballot, and that is what will be done at this time.

Mr. Felver voiced his concern on wording of the amendment as written, and stated he would like to see it written as he submitted it two weeks ago. He would like to see Section C added to this legislation as he stated it, and was under the assumption that it would be changed, thus far it has not been changed.

Mrs. Wall explained she met with Mr. Felver and they discussed Section C, and she also met with the Human Resources Director who serves as secretary to the Civil Service Commission. Mrs. Wall stated receiving a campaign ribbon and getting injured is covered by what is in the ordinance before the Commission at this time, even though it is not worded exactly as you suggested. The Civil Service Commission has no input into the language, it is a Charter Section, and the Civil Service Commission cannot amend the Charter, it can only be amended by the electorate, said Mrs. Wall. A legal opinion was given to the Civil Service Commission that it was not within their authority to amend this provision. I believe the Civil Service Commission did not make any suggestions or alternative language changes.

It is up to this Commission on what language they would like to see put in to go before the vote to the electors. But the third part of this ordinance would cover anyone injured and honorably discharged, said Mrs. Wall.

Commissioner Fess stated she is confused on what the Civil Service Commission is requesting and asked for an explanation. City Manager Enderle stated this is not a Civil Service request.

Mr. Felver explained this is the way the Civil Service Commission requested it to be presented by him to the Commission.

City Manager Enderle explained how the information was presented. There was no action taken by the Civil Service Commission for this legislation.

There was continued discussion of the language to be presented by both commissioners and Mr. Felver.

Commissioner Terry stated she is still a little confused on what they would like to see.

City Manager Enderle stated he would like to look at the language, and bring it back at the next commission meeting for approval.

Moved by Commissioner Fess seconded by Commissioner Martin, that Ordinance No. 16-08 be tabled until the June 16, 2008 meeting.

Monthly Reports were accepted.

Commissioner Vogt voiced concern over grass laying in the gutters after mowing, and asked citizens to keep the gutters clear as not to clog the sewers. Mr. Vogt explained the finances of the Car Show held last year, stating they made around \$1200 not \$200 that was reported previously. Mr. Vogt asked when making complaints if citizens would please give their names so he can respond to their complaints.

Commissioner Fess congratulated the Piqua High School graduates, and wished the retiring and incoming teachers the best of luck. The Piqua boy's track team is on their way to the state to compete and Mrs. Fess wished them the best of luck. Mrs. Fess urged citizens to sign up for the Renew Piqua Program.

Commissioner Terry congratulated the Residence Pride winners stating they are all from the 4th ward this time and she is very proud of them.

Mr. Enderle stated the City Commission would hold a work session on June 9, 2008. The meeting will begin with a tour of the hotel at 4:00 p.m. and conclude with a study session at 4:45 in the Commission Chamber with an update on the hotel project.

Mayor Hudson voiced concern over residents filling swimming pools from fire hydrants.

City Manager Enderle explained the reason for discontinuing the use of fire hydrants to fill swimming pools. Public Works Director Tom Zechman stated he has written a draft of a potential program request, and passed a copy out to the Commissioners to look over. City Manager Enderle went over the reasons for discontinuing the use of the fire hydrants to fill swimming pools and for watering lawns. City Manager Enderle stated he recommends the City not fill swimming pools from the fire hydrants at this time. Citizens are urged to contact the Commissioner 's to voice their concerns or opinions by calling or emailing them.

Commissioner Vogt asked if it would be possible for the city to provide at a small cost, an in line meter that could be attached between the faucet and their hose to check the water that goes into the pool, this way they could avoid having to pay sewage on the water. City Manager Enderle stated that it something they could look into.

Mayor Hudson stated he has had several calls regarding the bridges in the cemetery. City Manager Enderle stated the city owns the in trust for the cemetery, and the bridges have been inspected recently and are structurally sound, but they may not look as nice as we would like them to.

Mayor Hudson thanked Jim Roth for doing a great job at Forest Hill Cemetery in the year that he has been in the position as superintendent. The cemetery has a new sense of energy, and the best days are ahead of us at the cemetery, said Mayor Hudson.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Meeting at 8:45 P.M. Voice vote, Aye: Fess, Hudson, Vogt, Terry, and Martin. Nay: None. Motion carried unanimously.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

MINUTES
PIQUA CITY COMMISSION WORK SESSION
JUNE 9, 2008
5:00 P.M.
201 WEST WATER STREET
PIQUA, OHIO 45356

Piqua City Commission met in Special Work Session at 4:00 P.M. beginning with a tour of the Hotel before convening in the Municipal Government Complex City Commission Chambers, 201 W. Water Street at 5:00 P.M. for the work session. Mayor Hudson called the meeting to order at 5:00 P.M. Also present were Commissioners Martin, Terry, and Fess. Absent: Vogt. Also in attendance: City Manager Fred Enderle, Finance Director Cynthia Holtzapple, Assistant City Manager/Economic Development Director Harry Bumgarner, Public Works Director Tom Zechman, Construction Project Manager Bob Graeser, Ruth Koon, Jim Brown, Doug Haines, Jim Oda Dan French, and several citizens.

The Commission members met at 4:00 P.M. at the Hotel and were given a walking tour of the Hotel Project by Public Works Director Tom Zechman, and Construction Project Manager Bob Graeser.

Piqua City Commission convened at 5:00 P.M. in the Municipal Government Complex Commission Chambers to hear a presentation on the Hotel Project.

City Manager Enderle explained there are a few important items that need to be addressed at this time and they include:

Construction, leasing options, and the layout of the 4th floor
Preview of the Grand Opening
Financial Status

Tom Zechman gave a brief construction update. We are in the home stretch with completion scheduled for September 1, 2008, not including the coffee shop and the restaurant, said Mr. Zechman.

City Manager Enderle passed out a handout with a sketch of the 4th floor rooms, and explained the cost schedule for each room. There will be six different breakout rooms as well as an audio visual area, and banquet facilities with seating for around three hundred fifty people.

Mainstreet Executive Director Lorna Swisher is keeping a log of dates for November and December for rental of the ballroom and etc. She has forty-one dates reserved so far for the ballroom, said Mr. Zechman.

The first floor will have two tenant spaces one a coffee shop and the other will be a restaurant. Contracts have not been signed with either one at this time and they may not be completed by the October opening.

The scheduled completion date is September 1, 2008 for the Library to take possession of the keys. The grand opening is scheduled for October 19, 2008 and tours will be offered the week of October 20-25, 2008.

City Manager Enderle passed out a final projected revenue and expense sheet for the Hotel Project. Mr. Enderle went over revenue and expenses line by line, and explained each item in detail.

Mayor Hudson asked if the original estimate is going to be the final cost? Mr. Enderle stated the final construction cost would be \$20,277, 133 and explained.

Mayor Hudson thanked everyone for attending.

Moved by Commissioner Martin, seconded by Commissioner Fess, to adjourn from the Piqua City Commission Work Session at 6:00 P.M. Voice vote, Aye: Hudson, Terry, Fess, and Martin. Nay: None. Motion carried unanimously.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

ORDINANCE NO. 15-08

**AN ORDINANCE AMENDING ZONING ORDINANCE
NO. 42-96 AND MAP OF THE CITY FOR THE
REZONING OF OUTLOT 180 FROM R-1 (ONE-FAMILY
RESIDENTIAL) TO OS (OPEN SPACE)**

WHEREAS, the City Planning Commission by its Resolution No. P. C. 17-08 (Exhibit "A" attached hereto) has approved the rezoning of Outlot 180 from R-1 (One-Family Residential) to OS (Open Space); and

WHEREAS, Section 154.141 of the Piqua Code has been complied with in all respects;

NOW, THEREFORE, BE IT ORDAINED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: The application to rezone Outlot 180 from R-1 (One-Family Residential) to OS (Open Space) is hereby approved.

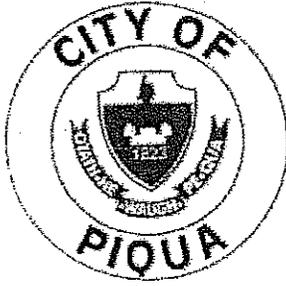
SEC. 2: The zoning map attached to Ordinance No. 42-96 as subsequently amended is hereby revised and amended to rezone Outlot 180 from R-1 (One-Family Residential) to OS (Open Space) and the City Manager is hereby authorized to make said change on the original zoning map.

SEC. 3: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

THOMAS D. HUDSON, MAYOR

PASSED: _____
3rd Reading

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



PLANNING AND ZONING

Christopher W. Schmiesing – City Planner
201 West Water Street • Piqua, Ohio 45356
(937) 778-2049 • FAX (937) 778-5165
E-Mail: cschmiesing@piquaoh.org

May 13, 2008

MEMORANDUM

TO: Frederick E. Enderle, City Manager
RE: Request for Legislation to Change the Zoning Designation for Outlot 180
from R-1 One-family Residential to OS Open Space

At the May 6, 2008 meeting of the Planning Commission, with all members present, the Planning Commission unanimously recommended approval of the above referenced change in zoning designation. Therefore, in accordance with § 154.141 of the codified ordinances I am forwarding this item for the City Commissions' consideration.

The 9.28 acre subject parcel is situated south of Manier Avenue, and is bordered by McKinley Avenue on the west and Gordon Street on the east. The land is currently inside the city limits, and under the current zoning designation the current agricultural use of the land is lawful as a nonconforming use. Under the proposed zoning designation the agricultural use will be lawful as a principal permitted use. Therefore, the proposed zoning change will have no impact on the permissibility of the current agricultural use of the land. Rather, the change in the zoning being proposed is merely to make the zoning designation of the land more consistent with the actual use.

At the public hearing on this item the Planning Commission received comments from concerned neighbors regarding the possible use of the land to raise livestock. While the lawfully established agriculture use of the land would permit such activity, with or without the zoning change, a separate section of the city's codified ordinances, section 90.05, would characterize the raising livestock on this property as a nuisance condition and prohibit such activity.

With reference to their agreement with the findings included in the staff report pertaining to this request, it is the Planning Commissions' determination that the proposed OS Open Space zoning designation is the most appropriate zoning for this parcel of land at the current time.

Included with this memo for the City Commission's reference in considering this request, please find a copy of the Planning Commission resolution and the supporting documents pertaining to this matter.

Sincerely,

Chris Schmiesing

Chris Schmiesing
City Planner

Enc.

EXHIBIT "A"

RESOLUTION No. PC 17-08

WHEREAS, James A. Hiegel, owner of a 9.28 acre tract of land also known as OUTLOT 180, the subject parcel, has submitted a request to change the zoning designation of the parcel from R-1 (One-family Residential) to OS (Open Space); and,

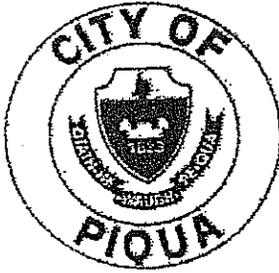
WHEREAS, section 154.018 of the City of Piqua Code of Ordinances states the principal permitted and special uses permissible in the OS Open Space zoning district, and the current agriculture use of the land is listed as a principal use; and,

WHEREAS, sections 154.141 of the City of Piqua Code of Ordinances provides the procedure for considering an amendment to the zoning map; and,

WHEREAS, the Planning Commission has studied the request and conducted a public hearing on the matter;

NOW THEREFORE BE IT RESOLVED, board member Oda hereby moves to Approve the request made, as described by this resolution, the testimony provided, and the documents attached hereto, the motion is seconded by board member Franz, and the voting record on this motion is hereby recorded as follows.

	AYE	NAY	ABSTAIN	ABSENT
Mr. Jim Oda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Brad Eubp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mike Taylor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mrs. Jean Franz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mark Spoltman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



PLANNING AND ZONING

Christopher W. Schmiesing - City Planner
201 West Water Street • Piqua, Ohio 45356
(937) 778-2049 • FAX (937) 778-5185
E-Mail: cschmiesing@piquaoh.org

STAFF REPORT

Date: April 18, 2008
To: Planning Commission Members
From: Chris Schmiesing, City Planner 
Subject: PC Resolution 17-08

GENERAL INFORMATION

Applicant: James A. Hiegel
Owner: James A. Hiegel
Location: Outlot 180
Zoning: R-1 One-family Residential
Land Use
Existing: Agriculture
Proposed: Agriculture
Request: To change the zoning designation of the parcel to OS - Open Space.

DISCUSSION/FINDINGS

The earliest zoning map record available, the 1971 zoning map, shows the subject parcel zoned as A-1 Agricultural District. The intent of this district, as described in the 1971 edition of the zoning code, was as follows:

"This district is comprised of certain land being used for agriculture activities, open recreational use, and other open land uses, and is primarily located near the periphery of the urban area."

In 1982 the zoning map was updated to reflect comprehensive update of the zoning code. On the 1982 adopted zoning map the subject parcel is zoned R-1 One-family Residential. Among other changes, the 1982 amendments to the zoning code resulted in the discontinuance of the A-1 zoning designation and the establishment of an OS-Open Space designation. While it is assumed the discontinuance of the A-1 designation was the impetus for the change in the zoning designation, it is unclear as to exactly why this parcel was zoned residential versus open space. With the residential zoning and development of the contiguous land to the north it is suspected that the R-1 zoning designation seemed logical at the time. The R-1 zoning designation of this parcel continues to the present date.

As in the past, the present use of the land is entirely agriculture in nature. It should also be noted that the tract of land remains one large parcel and has never been platted into individual building lots.

STAFF REPORT

Date: April 18, 2008
Subject: PC Resolution 17-08

Page 2

COMPREHENSIVE PLAN

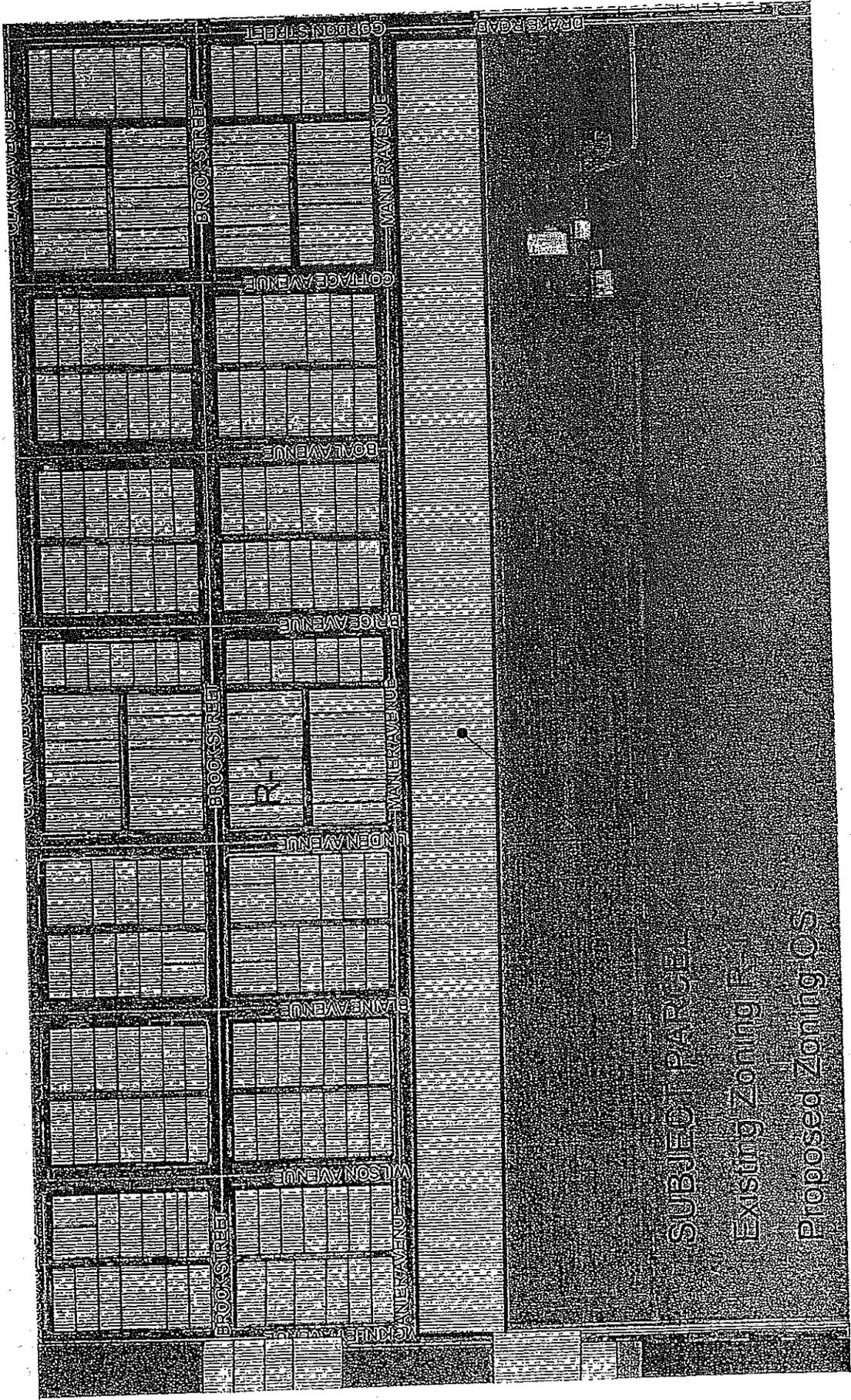
The subject parcel is identified in the Plan as a strategic growth area suitable for expansion of the surrounding residential neighborhoods. The plan also places an emphasis on conserving future strategic growth areas by fully developing, and in some cases redeveloping, established land use areas before growing outward.

CONCLUSION

This land has been in agriculture use for many years and will likely continue as such into the foreseeable future. While the residential zoning designation may have seemed logical at the time it was applied, it has proven to be an inaccurate designation of the actual use of this parcel. Until such time the community needs or the land owner's preferences predicate a zoning designation other than one that reflects the current use of the land, a zoning designation suitable for the agricultural use of the parcel (the OS Open Space designation) is the best zoning designation for this parcel.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of this request.



ZONING MAP

§ 90.05 NUISANCE CONDITIONS.

(A) (1) No owner shall allow his or her dog, cat or other domestic animal to become a public nuisance. Excessive barking, whining or howling, molesting passers-by, chasing vehicles, attacking other domestic animals, and damaging property shall be considered a nuisance under this section.

(2) The owner or person in charge or control of any animal which scratches, digs, urinates or defecates upon any lawn, tree, shrub, plant, building or any other public or private property (other than the property of the owner of the animal) shall immediately repair any damage and remove all feces deposited by the animal and dispose of same in a sanitary manner.

(*97 Code, § 91.06)

(B) (1) It shall be unlawful and considered a public nuisance for any person to own, keep, harbor or maintain an agricultural animal on any parcel of land less than five acres in size or within 1,000 feet of any residence other than his or her own.

(2) For the purpose of this section, *AGRICULTURAL ANIMALS* include horses, mules, donkeys, ponies, cattle, swine, sheep, goats, geese, ducks, turkeys, guinea fowl, peacocks, and chickens.

(3) Nothing in this section shall be construed to prohibit the following:

- (a) The feeding of ducks and geese at Echo Lake;
- (b) The temporary custody of agricultural animals by a licensed veterinarian;
- (c) The temporary custody of agricultural animals by a food processing businesses;
- (d) The temporary custody of agricultural animals not exceeding three consecutive days per calendar year by any person, firm, corporation or association sponsoring any charitable, promotional, civic or other civic or special event, festival, celebration or fund-raising activity, subject to approval by the Public Works Director at least seven days in advance; or
- (e) The custody of agricultural animals by educational institutions.

ORDINANCE NO. 16(A) - 08

AN ORDINANCE AUTHORIZING THE SUBMISSION OF A PROPOSED AMENDMENT OF SECTION 64 OF THE PIQUA CHARTER TO THE ELECTORS

WHEREAS, pursuant to Section 135 of the Piqua Charter, amendments to the Charter may be submitted to the electorate of the City by a two-thirds vote of this Commission; and

WHEREAS, this Commission deems it proper to provide the electors with an opportunity to vote on a proposed amendment of Section 64 of the Charter.

NOW THEREFORE, BE IT ORDAINED BY the Piqua City Commission, a majority of its members concurring that:

SECTION 1. The proposed amendment of Section 64 of the Charter of the City of Piqua, Ohio shall be as follows:

Section 64. Department of Civil Service

The department of civil service shall be under the management and control of the Civil Service Commission who shall have the powers applying to Civil Service under the general law, except that promotions in the police and fire departments shall be by competitive examinations, among the persons in the next lowest position. Said examinations shall be drafted in accordance with the rules and regulations adopted by the Piqua Civil Service Commission and shall be for the purpose of assessing the candidate's capacity to perform the duties and responsibilities of the position sought. Said examinations may include scores on a written examination, efficiency ratings, psychological testing, seniority ratings and oral examinations. Each of the aforementioned criteria shall be given such weight as the Civil Service Commission shall establish by its rules, except that an applicant for entry level examination only who has served as a cadet or on active duty in the Armed Forces of the United States for a continuous period of ~~eighteen (18) months or more and has been honorably discharged from the Armed Forces~~ twelve (12) months or more, and/or an accumulative period of eighteen(18) months or more, and/or received a campaign medal ribbon for service in a specified combat Theater of Operation and discharged under honorable conditions and/or currently serving in the Armed Forces shall receive ten percent (10%) ~~of the passing test score~~ in addition to that the applicant's passing written test score. In the event there are less than two candidates in the next lowest position, then persons in the position immediately below that shall become eligible to take the examination. The city manager shall be the appointing authority on behalf of the Civil Service Commission.

SECTION 2. The proposed amendment shall be submitted to a vote of the electors on November 4, 2008, in the general election in the City of Piqua.

SECTION 3. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 64", and the question to be submitted shall be as follows:

Shall the Ordinance amending Charter Section 64 to require that those who serve a continuous period of twelve (12) months or more, and/or an accumulative period of eighteen (18) months or more, and/or received a campaign medal ribbon for service in a specified combat Theater of Operation and discharged under honorable conditions and/or currently serving in the Armed Forces receive ten percent (10%) in addition to the applicant's passing written test score be approved?

To the left of said wording, in boxes with appropriate places for the marking, shall appear the words, "For the Ordinance" and "Against the Ordinance" for each elector to indicate his vote in the manner and place provided.

SECTION 4. The City Manager shall cause notice of the proposed amendment as well as the time and place of the election to be published in the Piqua Daily Call for a period of two consecutive weeks.

SECTION 5. The Clerk of this Commission shall certify a copy of this Ordinance to the Board of Elections of Miami County, Ohio.

SECTION 6. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CITY COMMISSION CLERK

ORDINANCE NO. 17-08

**AN ORDINANCE AMENDING SECTIONS 154.005, 154.020
THROUGH 154.026, 154.121 AND 154.122 OF THE PIQUA
CODE RELATING TO RESIDENTIAL PRIVATE GARAGES**

BE IT ORDAINED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected or appointed thereto concurring, that:

WHEREAS, legislative modification of Sections 154.005, 154.020, 154.021, 154.022, 154.023, 154.024, 154.025, 154.026, 154.121 and 154.122 of the Piqua City Code is needed in order to address residential private garages.

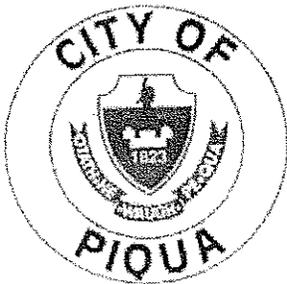
SEC. 1: Sections 154.005, 154.020, 154.021, 154.022, 154.023, 154.024, 154.025, 154.026, 154.121 and 154.122 of the Piqua Code are hereby amended per Exhibit "A" attached hereto (with deletions lined out and additions underlined).

SEC. 2: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



PLANNING AND ZONING

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June 6, 2008

MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: **Request for Legislation to Adopt Proposed Amendments to the Zoning Chapter of the City of Piqua Codified Ordinances, including: Amendments Pertaining to Residential Private Garages - §§ 154.005, 154.020, 154.021, 154.022, 154.023, 154.024, 154.025, 154.026, 154.121, and 154.122; Amendments Pertaining to Special Events Signs - §§ 154.005 and 154.108; and, Amendments Pertaining to Demolition Standards - §§ 154.127 and 154.143**

At the June 3, 2008 meeting of the Planning Commission, with all members present, the Planning Commission unanimously recommended approval of the above referenced proposed code amendments. The items shown represent three different amendments to the zoning chapter. Therefore, in accordance with §154.141 of the codified ordinances I am forwarding the supporting items pertaining to each amendment for the City Commissions' consideration.

The proposed amendments pertaining to residential private garages address the size, location, and appearance standards applicable to accessory buildings. In particular, the proposed changes are in response to the many requests we receive from homeowners seeking to build private garages larger than what is currently allowed by the code, or to build on a lot lacking a principal structure. The special event sign proposed amendments includes inserting a section into the sign regulations to better deal with the size, placement, and display period needs of this sign type. The demolition standards amendment replaces an obsolete section of the code with an insertion of the minimum requirements for what is expected so far as safety, security, and restoration of the site when demolishing a building. Enclosed, you will find the Issues, Objective, and Principles document, and a detailed text change exhibit for each of the proposed amendments. Noting the input provided by city officials, City Commissioners, Planning Commissioners, and the general public, and the incorporation of that input into the final content of each of these documents, it is the opinion of the Planning Commission that the proposed code amendments are both responsive to the concerns raised and responsible to the best interest of the entire community.

Included with this memo for the City Commissions' reference in considering each of these requests, please find a copy of the Planning Commission resolution and the supporting documents pertaining to each item.

Sincerely,

Chris Schmiesing

Christopher W. Schmiesing
City Planner

Enc.



Proposed Land Use Code Amendment

Residential – Private Garages

Issues

Size – Current code provisions limit the maximum size for a private garage in a residential zoning district to 24 feet by 30 feet (720 square feet – or – roughly a 2 ½ car garage). On occasion this provision results in a structure that is unnecessarily smaller than what is deemed desirable by the lot owner.

Location – Current code provisions define a private garage as an accessory structure, and an accessory structure as any structure detached from the principal building on *the same lot*. This results in detached private garages not being permissible on lots that do not include a principal structure when, in some instances, this may not be objectionable.

Appearance – Current code provisions restrict the height of a private garage to 15 feet from the finish grade to the mid-point of the roof system. When the design of the roof system of a private garage is manipulated to maximize attic storage and still comply with the height restriction, private garages sometimes end up with roof lines that are out of character with the appearance of the principal structure. Current code provisions also provide no guidance concerning the minimum acceptable appearance of a private garage. As a result, detached private garages constructed with finish materials that contrast sharply with the materials used to finish the principal structure, often result in objections and complaints from neighbors.

Objective

The objective of this amendment is to update the current code provisions pertaining to size and location restrictions, to allow for an increase in the maximum size permissible for a private garage and/or the placement of a private garage on a lot with no principal structure present, when either or both are warranted by the prevailing characteristics of the subject lot and the surrounding area; and, to add code provisions prescribing the minimum appearance standards for a private garage.

Principles

A private garage should be of a height and size that is proportionately smaller than the principal structure to which the private garage is accessory to, and the orientation and placement of the private garage should reinforce its purpose as being incidental and subordinate to the existing - or any possible future - principal use/structure constructed on the same lot.

The appearance of a private garage should be congruent with any existing principal structure improvement on the same lot, and respectful of the period and style of the dominate architecture typically found within the neighborhood concerned.

Code Amendments

The following exhibit details the code amendments necessary to address the aforementioned issues in a manner that is consistent with the objective and principles outlined. The proposed text **insertions** are in bold print and underlined, while a strikethrough line indicates the existing text that is to be ~~deleted~~.

RESOLUTION No. PC 30-08

WHEREAS, the City Commission, has submitted a request to amend the zoning chapter of the codified ordinances to modify code provisions pertaining to the allowable height, area, and location for an accessory structure; and,

WHEREAS, sections 154.141 of the City of Piqua Code of Ordinances provides the procedure for considering an amendment to the zoning code; and,

WHEREAS, the Planning Commission has studied the request and conducted a public hearing on the matter;

NOW THEREFORE BE IT RESOLVED, board member Oda hereby moves to approve the request made, as described by this resolution, the testimony provided, and the documents attached hereto as Exhibit 'A', the motion is seconded by board member Franz, and the voting record on this motion is hereby recorded as follows.

	AYE	NAY	ABSTAIN	ABSENT
Mr. Jim Oda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Brad Bulp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mike Taylor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. Jean Franz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mark Spoltman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



PROPOSED CODE AMENDMENTS

Residential Private Garages

Issues

Size – Current code provisions limit the maximum size for a private garage in a residential zoning district to 24 feet by 30 feet (720 square feet – or – roughly a 2 ½ car garage). On occasion this provision results in a structure that is unnecessarily smaller than what is deemed desirable by the lot owner.

Location – Current code provisions define a private garage as an accessory structure, and an accessory structure as any structure detached from the principal building on the same lot. This results in detached private garages not being permissible on lots that do not include a principal structure when, in some instances, this may not be objectionable.

Appearance – Current code provisions restrict the height of a private garage to 15 feet from the finish grade to the mid-point of the gable end of the roof. Because the roof system of a private garage is often manipulated to maximize attic storage and still comply with the height restriction, private garages sometimes end up with roof lines that are out of character with the appearance of the principal structure. Current code provisions also provide no guidance concerning the minimum acceptable appearance of a private garage. As a result, detached private garages constructed with finish materials that contrast sharply with the materials used to finish the principal structure, often result in objections and complaints from neighbors.

Objective

The objective of this amendment is to update the current code provisions pertaining to size and location restrictions, to allow for an increase in the maximum size permissible for a private garage and/or the placement of a private garage on a lot with no principal structure present, when either or both are warranted by the prevailing characteristics of the subject lot and the surrounding area; and, to add code provisions prescribing the minimum appearance standards for a private garage.

Principles

A private garage should be of a height and size that is proportionately smaller than the principal structure to which the private garage is accessory to, and the orientation and placement of the private garage should reinforce its purpose as being incidental and subordinate to the existing - or any possible future - principal use/structure constructed on the same lot.

The appearance of a private garage should be congruent with any existing principal structure improvement on the same lot, and respectful of the period and style of the dominate architecture typically found within the neighborhood concerned.



PROPOSED CODE AMENDMENTS

Residential Private Garages

Code Amendments

The code amendments necessary to satisfy the aforementioned issues in a manner that is consistent with the objective and principles described include the following proposed insertions or ~~deletions~~ to the text of the code sections indicated. **Revisions made in response to the preliminary review comments received from the Planning Commission and City Commission are shown in red.** The document was updated on June 3, 2008.

§ 154.005 DEFINITIONS.

ACCESSORY BUILDING. ~~See ACCESSORY STRUCTURE, as defined in this section~~ An open or enclosed accessory structure with a roof system supported by columns or walls.

GARAGE, PRIVATE. An accessory building or portion of a main building with a connecting driveway providing access to or from a street or alley improvement, designed or used for the storage or minor repair or maintenance of motor driven vehicles, boats, and similar vehicles or other personal property owned by, licensed to, or used by the owner of the lot or the occupants of the building to which it is accessory. ~~The maximum size for a private garage shall be 24 feet by 30 feet in R-1, R-1A and R-1AA districts.~~

STRUCTURE HEIGHT. The vertical dimension measured from the average grade to the highest point of the structure, or in the case of a building, the mid-point of the roof system (See § 154.005 Exhibit A). The height of a stepped or terraced structure shall be the maximum height of any segment of the structure.

LOT LINE. Shall be as follows:

- (1) **FRONT LOT LINE.** In the case of an interior lot, that line separating the lot from the street. In the case of a corner lot or through lot, that line separating the lot from either street. In the case of a lot with alley frontage and no street frontage, that line separating the lot from the alley. See Exhibit C at the end of this section.
- (2) **REAR LOT LINE.** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the **REAR LOT LINE** shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying furthest from the front lot line and wholly within the lot. In the case of a corner lot, the **REAR LOT LINE** is established based upon the orientation of the house. See Exhibit C at the end of this section.
- (3) **SIDE LOT LINE.** Any lot line other than the front lot line or rear lot line. A **SIDE LOT LINE** separating a lot from a street is a side street lot line. A **SIDE LOT LINE** separating a lot from another lot or lots is an interior **SIDE LOT LINE**. See Exhibit C at the end of this section.

§ 154.020 R-1AA ONE-FAMILY RESIDENTIAL DISTRICT; § 154.021 R-1A ONE-FAMILY RESIDENTIAL DISTRICT; § 154.022 R-1 ONE-FAMILY RESIDENTIAL DISTRICT; § 154.023 R-2 TWO-FAMILY RESIDENTIAL DISTRICT; § 154.024 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT;
§ 154.024 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

(D) *Special uses.*



PROPOSED CODE AMENDMENTS

Residential Private Garages

Residential uses.

Private Garages not accessory to a principal structure

(G) Height and area regulations.

Accessory buildings. Accessory buildings within the (insert district name here) shall be regulated in conformance with the provisions of § 154.121.

(a) Accessory structures located within ten feet of the principal structure shall comply with the height, front, side and rear yard requirements of the principal structure.

(b) Accessory buildings not a part of the main structure may be located in the required rear yard, but these accessory buildings shall not be nearer than three feet to any side or rear lot line, nor more than 15 feet in height. A garage which is entered from an alley shall not be located closer than ten feet from the property line.

§ 154.025 B GENERAL BUSINESS DISTRICT; § 154.026 CBD CENTRAL BUSINESS DISTRICT.

(G) Height and area regulations.

Accessory buildings. Accessory buildings within the (insert district name here) shall be regulated in conformance with the provisions of § 154.121.

§ 154.121 CORNER LOT ACCESSORY BUILDINGS.

On a corner lot, accessory buildings within 25 feet of a residential lot shall maintain a minimum setback from the lot line equal to the required front yard of the residential lot. In the case of a narrow lot where compliance would be impractical, the Board of Appeals may grant a variance in the setback requirement, an accessory building shall not be nearer than three feet to the side lot line not less than ten feet to the rear lot line of the lot on which it is located.

(A) Accessory buildings shall conform to the general height and area regulations of the district in which the structure is located, unless otherwise specifically stated in this code.

(B) Accessory buildings accessory to a dwelling unit shall be permitted as follows:

(1) Location. The lot on which the accessory building is to be constructed is contiguous to an improved public street. Accessory buildings shall only be permitted in the rear yard, unless attached to the principal structure by a breezeway or a similar unenclosed structure, in which case the accessory building may be permitted in a side or rear yard.

(2) Setback. Accessory buildings permitted in the rear yard and less than 1,000 square feet in gross ground floor area shall be no closer to any side or rear lot line than three feet. Accessory buildings permitted in the rear yard and with a gross ground floor area of 1,000 square feet or more shall be no closer to any side or rear lot line than six feet. Accessory buildings permitted in a side yard



PROPOSED CODE AMENDMENTS

Residential Private Garages

shall conform to the front, side and rear yard requirements of the principal structure. When the use of the accessory building is a private garage, the side of the private garage to which the driveway provides entry into the structure, shall be no closer to any lot line than ten feet. No accessory building shall be closer to any principal structure than ten feet or closer to any other accessory building than five feet.

(3) Area. An accessory building shall be permitted a gross ground floor area up to 720 square feet and the gross ground floor area may increase up to a maximum of the lesser of 50% of the gross area of the ground floor of the principal structure to which it is accessory or 50% of the gross area of the rear yard.

(4) Height. An accessory building shall be permitted a structure height up to 15 feet and the structure height may increase up to a maximum of 80% of the structure height of the principal structure to which it is accessory.

(5) Number. The maximum number of accessory buildings permitted on a single lot shall be limited to three with no more than one accessory building to be occupied by a private garage accessory use.

(6) Design. All accessory buildings with a gross ground floor area greater than 200 square feet shall be designed and constructed to be a permanent structure that is uniform in appearance that matches or compliments with the style and finishes of the principal structure, more specifically as follows:

(a) The slope and style of the roof system of the accessory building shall be equal to the slope and style of the principal structure.

(b) The roofing materials on the accessory structure shall be equal to match or compliment the roofing materials on the principal structure.

(c) The siding materials on the accessory structure shall be equal to match or compliment any of the siding materials on the principal structure.

(d) The material to be used for any accessory structure with a ground floor constructed on compacted sub-grade soil or aggregate materials shall be portland cement concrete pavement.

(C) Accessory buildings not accessory to a principal use, and to be constructed on a lot contiguous to an improved public street, may be permitted by a special use permit as follows:

(1) Use. The intended use of the accessory building is listed as a special use in the zoning district of the subject lot.



PROPOSED CODE AMENDMENTS

Residential Private Garages

(2) Location. An accessory building may be permitted only in the required rear yard as established by the front, side and rear yard requirements of the principal structure.

(3) Setback. Accessory buildings permitted in the rear yard and less than 1,000 square feet in gross ground floor area shall be no closer to any side or rear lot line than three feet. Accessory buildings permitted in the rear yard and with a gross ground floor area of 1,000 square feet or more shall be no closer to any side or rear lot line than six feet. When the use of the accessory building is a private garage, the side of the private garage to which the driveway provides entry into the structure, shall be no closer to any lot line than ten feet. No accessory building shall be closer to any other accessory building than five feet.

(4) Area. An accessory building may be permitted a gross ground floor area up to 720 square feet and the gross ground floor area may be permitted to increase up to a maximum of the lesser of 50% of the average gross ground floor area of all of the principal structures located on the adjacent lots or 50% of the gross area of the rear yard.

(5) Height. An accessory building may be permitted a structure height up to 15 feet and the structure height may increase up to a maximum of 80% of the average structure height of all of the principal structures located on the adjacent lots.

(6) Number. The maximum number of accessory buildings permitted on a single lot shall be limited to three with no more than one accessory building to be occupied by a private garage accessory use.

(7) Design. All accessory buildings with a gross ground floor area greater than 200 square feet shall be designed and constructed to be a permanent structure that is uniform in appearance that matches or compliments with the style and finishes of the principal structure, more specifically as follows:

(a) The slope and style of the roof system of the accessory building shall be similar to match or compliment the slope and style of any of the roof systems of the principal structures found within the neighborhood.

(b) The roofing materials on the accessory structure shall be similar to match or compliment any of the roofing materials on the principal structures found within the neighborhood.

(c) The siding materials on the accessory structure shall be similar to match or compliment any of the siding materials on the principal structures found within the neighborhood.



PROPOSED CODE AMENDMENTS

Residential Private Garages

(d) The material to be used for any accessory structure with a ground floor constructed on compacted sub-grade soil or aggregate materials shall be portland cement concrete pavement.

(D) Accessory buildings not accessory to a principal use, and to be constructed on a lot not contiguous to an improved public street, may be permitted by special use permit as follows:

(1) Use. The intended use of the accessory building is listed as a special use in the zoning district of the subject lot.

(2) Location. An accessory building may be permitted on a lot contiguous to an improved public alley.

(3) Setback. Accessory buildings permitted on the lot shall be no closer to the lot line adjoining the public alley right of way than 20 feet. Accessory buildings less than 1,000 square feet in gross ground floor area shall be no closer to any side or rear lot line than three feet. Accessory buildings permitted in the rear yard and with a gross ground floor area of 1,000 square feet or more shall be no closer to any side or rear lot line than six feet. When the use of the accessory building is a private garage, the side of the private garage to which the driveway provides entry into the structure, shall be no closer to any lot line than ten feet. No accessory building shall be closer to any other accessory building than five feet.

(4) Area. An accessory building may be permitted a gross ground floor area up to 720 square feet and the gross ground floor area may be permitted to increase up to a maximum of the lesser of 50% of the average gross ground floor area of all of the principal structures located on the adjacent lots or 50% of the gross area of the lot.

(5) Height. An accessory building may be permitted a structure height up to 15 feet and the structure height may increase up to a maximum of 80% of the average structure height of the principal structures located on the adjacent lots.

(6) Number. The maximum number of accessory buildings permitted on a single lot shall be limited to three with no more than one accessory building to be occupied by a private garage accessory use.

(7) Design. All accessory buildings with a gross ground floor area greater than 200 square feet shall be designed and constructed to be a permanent structure that is uniform in appearance that matches or compliments with the style and finishes of the principal structures found within the neighborhood, more specifically as follows:



PROPOSED CODE AMENDMENTS

Residential Private Garages

(a) The slope and style of the roof system of the accessory building shall ~~be similar to~~ match or compliment the slope and style of any of the roof systems of the principal structures found within the neighborhood.

(b) The roofing materials on the accessory structure shall ~~be similar to~~ match or compliment any of the roofing materials on the principal structures found within the neighborhood.

(c) The siding materials on the accessory structure shall ~~be similar to~~ match or compliment any of the siding materials on the principal structures found within the neighborhood.

(d) The material to be used for any accessory structure with a ground floor constructed on compacted sub-grade soil or aggregate materials shall be portland cement concrete pavement.

EXHIBIT 'A'

§ 154.005 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

ACCESSORY BUILDING. ~~See ACCESSORY STRUCTURE, as defined in this section~~ **An open or enclosed accessory structure with a roof system supported by columns or walls.**

ACCESSORY STRUCTURE. Any structure detached from the principal building on the same lot and serving a purpose incidental and subordinate to the principle building or use. See Exhibit C at the end of this section.

ACCESSORY USE. Any use of land or of a building or portion thereof serving a purpose incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

AGRICULTURE. The use of land for the purpose of raising and harvesting crops; or for raising, breeding or management of livestock, poultry or honeybees; or for dairying, truck farming, forestry, nurseries or orchards; for the noncommercial, on-farm storage or processing of agricultural products or for any other similar agricultural or horticultural use.

ALLEY. Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION. Any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as altered or reconstructed.

ANIMAL GROOMING. An activity where the principal business is domestic pet hygiene, including washing, brushing, shearing and nail cutting.

ANIMAL HOSPITAL. Any building or structure used for treatment and care of injured or ailing animals administered by a Doctor of Veterinary Medicine licensed to practice in the state.

ARCHITECTURAL PROJECTION. A building facade feature that is not intended for occupancy and extends beyond the face of the exterior wall of a building.

AUTO SERVICE STATION. A place where gasoline or any other automobile engine fuel, stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of motor vehicles, are retailed directly to the public on the premises, including the sale of minor accessories and the servicing of and minor repair of automobiles, not including storage of inoperable vehicles.

AUTOMOBILE REPAIR, PAINTING AND BODY SHOPS. The repair or maintenance of automobiles or any part thereof, including engine or transmission rebuilding or overhauls, rebuilding or reconditioning of parts, body, frame or fender straightening, painting or undercoating, and the minor repair or maintenance of automobiles or any part thereof, including the changing of oil, adding fluids, replacing wiper blades, and any other activities similar in nature to those described which can be performed by the average automobile owner in his or her own driveway, and be completed on the same calendar day as the calendar date upon which the work commenced. This shall not include the storage of any junk or abandoned vehicles as defined in § 91.01 through § 91.10 of the City of Piqua Ohio Code of Ordinances.

AUTOMOBILE WASHING FACILITIES. Area of land and/or a structure with machine or hand-operated facilities used principally for cleaning, washing, polishing, or waxing of automobiles.

AUTOMOTIVE APPEARANCE AND RUST PROTECTION SERVICES. Rust protection, paint protection (except painting), fabric protection, trim sales/installation, accessory sales and installation.

AVERAGE LOT WIDTH. The width determined by dividing the total lot area by the depth of the lot from the street right-of-way line to the furthest rear lot line. If the rear lot line and right-of-way lines are not parallel, an average depth dimension shall be used.

AWNING. An architectural projection of shelter projecting from and supported by the exterior wall of a building and composed of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

BARS, TAVERNS AND NIGHTCLUBS. Establishments primarily engaged in the retail sale of drinks, such as beer, ale, wine, liquor and other alcoholic beverages for consumption on the premises. The sale of food may also be a part of the operation.

EXHIBIT 'A'

BASEMENT. That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A *BASEMENT* shall not be counted as a story, except as provided in the definition of story.

BED AND BREAKFAST INN. A residential structure, which is owner-occupied, that has, as a secondary use of the structure, one to five guestrooms for rent. Development standards shall be as follows.

- (1) Maximum number of guests per day shall be ten.
- (2) Only breakfast shall be served, and the kitchen shall not be remodeled into a commercial kitchen.
- (3) Only one non-illuminated sign of four square feet may be erected on the property.
- (4) Parking shall be in conformance with §§ 154.080 through 154.083, Parking and Off-Street Loading Regulations.
- (5) Guests shall not stay longer than 15 consecutive days.
- (6) Facility shall be located in an existing structure and a structure cannot be built for this purpose.
- (7) Tandem parking is permitted, but the area shall be screened from adjacent uses.
- (8) The operator of the inn shall live on the premises or in adjacent premises.

BLOCK. Property abutting one side of a street and lying between the two nearest intersecting streets, crossing or terminating, or between the nearest street and railroad right-of-way, unsubdivided acreage, river or live stream, or between any of the foregoing and any other barrier to the continuity of development or corporate lines of the municipality.

BOARDING OR LODGING HOUSES. A building other than a hotel, not exceeding ten sleeping rooms, where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided.

BUILDING. A structure designed, intended, or used for shelter, enclosure, or protection of persons, animals, chattels, or property.

BUILDING SERVICES. Building supply and services facilities, including facilities for plumbing and heating equipment, sheet metal shops, glass repair shops and similar uses.

BUSINESS, PROFESSIONAL AND ADMINISTRATIVE OFFICES. Uses that include but are not limited to corporate offices; insurance; real estate; law; engineering; architecture; management and consulting; accounting; bookkeeping and investment; data processing services; advertising, commercial art and public relations; news syndicates; travel agencies; personnel and employment services; and detective and protective services. Development standards for professional offices in R-3 District are as follows.

- (1) The building, including accessory buildings and uses, shall occupy no more than 25% of the lot area.
- (2) A new building shall not exceed two stories in height.

CANOPY. A multisided overhead structure or architectural projection, including the following types:

- (1) **CANOPY (ATTACHED).** A canopy with a flat or low slope roof that is supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. A marquee.
- (2) **CANOPY (DETACHED).** A canopy with a flat or low slope roof that is supported by columns, but not enclosed by walls.

CAR WASH. See *AUTOMOBILE WASHING FACILITIES*, as defined in this section.

CARRY-OUT. A place of business where food and beverages are purchased for consumption on or off the premises. These can include photo kiosks and freestanding automatic teller machines, but do not include drive-in windows.

CEMETERIES. Land used or intended to be used for the disposition of deceased persons and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of a cemetery. Cemeteries may be allowed by special use permit subject to the following conditions.

EXHIBIT 'A'

(1) Cemeteries shall be permitted only if they are adjoining or an extension of existing cemeteries and if they have access to an arterial street.

(2) All structures shall be located no closer than 25 feet away from any property line.

CHILD DAY CARE CENTER. A place in which child day care is provided, with or without compensation, for 13 or more children at any one time; or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for seven to 12 children at any one time. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted. Development standards for a day care center in any approved business or industrial district shall be in compliance with the minimum standards as established by the State of Ohio. When said districts abut a residential district, the development shall be subject to the screening requirements described for the given district. Development standards in any approved residential district shall be as follows.

(1) Child day care centers for seven or more children shall have a minimum lot area of 500 square feet per child.

(2) There shall be provided a minimum of 100 square feet of fenced outdoor play area per child for the maximum number of children in the play area at any one time.

(3) Access, loading and unloading requirements shall be as follows.

(a) The Public Works Director may require an on-site drop-off area be provided sufficient to accommodate automobiles for facilities.

(b) The Public Works Director may require sites adjoin and have access from an arterial or collector street.

(4) All outdoor play areas shall be enclosed by a six-foot high wall, solid wood fence, or chain link fence planted with a continuous evergreen screening.

(5) Use of outdoor play areas shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.

(6) When the child day care center is the principal use, the exterior appearance shall be similar to that of the eight most proximate residential structures on the same street in regard to height, bulk, width, setback landscaping, and off-street parking visible from the street.

(7) Child day care centers shall not include overnight accommodations.

CLINIC. See *MEDICAL OFFICES AND CLINICS* as defined in this section.

CLUB. A building or facility owned or operated by an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

COMMERCIAL ENTERTAINMENT, OUTDOOR. These facilities include drive-in theaters, amusement parks, fairgrounds, golf driving ranges, miniature golf courses, race tracks, skating rinks and sports arenas.

COMMERCIAL RECREATION FACILITIES, INDOOR. Include skating rinks and tennis, racquetball and handball courts and health clubs operated for profit as distinguished from public indoor recreation facilities and community recreation centers.

COMMUNITY-ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITY or GROUP HOME. A state licensed or authorized home for children or adults which is operated by the state or a political subdivision, or pursuant to a license issued by or to a contract with the state or a political subdivision. *COMMUNITY-ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITIES* include agency group homes for children or adults; residential homes for children or adults; residential homes for children or adolescents 18 years of age or under, dependent or neglected, who have not been adjudged delinquent, and who for various reasons cannot reside with their natural family.

COMPREHENSIVE PLAN. The long-range growth and development plan, and any amendments and supplements thereto, for the city and its environs, as approved by the City Commission.

CONSTRUCTION TRADES AND CONTRACTOR OFFICES AND SHOPS. These activities include heavy construction, building, cement, electrical, heating and air conditioning, masonry, plumbing, painting and wallpapering, roofing, glazing, but does not include salvage materials or debris.

CONVALESCENT HOME. See *NURSING HOME* as defined in this section.

EXHIBIT 'A'

CONVENIENCE STORE. Retail store that caters to the motoring public where the sale of food items such as hot or cold drinks, pre-packaged foods and tobacco, road maps, magazines and other publications, automotive maintenance items such as brake fluid, oil, polishes, anti-freeze and similar products and other retail items that may be readily purchased. A convenience store may also sell gasoline. This does not include drive-in or drive-through windows.

CORNER LOT. A lot abutting two or more streets at their intersection. See Exhibit B at the end of this section.

DAY CARE CENTER. See *CHILD DAY CARE CENTER* as defined in this section.

DEPTH OF LOT. An average horizontal distance between the front and rear lot lines. See Exhibit C at the end of this section.

DISTRICT. A portion of the incorporated area of the city within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

DORMITORIES, CONVENTS AND MONASTERIES. Buildings used as group living quarters for a student body or religious order or as an accessory use to a university, boarding school, orphanage, hospital, church or other similar institutional use.

DRIVEWAY. Private access to a premises, the use of which is limited to the persons residing, employed, or otherwise authorized to use or visit the parcel on which it is located and designed to serve.

DRIVE-IN. A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, or within a building or structure on the same premises and devoted to the same purpose as the *DRIVE-IN* service.

DWELLING.

(1) Dwelling types shall be as follows.

(a) **MULTI-FAMILY DWELLING.** A building, or a portion thereof, designed exclusively for occupancy by three or more families independently of each other.

(b) **ONE-FAMILY ATTACHED DWELLING (ROW OR TOWNHOUSES).** One of two or more single-family residential dwellings having a common wall separating dwelling units. The building may also include an attached garage.

(c) **ONE-FAMILY DETACHED DWELLING.** A building designed exclusively for and occupied exclusively by one family.

(d) **TWO-FAMILY DWELLING.** A building designed exclusively for occupancy by two families living independently of each other.

(2) Development standards for dwellings in the B Business District and the CBD Central Business District shall be as follows.

(a) Dwellings may be permitted on the first story of a building.

(b) A portion of the first story shall be used for a non-dwelling use permitted in the district.

(c) The non-dwelling use shall not be accessory to the residential use or be a parking lot or garage.

(d) Parking requirements shall be the same as those for multi-family dwellings, except in the CBD Central Business District all or part of the parking requirements may be provided on a separate and non-adjoining lot determined by the Planning Commission to be suitable therefor and convenient thereto. Parking requirements shall not be considered provided unless they are readily available without charge to the residents of the dwelling.

(e) Prior to the granting of a special use permit, an inspection of the dwelling unit and the structure within which it is to be located shall be made by qualified personnel to determine that the dwelling unit and structure conform to all applicable fire and safety codes.

(3) Height and area requirements shall be as follows.

(a) Minimum lot area: 2,000 square feet per unit.

EXHIBIT 'A'

- (b) Minimum lot frontage: None.
- (c) Minimum front yard setback: None, except abutting or across the street from a Residential District, then same as Residential District front yard setback.
- (d) Minimum side yard setback: 10 feet of abutting Residential District.
- (e) Minimum rear yard setback: Less of 30 feet or 20% of lot depth.
- (f) Maximum height: 35 feet.

DWELLING UNIT. A building, or a portion thereof, designed for occupancy of one family for residential purposes and having living, cooking, sleeping and sanitation facilities.

ELDERLY HOUSING FACILITIES. Residential developments specially designed to house retired and elderly persons, and which may include a mixture of living options, including apartments, group quarters and nursing care facilities.

ELEMENTARY, JUNIOR HIGH AND HIGH SCHOOLS. Public, private and/or religious schools including grades K through 12. Development standards shall be as follows.

- (1) Parking shall be in conformance with §§ 154.080 through 154.083, Parking and Off-Street Loading Regulations.
- (2) Access shall be provided by an arterial or collector street.
- (3) Side yard requirements shall be 20 feet.
- (4) An educational institution shall have a minimum lot area of 20,000 square feet.

EMPLOYEE. A person who works or performs in and/or for a sexually oriented business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business, or any form of remuneration, tips of any kind or gratuities from the operator or customers of said business.

ERECTED. Includes the terms built or constructed, altered, or reconstructed. **ERECTED** also includes the moving of a building or structure onto a lot or any physical operations on the premises which are required for construction. Excavation, fill drainage, and the like shall be considered an operation of erection.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, telephone, telegraph, steam, fuel, or water transmission or distribution systems, collection, communication, supply, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by the utilities or municipal departments for the general health, safety, or welfare. **ESSENTIAL SERVICES** shall be allowed in the district insofar as permitted, authorized, or regulated by law or other ordinance. Buildings required in conjunction with an **ESSENTIAL SERVICE** may be permitted in the district when approved by the Planning Commission. In granting this permission the Planning Commission shall take into consideration the location, size, use, and effect the building will have on adjacent land and buildings.

ESTABLISHED includes any of the following:

- (1) The opening or commencement of any sexually oriented business as a new business;
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined in this chapter;
- (3) The addition of any of the sexually oriented businesses defined in this chapter to any other existing sexually oriented business; or
- (4) The relocation of any such sexually oriented business.

FACADE. See **BUILDING ELEVATION**.

FAMILY. An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person who are domiciled together as a single

EXHIBIT 'A'

domestic housekeeping unit in a dwelling unit; or a collective number of individuals domiciled together in one dwelling unit, whose relationship is of a continuing non-transient domestic character, and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature, or for an anticipated limited duration of a school term or terms, or other similar determinable period.

FENCE. Any structure, other than part of a building, of sufficient strength and dimension to prevent straying from within or intrusion from without.

FINANCIAL ESTABLISHMENTS. These facilities include banks, savings and loan associations, credit unions, finance companies, loan offices and safe deposit companies.

FLOODPLAIN. Those lands designated by the U.S. Department of Housing and Urban Development and Miami Conservancy District which are subject to a 1% or greater chance of flooding in any given year.

FLOOR AREA. For the purpose of computing parking, that area used for or intended for the sale of merchandise or services, or the use to serve patrons, clients, or customers. Floor area which is used or intended to be used principally for the storage of processing of merchandise, such as hallways, stairways, and elevator shafts, or for utilities or sanitary facilities shall be excluded from this computation of *FLOOR AREA*. Measurements of usable *FLOOR AREA* shall be the sum of the horizontal areas of the several floors or the building measured from the interior faces of exterior walls.

FLOOR AREA, GROSS. See *GROSS FLOOR AREA* as defined in this section.

FRATERNAL AND SOCIAL ASSOCIATION FACILITY. A meeting place for people formally organized for a common interest, usually public service, cultural, religious or entertainment, with regular meetings, rituals and formal, written membership requirements, and where food and alcohol may be served.

FRONT LOT LINE. See *LOT LINE* as defined in this section.

FRONT SETBACK LINE. A line formed by the face of the building. For the purposes of this chapter, a *FRONT SETBACK LINE* is the same as a building line. See Exhibit C at the end of this section.

FRONT YARD. See *YARD* as defined in this section.

FUNERAL HOME. A building or part thereof used for human funeral services. The building may contain space and facilities for embalming, refrigeration, cremation, and the performance of other services used in preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted.

GARAGE, PRIVATE. An accessory building or portion of a main building **with a connecting driveway providing access to or from a street or alley improvement**, designed or used for the storage or minor repair or maintenance of motor driven vehicles, boats, and similar vehicles or other personal property owned by, licensed to, or used by the **owner of the lot or the occupants of the building to which it is accessory.** ~~The maximum size for a private garage shall be 24 feet by 30 feet in R-1, R-1A and R-1AA districts.~~

GARAGE SALE, YARD SALE, AND PORCH SALE. A temporary accessory use of a lot or premises for the sale of new or used goods and/or secondhand materials.

GARAGE, SERVICE. Any premises used for the storage or care of motor-driven vehicles, or where any vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

GAS STATION. See *AUTO SERVICE STATION* as defined in this section.

GENERAL MERCHANDISE STORES. These facilities include department stores, variety stores, discount stores, grocery stores and drug stores.

GRADE or GROUND LEVEL. The average of the finished *GROUND LEVEL* at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above *GROUND LEVEL* shall be measured at the sidewalk, unless otherwise defined herein.

EXHIBIT 'A'

GROSS FLOOR AREA. The sum of the gross horizontal areas of all the several floors of a building or buildings, including interior balconies and mezzanines. All horizontal measurements are to be made between the exterior faces of walls including the walls of roofed porches having more than one wall. The **GROSS FLOOR AREA** of a building shall include the floor area of accessory buildings, on the same lot, measured the same way.

GROUP HOME. See **COMMUNITY-ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITY** or **GROUP HOME** as defined in this section.

HEAVY EQUIPMENT RENTAL, SALES, SERVICE AND STORAGE. These facilities include rental, sales, service and storage of semi-tractor trailers, agricultural equipment, and construction equipment.

HEAVY INDUSTRY. A use engaged in the basic processing of and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes that produce commonly recognized offensive conditions.

HOME FURNISHINGS, HOME IMPROVEMENTS AND MISCELLANEOUS MATERIALS AND EQUIPMENT STORES. These facilities include appliance and appliance sales and repair stores; auto accessory stores with no on-premises installation; bicycle shops; business machine shops; carpeting and floor covering stores; curtain and drapery stores; fabric stores; furniture stores; hardware stores; lawnmower and snow blower sales; music, record and musical instrument; paint, glass and wallpaper stores; sporting goods stores; stereo, radio and television stores. This category does not include lumberyards or building materials sales.

HOME OCCUPATION. A lawful activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling provided the development standards are adhered to as follows.

- (1) No person other than members of the family residing on the premises shall be engaged in the occupation.
- (2) The use of the dwelling unit for the **HOME OCCUPATION** shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the **HOME OCCUPATION**.
- (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation other than one sign, not exceeding one foot in area, non-illuminated and mounted flat against the wall of the principal building.
- (4) There shall be no alteration or construction except that which is customarily found in a dwelling.
- (5) There shall be no home occupation conducted in any accessory building.
- (6) No traffic shall be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood.
- (7) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

HOSPITAL. An institution licensed by the State Department of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured, and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the facility, provided the institution is operated by, or treatment is given under direct supervision of a licensed physician. Development standards shall be as follows.

- (1) Parking requirements in addition to those stated in §§ 154.080 through 154.083, Parking and Off-Street Loading Regulations, may be imposed. Traffic may be required to discharge onto an arterial or collector street.
- (2) Whenever a facility abuts a Residential District, the yard requirements shall be ten feet greater than those of the abutting Residential District, plus an additional one foot for each foot of building height over 20 feet.
- (3) Buildings shall not occupy over 35% of the total land area upon which they are located.

HOTEL. A building occupied as the temporary abode of individuals who are lodged with or without meals, in which there are ten or more sleeping rooms, and which shall have no provision made for cooking in any individual room or apartment. A **HOTEL** may include a restaurant or cocktail lounge, public banquet halls, ballrooms, meeting rooms, or other commercial uses.

EXHIBIT 'A'

INDEPENDENT CONTRACTOR. A person who contracts with a sexually oriented business establishment to provide services on behalf of the sexually oriented business to the patrons of such business whether or not the individual receives any remuneration, gratuity or tips of any kind, or pays the owner or operator for the right to perform or entertain in the sexually oriented business. The intention of this definition is to exclude those persons who are not employees and who are not reasonably expected to have contact with customers or patrons of the sexually oriented business, including, but not limited to, persons on the premises of a sexually oriented business performing repair or maintenance services or delivering goods to the premises of a sexually oriented business.

INDUSTRIAL CRAFT SHOPS. These facilities include carpentry, cabinet making and furniture making, refinishing and upholstery.

INTERIOR LOT. Any lot other than a corner lot. See Exhibit B at the end of this section.

JUNK YARD or SALVAGE YARD. An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packaged, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A **JUNK YARD** includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping, or abandonment of junk, but does not include uses established entirely within enclosed buildings. An open area containing two or more inoperative or unlicensed vehicles shall be construed to be a **JUNK YARD**.

KENNEL. Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets. **KENNEL** shall also mean the keeping on or in any lot or building of three or more dogs, cats, or other household pets which are over the age of six months.

LANDSCAPING. The design and arrangement of natural scenery, including trees, flowers, shrubs, and grass, or of non-living materials or objects, over a tract of land, taking into account the use to which the land is to be put.

LAUNDRIES AND DRY CLEANING PLANTS. A building or premises that serves more than one laundry and/or dry cleaning outlet, including linen supply and diaper services.

LIBRARY. A public or private repository for literary and artistic materials, such as books, periodicals, newspapers, pamphlets, and prints, kept for reading or reference. Development standards shall be as follows.

- (1) Parking shall be in conformance with §§ 154.080 through 154.083, Parking and Off-Street Loading Regulations.
- (2) Access shall be provided by an arterial or collector street.
- (3) Side yard requirements shall be 20 feet.
- (4) The minimum lot area shall be 20,000 square feet.

LIGHT MANUFACTURING. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of those products, but excluding basic industrial processing.

LOADING SPACE. An off-street space on the same lot with a building or group of buildings, used for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT. A parcel of land, occupied or to be occupied by a main building or a group of buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with any open spaces as are required under provisions of this chapter. Every **LOT** shall abut upon and have permanent access to a public street.

- (1) **CORNER LOT.** A lot abutting two or more streets at their intersection. See Exhibit B at the end of this section.
- (2) **INTERIOR LOT.** Any lot other than a corner lot. See Exhibit B at the end of this section.
- (3) **THROUGH LOT.** An interior lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Exhibit B at the end of this section.

LOT AREA. The total horizontal area within the lot lines of the lot.

LOT COVERAGE. The part or percentage of the lot occupied by buildings, including accessory buildings.

LOT DEPTH. The average horizontal distance between the front and rear lot lines.

EXHIBIT 'A'

LOT LINE. Shall be as follows:

(1) *FRONT LOT LINE.* In the case of an interior lot, that line separating the lot from the street. In the case of a corner lot or through lot, that line separating the lot from either street. **In the case of a lot with alley frontage and no street frontage, that line separating the lot from the alley.** See Exhibit C at the end of this section.

(2) *REAR LOT LINE.* That lot line opposite the front lot line. In the case of a lot pointed at the rear, the *REAR LOT LINE* shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying furthest from the front lot line and wholly within the lot. In the case of a corner lot, the *REAR LOT LINE* is established based upon the orientation of the house. See Exhibit C at the end of this section.

(3) *SIDE LOT LINE.* Any lot line other than the front lot line or rear lot line. A *SIDE LOT LINE* separating a lot from a street is a side street lot line. A *SIDE LOT LINE* separating a lot from another lot or lots is an interior *SIDE LOT LINE*. See Exhibit C at the end of this section.

LOT OF RECORD. A parcel of land, the dimensions of which are shown on a document or map on file with the County Recorder or in common use by city or county officials, and which actually exists as so shown, or any part of that parcel held in a record ownership separate from that of the remainder thereof.

LOT WIDTH, AVERAGE. The width determined by dividing the total lot area by the depth of the lot from the street right-of-way line to the furthest rear lot line. If the rear lot line and right-of-way lines are not parallel, an average depth dimension shall be used.

LUMBERYARDS and BUILDING MATERIALS SALE AND STORAGE. Buildings or premises used for the storage and sale of lumber and building materials.

MEDICAL OFFICES AND CLINICS. Include the offices of physicians, dentists and other health practitioners and medical and dental laboratories. Establishments primarily engaged in out-patient care with permanent facilities and with medical staff to provide diagnosis and/or treatment for patients who are ambulatory and do not require in-patient care.

MEMBERSHIP SPORTS AND RECREATION USES. Country clubs and neighborhood swim clubs, but not including health spas, fraternal associations, or commercial recreation facilities as specified elsewhere. Development standards shall be as follows.

- (1) The principal recreational building or use is a minimum of 200 feet from any land in residential use.
- (2) The recreational use shall have a minimum lot area of one acre.
- (3) The recreational use shall be used only for the enjoyment of members and their families and guests of members of the association or club under whose ownership or jurisdiction the facility is operated.
- (4) Accessory facilities such as snack bars, restaurants and bars may be permitted only if they occupy integral parts of the principal building, and there is no display of goods or advertising visible, off the premises.
- (5) Loudspeakers, public address systems and electric amplifiers may be permitted in recreation areas only if their use is solely for the members of the facility and does not create a public nuisance for nearby persons or properties.
- (6) Any outdoor pool area, including the area used by bathers, shall be walled or fenced with a security fence or wall at least six feet in height and maintained in good condition to prevent uncontrolled access by children.
- (7) Exterior lighting shall be shaded whenever necessary to avoid casting direct light upon any adjacent property or upon any adjacent public street.
- (8) Access to the recreation use shall be only from an arterial or collector street.

MEZZANINE. An intermediate floor in any story occupying not more than two-thirds of the floor area of the story.

MINI-WAREHOUSE. See *SELF-SERVICE STORAGE FACILITY* as defined in this section.

MOBILE HOME. Any detached single-family living quarters to be located on foundation supports, designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems, and designed to be transported after fabrication on its own wheels, or detachable wheels.

EXHIBIT 'A'

MOBILE HOME COURT. Any plot of ground upon which two or more trailer coaches or mobile homes occupied for dwelling or sleeping purposes may be located. Development standards shall be as follows.

- (1) The mobile home court shall have a minimum site area of five acres.
- (2) The average area per mobile home space within the court shall not be less than the lot area per dwelling unit in the district in which the mobile home court is located.
- (3) No mobile home shall be located closer than 50 feet to any exterior lot line, except when the mobile home is adjacent to another mobile home court. A distance of 25 feet shall be maintained between mobile home and buildings, in all horizontal directions.
- (4) A detailed landscaping and screening plan shall be approved by the Planning Commission.

MOTEL. A building or group of buildings for the accommodation of transient guests, chiefly motorists, containing guest rooms for rent. It may include all facilities specified under the definition of hotel.

MULTI-FAMILY DWELLING. A building, or a portion thereof, designed exclusively for occupancy by three or more families independently of each other.

NEIGHBORHOOD BUSINESS. These facilities include barber and beauty shops, pharmacies, grocery stores, bakeries, specialty food stores, laundry and dry cleaning pick-up service and self-service washing and dry-cleaning facilities, florists and bait and tackle shops. Neighborhood businesses may be permitted only in the R-1, R-2, and R-3 Residential Districts upon issuance of a special use permit. Development standards shall be as follows.

- (1) No structure or use qualifying as a neighborhood business may exceed 3,000 square feet of gross floor area.
- (2) Hours of business operation shall be between the hours of 7:00 a.m. and 10:00 p.m.
- (3) The maximum number of employees during business hours may not exceed five employees.
- (4) Minimum lot area shall be 5,000 square feet.
- (5) Minimum lot frontage shall be 50 feet.
- (6) Minimum front yard setback shall be 25 feet.
- (7) Minimum side yard setback shall be 10 feet if abutting a residential district.
- (8) Minimum rear yard setback shall be the less of 30 feet or 20% of lot depth if abutting a Residential District.
- (9) Maximum height shall be 35 feet.
- (10) A plot plan shall be submitted indicating the location and type of screening to be used.
- (11) A finding shall be made that the proposed screening will do the following.
 - (a) Provide a visual barrier of no less than six feet in height to partially or completely block out the view of unattractive structures or activities.
 - (b) Provide an acoustic screen, of no less than 15 feet, of dense plantings or a solid masonry wall in combination with decorative plantings, to aid in absorbing and deflecting noise.
 - (c) Provide for the containment of litter and debris.
- (12) Screening may be one or more of the following or other similar materials.
 - (a) A solid masonry wall.
 - (b) A solidly constructed decorative fence.

EXHIBIT 'A'

- (c) Louvered fence.
- (d) Dense evergreen plantings.
- (e) Deciduous trees and shrubs.

NIGHTCLUB. See **BARS, TAVERNS AND NIGHTCLUBS** as defined in this section.

NONCONFORMING USE. The use of any dwelling, building, structure, lot, land, or premises, or part thereof, which was existing and lawful immediately prior to the effective date of this chapter and which does not conform with the provisions of this chapter, except as set forth in §§ 154.060 through 154.066.

NONSTANDARD USE. Those lots with physical characteristics which existed immediately prior to the effective date of this chapter which fail to comply with minimum lot requirements for the area, density, width, front yard, side yard, rear yard, height, unobstructed open space, or parking for the district in which they are located, even though the use of the premises conforms with this chapter.

NUDE, NUDITY or STATE OF NUDITY. A live person exhibiting: (1) the anus, male genitals, female genitals, or the areola or nipple of the female breast; or (2) a state of dress which fails to opaquely and fully cover the anus, male or female genitals, pubic region or areola or nipple of the female breast.

NURSERIES and GARDEN SUPPLY STORES. A space, including accessory building or structure, for the growing and storage of live trees, shrubs, or plant materials offered for retail sale on the premises, including products used for gardening or landscaping.

NURSING HOME. An establishment which specializes in providing necessary health and related services to those unable to care for themselves. Development standards shall be as follows.

(1) Parking requirements in addition to those stated in §§ 154.080 through 154.083, Parking and Off-street Loading Regulations, may be imposed. Traffic may be required to discharge onto an arterial or collector street.

(2) Whenever a facility abuts a residential district, the yard requirements shall be ten feet greater than those of the abutting residential district, plus an additional one foot for each foot of building height over 20 feet.

(3) Buildings shall not occupy over 35% of the total land area upon which they are located.

OFF-STREET PARKING. The provision of parking facilities for a specified use, to be provided on the same lot or lots as the use they are intended to serve, and not on any public street or public right-of-way.

OFFICES OF BUSINESS AND PROFESSIONAL ASSOCIATIONS. These uses include labor unions and civic, political, religious and social service organizations, but not including social and fraternal associations.

ONE-FAMILY DWELLING. A building designed exclusively for and occupied exclusively by one family.

OPEN SPACE. That part of a lot, including courts or yards, which is open and unobstructed by structures from its lowest level to the sky, accessible to all tenants upon the lot.

PARAPET. The extension of the building facade above the line of the structural roof.

PARKING LOT. An area providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than five vehicles.

PARKING SPACE. A minimum area as defined in § 154.081(O), other than on a street or alley, exclusive of drives, aisles, or entrances giving access thereto, and fully accessible for the storage of parking of one motor vehicle.

PERSONAL SERVICES. Services of a personal nature, including beauty and barber shops and massage therapy; individual laundry and dry-cleaning establishments; laundromats; photo studios and photo finishing; shoe repair; tailoring; watch, clock and jewelry repair; clothing rental; and other services performed for persons or their apparel.

PET SHOPS. Any building or structure used for the sale, other than casual sale, of domestic pets and pet supplies.

PLACES OF WORSHIP. Establishments of recognized religious organizations operated for worship or for promotion of religious activities. Development standards shall be as follows.

EXHIBIT 'A'

- (1) Parking shall be in conformance with §§ 154.080 through 154.083, Parking and Off-Street Loading Regulations.
- (2) Access is provided by primary collector streets.
- (3) Side yard requirements shall be 20 feet.
- (4) The minimum lot area shall be one acre.

PLANNED UNIT DEVELOPMENT. Land under unified control, planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots, or building sites, site plans and design principles for all buildings intended to be located, constructed, used and related to each other, and for other uses and improvements on the land as related to buildings. Development may be a single operation or a definitely programmed series of development operations, including all lands and buildings, with a program for provision, operation, and maintenance of the areas, improvements, and facilities necessary for common use by the occupants of the development. Further provisions are as set forth in §§ 154.040 through 154.047, Planned Unit Development.

PLANNING COMMISSION. The Planning Commission of the city.

POOL, SWIMMING. See **SWIMMING POOL** as defined in this section.

PREEXISTING USE. An existing use of the type listed as a special use in the zoning district that was lawfully established on the effective date of this chapter, without the prior issuance of a special use permit, as set forth in § 154.140(C).

PRINCIPAL USE. The primary or predominant use of any land or improvement on it.

PRIVATE CLUBS. Private, civic, cultural, educational, labor, professional, and trade membership organizations, fraternities, sororities, and lodges, except those the primary activity of which is a service customarily carried on as a business.

PRIVATE SCHOOLS. Private schools, including but not limited to business or commercial schools, dance or music academies, kindergarten, nursery, play and special schools, when not otherwise permitted, may be allowed by the issuance of a special use permit.

PROFESSIONAL OFFICES. See **BUSINESS, PROFESSIONAL AND ADMINISTRATIVE OFFICES** as defined in this section.

PUBLIC OFFICES and PUBLIC BUILDINGS. Establishments housing activities of local, county, regional, state or federal government agencies, but not including public service garages.

PUBLIC PARK. A public land which has been designated for park or recreational activities including, but not limited to, a park, playground, swimming pool, reservoir, athletic field, basketball or tennis courts, open space, wilderness areas, or similar public land within the city which is under the control, operation, or management of any governmental entity.

PUBLIC RECREATION FACILITIES. Parks, playgrounds, golf courses, sports arenas, gymnasiums, swimming pools, skating rinks, tennis, racquetball and handball courts, senior citizen and youth centers, arboretums, hiking and jogging trails, ice skating rinks, nature areas, picnic areas, out lots, and wildlife sanctuaries, but not including commercial recreation and entertainment facilities listed elsewhere in this chapter.

PUBLIC SERVICE YARDS AND GARAGE. Premises used for the storage, service and repair of publicly-owned vehicle fleets.

PUBLIC UTILITIES. Publicly-owned or leased buildings, public utility buildings, telephone exchanges, and transformer stations may be allowed upon issuance of a special use permit.

REAR LOT LINE. See **LOT LINE** as defined in this section.

REAR YARD. See **YARD** as defined in this section.

RECONSTRUCTED. Any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as altered.

RECREATION VEHICLE. Includes travel trailers, campers, camp car, truck campers, boats, and boat trailers.

EXHIBIT 'A'

RESIDENTIAL DISTRICT OR USE. Any zoning district set forth in Chapter 154 that contains the word "residential" in its title, or any individual residential dwelling located within the city.

RESTAURANT, FAST FOOD. An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption within the restaurant building, with a motor vehicle parked on the premises, or off the premises, as a carry-out order, and whose principal method of operation includes food and/or beverages usually served in edible containers or in paper, plastic or other disposable containers.

RESTAURANT, STANDARD. An establishment whose primary business is serving food and beverages to patrons for consumption inside the building.

ROOMING HOUSE. A building other than a hotel, not exceeding ten sleeping rooms, where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals, are provided for three or more persons.

SALVAGE YARD. See **JUNK YARD** or **SALVAGE YARD** as defined in this section.

SCREENING. The placement of landscaping or fencing on a lot in a manner to reduce any negative effects resulting from the location of two or more dissimilar uses next to one another.

SELF-SERVICE STORAGE FACILITY. A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers goods or materials, the gross floor area of each unit not to exceed 500 square feet.

SERVICE GARAGE. Any premises used for the storage or care of motor-driven vehicles, or where any vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

SERVICE STATION. See **AUTO SERVICE STATION** as defined in this section.

SETBACK. The minimum required distance between the property line and the structure line.

SEXUALLY ORIENTED BUSINESSES. Those businesses defined as follows:

(1) **ADULT ARCADE.** An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, or other visual representations, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(2) **ADULT BOOKSTORE, ADULT NOVELTY STORE** or **ADULT VIDEO STORE.** A commercial establishment which has as a significant or substantial (such as 50% or more) portion of its stock-in-trade or derives a significant or substantial (such as 50% or more) portion of revenues or devotes a significant or substantial (such as 50% or more) portion of its interior business or advertising to the sale or rental for any form of consideration, of any one or more of the following:

(a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, digital video discs, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;"

(b) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas," and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as the definition above is met.

(3) **ADULT CABARET.** A nightclub, bar, restaurant, private club, bottle club, juice bar or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (a) persons who appear nude or semi-nude or in a state of nudity or semi-nudity; (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities;" or, (c) films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas." "Private club" means an establishment where patrons may bring in their own bottle or other container of alcohol (including beer, wine or liquor) and purchase a mixture for the same or use of a glass from the club or business.

EXHIBIT 'A'

(4) **ADULT MOTEL.** A motel, hotel or similar commercial establishment which offers public accommodation, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures with closed-circuit television transmissions, films, motion pictures, video cassettes, digital video discs, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television.

(5) **ADULT MOTION PICTURE THEATER.** A commercial establishment where films, motion pictures, video cassettes, digital video discs, slides or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.

(6) **ADULT THEATER.** A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities" which is not customarily open to the general public during such features because it excludes minors by reason of age.

(7) **ESCORT AGENCY.** A person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. "Escort" means a person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person or to privately appear in the state of nudity or semi-nudity for another person.

(8) **MASSAGE PARLOR.** Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as a part of or in connection with "specified sexual activities" is offered, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her "specified anatomical areas." The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder, nor by any other individual licensed by the state to perform massages.

(9) **SEMI-NUDE MODEL STUDIO.** Any place where a person regularly appears in a state of nudity or semi-nudity or displays "specified anatomical areas" for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. Reference above to nudity should not be construed or interpreted to permit nudity or a state of nudity in a SEMI-NUDE MODEL STUDIO. SEMI-NUDE MODEL STUDIO shall not include any school, college, or university licensed by the state.

(10) **SEXUAL ENCOUNTER ESTABLISHMENT.** A business or commercial establishment, that as one of its principal business purposes, offers for any form of consideration: (1) a place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas;" or (2) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

SIDE LOT LINE. See **LOT LINE** as defined in this section.

SIDE YARD. See **YARD** as defined in this section.

SIGN. See § 154.096.

SIMULATED. To assume the mere appearance of something, without the reality; to imitate or pretend.

SINGLE-FAMILY DWELLING. See **ONE-FAMILY DWELLING** as defined in this section.

SPECIAL USE. A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district subject to approval by the Planning Commission, and subject to special requirements, different from those usual requirements for the district in which the special use may be located. Further set forth in § 154.140, Special Use Permits.

SPECIALTY FOOD STORES. These include stores specializing in a specific type or class of food, including but not limited to bakeries; candy, nut and cheese shops; confectionery stores; coffee and tea shops; dairy and ice cream stores; delicatessens; fruit and vegetable stores; international food stores; liquor stores; meat and fish markets; and wine shops. These uses do not include restaurants or carry-outs or convenience food stores.

EXHIBIT 'A'

SPECIALTY RETAIL COMMERCIAL ESTABLISHMENTS and BOUTIQUES. These include antique stores; apparel stores; art galleries; art supplies; book and magazine stores; card and stationery shops; cosmetics stores; craft and hobby shops; camera and photo supply stores; florists; gift shops; interior decorating accessories; leather goods stores; jewelry stores; kitchen, bath and bedroom accessory stores; office supply stores; picture framing shops; tobacco shops and toy stores. These uses do not include stores with drive-in or drive-through facilities or general merchandise stores.

SPECIFIED ANATOMICAL AREAS. Includes any of the following:

- or
- (1) Less than completely and opaquely covered human genitals, pubic region, anus, or areolas or nipple of female breasts;
 - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Includes any of the following:

- (1) The fondling or other intentional touching of human genitals, pubic region, anus, or female breast;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- (3) Masturbation, actual or simulated;
- (4) Human genitals in a state of sexual stimulations, arousal or tumescence; or
- (5) Excretory functions as part of or in connection with any of the following activities set forth in subsections (1) through (4).

STORY. That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. If the floor level directly above a basement is more than six feet above grade, the basement shall be considered a story.

STORY, HALF. An uppermost story lying under a sloping roof, having an area of at least 190 square feet with a clear height of seven feet, six inches. For the purposes of this chapter, the usable floor area is only that area having at least four feet clear height between floor and ceiling

STREET. A public thoroughfare which affords the principal means of access to abutting property.

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

STRUCTURE ELEVATION. The entire side of a structure, from ground level to the roofline, as viewed perpendicular to that side of the structure.

STRUCTURE FACE. That portion of the exterior surface of a structure on a common plane.

STRUCTURE HEIGHT. The vertical dimension measured from the average grade to the highest point of the structure, or in the case of a building, the mid-point of the roof system (See § 154.005 Exhibit A). The height of a stepped or terraced structure shall be the maximum height of any segment of the structure.

STRUCTURE LINE. The perimeter of that portion of a structure nearest a property line, but excluding open steps, terraces, cornices, and other ornamental feature projecting from the structure face of the structure.

STRUCTURE WIDTH. The dimension measured along an exterior structure elevation, or structure face, from the outermost exterior surfaces that are opposite and parallel to one another, and perpendicular to the structure face being measured.

SWIMMING POOL. A structure constructed or placed below ground or above ground, which contains water in excess of 24 inches of depth and is suitable or utilized for swimming or wading.

TAVERN. See **BARS, TAVERNS AND NIGHTCLUBS** as defined in this section.

EXHIBIT 'A'

TEMPORARY USE OF BUILDING. The temporary use of land or a building permitted by the building inspector during periods of construction, or for special events, as set forth in § 154.126.

TENT. Any structure used for living or sleeping purposes, or for sheltering a public gathering constructed wholly or in part from canvas, tarpaulin, or other similar materials and which shall include shelter provided for circuses, carnivals, side shows, revival meetings, camp meetings, and all similar meetings or exhibitions in temporary structures.

THOROUGHFARE. An arterial street which is intended to serve as a large volume trafficway for both the immediate city area and the region beyond, and which may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term in order to identify those streets comprising the basic structure of the street plan. Any street with a width, existing or proposed, of 80 feet, shall be considered a major thoroughfare.

THOROUGHFARE PLAN. That part of the comprehensive plan of the city which includes the major highway and street plan for the city, including any amendments or supplements thereto.

THROUGH LOT. An interior lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Exhibit B at the end of this section.

TOWNHOUSE. One of a group or row of no less than three single-family dwellings having common walls and built as a single structure.

TRAILER PARK. See *MOBILE HOME COURT* as defined in this section.

TRANSPORTATION TERMINALS. Trucking and motor freight terminals, express and hauling establishments, rail terminals, landing strips and heliports.

TWO-FAMILY DWELLING. A building designed exclusively for occupancy by two families living independently of each other.

USE. The purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.

USE, CATEGORIES. The heading under which a particular principal use, special use, or nonconforming use type is listed within this chapter, said use categories including the following:

- (1) Agricultural uses.
- (2) Residential uses.
- (3) Institutional and public recreation uses.
- (4) Business and professional office uses.
- (5) Retail commercial and service uses.
- (6) Road service and commercial entertainment uses.
- (7) Light industrial uses.
- (8) Heavy industrial uses.
- (9) Transportation and utility uses.
- (10) Other uses.

USE, CHANGE OF. The conversion of an existing principal use, accessory use or special use to a use in a different use category, or when the change necessitates improvements to the structure or premises to support the intended use in accordance with the provisions set forth in Chapter 150 (Building Regulations) and Chapter 154 (Zoning).

VARIANCE. The relaxation of strict and literal enforcement of any of the provisions of this chapter to allow the reasonable use of property and land, provided the use is in the best public interest and does not jeopardize the general health, safety, and welfare of the city, as set forth in § 154.142(D)(2).

EXHIBIT 'A'

VEHICLE SALES, RENTAL AND SERVICE. The sales, service and rental of new and used cars, trucks, trailers, motorcycles, mobile homes, recreational vehicles, snowmobiles and boats. This does not include semi-tractor trailers, farm equipment and construction equipment.

VETERINARY CLINIC. See **ANIMAL HOSPITAL** as defined in this section.

WAREHOUSE. A building used principally for the storage of goods and materials.

YARD. An open space on the same lot with a main building, unoccupied, and unobstructed by structures from the ground upward, except as otherwise provided in this chapter. See Exhibit C at the end of this section.

(1) **FRONT YARD.** An open space extending in full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

(2) **REAR YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. See Exhibit C at the end of this section.

(3) **SIDE YARD.** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building. See Exhibit C at the end of this section.

('97 Code, § 150.103) (Ord. 42-96, passed 9-17-96; Am. Ord. 3-99, passed 2-1-99; Am. Ord. 17-99, passed 7-6-99; Am. Ord. 14-01, passed 7-23-01; Am. Ord. 7-02, passed 4-1-02; Am. Ord. 8-03, passed 6-2-03; Am. Ord. 9-05, passed 7-5-05; Am. Ord. 25-06, passed 10-17-06; Am. Ord. 05-07, passed 3-19-07; Am. Ord. 14-07, passed 10-1-07; Am. Ord. 24-07, passed 11-19-07; Am. Ord. 30-07, passed 12-17-07)

§ 154.020 R-1AA ONE-FAMILY RESIDENTIAL DISTRICT.

(A) *Intent.* The intent of this district is to provide low-density one-family dwellings in predominately undeveloped areas of the city, plus those public and private facilities serving the residents of the area.

('97 Code, § 150.311)

(B) *Principal permitted uses.*

(1) *Residential uses.* One-family detached dwellings.

(2) *Institutional and public recreational uses.*

(a) Elementary, junior high and high schools.

(b) Places of worship.

(c) Libraries.

(d) Public recreation facilities.

('97 Code, § 150.312)

(C) *Accessory permitted uses.*

(1) Accessory structures.

(2) Home occupations.

EXHIBIT 'A'

- (3) Essential services.

('97 Code, § 150.313)

(D) Special uses. A building or premises may be used for the following purposes in the R-1AA One-Family Residential District if a special use permit for the use has been obtained in conformance with the provisions of § 154.140.

- (1) Institutional and public recreational uses.

- (a) Child day care centers.
(b) Cemeteries.
(c) Public offices, public buildings, public utilities.
(d) Membership sports and recreation clubs.

(2) Planned Unit Developments. Planned Unit Development overlay subject to the provisions of §§ 154.040 through 154.047.

(3) Accessory Uses.

(a) Private Garages (not accessory to a principal use).

('97 Code, § 150.314)

(E) Parking regulations. Parking within the R-1AA One-Family Residential District shall be regulated in conformance with the provisions of §§ 154.080 through 154.083.

('97 Code, § 150.315)

(F) Sign regulations. Signs within the R-1AA One-Family Residential District shall be regulated in conformance with the provisions of §§ 154.095 through 154.107.

('97 Code, § 150.316)

(G) Height and area regulations. The maximum height and minimum lot requirements within the R-1AA One-Family Residential District shall be as follows.

- (1) General requirements for dwellings.

Table with 2 columns: Requirement, Value. Rows include Minimum lot area (20,000 square feet), Minimum lot frontage (100 feet), Minimum front yard setback (50 feet), Minimum side yard setback (15 feet), Minimum rear yard setback (40 feet), Maximum height (35 feet).

(2) Front yard. There shall be a required front yard setback on each side of a through lot facing a street.

(3) Side yard. There shall be a required front yard setback on each street side of a corner lot.

(4) Accessory buildings. Accessory buildings within the R-1AA One-Family Residential District shall be regulated in conformance with the provisions of § 154.121.

EXHIBIT 'A'

~~(a) Accessory structures located within ten feet of the principal structure shall comply with the height, front, side and rear yard requirements of the principal structure.~~

~~(b) Accessory buildings not a part of the main structure may be located in the required rear yard, but these accessory buildings shall not be nearer than three feet to any side or rear lot line, nor more than 15 feet in height. A garage which is entered from an alley shall not be located closer than ten feet from the property line.~~

('97 Code, § 150.317) (Ord. 42-96, passed 9-17-96; Am. Ord. 5-06, passed 3-20-06) Penalty, see § 154.999

§ 154.021 R-1A ONE-FAMILY RESIDENTIAL DISTRICT.

(A) *Intent.* The intent of this district is to provide low density one-family dwellings in a predominantly developed and stable area of the city, plus those public and private facilities serving the residents of the area.

('97 Code, § 150.321)

(B) *Principal permitted uses.*

(1) *Residential uses.* One-family detached dwellings.

(2) *Institutional and public recreational uses.*

(a) Elementary, junior high and high schools.

(b) Places of worship.

(c) Libraries.

(d) Public recreation facilities.

('97 Code, § 150.322)

(C) *Accessory permitted uses.*

(1) Accessory structures.

(2) Home occupations.

(3) Essential services.

('97 Code, § 150.323)

(D) *Special uses.* A building or premises may be used for the following purposes in the R-1A One-Family Residential District if a special use permit for the use has been obtained in conformance with the provisions of § 154.140.

(1) *Institutional and public recreational uses.*

(a) Child day care centers.

(b) Cemeteries.

(c) Public offices, public buildings, public utilities.

EXHIBIT 'A'

- (d) Membership sports and recreation clubs.

(2) Accessory Uses.

(a) Private Garages (not accessory to a principal use).

('97 Code, § 150.324)

- (2) *Planned Unit Developments.* Planned Unit Development overlay subject to the provisions of §§ 154.040 through 154.047.

(E) *Parking regulations.* Parking within the R-1A One-family Residential District shall be regulated in conformance with the provisions of §§ 154.080 through 154.083.

('97 Code, § 150.325)

(F) *Sign regulations.* Signs within the R-1A One-Family Residential District shall be regulated in conformance with the provisions of §§ 154.095 through 154.107.

('97 Code, § 150.326)

(G) *Height and area regulations.* The maximum height and minimum lot requirements within the R-1A One-Family Residential District shall be as follows.

- (1) *General requirements for dwellings.*

Minimum lot area	10,000 square feet
Minimum lot frontage	75 feet
Minimum front yard setback	30 feet
Minimum side yard setback	8 feet
Minimum rear yard setback	less of 30 feet or 20% of lot depth
Maximum height	35 feet

- (2) *Front yard.* There shall be a required front yard setback on each side of a through lot facing a street.

- (3) *Side yard.* There shall be a required front yard setback on each street side of a corner lot.

(4) Accessory buildings. Accessory buildings within the R-1A One-Family Residential District shall be regulated in conformance with the provisions of § 154.121.

~~(a) Accessory structures located within ten feet of the principal structure shall comply with the height, front, side and rear yard requirements of the principal structure.~~

~~(b) Accessory buildings not a part of the main structure may be located in the required rear yard, but these accessory buildings shall not be nearer than three feet to any side or rear lot line, nor more than 15 feet in height. A garage which is entered from an alley shall not be located closer than ten feet from the property line.~~

('97 Code, § 150.327) (Ord. 42-96, passed 9-17-96; Am. Ord. 5-06, passed 3-20-06) Penalty, see § 154.999

EXHIBIT 'A'

§ 154.022 R-1 ONE-FAMILY RESIDENTIAL DISTRICT.

(A) *Intent.* The intent of this district is to provide a stable residential area for one-family housing in those parts of the city that are largely developed at a gross density of approximately seven dwelling units per acre.

('97 Code, § 150.331)

(B) *Principal permitted uses.*

- (1) *Residential uses.* One-family detached dwellings.
- (2) *Institutional and public recreational uses.*
 - (a) Elementary, junior high and high schools.
 - (b) Places of worship.
 - (c) Libraries.
 - (d) Public recreation facilities.

('97 Code, § 150.332)

(C) *Accessory permitted uses.*

- (1) Accessory structures.
- (2) Home occupations.
- (3) Essential services.

('97 Code, § 150.333)

(D) *Special uses.* A building or premises may be used for the following purposes in the R-1 One-Family Residential District if a special use permit for the use has been obtained in conformance with the provisions of § 154.140.

- (1) *Residential uses.*
 - (a) Elderly housing facilities.
 - (b) Mobile home courts.
 - (c) Bed and breakfast inn.
- (2) *Institutional and public recreational uses.*
 - (a) Child day care centers.
 - (b) Cemeteries.
 - (c) Public offices, public buildings, public utilities.
 - (d) Membership sports and recreation clubs.

EXHIBIT 'A'

(3) Retail commercial and service uses. Neighborhood businesses.

(4) Accessory Uses.

(a) Private Garages (not accessory to a principal use).

('97 Code, § 150.334)

(4) *Planned Unit Developments.* Planned Unit Development overlay subject to the provisions of §§ 154.040 through 154.047.

(E) *Parking regulations.* Parking within the R-1 One-Family Residential District shall be regulated in conformance with the provisions of §§ 154.080 through 154.083.

('97 Code, § 150.335)

(F) *Sign regulations.* Signs within the R-1 One-Family Residential District shall be regulated in conformance with the provisions of §§ 154.095 through 154.107.

('97 Code, § 150.336)

(G) *Height and area regulations.* The maximum height and minimum lot requirements within the R-1 One-Family Residential District shall be as follows.

(1) *General requirements for dwellings.*

Minimum lot area	6,000 square feet
Minimum lot frontage	50 feet
Minimum front yard setback	25 feet
Minimum side yard setback	6 feet
Minimum rear yard setback	less of 30 feet or 20% of lot depth
Maximum height	35 feet

(2) *Front yard.* There shall be a required front yard setback on each side of a through lot facing a street.

(3) *Side yard.* There shall be a required front yard on each street side of a corner lot.

(4) Accessory buildings. Accessory buildings within the R-1 One-Family Residential District shall be regulated in conformance with the provisions of § 154.121.

~~(a) Accessory structures located within ten feet of the principal structure shall comply with the height, front, side and rear yard requirements of the principal structure.~~

~~(b) Accessory buildings not a part of the main structure may be located in the required rear yard, but these accessory buildings shall not be nearer than three feet to any side or rear lot line, nor more than 15 feet in height. A garage which is entered from an alley shall not be located closer than ten feet from the property line.~~

('97 Code, § 150.337) (Ord. 42-96, passed 9-17-96; Am. Ord. 5-06, passed 3-20-06) Penalty, see § 154.999

EXHIBIT 'A'

§ 154.023 R-2 TWO-FAMILY RESIDENTIAL DISTRICT.

(A) *Intent.* The intent of this district is to provide a sound housing mix. This district provides for an approximate maximum density of ten dwelling units per acre and recognizes the development of other than single-family dwelling units.

('97 Code, § 150.341)

(B) *Principal permitted uses.*

(1) *Residential uses.*

- (a) One-family detached dwellings.
- (b) Two-family dwellings.

(2) *Institutional and public recreational uses.*

- (a) Elementary, junior high and high schools.
- (b) Places of worship.
- (c) Libraries.
- (d) Public recreation facilities.

('97 Code, § 150.342)

(C) *Accessory permitted uses.*

- (1) Accessory structures.
- (2) Home occupations.
- (3) Essential services.

('97 Code, § 150.343)

(D) *Special uses.* A building or premises may be used for the following purposes in the R-2 Two-Family Residential District if a special use permit for the use has been obtained in conformance with the provisions of § 150.140.

(1) *Residential uses.*

- (a) Elderly housing facilities.
- (b) Mobile home courts.
- (c) Group homes.
- (d) Bed and breakfast inn.

(2) *Institutional and public recreation uses.*

- (a) Child day care centers.

EXHIBIT 'A'

- (b) Nursing and convalescent homes.
- (c) Cemeteries.
- (d) Public offices, public buildings, public utilities.
- (e) Membership sports and recreation clubs.
- (f) Hospitals.

(3) *Retail commercial and service uses.* Neighborhood businesses.

(4) Accessory Uses.

(a) Private Garages (not accessory to a principal use).

('97 Code, § 150.344)

(4) *Planned Unit Developments.* Planned Unit Development overlay subject to the provisions of §§ 154.040 through 154.047.

(E) *Parking regulations.* Parking within the R-2 Two-Family Residential District shall be regulated in conformance with the provisions of §§ 154.080 through 154.083.

('97 Code, § 150.345)

(F) *Sign regulations.* Signs within the R-2 Two-Family Residential District shall be regulated in conformance with the provisions of §§ 154.095 through 154.107.

('97 Code, § 150.346)

(G) *Height and area regulations.* The maximum height and minimum lot requirements within the R-2 Two-Family Residential District shall be as follows.

(1) *General requirements for one-family dwellings and other permitted uses.*

Minimum lot area	5,000 square feet
Minimum lot frontage	50 feet
Minimum front yard setback	25 feet
Minimum side yard setback	6 feet
Minimum rear yard setback	Less of 30 feet or 20% of lot depth
Maximum height	35 feet

(2) *General requirements for two-family dwellings.*

Minimum lot area	4,000 square feet per unit
Minimum lot frontage	40 feet per unit
Minimum front yard setback	25 feet
Minimum side yard setback	10 feet
Minimum rear yard setback	less of 30 feet or 20% of lot depth
Maximum height	35 feet

(3) *Front yard.* There shall be a required front yard setback on each side of a through lot facing a street.

(4) *Side yard.* There shall be a required front yard setback on each street side of a corner lot.

EXHIBIT 'A'

(5) *Accessory buildings.* **Accessory buildings within the R-2 Two-Family Residential District shall be regulated in conformance with the provisions of § 154.121.**

~~(a) — Accessory structures located within ten feet of the principal structure shall comply with the height, front, side and rear yard requirements of the principal structure.~~

~~(b) — Accessory buildings not a part of the main structure may be located in the required rear yard, but these accessory buildings shall not be nearer than three feet to any side or rear lot line, nor more than 15 feet in height. A garage which is entered from an alley shall not be located closer than ten feet from the property line.~~

('97 Code, § 150.347) (Ord. 42-96, passed 9-17-96; Am. Ord. 5-06, passed 3-20-06) Penalty, see § 154.999

§ 154.024 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT.

(A) *Intent.* The intent of this district is to provide a full range of residential dwelling types. The maximum approximate gross density of this district is 29 dwelling units per acre. The requirements allow a more complete use of land in the district and provide more flexible guidelines for development and redevelopment efforts.

('97 Code, § 150.351)

(B) *Principal permitted uses.*

(1) *Residential uses.*

- (a) Single-family detached dwellings.
- (b) Single-family attached dwellings.
- (c) Two-family dwellings.
- (d) Multi-family dwellings.
- (e) Bed and breakfast inn.
- (f) Boarding or lodging houses.
- (g) Dormitories, convents and monasteries.

(2) *Institutional and public recreational uses.*

- (a) Elementary, junior high and high schools.
- (b) Places of worship.
- (c) Libraries.
- (d) Public recreation facilities.
- (e) Private clubs.

EXHIBIT 'A'

('97 Code, § 150.352)

(C) *Accessory permitted uses.*

- (1) Accessory structures.
- (2) Home occupations.
- (3) Essential services.

('97 Code, § 150.353)

(D) *Special uses.* A building or premises may be used for the following purposes in the R-3 Multi-Family Residential District if a special use permit for the use has been obtained in conformance with the provisions of § 154.140.

(1) *Residential uses.*

- (a) Elderly housing facilities.
- (b) Mobile home courts.
- (c) Group homes.

(2) *Institutional and public recreation uses.*

- (a) Child day care centers.
- (b) Nursing and convalescent homes.
- (c) Cemeteries.
- (d) Public offices, public buildings, public utilities.
- (e) Hospitals.
- (f) Membership sports and recreation clubs.

(3) *Retail commercial and service uses.*

- (a) Neighborhood businesses.

(b) Restaurant, standard. Design standards for a restaurant as a permitted special use in an R-3 Multi-Family Residential District are as follows:

1. No drive-through window will be permitted.
2. Access shall be from a major thoroughfare, urban arterial or urban collector only.
3. Maximum size of restaurant shall be regulated by the special use permit.
4. Hours of operation shall be regulated by the special use permit.
5. Off street parking shall be regulated in conformance with the restaurant provisions of §§ 154.080 through 154.083.
6. A restaurant in an R-3 Multi-Family Residential District shall have no more than one sign which may be either a free standing or a wall sign. The sign shall be non-illuminated, and shall not exceed an area of 24 square feet. Signs shall be regulated in conformance with the provisions of §§ 154.095 through 154.107.

(4) *Business and professional office uses.* Business, professional and administrative offices.

EXHIBIT 'A'

(5) Accessory Uses.

(a) Private Garages (not accessory to a principal use).

('97 Code, § 150.354)

(5) *Planned Unit Developments.* Planned Unit Development overlay subject to the provisions of §§ 154.040 through 154.047.

(E) *Parking regulations.* Parking within the R-3 Multi-Family Residential District shall be regulated in conformance with the provisions of §§ 154.080 through 154.083.

('97 Code, § 150.355)

(F) *Sign regulations.* Signs within the R-3 Multi-Family Residential District shall be regulated in conformance with the provisions of §§ 154.095 through 154.107.

('97 Code, § 150.356)

(G) *Height and area regulations.* The maximum height and minimum lot requirements within the R-3 Multi-Family Residential District shall be as follows.

(1) *General requirements for one-family dwellings.*

Minimum lot area	5,000 square feet
Minimum lot frontage	50 feet
Minimum front yard setback	25 feet
Minimum side yard setback	6 feet
Minimum rear yard setback	less of 30 feet or 20% of lot depth
Maximum height	35 feet

(2) *General requirements for two-family dwellings.*

Minimum lot area	4,000 square feet per unit
Minimum lot frontage	40 feet per unit
Minimum front yard setback	25 feet
Minimum side yard setback	10 feet
Minimum rear yard setback	less of 30 feet or 20% of lot depth
Maximum height	35 feet

(3) *General requirements for multi-family dwellings.*

Minimum lot area	1,500 square feet per unit
Minimum lot frontage	50 feet
Minimum front yard setback	25 feet
Minimum side yard setback	10 feet
Minimum rear yard setback	less of 30 feet or 20% of lot depth
Maximum height	35 feet

(4) *General requirements for townhouses.*

EXHIBIT 'A'

Minimum lot area	2,000 square feet per unit
Minimum lot frontage	20 feet per unit
Minimum front yard setback	25 feet
Minimum side yard setback	10 feet
Minimum rear yard	less of 30 feet or 20% of lot depth
Maximum height	35 feet

(5) *General requirements for other permitted uses.*

Minimum lot area	5,000 square feet
Minimum lot frontage	50 feet
Minimum front yard setback	25 feet
Minimum side yard setback	6 feet
Minimum rear yard setback	less of 30 feet 20% of lot depth
Maximum height	35 feet

(6) *Front yard.* There shall be a required front yard setback on each side of a through lot facing a street.

(7) *Townhouses.* For townhouses, front and rear yard requirements shall be the average size of front and rear yards of the units. No more than four contiguous townhouse units may have the same front yard dimension.

(8) *Side yard.* There shall be a required front yard setback on each street side of a corner lot.

(9) *Accessory buildings.* **Accessory buildings within the R-3 Three-Family Residential District shall be regulated in conformance with the provisions of § 154.121.**

~~(a) Accessory structures located within ten feet of the principal structure shall comply with the height, front, side and rear yard requirements of the principal structure.~~

~~(b) Accessory buildings not a part of the main structure may be located in the required rear yard, but these accessory buildings shall not be nearer than three feet to any side or rear lot line, nor more than 15 feet in height. A garage which is entered from an alley shall not be located closer than ten feet from the property line.~~

('97 Code, § 150.357) (Ord. 42-96, passed 9-17-96; Am. Ord. 23-02, passed 9-16-02; Am. Ord. 5-06, passed 3-20-06) Penalty, see § 154.999

§ 154.025 B GENERAL BUSINESS DISTRICT.

(A) *Intent.* This district is intended to provide an integrated collection of structures and uses designed to supply a majority of the daily needs of city residents.

('97 Code, §. 150.361)

(B) *Principal permitted uses.*

(1) *Institutional and public recreation uses.*

EXHIBIT 'A'

- (a) Places of worship.
 - (b) Public recreation facilities.
 - (c) Private clubs.
 - (d) Libraries.
- (2) *Business and professional office uses.*
- (a) Business, professional and administrative offices.
 - (b) Offices of business and professional associations.
 - (c) Medical offices and clinics.
- (3) *Retail commercial and service uses.*
- (a) Specialty retail commercial establishments and boutiques.
 - (b) Specialty food stores.
 - (c) Home furnishings, home improvements and miscellaneous materials and equipment stores.
 - (d) General merchandise stores and supermarkets.
 - (e) Personal services.
 - (f) Restaurants, standard.
 - (g) Financial establishments.
 - (h) Pet shops.
- (4) *Road service and commercial entertainment uses.*
- (a) Automobile service stations.
 - (b) Fraternal and social association facility.
 - (c) Convenience store.
 - (d) Automotive appearance and rust protection services.
 - (e) Motels and hotels.
 - (f) Printing, publishing, lithographing and binding establishments, provided the gross floor area does not exceed 5,000 square feet.
 - (g) Self-service storage facility.
 - (h) Fire station.

('97 Code, § 150.362)

(C) *Accessory permitted uses.*

(1) *Accessory structures.*

EXHIBIT 'A'

(2) Essential services.

('97 Code, § 150.363)

(D) *Special uses.* A building or premises may be used for the following purposes in the B General Business District if a special use permit for the use has been obtained in conformance with the provisions of § 154.140.

(1) *Residential uses.*

- (a) Dwellings.
- (b) Elderly housing facilities.
- (c) Child day care center.

(2) *Retail commercial and service uses.*

- (a) Nurseries and garden supply stores.
- (b) Funeral homes.
- (c) Animal hospitals, veterinary clinics and kennels, animal grooming.

(3) *Road service and commercial entertainment uses.*

- (a) Automobile repair, painting and body shops.
- (b) Automobile washing facilities.
- (c) Bars, taverns and nightclubs.
- (d) Commercial entertainment, outdoor.
- (e) Vehicle sales, rental and service.
- (f) Carry-outs, mini-markets, drive-through and drive-in stores.
- (g) Restaurants, fast food.

(4) *Light industrial uses.*

- (a) Farm implement sales.
- (b) Construction trades and contractor offices.
- (c) Tin and sheet metal shops.
- (d) Building services and supplies.
- (e) Plumbing and heating shops.
- (f) Wholesale distributors.
- (g) Commercial radio and television studios and transmitting equipment.
- (h) Cellular/communication towers.

('97 Code, § 150.364)

EXHIBIT 'A'

(5) *Planned Unit Developments.* Planned Unit Development overlay subject to the provisions of §§ 154.040 through 154.047.

(E) *Parking regulations.* Parking in the B General Business District shall be regulated in conformance with the provisions of §§ 154.080 through 154.083.

('97 Code, § 150.365)

(F) *Sign regulations.* Signs within the B General Business District shall be regulated in conformance with the provisions of §§ 154.095 through 154.107.

('97 Code, § 150.366)

(G) *Height and area regulations.* The maximum height and minimum lot requirements within the B General Business District shall be as follows.

(1) *General requirements for all permitted uses.*

Minimum lot area	None
Minimum lot frontage	None
Minimum front yard setback	None (See division (G)(2) of this section)
Minimum side yard setback	None or 10 feet if abutting a residential district
Minimum rear yard setback	Less of 30 feet or 20% of lot depth if abutting a residential district
Maximum height	35 feet

(2) *Frontage.* When the frontage on one side of a block is divided between a B General Business District and a Residential District, or is across the street from a Residential District, the front yard requirement of that Residential District shall apply to the affected frontage of the B General Business District.

(3) *Screening.* When a side or rear yard abuts a Residential District, it shall be screened in conformance with the following provisions.

(a) A plot plan shall be submitted indicating the location and type of screening to be used.

(b) A finding shall be made that the proposed screening will do the following.

1. Provide a visual barrier of no less than six feet in height to partially or completely block out the view of unattractive structures or activities.

2. Provide an acoustic screen of no less than 15 feet in depth, of dense plantings or a solid masonry wall in combination with decorative plantings, to aid in absorbing and deflecting noise.

3. Provide for the containment of litter and debris.

(c) Screening may be one or more of the following or other similar materials.

1. A solid masonry wall.

2. A solidly constructed decorative fence.

3. Louvered fence.

4. Dense evergreen plantings.

5. Deciduous trees and shrubs.

EXHIBIT 'A'

(4) Accessory buildings. Accessory buildings within the B General Business District shall be regulated in conformance with the provisions of § 154.121.

('97 Code, § 150.367) (Ord. 42-96, passed 9-17-96; Am. Ord. 5-06, passed 3-20-06) Penalty, see § 154.999

§ 154.026 CBD CENTRAL BUSINESS DISTRICT.

(A) *Intent.* This district is intended to provide a large variety of retail stores and related activities and for office buildings and service establishments serving the entire city as well as areas outside the corporate limits. The Central Business District is intended to be the dominant multi-use district within the city and the key focus of business, social, and cultural activity within the urban area. It is intended that relationships between permitted functions will be carefully developed, and the need for access, circulation, and amenities will be given special attention.

('97 Code, § 150.371)

(B) *Principal permitted uses.*

(1) *Institutional and public recreation uses.*

- (a) Places of worship.
- (b) Public offices and buildings.
- (c) Public recreation facilities.
- (d) Private clubs.
- (e) Libraries.

(2) *Business and professional office uses.*

- (a) Business, professional and administrative offices.
- (b) Offices of business and professional associations.
- (c) Medical offices and clinics.

(3) *Retail commercial and service uses.*

- (a) Specialty retail commercial establishments and boutiques.
- (b) Specialty food stores.
- (c) Home furnishings, home improvements and miscellaneous materials and equipment stores.
- (d) General merchandise stores and supermarkets.
- (e) Personal services.
- (f) Financial establishments.
- (g) Restaurants, standard.

EXHIBIT 'A'

- (h) Pet shops.
- (4) *Road service and commercial entertainment uses.*
 - (a) Fraternal and social association facility.
 - (b) Motels and hotels.
 - (c) Commercial recreation facilities, indoor.
 - (d) Printing, publishing, lithographing and binding establishments, provided the gross floor area does not exceed 5,000 square feet.
- (5) *Other uses.* Other uses, which in the opinion of the Planning Commission are similar to the above uses indicated as being permitted. The Planning Commission may also consider essentially custom manufacturing activities which in their opinion shall have the following characteristics.

- (a) Benefit from a central location and are appropriate in the CBD Central Business District.
- (b) Do not create any significant objectionable influences.
- (c) Involve products characterized by a high ratio of value to bulk, so that truck traffic is kept to a minimum.

('97 Code, § 150.372)

- (C) *Accessory permitted uses.*
 - (1) Accessory structures.
 - (2) Essential services.

('97 Code, § 150.373)

(D) *Special uses.* A building or premises may be used for the following purposes in the CBD Central Business District if a special use permit for the use has been obtained in conformance with the provisions of § 154.140.

- (1) *Parking lots.*
- (2) *Residential uses.*
 - (a) Dwellings.
 - (b) Residential planned unit developments.
 - (c) Elderly housing facilities.
- (3) *Retail commercial and service uses.* Commercial planned unit developments
- (4) *Road service and commercial entertainment uses.*
 - (a) Carry-outs, mini-markets and drive through and drive-in stores.
 - (b) Restaurants, fast food.
 - (c) Bars, taverns, and nightclubs.
 - (d) Automobile service stations.
 - (e) Vehicle sales, rental and service, provided service access be available from a side street or alley.

EXHIBIT 'A'

(f) Convenience stores,

('97 Code, § 150.374)

(5) *Planned Unit Developments.* Planned Unit Development overlay subject to the provisions of §§ 154.040 through 154.047.

(E) *Parking regulations.* Except for those permitted residential uses, parking requirements for the CBD Central Business District are waived.

('97 Code, § 150.375)

(F) *Sign regulations.* Signs within the CBD Central Business District shall be regulated in conformance with the provisions of §§ 154.095 through 154.107.

('97 Code, § 150.376)

(G) *Height and area regulations.* The maximum height and minimum lot requirements within the CBD Central Business District shall be as set forth below.

(1) *General requirements for all permitted uses.*

Minimum lot area	None
Minimum lot frontage	None
Minimum front yard setback	None (see division (G)(2) of this section)
Minimum side yard setback	None or 10 feet if abutting a residential district
Minimum rear yard setback	Less of 30 feet or 20% of lot depth if abutting a residential district
Maximum height	35 feet

(2) *Frontage.* When the frontage on one side of a block is divided between the CBD Central Business District and a Residential District, the front yard requirement of that Residential District shall apply to the affected frontage of the CBD Central Business District.

(3) *Screening.* Where the rear lot line of a lot in the CBD Central Business District abuts a Residential District and there is no intervening alley, in addition to the required rear yard there shall be placed appropriate screening not less than six feet in height along the rear lot line of the lot abutting a Residential District.

(4) Accessory buildings. Accessory buildings within the CBD Central Business District shall be regulated in conformance with the provisions of § 154.121.

('97 Code, § 150.377) (Ord. 42-96, passed 9-17-96; Am. Ord. 5-06, passed 3-20-06) Penalty, see § 154.999

§ 154.121 CORNER LOT ACCESSORY BUILDINGS.

~~On a corner lot, accessory buildings within 25 feet of a residential lot shall maintain a minimum setback from the lot line equal to the required front yard of the residential lot. In the case of a narrow lot where compliance would be impractical, the Board of Appeals may grant a variance in the setback requirement, an accessory building shall not be nearer than three feet to the side lot line not less than ten feet to the rear lot line of the lot on which it is located.~~

(A) Accessory buildings shall conform to the general height and area regulations of the district in which the structure is located, unless otherwise specifically stated in this code.

EXHIBIT 'A'

(B) Accessory buildings accessory to a residential use, including private garages permitted as a special use, shall conform to the following:

(1) Location.

(a) When the accessory building is accessory to a principal use, and is to be constructed on a lot contiguous to an improved public street, the accessory buildings shall only be permitted in the rear yard, unless attached to the principal structure by a breezeway or a similar unenclosed structure, in which case the accessory building may be permitted in a side or rear yard, subject to the applicable setback requirements.

(b) When the accessory building is not accessory to a principal use, and is to be constructed on a lot contiguous to an improved public street, the accessory building shall only be permitted in the required rear yard as established by the front, side and rear yard setback requirements applicable to the principal structure, subject to the applicable setback requirements.

(c) When the accessory building is not accessory to a principal use, and is to be constructed on a lot not contiguous to an improved public street, and the accessory building is to be constructed on a lot contiguous to an improved public alley, the accessory building shall be permitted in any portion of the yard, subject to the applicable setback requirements.

(2) Setback.

(a) Accessory buildings permitted in the rear yard and with a ground floor level gross floor area equal to or less than 1,000 square feet shall be no closer to any side or rear lot line than three feet.

(b) Accessory buildings permitted in the rear yard and with a ground floor level gross floor area more than 1,000 square feet shall be no closer to any side or rear lot line than six feet.

(c) Accessory buildings permitted in a side yard shall conform to the front, side, and rear yard requirements of the principal structure.

(d) When the use of the accessory building is a private garage, the side of the private garage to which the driveway provides entry into the structure, shall be no closer to any lot line than ten feet.

(e) When the accessory building is not accessory to a principal use, and is to be constructed on a lot not contiguous to an improved public street, and the accessory building is to be constructed on a lot contiguous to an improved public alley, the accessory building shall be no closer to the front lot line than 20 feet.

(f) No accessory building shall be closer to any principal structure than ten feet or closer to any other accessory building than five feet.

(3) Area. An accessory building shall be permitted a ground floor level gross floor area up to 720 square feet and the ground floor level gross floor area may increase up to a maximum of the lesser of 50% of the gross floor area of the ground floor level of the

EXHIBIT 'A'

principal structure to which it is accessory or 50% of the gross area of the rear yard; or, in the event there is no principal structure on the same lot, the ground floor level gross floor area may increase up to a maximum of the lesser of 50% of the average gross floor area of the ground floor level of the principal structures found on the adjacent lots or 50% of the gross area of the rear yard, unless the accessory building is to be constructed on a lot not contiguous to an improved public street, and the accessory building is to be constructed on a lot contiguous to an improved public alley, in which case, the ground floor level gross floor area may increase up to a maximum of the lesser of 50% of the average gross floor area of the ground floor level of the principal structures found on the adjacent lots or 50% of the gross area of the subject lot.

(4) Height. An accessory building shall be permitted a structure height up to 15 feet and the structure height may increase up to a maximum of 80% of the structure height of the principal structure to which it is accessory; or, in the event there is no principal structure on the same lot, the structure height may increase up to a maximum of 80% of the average structure height of the principal structures located on the adjacent lots.

(5) Number. The maximum number of accessory buildings permitted on a single lot shall be limited to three with no more than one accessory building to be occupied by a private garage accessory use.

('97 Code, § 150.801) (Ord. 42-96, passed 9-17-96) Penalty, see § 154.999

§ 154.122 LOTS ADJOINING ALLEYS DESIGN STANDARDS.

~~— In calculating the area of a lot that adjoins an alley, for the purpose of applying lot area requirements of this chapter, one-half the width of the alley abutting the lot shall be considered as part of the lot.~~

(A) Accessory buildings. All accessory buildings with a gross ground floor area greater than 200 square feet shall be designed and constructed to be a permanent structure with an appearance that matches or compliments the style and finishes of the principal structure found on lot on which the accessory building is located, or in the event there is no principal structure on the same lot, the principal structures found within the neighborhood, more specifically as follows:

(1) The slope and style of the roof system of the accessory building shall match or compliment the slope and style of any of the roof systems of the principal structure found on lot on which the accessory building is located, or in the event there is no principal structure on the same lot, the roof systems of the accessory building shall match or compliment the roof system of the principal structures found within the neighborhood.

(2) The roofing materials on the accessory structure shall match or compliment any of the roofing materials on the principal structure found on lot on which the accessory building is located, or in the event there is no principal structure on the same lot, the

EXHIBIT 'A'

roofing materials of the accessory building shall match or compliment the roofing materials of the principal structures found within the neighborhood.

(3) The siding materials on the accessory structure shall match or compliment any of the siding materials on the principal structure found on lot on which the accessory building is located, or in the event there is no principal structure on the same lot, the siding materials of the accessory building shall match or compliment the siding materials of the principal structures found within the neighborhood.

(4) The material to be used for any accessory structure with a ground floor constructed on compacted sub-grade soil or aggregate materials shall be Portland cement concrete pavement.

('97 Code, § 150.802) (Ord. 42-96, passed 9-17-96)

ORDINANCE NO. 18-08

**AN ORDINANCE AMENDING SECTIONS 154.005 AND
154.108 OF THE PIQUA CODE RELATING TO SPECIAL
EVENTS SIGNS**

BE IT ORDAINED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected or appointed thereto concurring, that:

WHEREAS, legislative modification of Sections 154.005 and 154.108 of the Piqua City Code is needed in order to address special events signs.

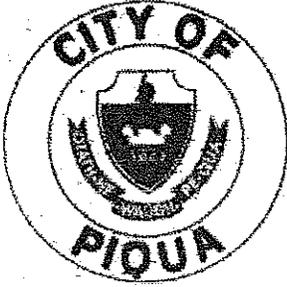
SEC. 1: Sections 154.005 and 154.108 of the Piqua Code is hereby amended per Exhibit "A" attached hereto (with deletions lined out and additions underlined).

SEC. 2: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



PLANNING AND ZONING

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201 West Water Street • Piqua, Ohio 45356
(937) 778-2049 • FAX (937) 778-5165
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June 6, 2008

MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: Request for Legislation to Adopt Proposed Amendments to the Zoning Chapter of the City of Piqua Codified Ordinances, including: Amendments Pertaining to Residential Private Garages - §§ 154.005, 154.020, 154.021, 154.022, 154.023, 154.024, 154.025, 154.026, 154.121, and 154.122; Amendments Pertaining to Special Events Signs - §§ 154.005 and 154.108; and, Amendments Pertaining to Demolition Standards - §§ 154.127 and 154.143

At the June 3, 2008 meeting of the Planning Commission, with all members present, the Planning Commission unanimously recommended approval of the above referenced proposed code amendments. The items shown represent three different amendments to the zoning chapter. Therefore, in accordance with §154.141 of the codified ordinances I am forwarding the supporting items pertaining to each amendment for the City Commissions' consideration.

The proposed amendments pertaining to residential private garages address the size, location, and appearance standards applicable to accessory buildings. In particular, the proposed changes are in response to the many requests we receive from homeowners seeking to build private garages larger than what is currently allowed by the code, or to build on a lot lacking a principal structure. The special event sign proposed amendments includes inserting a section into the sign regulations to better deal with the size, placement, and display period needs of this sign type. The demolition standards amendment replaces an obsolete section of the code with an insertion of the minimum requirements for what is expected so far as safety, security, and restoration of the site when demolishing a building. Enclosed, you will find the Issues, Objective, and Principles document, and a detailed text change exhibit for each of the proposed amendments. Noting the input provided by city officials, City Commissioners, Planning Commissioners, and the general public, and the incorporation of that input into the final content of each of these documents, it is the opinion of the Planning Commission that the proposed code amendments are both responsive to the concerns raised and responsible to the best interest of the entire community.

Included with this memo for the City Commissions' reference in considering each of these requests, please find a copy of the Planning Commission resolution and the supporting documents pertaining to each item.

Sincerely,

Chris Schmiesing

Christopher W. Schmiesing
City Planner

Enc.



Proposed Land Use Code Amendment

Special Event Sign

Issues

Size – Current code provisions limit the maximum size for a temporary sign relative to the area of the lot on which it will be placed, regardless of the type of advertisement.

Number – Current code provisions limit the maximum number of temporary commercial message signs permissible relative to the frontage of the lot on which it will be placed.

Type – Current code provisions limit the types of signage permissible for off-premise commercial messages to ground signs and monument signs. In addition to ground and monument signs, banner, pole, and window signs are permissible for off-premises noncommercial messages.

According to at least one local business and at least one local not-for-profit agency, the temporary sign provisions cited above place unreasonable limits on their ability to effectively advertise special events.

Objective

The objective of this amendment is to update the current code provisions pertaining to the size, number, and type of temporary advertising signs to establish a process for considering and allowing more liberal temporary signage allowance for special events.

Principles

Public, institutional, or commercial special events may require a more generous signage allowance to effectively promote, communicate, or advertise the unique qualities of the event.

Poorly designed or improperly placed temporary signs can have a significant negative effect on the aesthetics of a community and compromise the general safety of the public.

An inordinate number and/or excessive display of temporary signs, and the nonpermanent qualities of a temporary sign can cause a blighting influence on a neighborhood or locale and foster a negative image of the community.

Such special event sign allowance should be limited to events that occur not more than two times per year, do not run for more than a set number of consecutive days, and should be subject to an administrative permit process.

Code Amendments

The following exhibit details the code amendments necessary to address the aforementioned issues in a manner that is consistent with the objective and principles outlined. The proposed text **insertions** are in bold print and underlined, while a strikethrough line indicates the existing text that is to be ~~deleted~~.

RESOLUTION No. PC 31-08

WHEREAS, the City Commission, has submitted a request to amend the zoning chapter of the codified ordinances to modify code provisions pertaining to the allowable number, area, and type of signs for a special event; and,

WHEREAS, sections 154.141 of the City of Piqua Code of Ordinances provides the procedure for considering an amendment to the zoning code; and,

WHEREAS, the Planning Commission has studied the request and conducted a public hearing on the matter;

NOW THEREFORE BE IT RESOLVED, board member Bubp hereby moves to Approve the request made, as described by this resolution, the testimony provided, and the documents attached hereto as Exhibit 'A', the motion is seconded by board member Oda, and the voting record on this motion is hereby recorded as follows.

	AYE	NAY	ABSTAIN	ABSENT
Mr. Jim Oda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Brad Bubp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mike Taylor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. Jean Franz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mark Spoltman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



PROPOSED CODE AMENDMENTS

Special Events – Temporary Signs

Issues

Size – Current code provisions limit the maximum size for a temporary sign relative to the area of the lot on which it will be placed, regardless of the type of advertisement.

Number – Current code provisions limit the maximum number of temporary commercial message signs permissible relative to the frontage of the lot on which it will be placed.

Type – Current code provisions limit the types of signage permissible for off-premise commercial messages to ground signs and monument signs. In addition to ground and monument signs, banner, pole, and window signs are permissible for off-premises noncommercial messages.

According to at least one local business and at least one local not-for-profit agency, the temporary sign provisions cited above place unreasonable limits on their ability to effectively advertise special events.

Objective

The objective of this amendment is to update the current code provisions pertaining to the size, number, and type of temporary advertising signs to establish a process for considering and allowing more liberal temporary signage allowance for special events.

Principles

Public, institutional, or commercial special events may require a more generous signage allowance to effectively promote, communicate, or advertise the unique qualities of the event.

Poorly designed or improperly placed temporary signs can have a significant negative effect on the aesthetics of a community and compromise the general safety of the public.

An inordinate number and/or excessive display of temporary signs, and the nonpermanent qualities of a temporary sign can cause a blighting influence on a neighborhood or locale and foster a negative image of the community.

Such special event sign allowance should be limited to events that occur not more than two times per year, do not run for more than a set number of consecutive days, and should be subject to an administrative permit process.



PROPOSED CODE AMENDMENTS

Special Events – Temporary Signs

Code Amendments

The code amendments necessary to satisfy the aforementioned issues in a manner that is consistent with the objective and principles described include the following proposed insertions or deletions to the text of the code sections indicated. Revisions made in response to the preliminary review comments received from the Planning Commission and City Commission are shown in red. The document was updated on June 3, 2008.

§ 154.005 DEFINITIONS.

PERMANENT. A period of more than 180 consecutive days, unless otherwise specifically stated in this chapter.

SPECIAL EVENT. A particular or unique happening or occurrence that is open or available to the public.

TEMPORARY. A period of 180 consecutive days or less, unless otherwise specifically stated in this chapter.

§ 154.108 SPECIAL EVENT SIGNS.

(A) Intent. The intent of this section is to recognize the rights of an individual to display noncommercial messages protected by the First Amendment, to recognize the individual or entity who desires to display a commercial message in conjunction with a permitted land use, to recognize the need for special event signs to sometimes exceed typical time, place, and manner limitations allowing certain temporary sign types for these purposes. It is further intended to recognize the negative affect oversized and misplaced signs can have on the attractiveness of a community, including the deterioration of the natural environment, the clutter signs contribute to the landscape, the distractions and obstructions this sign type may cause to pedestrians and motorist alike, and the hazards that the aforementioned concerns may cause. Thus, this section is intended to establish regulations that allow special event signs without their becoming a nuisance to the community.

(B) Permitted special event sign types. Any of the temporary sign types indicated, with a message type the same as the message type heading under which the sign type is listed, shall be permitted as an accessory use to a lawfully established principal, special or nonconforming use conducted on the premise, subject to the limitations included in this code.

(1) Noncommercial message.



PROPOSED CODE AMENDMENTS

Special Events – Temporary Signs

(a) Off-premise or on-premise.

1. Aerial sign.
2. Banner sign.
3. Ground sign.
4. Monument sign.
5. Pole sign.
6. Window sign.
7. Trailer sign.
8. Vehicle sign.

(2) Commercial message.

(a) Off-premise or on-premise.

1. Aerial sign.
2. Banner sign.
3. Ground sign.
4. Monument sign.
5. Pole sign.
6. Window sign.
7. Trailer sign.
8. Vehicle sign.

(C) Height, area, and setback regulations.

(1) General requirements for special event signs.

(a) The height, area, and setbacks of a special event sign shall be unrestricted, less the requirement that the sign shall be in full compliance with § 154.097 General Requirements and the provisions of this section.



PROPOSED CODE AMENDMENTS

Special Events – Temporary Signs

(D) Other regulations.

(1) Location.

(a) Special event signs shall be permitted on the building face or in the yard adjacent to any building elevation facing a street, parking lot, drive through lane, or service drive, subject to the provisions established by this section of the code and provided the sign face is oriented towards the same street, parking lot, drive through lane, or service drive to which it is adjacent.

(2) Number.

(a) The maximum allowable number of special event signs shall be unrestricted, less the requirement that the sign shall be in full compliance with § 154.097 General Requirements and the provisions of this section.

(3) Landscaping.

(a) None required for this sign type.

(4) Period of display.

(a) Special event signs may be displayed for a period of time commencing not more than three days prior to the beginning date of, and terminating not more than one day after the end date of, the special event to which the sign is accessory not to exceed 90 consecutive days not more than two times in any 12-month period, provided 90 days has lapsed since the most recent past display of special event signs at the same location.

(b) All special events signs shall be removed at such time when the happening or occurrence the sign advertises is discontinued or the sign message becomes obsolete, whichever occurs first. Failure to remove the sign shall be cause for the city to remove the sign at the owner's cost.

Note: With the issuance of a permit being the only practical way to track the frequency and duration of special event sign displays, it is proposed that the special event sign type not be included under item 154.098(B)(2), the list of sign types excluded from the permit requirement.

EXHIBIT 'A'

§ 154.005 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

ACCESSORY BUILDING. See **ACCESSORY STRUCTURE**, as defined in this section

ACCESSORY STRUCTURE. Any structure detached from the principal building on the same lot and serving a purpose incidental and subordinate to the principle building or use. See Exhibit C at the end of this section.

ACCESSORY USE. Any use of land or of a building or portion thereof serving a purpose incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

AGRICULTURE. The use of land for the purpose of raising and harvesting crops; or for raising, breeding or management of livestock, poultry or honeybees; or for dairying, truck farming, forestry, nurseries or orchards; for the noncommercial, on-farm storage or processing of agricultural products or for any other similar agricultural or horticultural use.

ALLEY. Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION. Any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as altered or reconstructed.

ANIMAL GROOMING. An activity where the principal business is domestic pet hygiene, including washing, brushing, shearing and nail cutting.

ANIMAL HOSPITAL. Any building or structure used for treatment and care of injured or ailing animals administered by a Doctor of Veterinary Medicine licensed to practice in the state.

ARCHITECTURAL PROJECTION. A building facade feature that is not intended for occupancy and extends beyond the face of the exterior wall of a building.

AUTO SERVICE STATION. A place where gasoline or any other automobile engine fuel, stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of motor vehicles, are retailed directly to the public on the premises, including the sale of minor accessories and the servicing of and minor repair of automobiles, not including storage of inoperable vehicles.

AUTOMOBILE REPAIR, PAINTING AND BODY SHOPS. The repair or maintenance of automobiles or any part thereof, including engine or transmission rebuilding or overhauls, rebuilding or reconditioning of parts, body, frame or fender straightening, painting or undercoating, and the minor repair or maintenance of automobiles or any part thereof, including the changing of oil, adding fluids, replacing wiper blades, and any other activities similar in nature to those described which can be performed by the average automobile owner in his or her own driveway, and be completed on the same calendar day as the calendar date upon which the work commenced. This shall not include the storage of any junk or abandoned vehicles as defined in § 91.01 through § 91.10 of the City of Piqua Ohio Code of Ordinances.

AUTOMOBILE WASHING FACILITIES. Area of land and/or a structure with machine or hand-operated facilities used principally for cleaning, washing, polishing, or waxing of automobiles.

AUTOMOTIVE APPEARANCE AND RUST PROTECTION SERVICES. Rust protection, paint protection (except painting), fabric protection, trim sales/installation, accessory sales and installation.

AVERAGE LOT WIDTH. The width determined by dividing the total lot area by the depth of the lot from the street right-of-way line to the furthest rear lot line. If the rear lot line and right-of-way lines are not parallel, an average depth dimension shall be used.

AWNING. An architectural projection of shelter projecting from and supported by the exterior wall of a building and composed of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

BARS, TAVERNS AND NIGHTCLUBS. Establishments primarily engaged in the retail sale of drinks, such as beer, ale, wine, liquor and other alcoholic beverages for consumption on the premises. The sale of food may also be a part of the operation.

EXHIBIT 'A'

BASEMENT. That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A **BASEMENT** shall not be counted as a story, except as provided in the definition of story.

BED AND BREAKFAST INN. A residential structure, which is owner-occupied, that has, as a secondary use of the structure, one to five guestrooms for rent. Development standards shall be as follows.

- (1) Maximum number of guests per day shall be ten.
- (2) Only breakfast shall be served, and the kitchen shall not be remodeled into a commercial kitchen.
- (3) Only one non-illuminated sign of four square feet may be erected on the property.
- (4) Parking shall be in conformance with §§ 154.080 through 154.083, Parking and Off-Street Loading Regulations.
- (5) Guests shall not stay longer than 15 consecutive days.
- (6) Facility shall be located in an existing structure and a structure cannot be built for this purpose.
- (7) Tandem parking is permitted, but the area shall be screened from adjacent uses.
- (8) The operator of the inn shall live on the premises or in adjacent premises.

BLOCK. Property abutting one side of a street and lying between the two nearest intersecting streets, crossing or terminating, or between the nearest street and railroad right-of-way, unsubdivided acreage, river or live stream, or between any of the foregoing and any other barrier to the continuity of development or corporate lines of the municipality.

BOARDING OR LODGING HOUSES. A building other than a hotel, not exceeding ten sleeping rooms, where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided.

BUILDING. A structure designed, intended, or used for shelter, enclosure, or protection of persons, animals, chattels, or property.

BUILDING SERVICES. Building supply and services facilities, including facilities for plumbing and heating equipment, sheet metal shops, glass repair shops and similar uses.

BUSINESS, PROFESSIONAL AND ADMINISTRATIVE OFFICES. Uses that include but are not limited to corporate offices; insurance; real estate; law; engineering; architecture; management and consulting; accounting; bookkeeping and investment; data processing services; advertising, commercial art and public relations; news syndicates; travel agencies; personnel and employment services; and detective and protective services. Development standards for professional offices in R-3 District are as follows.

- (1) The building, including accessory buildings and uses, shall occupy no more than 25% of the lot area.
- (2) A new building shall not exceed two stories in height.

CANOPY. A multisided overhead structure or architectural projection, including the following types:

- (1) **CANOPY (ATTACHED).** A canopy with a flat or low slope roof that is supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. A marquee.
- (2) **CANOPY (DETACHED).** A canopy with a flat or low slope roof that is supported by columns, but not enclosed by walls.

CAR WASH. See **AUTOMOBILE WASHING FACILITIES**, as defined in this section.

CARRY-OUT. A place of business where food and beverages are purchased for consumption on or off the premises. These can include photo kiosks and freestanding automatic teller machines, but do not include drive-in windows.

CEMETERIES. Land used or intended to be used for the disposition of deceased persons and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of a cemetery. Cemeteries may be allowed by special use permit subject to the following conditions.

EXHIBIT 'A'

(1) Cemeteries shall be permitted only if they are adjoining or an extension of existing cemeteries and if they have access to an arterial street.

(2) All structures shall be located no closer than 25 feet away from any property line.

CHILD DAY CARE CENTER. A place in which child day care is provided, with or without compensation, for 13 or more children at any one time; or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for seven to 12 children at any one time. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted. Development standards for a day care center in any approved business or industrial district shall be in compliance with the minimum standards as established by the State of Ohio. When said districts abut a residential district, the development shall be subject to the screening requirements described for the given district. Development standards in any approved residential district shall be as follows.

(1) Child day care centers for seven or more children shall have a minimum lot area of 500 square feet per child.

(2) There shall be provided a minimum of 100 square feet of fenced outdoor play area per child for the maximum number of children in the play area at any one time.

(3) Access, loading and unloading requirements shall be as follows.

(a) The Public Works Director may require an on-site drop-off area be provided sufficient to accommodate automobiles for facilities.

(b) The Public Works Director may require sites adjoin and have access from an arterial or collector street.

(4) All outdoor play areas shall be enclosed by a six-foot high wall, solid wood fence, or chain link fence planted with a continuous evergreen screening.

(5) Use of outdoor play areas shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.

(6) When the child day care center is the principal use, the exterior appearance shall be similar to that of the eight most proximate residential structures on the same street in regard to height, bulk, width, setback landscaping, and off-street parking visible from the street.

(7) Child day care centers shall not include overnight accommodations.

CLINIC. See *MEDICAL OFFICES AND CLINICS* as defined in this section.

CLUB. A building or facility owned or operated by an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

COMMERCIAL ENTERTAINMENT, OUTDOOR. These facilities include drive-in theaters, amusement parks, fairgrounds, golf driving ranges, miniature golf courses, race tracks, skating rinks and sports arenas.

COMMERCIAL RECREATION FACILITIES, INDOOR. Include skating rinks and tennis, racquetball and handball courts and health clubs operated for profit as distinguished from public indoor recreation facilities and community recreation centers.

COMMUNITY-ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITY or GROUP HOME. A state licensed or authorized home for children or adults which is operated by the state or a political subdivision, or pursuant to a license issued by or to a contract with the state or a political subdivision. **COMMUNITY-ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITIES** include agency group homes for children or adults; residential homes for children or adolescents 18 years of age or under, dependent or neglected, who have not been adjudged delinquent, and who for various reasons cannot reside with their natural family.

COMPREHENSIVE PLAN. The long-range growth and development plan, and any amendments and supplements thereto, for the city and its environs, as approved by the City Commission.

CONSTRUCTION TRADES AND CONTRACTOR OFFICES AND SHOPS. These activities include heavy construction, building, cement, electrical, heating and air conditioning, masonry, plumbing, painting and wallpapering, roofing, glazing, but does not include salvage materials or debris.

CONVALESCENT HOME. See *NURSING HOME* as defined in this section.

EXHIBIT 'A'

CONVENIENCE STORE. Retail store that caters to the motoring public where the sale of food items such as hot or cold drinks, pre-packaged foods and tobacco, road maps, magazines and other publications, automotive maintenance items such as brake fluid, oil, polishes, anti-freeze and similar products and other retail items that may be readily purchased. A convenience store may also sell gasoline. This does not include drive-in or drive-through windows.

CORNER LOT. A lot abutting two or more streets at their intersection. See Exhibit B at the end of this section.

DAY CARE CENTER. See *CHILD DAY CARE CENTER* as defined in this section.

DEPTH OF LOT. An average horizontal distance between the front and rear lot lines. See Exhibit C at the end of this section.

DISTRICT. A portion of the incorporated area of the city within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

DORMITORIES, CONVENTS AND MONASTERIES. Buildings used as group living quarters for a student body or religious order or as an accessory use to a university, boarding school, orphanage, hospital, church or other similar institutional use.

DRIVEWAY. Private access to a premises, the use of which is limited to the persons residing, employed, or otherwise authorized to use or visit the parcel on which it is located and designed to serve.

DRIVE-IN. A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, or within a building or structure on the same premises and devoted to the same purpose as the *DRIVE-IN* service.

DWELLING.

(1) Dwelling types shall be as follows.

(a) **MULTI-FAMILY DWELLING.** A building, or a portion thereof, designed exclusively for occupancy by three or more families independently of each other.

(b) **ONE-FAMILY ATTACHED DWELLING (ROW OR TOWNHOUSES).** One of two or more single-family residential dwellings having a common wall separating dwelling units. The building may also include an attached garage.

(c) **ONE-FAMILY DETACHED DWELLING.** A building designed exclusively for and occupied exclusively by one family.

(d) **TWO-FAMILY DWELLING.** A building designed exclusively for occupancy by two families living independently of each other.

(2) Development standards for dwellings in the B Business District and the CBD Central Business District shall be as follows.

(a) Dwellings may be permitted on the first story of a building.

(b) A portion of the first story shall be used for a non-dwelling use permitted in the district.

(c) The non-dwelling use shall not be accessory to the residential use or be a parking lot or garage.

(d) Parking requirements shall be the same as those for multi-family dwellings, except in the CBD Central Business District all or part of the parking requirements may be provided on a separate and non-adjointing lot determined by the Planning Commission to be suitable therefor and convenient thereto. Parking requirements shall not be considered provided unless they are readily available without charge to the residents of the dwelling.

(e) Prior to the granting of a special use permit, an inspection of the dwelling unit and the structure within which it is to be located shall be made by qualified personnel to determine that the dwelling unit and structure conform to all applicable fire and safety codes.

(3) Height and area requirements shall be as follows.

(a) Minimum lot area: 2,000 square feet per unit.

EXHIBIT 'A'

(b) Minimum lot frontage: None.

(c) Minimum front yard setback: None, except abutting or across the street from a Residential District, then same as Residential District front yard setback.

(d) Minimum side yard setback: 10 feet of abutting Residential District.

(e) Minimum rear yard setback: Less of 30 feet or 20% of lot depth.

(f) Maximum height: 35 feet.

DWELLING UNIT. A building, or a portion thereof, designed for occupancy of one family for residential purposes and having living, cooking, sleeping and sanitation facilities.

ELDERLY HOUSING FACILITIES. Residential developments specially designed to house retired and elderly persons, and which may include a mixture of living options, including apartments, group quarters and nursing care facilities.

ELEMENTARY, JUNIOR HIGH AND HIGH SCHOOLS. Public, private and/or religious schools including grades K through 12. Development standards shall be as follows.

- (1) Parking shall be in conformance with §§ 154.080 through 154.083, Parking and Off-Street Loading Regulations.
- (2) Access shall be provided by an arterial or collector street.
- (3) Side yard requirements shall be 20 feet.
- (4) An educational institution shall have a minimum lot area of 20,000 square feet.

EMPLOYEE. A person who works or performs in and/or for a sexually oriented business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business, or any form of remuneration, tips of any kind or gratuities from the operator or customers of said business.

ERECTED. Includes the terms built or constructed, altered, or reconstructed. **ERECTED** also includes the moving of a building or structure onto a lot or any physical operations on the premises which are required for construction. Excavation, fill drainage, and the like shall be considered an operation of erection.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, telephone, telegraph, steam, fuel, or water transmission or distribution systems, collection, communication, supply, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by the utilities or municipal departments for the general health, safety, or welfare. **ESSENTIAL SERVICES** shall be allowed in the district insofar as permitted, authorized, or regulated by law or other ordinance. Buildings required in conjunction with an **ESSENTIAL SERVICE** may be permitted in the district when approved by the Planning Commission. In granting this permission the Planning Commission shall take into consideration the location, size, use, and effect the building will have on adjacent land and buildings.

ESTABLISHED includes any of the following:

- (1) The opening or commencement of any sexually oriented business as a new business;
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined in this chapter;
- (3) The addition of any of the sexually oriented businesses defined in this chapter to any other existing sexually oriented business; or
- (4) The relocation of any such sexually oriented business.

FACADE. See **BUILDING ELEVATION**.

FAMILY. An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person who are domiciled together as a single

EXHIBIT 'A'

domestic housekeeping unit in a dwelling unit; or a collective number of individuals domiciled together in one dwelling unit, whose relationship is of a continuing non-transient domestic character, and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature, or for an anticipated limited duration of a school term or terms, or other similar determinable period.

FENCE. Any structure, other than part of a building, of sufficient strength and dimension to prevent straying from within or intrusion from without.

FINANCIAL ESTABLISHMENTS. These facilities include banks, savings and loan associations, credit unions, finance companies, loan offices and safe deposit companies.

FLOODPLAIN. Those lands designated by the U.S. Department of Housing and Urban Development and Miami Conservancy District which are subject to a 1% or greater chance of flooding in any given year.

FLOOR AREA. For the purpose of computing parking, that area used for or intended for the sale of merchandise or services, or the use to serve patrons, clients, or customers. Floor area which is used or intended to be used principally for the storage of processing of merchandise, such as hallways, stairways, and elevator shafts, or for utilities or sanitary facilities shall be excluded from this computation of **FLOOR AREA**. Measurements of usable **FLOOR AREA** shall be the sum of the horizontal areas of the several floors or the building measured from the interior faces of exterior walls.

FLOOR AREA, GROSS. See **GROSS FLOOR AREA** as defined in this section.

FRATERNAL AND SOCIAL ASSOCIATION FACILITY. A meeting place for people formally organized for a common interest, usually public service, cultural, religious or entertainment, with regular meetings, rituals and formal, written membership requirements, and where food and alcohol may be served.

FRONT LOT LINE. See **LOT LINE** as defined in this section.

FRONT SETBACK LINE. A line formed by the face of the building. For the purposes of this chapter, a **FRONT SETBACK LINE** is the same as a building line. See Exhibit C at the end of this section.

FRONT YARD. See **YARD** as defined in this section.

FUNERAL HOME. A building or part thereof used for human funeral services. The building may contain space and facilities for embalming, refrigeration, cremation, and the performance of other services used in preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted.

GARAGE, PRIVATE. An accessory building or portion of a main building designed or used for the storage or minor repair or maintenance of motor driven vehicles, boats, and similar vehicles or other personal property owned by, licensed to, or used by the occupants of the building to which it is accessory. The maximum size for a private garage shall be 24 feet by 30 feet in R-1, R-1A and R-1AA districts.

GARAGE SALE, YARD SALE, AND PORCH SALE. A temporary accessory use of a lot or premises for the sale of new or used goods and/or secondhand materials.

GARAGE, SERVICE. Any premises used for the storage or care of motor-driven vehicles, or where any vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

GAS STATION. See **AUTO SERVICE STATION** as defined in this section.

GENERAL MERCHANDISE STORES. These facilities include department stores, variety stores, discount stores, grocery stores and drug stores.

GRADE or GROUND LEVEL. The average of the finished **GROUND LEVEL** at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above **GROUND LEVEL** shall be measured at the sidewalk, unless otherwise defined herein.

GROSS FLOOR AREA. The sum of the gross horizontal areas of all the several floors of a building or buildings, including interior balconies and mezzanines. All horizontal measurements are to be made between the exterior faces of walls including the walls of roofed porches having more than one wall. The **GROSS FLOOR AREA** of a building shall include the floor area of accessory buildings, on the same lot, measured the same way.

EXHIBIT 'A'

GROUP HOME. See *COMMUNITY-ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITY* or *GROUP HOME* as defined in this section.

HEAVY EQUIPMENT RENTAL, SALES, SERVICE AND STORAGE. These facilities include rental, sales, service and storage of semi-tractor trailers, agricultural equipment, and construction equipment.

HEAVY INDUSTRY. A use engaged in the basic processing of and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes that produce commonly recognized offensive conditions.

HOME FURNISHINGS, HOME IMPROVEMENTS AND MISCELLANEOUS MATERIALS AND EQUIPMENT STORES. These facilities include appliance and appliance sales and repair stores; auto accessory stores with no on-premises installation; bicycle shops; business machine shops; carpeting and floor covering stores; curtain and drapery stores; fabric stores; furniture stores; hardware stores; lawnmower and snow blower sales; music, record and musical instrument; paint, glass and wallpaper stores; sporting goods stores; stereo, radio and television stores. This category does not include lumberyards or building materials sales.

HOME OCCUPATION. A lawful activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling provided the development standards are adhered to as follows.

- (1) No person other than members of the family residing on the premises shall be engaged in the occupation.
- (2) The use of the dwelling unit for the *HOME OCCUPATION* shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the *HOME OCCUPATION*.
- (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation other than one sign, not exceeding one foot in area, non-illuminated and mounted flat against the wall of the principal building.
- (4) There shall be no alteration or construction except that which is customarily found in a dwelling.
- (5) There shall be no home occupation conducted in any accessory building.
- (6) No traffic shall be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood.
- (7) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

HOSPITAL. An institution licensed by the State Department of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured, and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the facility, provided the institution is operated by, or treatment is given under direct supervision of a licensed physician. Development standards shall be as follows.

- (1) Parking requirements in addition to those stated in §§ 154.080 through 154.083, Parking and Off-Street Loading Regulations, may be imposed. Traffic may be required to discharge onto an arterial or collector street.
- (2) Whenever a facility abuts a Residential District, the yard requirements shall be ten feet greater than those of the abutting Residential District, plus an additional one foot for each foot of building height over 20 feet.
- (3) Buildings shall not occupy over 35% of the total land area upon which they are located.

HOTEL. A building occupied as the temporary abode of individuals who are lodged with or without meals, in which there are ten or more sleeping rooms, and which shall have no provision made for cooking in any individual room or apartment. A *HOTEL* may include a restaurant or cocktail lounge, public banquet halls, ballrooms, meeting rooms, or other commercial uses.

INDEPENDENT CONTRACTOR. A person who contracts with a sexually oriented business establishment to provide services on behalf of the sexually oriented business to the patrons of such business whether or not the individual receives any remuneration, gratuity or tips of any kind, or pays the owner or operator for the right to perform or entertain in the sexually oriented business. The intention of this definition is to exclude those persons who are not employees and who are not reasonably expected to have contact

EXHIBIT 'A'

with customers or patrons of the sexually oriented business, including, but not limited to, persons on the premises of a sexually oriented business performing repair or maintenance services or delivering goods to the premises of a sexually oriented business.

INDUSTRIAL CRAFT SHOPS. These facilities include carpentry, cabinet making and furniture making, refinishing and upholstering.

INTERIOR LOT. Any lot other than a corner lot. See Exhibit B at the end of this section.

JUNK YARD or SALVAGE YARD. An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packaged, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A **JUNK YARD** includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping, or abandonment of junk, but does not include uses established entirely within enclosed buildings. An open area containing two or more inoperative or unlicensed vehicles shall be construed to be a **JUNK YARD**.

KENNEL. Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets. **KENNEL** shall also mean the keeping on or in any lot or building of three or more dogs, cats, or other household pets which are over the age of six months.

LANDSCAPING. The design and arrangement of natural scenery, including trees, flowers, shrubs, and grass, or of non-living materials or objects, over a tract of land, taking into account the use to which the land is to be put.

LAUNDRIES AND DRY CLEANING PLANTS. A building or premises that serves more than one laundry and/or dry cleaning outlet, including linen supply and diaper services.

LIBRARY. A public or private repository for literary and artistic materials, such as books, periodicals, newspapers, pamphlets, and prints, kept for reading or reference. Development standards shall be as follows.

- (1) Parking shall be in conformance with §§ 154.080 through 154.083, Parking and Off-Street Loading Regulations.
- (2) Access shall be provided by an arterial or collector street.
- (3) Side yard requirements shall be 20 feet.
- (4) The minimum lot area shall be 20,000 square feet.

LIGHT MANUFACTURING. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of those products, but excluding basic industrial processing.

LOADING SPACE. An off-street space on the same lot with a building or group of buildings, used for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT. A parcel of land, occupied or to be occupied by a main building or a group of buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with any open spaces as are required under provisions of this chapter. Every **LOT** shall abut upon and have permanent access to a public street.

- (1) **CORNER LOT.** A lot abutting two or more streets at their intersection. See Exhibit B at the end of this section.
- (2) **INTERIOR LOT.** Any lot other than a corner lot. See Exhibit B at the end of this section.
- (3) **THROUGH LOT.** An interior lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Exhibit B at the end of this section.

LOT AREA. The total horizontal area within the lot lines of the lot.

LOT COVERAGE. The part or percentage of the lot occupied by buildings, including accessory buildings.

LOT DEPTH. The average horizontal distance between the front and rear lot lines.

LOT LINE. Shall be as follows:

EXHIBIT 'A'

(1) **FRONT LOT LINE.** In the case of an interior lot, that line separating the lot from the street. In the case of a corner lot or through lot, that line separating the lot from either street. See Exhibit C at the end of this section.

(2) **REAR LOT LINE.** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the **REAR LOT LINE** shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying furthest from the front lot line and wholly within the lot. In the case of a corner lot, the **REAR LOT LINE** is established based upon the orientation of the house. See Exhibit C at the end of this section.

(3) **SIDE LOT LINE.** Any lot line other than the front lot line or rear lot line. A **SIDE LOT LINE** separating a lot from a street is a side street lot line. A **SIDE LOT LINE** separating a lot from another lot or lots is an interior **SIDE LOT LINE**. See Exhibit C at the end of this section.

LOT OF RECORD. A parcel of land, the dimensions of which are shown on a document or map on file with the County Recorder or in common use by city or county officials, and which actually exists as so shown, or any part of that parcel held in a record ownership separate from that of the remainder thereof.

LOT WIDTH, AVERAGE. The width determined by dividing the total lot area by the depth of the lot from the street right-of-way line to the furthest rear lot line. If the rear lot line and right-of-way lines are not parallel, an average depth dimension shall be used.

LUMBERYARDS and BUILDING MATERIALS SALE AND STORAGE. Buildings or premises used for the storage and sale of lumber and building materials.

MEDICAL OFFICES AND CLINICS. Include the offices of physicians, dentists and other health practitioners and medical and dental laboratories. Establishments primarily engaged in out-patient care with permanent facilities and with medical staff to provide diagnosis and/or treatment for patients who are ambulatory and do not require in-patient care.

MEMBERSHIP SPORTS AND RECREATION USES. Country clubs and neighborhood swim clubs, but not including health spas, fraternal associations, or commercial recreation facilities as specified elsewhere. Development standards shall be as follows.

- (1) The principal recreational building or use is a minimum of 200 feet from any land in residential use.
- (2) The recreational use shall have a minimum lot area of one acre.
- (3) The recreational use shall be used only for the enjoyment of members and their families and guests of members of the association or club under whose ownership or jurisdiction the facility is operated.
- (4) Accessory facilities such as snack bars, restaurants and bars may be permitted only if they occupy integral parts of the principal building, and there is no display of goods or advertising visible, off the premises.
- (5) Loudspeakers, public address systems and electric amplifiers may be permitted in recreation areas only if their use is solely for the members of the facility and does not create a public nuisance for nearby persons or properties.
- (6) Any outdoor pool area, including the area used by bathers, shall be walled or fenced with a security fence or wall at least six feet in height and maintained in good condition to prevent uncontrolled access by children.
- (7) Exterior lighting shall be shaded whenever necessary to avoid casting direct light upon any adjacent property or upon any adjacent public street.
- (8) Access to the recreation use shall be only from an arterial or collector street.

MEZZANINE. An intermediate floor in any story occupying not more than two-thirds of the floor area of the story.

MINI-WAREHOUSE. See **SELF-SERVICE STORAGE FACILITY** as defined in this section.

MOBILE HOME. Any detached single-family living quarters to be located on foundation supports, designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems, and designed to be transported after fabrication on its own wheels, or detachable wheels.

MOBILE HOME COURT. Any plot of ground upon which two or more trailer coaches or mobile homes occupied for dwelling or sleeping purposes may be located. Development standards shall be as follows.

EXHIBIT 'A'

(1) The mobile home court shall have a minimum site area of five acres.

(2) The average area per mobile home space within the court shall not be less than the lot area per dwelling unit in the district in which the mobile home court is located.

(3) No mobile home shall be located closer than 50 feet to any exterior lot line, except when the mobile home is adjacent to another mobile home court. A distance of 25 feet shall be maintained between mobile home and buildings, in all horizontal directions.

(4) A detailed landscaping and screening plan shall be approved by the Planning Commission.

MOTEL. A building or group of buildings for the accommodation of transient guests, chiefly motorists, containing guest rooms for rent. It may include all facilities specified under the definition of hotel.

MULTI-FAMILY DWELLING. A building, or a portion thereof, designed exclusively for occupancy by three or more families independently of each other.

NEIGHBORHOOD BUSINESS. These facilities include barber and beauty shops, pharmacies, grocery stores, bakeries, specialty food stores, laundry and dry cleaning pick-up service and self-service washing and dry-cleaning facilities, florists and bait and tackle shops. Neighborhood businesses may be permitted only in the R-1, R-2, and R-3 Residential Districts upon issuance of a special use permit. Development standards shall be as follows.

(1) No structure or use qualifying as a neighborhood business may exceed 3,000 square feet of gross floor area.

(2) Hours of business operation shall be between the hours of 7:00 a.m. and 10:00 p.m.

(3) The maximum number of employees during business hours may not exceed five employees.

(4) Minimum lot area shall be 5,000 square feet.

(5) Minimum lot frontage shall be 50 feet.

(6) Minimum front yard setback shall be 25 feet.

(7) Minimum side yard setback shall be 10 feet if abutting a residential district.

(8) Minimum rear yard setback shall be the less of 30 feet or 20% of lot depth if abutting a Residential District.

(9) Maximum height shall be 35 feet.

(10) A plot plan shall be submitted indicating the location and type of screening to be used.

(11) A finding shall be made that the proposed screening will do the following.

(a) Provide a visual barrier of no less than six feet in height to partially or completely block out the view of unattractive structures or activities.

(b) Provide an acoustic screen, of no less than 15 feet, of dense plantings or a solid masonry wall in combination with decorative plantings, to aid in absorbing and deflecting noise.

(c) Provide for the containment of litter and debris.

(12) Screening may be one or more of the following or other similar materials.

(a) A solid masonry wall.

(b) A solidly constructed decorative fence.

(c) Louvered fence.

EXHIBIT 'A'

- (d) Dense evergreen plantings.
- (e) Deciduous trees and shrubs.

NIGHTCLUB. See *BARS, TAVERNS AND NIGHTCLUBS* as defined in this section.

NONCONFORMING USE. The use of any dwelling, building, structure, lot, land, or premises, or part thereof, which was existing and lawful immediately prior to the effective date of this chapter and which does not conform with the provisions of this chapter, except as set forth in §§ 154.060 through 154.066.

NONSTANDARD USE. Those lots with physical characteristics which existed immediately prior to the effective date of this chapter which fail to comply with minimum lot requirements for the area, density, width, front yard, side yard, rear yard, height, unobstructed open space, or parking for the district in which they are located, even though the use of the premises conforms with this chapter.

NUDE, NUDITY or STATE OF NUDITY. A live person exhibiting: (1) the anus, male genitals, female genitals, or the areola or nipple of the female breast; or (2) a state of dress which fails to opaquely and fully cover the anus, male or female genitals, pubic region or areola or nipple of the female breast.

NURSERIES and GARDEN SUPPLY STORES. A space, including accessory building or structure, for the growing and storage of live trees, shrubs, or plant materials offered for retail sale on the premises, including products used for gardening or landscaping.

NURSING HOME. An establishment which specializes in providing necessary health and related services to those unable to care for themselves. Development standards shall be as follows.

- (1) Parking requirements in addition to those stated in §§ 154.080 through 154.083, Parking and Off-street Loading Regulations, may be imposed. Traffic may be required to discharge onto an arterial or collector street.
- (2) Whenever a facility abuts a residential district, the yard requirements shall be ten feet greater than those of the abutting residential district, plus an additional one foot for each foot of building height over 20 feet.
- (3) Buildings shall not occupy over 35% of the total land area upon which they are located.

OFF-STREET PARKING. The provision of parking facilities for a specified use, to be provided on the same lot or lots as the use they are intended to serve, and not on any public street or public right-of-way.

OFFICES OF BUSINESS AND PROFESSIONAL ASSOCIATIONS. These uses include labor unions and civic, political, religious and social service organizations, but not including social and fraternal associations.

ONE-FAMILY DWELLING. A building designed exclusively for and occupied exclusively by one family.

OPEN SPACE. That part of a lot, including courts or yards, which is open and unobstructed by structures from its lowest level to the sky, accessible to all tenants upon the lot.

PARAPET. The extension of the building facade above the line of the structural roof.

PARKING LOT. An area providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than five vehicles.

PARKING SPACE. A minimum area as defined in § 154.081(O), other than on a street or alley, exclusive of drives, aisles, or entrances giving access thereto, and fully accessible for the storage of parking of one motor vehicle.

PERMANENT. A period of more than 180 consecutive days, unless otherwise specifically stated in this chapter.

PERSONAL SERVICES. Services of a personal nature, including beauty and barber shops and massage therapy; individual laundry and dry-cleaning establishments; laundromats; photo studios and photo finishing; shoe repair; tailoring; watch, clock and jewelry repair; clothing rental; and other services performed for persons or their apparel.

PET SHOPS. Any building or structure used for the sale, other than casual sale, of domestic pets and pet supplies.



EXHIBIT 'A'

PLACES OF WORSHIP. Establishments of recognized religious organizations operated for worship or for promotion of religious activities. Development standards shall be as follows.

- (1) Parking shall be in conformance with §§ 154.080 through 154.083, Parking and Off-Street Loading Regulations.
- (2) Access is provided by primary collector streets.
- (3) Side yard requirements shall be 20 feet.
- (4) The minimum lot area shall be one acre.

PLANNED UNIT DEVELOPMENT. Land under unified control, planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots, or building sites, site plans and design principles for all buildings intended to be located, constructed, used and related to each other, and for other uses and improvements on the land as related to buildings. Development may be a single operation or a definitely programmed series of development operations, including all lands and buildings, with a program for provision, operation, and maintenance of the areas, improvements, and facilities necessary for common use by the occupants of the development. Further provisions are as set forth in §§ 154.040 through 154.047, Planned Unit Development.

PLANNING COMMISSION. The Planning Commission of the city.

POOL, SWIMMING. See **SWIMMING POOL** as defined in this section.

PREEXISTING USE. An existing use of the type listed as a special use in the zoning district that was lawfully established on the effective date of this chapter, without the prior issuance of a special use permit, as set forth in § 154.140(C).

PRINCIPAL USE. The primary or predominant use of any land or improvement on it.

PRIVATE CLUBS. Private, civic, cultural, educational, labor, professional, and trade membership organizations, fraternities, sororities, and lodges, except those the primary activity of which is a service customarily carried on as a business.

PRIVATE SCHOOLS. Private schools, including but not limited to business or commercial schools, dance or music academies, kindergarten, nursery, play and special schools, when not otherwise permitted, may be allowed by the issuance of a special use permit.

PROFESSIONAL OFFICES. See **BUSINESS, PROFESSIONAL AND ADMINISTRATIVE OFFICES** as defined in this section.

PUBLIC OFFICES and PUBLIC BUILDINGS. Establishments housing activities of local, county, regional, state or federal government agencies, but not including public service garages.

PUBLIC PARK. A public land which has been designated for park or recreational activities including, but not limited to, a park, playground, swimming pool, reservoir, athletic field, basketball or tennis courts, open space, wilderness areas, or similar public land within the city which is under the control, operation, or management of any governmental entity.

PUBLIC RECREATION FACILITIES. Parks, playgrounds, golf courses, sports arenas, gymnasiums, swimming pools, skating rinks, tennis, racquetball and handball courts, senior citizen and youth centers, arboretums, hiking and jogging trails, ice skating rinks, nature areas, picnic areas, out lots, and wildlife sanctuaries, but not including commercial recreation and entertainment facilities listed elsewhere in this chapter.

PUBLIC SERVICE YARDS AND GARAGE. Premises used for the storage, service and repair of publicly-owned vehicle fleets.

PUBLIC UTILITIES. Publicly-owned or leased buildings, public utility buildings, telephone exchanges, and transformer stations may be allowed upon issuance of a special use permit.

REAR LOT LINE. See **LOT LINE** as defined in this section.

REAR YARD. See **YARD** as defined in this section.

RECONSTRUCTED. Any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as altered.

EXHIBIT 'A'

RECREATION VEHICLE. Includes travel trailers, campers, camp car, truck campers, boats, and boat trailers.

RESIDENTIAL DISTRICT OR USE. Any zoning district set forth in Chapter 154 that contains the word "residential" in its title, or any individual residential dwelling located within the city.

RESTAURANT, FAST FOOD. An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption within the restaurant building, with a motor vehicle parked on the premises, or off the premises, as a carry-out order, and whose principal method of operation includes food and/or beverages usually served in edible containers or in paper, plastic or other disposable containers.

RESTAURANT, STANDARD. An establishment whose primary business is serving food and beverages to patrons for consumption inside the building.

ROOMING HOUSE. A building other than a hotel, not exceeding ten sleeping rooms, where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals, are provided for three or more persons.

SALVAGE YARD. See **JUNK YARD** or **SALVAGE YARD** as defined in this section.

SCREENING. The placement of landscaping or fencing on a lot in a manner to reduce any negative effects resulting from the location of two or more dissimilar uses next to one another.

SELF-SERVICE STORAGE FACILITY. A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers goods or materials, the gross floor area of each unit not to exceed 500 square feet.

SERVICE GARAGE. Any premises used for the storage or care of motor-driven vehicles, or where any vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

SERVICE STATION. See **AUTO SERVICE STATION** as defined in this section.

SETBACK. The minimum required distance between the property line and the structure line.

SEXUALLY ORIENTED BUSINESSES. Those businesses defined as follows:

(1) **ADULT ARCADE.** An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, or other visual representations, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(2) **ADULT BOOKSTORE, ADULT NOVELTY STORE** or **ADULT VIDEO STORE.** A commercial establishment which has as a significant or substantial (such as 50% or more) portion of its stock-in-trade or derives a significant or substantial (such as 50% or more) portion of revenues or devotes a significant or substantial (such as 50% or more) portion of its interior business or advertising to the sale or rental for any form of consideration, of any one or more of the following:

(a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, digital video discs, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;"

(b) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas," and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as the definition above is met.

(3) **ADULT CABARET.** A nightclub, bar, restaurant, private club, bottle club, juice bar or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (a) persons who appear nude or semi-nude or in a state of nudity or semi-nudity; (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities;" or, (c) films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas." "Private club" means an establishment where patrons may bring in their own bottle or other container of alcohol (including beer, wine or liquor) and purchase a mixture for the same or use of a glass from the club or business.

EXHIBIT 'A'

(4) **ADULT MOTEL.** A motel, hotel or similar commercial establishment which offers public accommodation, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures with closed-circuit television transmissions, films, motion pictures, video cassettes, digital video discs, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television.

(5) **ADULT MOTION PICTURE THEATER.** A commercial establishment where films, motion pictures, video cassettes, digital video discs, slides or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.

(6) **ADULT THEATER.** A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities" which is not customarily open to the general public during such features because it excludes minors by reason of age.

(7) **ESCORT AGENCY.** A person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. "Escort" means a person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person or to privately appear in the state of nudity or semi-nudity for another person.

(8) **MASSAGE PARLOR.** Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as a part of or in connection with "specified sexual activities" is offered, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her "specified anatomical areas." The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder, nor by any other individual licensed by the state to perform massages.

(9) **SEMI-NUDE MODEL STUDIO.** Any place where a person regularly appears in a state of nudity or semi-nudity or displays "specified anatomical areas" for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. Reference above to nudity should not be construed or interpreted to permit nudity or a state of nudity in a SEMI-NUDE MODEL STUDIO. SEMI-NUDE MODEL STUDIO shall not include any school, college, or university licensed by the state.

(10) **SEXUAL ENCOUNTER ESTABLISHMENT.** A business or commercial establishment, that as one of its principal business purposes, offers for any form of consideration: (1) a place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas;" or (2) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

SIDE LOT LINE. See **LOT LINE** as defined in this section.

SIDE YARD. See **YARD** as defined in this section.

SIGN. See § 154.096.

SIMULATED. To assume the mere appearance of something, without the reality; to imitate or pretend.

SINGLE-FAMILY DWELLING. See **ONE-FAMILY DWELLING** as defined in this section.

SPECIAL EVENT. A particular or unique happening or occurrence that is open or available to the public.

SPECIAL USE. A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district subject to approval by the Planning Commission, and subject to special requirements, different from those usual requirements for the district in which the special use may be located. Further set forth in § 154.140, Special Use Permits.

SPECIALTY FOOD STORES. These include stores specializing in a specific type or class of food, including but not limited to bakeries; candy, nut and cheese shops; confectionery stores; coffee and tea shops; dairy and ice cream stores; delicatessens; fruit

EXHIBIT 'A'

and vegetable stores; international food stores; liquor stores; meat and fish markets; and wine shops. These uses do not include restaurants or carry-outs or convenience food stores.

SPECIALTY RETAIL COMMERCIAL ESTABLISHMENTS and **BOUTIQUES**. These include antique stores; apparel stores; art galleries; art supplies; book and magazine stores; card and stationery shops; cosmetics stores; craft and hobby shops; camera and photo supply stores; florists; gift shops; interior decorating accessories; leather goods stores; jewelry stores; kitchen, bath and bedroom accessory stores; office supply stores; picture framing shops; tobacco shops and toy stores. These uses do not include stores with drive-in or drive-through facilities or general merchandise stores.

SPECIFIED ANATOMICAL AREAS. Includes any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, anus, or areolas or nipple of female breasts;
- or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Includes any of the following:

- (1) The fondling or other intentional touching of human genitals, pubic region, anus, or female breast;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- (3) Masturbation, actual or simulated;
- (4) Human genitals in a state of sexual stimulations, arousal or tumescence; or
- (5) Excretory functions as part of or in connection with any of the following activities set forth in subsections (1) through (4).

STORY. That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. If the floor level directly above a basement is more than six feet above grade, the basement shall be considered a story.

STORY, HALF. An uppermost story lying under a sloping roof, having an area of at least 190 square feet with a clear height of seven feet, six inches. For the purposes of this chapter, the usable floor area is only that area having at least four feet clear height between floor and ceiling

STREET. A public thoroughfare which affords the principal means of access to abutting property.

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

STRUCTURE ELEVATION. The entire side of a structure, from ground level to the roofline, as viewed perpendicular to that side of the structure.

STRUCTURE FACE. That portion of the exterior surface of a structure on a common plane.

STRUCTURE HEIGHT. The vertical dimension measured from the average grade to the highest point of the structure. The height of a stepped or terraced structure shall be the maximum height of any segment of the structure.

STRUCTURE LINE. The perimeter of that portion of a structure nearest a property line, but excluding open steps, terraces, cornices, and other ornamental feature projecting from the structure face of the structure.

STRUCTURE WIDTH. The dimension measured along an exterior structure elevation, or structure face, from the outermost exterior surfaces that are opposite and parallel to one another, and perpendicular to the structure face being measured.

SWIMMING POOL. A structure constructed or placed below ground or above ground, which contains water in excess of 24 inches of depth and is suitable or utilized for swimming or wading.

TAVERN. See **BARS, TAVERNS AND NIGHTCLUBS** as defined in this section.

EXHIBIT 'A'

TEMPORARY. A period of 180 consecutive days or less, unless otherwise specifically stated in this chapter.

TEMPORARY USE OF BUILDING. The temporary use of land or a building permitted by the building inspector during periods of construction, or for special events, as set forth in § 154.126.

TENT. Any structure used for living or sleeping purposes, or for sheltering a public gathering constructed wholly or in part from canvas, tarpaulin, or other similar materials and which shall include shelter provided for circuses, carnivals, side shows, revival meetings, camp meetings, and all similar meetings or exhibitions in temporary structures.

THOROUGHFARE. An arterial street which is intended to serve as a large volume trafficway for both the immediate city area and the region beyond, and which may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term in order to identify those streets comprising the basic structure of the street plan. Any street with a width, existing or proposed, of 80 feet, shall be considered a major thoroughfare.

THOROUGHFARE PLAN. That part of the comprehensive plan of the city which includes the major highway and street plan for the city, including any amendments or supplements thereto.

THROUGH LOT. An interior lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Exhibit B at the end of this section.

TOWNHOUSE. One of a group or row of no less than three single-family dwellings having common walls and built as a single structure.

TRAILER PARK. See *MOBILE HOME COURT* as defined in this section.

TRANSPORTATION TERMINALS. Trucking and motor freight terminals, express and hauling establishments, rail terminals, landing strips and heliports.

TWO-FAMILY DWELLING. A building designed exclusively for occupancy by two families living independently of each other.

USE. The purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.

USE, CATEGORIES. The heading under which a particular principal use, special use, or nonconforming use type is listed within this chapter, said use categories including the following:

- (1) Agricultural uses.
- (2) Residential uses.
- (3) Institutional and public recreation uses.
- (4) Business and professional office uses.
- (5) Retail commercial and service uses.
- (6) Road service and commercial entertainment uses.
- (7) Light industrial uses.
- (8) Heavy industrial uses.
- (9) Transportation and utility uses.
- (10) Other uses.

USE, CHANGE OF. The conversion of an existing principal use, accessory use or special use to a use in a different use category, or when the change necessitates improvements to the structure or premises to support the intended use in accordance with the provisions set forth in Chapter 150 (Building Regulations) and Chapter 154 (Zoning).

EXHIBIT 'A'

VARIANCE. The relaxation of strict and literal enforcement of any of the provisions of this chapter to allow the reasonable use of property and land, provided the use is in the best public interest and does not jeopardize the general health, safety, and welfare of the city, as set forth in § 154.142(D)(2).

VEHICLE SALES, RENTAL AND SERVICE. The sales, service and rental of new and used cars, trucks, trailers, motorcycles, mobile homes, recreational vehicles, snowmobiles and boats. This does not include semi-tractor trailers, farm equipment and construction equipment.

VETERINARY CLINIC. See **ANIMAL HOSPITAL** as defined in this section.

WAREHOUSE. A building used principally for the storage of goods and materials.

YARD. An open space on the same lot with a main building, unoccupied, and unobstructed by structures from the ground upward, except as otherwise provided in this chapter. See Exhibit C at the end of this section.

(1) **FRONT YARD.** An open space extending in full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

(2) **REAR YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. See Exhibit C at the end of this section.

(3) **SIDE YARD.** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building. See Exhibit C at the end of this section.

('97 Code, § 150.103) (Ord. 42-96, passed 9-17-96; Am. Ord. 3-99, passed 2-1-99; Am. Ord. 17-99, passed 7-6-99; Am. Ord. 14-01, passed 7-23-01; Am. Ord. 7-02, passed 4-1-02; Am. Ord. 8-03, passed 6-2-03; Am. Ord. 9-05, passed 7-5-05; Am. Ord. 25-06, passed 10-17-06; Am. Ord. 05-07, passed 3-19-07; Am. Ord. 14-07, passed 10-1-07; Am. Ord. 24-07, passed 11-19-07; Am. Ord. 30-07, passed 12-17-07)

§ 154.108 SPECIAL EVENT SIGNS.

(A) **Intent.** The intent of this section is to recognize the rights of an individual to display noncommercial messages protected by the First Amendment, to recognize the individual or entity who desires to display a commercial message in conjunction with a permitted land use, to recognize the need for special event signs to sometimes exceed typical time, place, and manner limitations allowing certain temporary sign types for these purposes. It is further intended to recognize the negative affect oversized and misplaced signs can have on the attractiveness of a community, including the deterioration of the natural environment, the clutter signs contribute to the landscape, the distractions and obstructions this sign type may cause to pedestrians and motorist alike, and the hazards that the aforementioned concerns may cause. Thus, this section is intended to establish regulations that allow special event signs without their becoming a nuisance to the community.

(B) **Permitted special event sign types.** Any of the temporary sign types indicated, with a message type the same as the message type heading under which the sign type is listed, shall be permitted as an accessory use to a lawfully established principal, special or nonconforming use conducted on the premise, subject to the limitations included in this code.

(1) **Noncommercial message.**

EXHIBIT 'A'

(a) Off-premise or on-premise.

1. Aerial sign.
2. Banner sign.
3. Ground sign.
4. Monument sign.
5. Pole sign.
6. Window sign.
7. Trailer sign.
8. Vehicle sign.

(2) Commercial message.

(a) Off-premise or on-premise.

1. Aerial sign.
2. Banner sign.
3. Ground sign.
4. Monument sign.
5. Pole sign.
6. Window sign.
7. Trailer sign.
8. Vehicle sign.

(C) Height, area, and setback regulations.

(1) General requirements for special event signs.

(a) The height, area, and setbacks of a special event sign shall be unrestricted, less the requirement that the sign shall be in full compliance with § 154.097 General Requirements and the provisions of this section.

(D) Other regulations.

EXHIBIT 'A'

(1) Location.

(a) Special event signs shall be permitted on the building face or in the yard adjacent to any building elevation facing a street, parking lot, drive through lane, or service drive, subject to the provisions established by this section of the code and provided the sign face is oriented towards the same street, parking lot, drive through lane, or service drive to which it is adjacent.

(2) Number.

(a) The maximum allowable number of special event signs shall be unrestricted, less the requirement that the sign shall be in full compliance with § 154.097 General Requirements and the provisions of this section.

(3) Landscaping.

(a) None required for this sign type.

(4) Period of display.

(a) Special event signs may be displayed for a period of time commencing not more than three days prior to the beginning date of, and terminating not more than one day after the end date of, the special event to which the sign is accessory.

(b) All special events signs shall be removed at such time when the happening or occurrence the sign advertises is discontinued or the sign message becomes obsolete, whichever occurs first. Failure to remove the sign shall be cause for the city to remove the sign at the owner's cost.

ORDINANCE NO. 19-08

**AN ORDINANCE AMENDING SECTIONS 154.127 AND
154.143 OF THE PIQUA CODE RELATING TO DEMOLITION
STANDARDS**

BE IT ORDAINED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected or appointed thereto concurring, that:

WHEREAS, legislative modification of Sections 154.127 and 154.143 of the Piqua City Code is needed in order to address demolition standards.

SEC. 1: Sections 154.127 and 154.143 of the Piqua Code is hereby amended per Exhibit "A" attached hereto (with deletions lined out and additions underlined).

SEC. 2: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



PLANNING AND ZONING

Christopher W. Schmiesing – City Planner
201 West Water Street • Piqua, Ohio 45356
(937) 778-2049 • FAX (937) 778-5165
E-Mail: cschmiesing@piquaoh.org

June 6, 2008

MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: Request for Legislation to Adopt Proposed Amendments to the Zoning Chapter of the City of Piqua Codified Ordinances, including: Amendments Pertaining to Residential Private Garages - §§ 154.005, 154.020, 154.021, 154.022, 154.023, 154.024, 154.025, 154.026, 154.121, and 154.122; Amendments Pertaining to Special Events Signs - §§ 154.005 and 154.108; and, Amendments Pertaining to Demolition Standards - §§ 154.127 and 154.143

At the June 3, 2008 meeting of the Planning Commission, with all members present, the Planning Commission unanimously recommended approval of the above referenced proposed code amendments. The items shown represent three different amendments to the zoning chapter. Therefore, in accordance with §154.141 of the codified ordinances I am forwarding the supporting items pertaining to each amendment for the City Commissions' consideration.

The proposed amendments pertaining to residential private garages address the size, location, and appearance standards applicable to accessory buildings. In particular, the proposed changes are in response to the many requests we receive from homeowners seeking to build private garages larger than what is currently allowed by the code, or to build on a lot lacking a principal structure. The special event sign proposed amendments includes inserting a section into the sign regulations to better deal with the size, placement, and display period needs of this sign type. The demolition standards amendment replaces an obsolete section of the code with an insertion of the minimum requirements for what is expected so far as safety, security, and restoration of the site when demolishing a building. Enclosed, you will find the Issues, Objective, and Principles document, and a detailed text change exhibit for each of the proposed amendments. Noting the input provided by city officials, City Commissioners, Planning Commissioners, and the general public, and the incorporation of that input into the final content of each of these documents, it is the opinion of the Planning Commission that the proposed code amendments are both responsive to the concerns raised and responsible to the best interest of the entire community.

Included with this memo for the City Commissions' reference in considering each of these requests, please find a copy of the Planning Commission resolution and the supporting documents pertaining to each item.

Sincerely,

Chris Schmiesing

Christopher W. Schmiesing
City Planner

Enc.



PROPOSED CODE AMENDMENTS

Demolition Standards

Issues

Permit Requirement - A demolition permit requirement is included on the adopted fee schedule, however, current code provisions are silent regarding specific demolition permit requirements.

Minimum Standards - Current code provisions provide no guidance on the removal of incidental or accessory structures or improvements related to the structure being demolished, nor do they provide the minimum level of security or safety features to be maintained during the completion of the work, nor do they provide the minimum standards for the level of restoration expected upon the completion of the work.

Performance of Work - Current code provisions do not include performance bond or other surety requirements that ensure the completion of the work once it is started.

Objective

The objective of this amendment is to add provisions to the adopted community standards that require a permit and performance bond prior to commencing with demolition projects and to describe the minimum acceptable security, safety and restoration measures to be included in the scope of the demolition work.

Principles

Certain minimum safety and security provisions designed to prevent unnecessary danger to the public are necessary during the completion of demolition activity.

A partially completed demolition project is likely to have a negative effect on the general welfare of the community and or create unsafe conditions that warrant a performance bond or other surety requirement to ensure the completion of a demolition projects.

Minimum restoration standards applicable to and designed to prevent a demolition site from becoming a blighting influence and or a public nuisance should be established within the adopted community standards.

Code Amendments

The following exhibit details the code amendments necessary to address the aforementioned issues in a manner that is consistent with the objective and principles outlined. The proposed text **insertions** are in bold print and underlined, while a strikethrough line indicates the existing text that is to be deleted.

RESOLUTION No. PC 32-08

WHEREAS, the City Commission, has submitted a request to amend the zoning chapter of the codified ordinances to modify code provisions pertaining to minimum permit requirements and restoration standards for demolition projects; and,

WHEREAS, sections 154.141 of the City of Piqua Code of Ordinances provides the procedure for considering an amendment to the zoning code; and,

WHEREAS, the Planning Commission has studied the request and conducted a public hearing on the matter;

NOW THEREFORE BE IT RESOLVED, board member Oda hereby moves to approve the request made, as described by this resolution, the testimony provided, and the documents attached hereto as Exhibit 'A', the motion is seconded by board member Taylor, and the voting record on this motion is hereby recorded as follows.

	AYE	NAY	ABSTAIN	ABSENT
Mr. Jim Oda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Brad Bubp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mike Taylor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. Jean Franz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mark Spoltman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



PROPOSED CODE AMENDMENTS

Demolition and Restoration Standards

Issues

Permit Requirement - A demolition permit requirement is included on the adopted fee schedule, however, current code provisions are silent regarding specific demolition permit requirements.

Minimum Standards - Current code provisions provide no guidance on the removal of incidental or accessory structures or improvements related to the structure being demolished, nor do they provide the minimum level of security or safety features to be maintained during the completion of the work, nor do they provide the minimum standards for the level of restoration expected upon the completion of the work.

Performance of Work - Current code provisions do not include performance bond or other surety requirements that ensure the completion of the work once it is started.

Objective

The objective of this amendment is to add provisions to the adopted community standards that require a permit and performance bond prior to commencing with demolition projects and to describe the minimum acceptable security, safety and restoration measures to be included in the scope of the demolition work.

Principles

Certain minimum safety and security provisions designed to prevent unnecessary danger to the public are necessary during the completion of demolition activity.

A partially completed demolition project is likely to have a negative effect on the general welfare of the community and or create unsafe conditions that warrant a performance bond or other surety requirement to ensure the completion of a demolition projects.

Minimum restoration standards applicable to and designed to prevent a demolition site from becoming a blighting influence and or a public nuisance should be established within the adopted community standards.



PROPOSED CODE AMENDMENTS

Demolition and Restoration Standards

Proposed Code Amendments

The following proposed **insertions** or deletions to the text of the code sections indicated below provide proposed Permitting and Restoration Standards for demolition projects. Revisions made in response to the preliminary review comments received from the Planning Commission and City Commission are shown in red. The document was updated on June 3, 2008.

Note: The current content of section 154.127 of the supplemental regulation portion of the zoning chapter is obsolete. The issue of where it is acceptable and not acceptable to maintain a septic tank or well, and any minimum lot size requirements applicable thereto, are addressed in the plumbing and health codes. Therefore, the availability of this section number, and its being under the supplemental regulations heading, made this as logical location as any to insert the proposed amendment text.

SUPPLEMENTAL REGULATIONS

§ 154.120 INTENT.

The requirements and regulations of this section shall be applicable to all zoning districts within the city unless otherwise specified.

('97 Code, § 150.800) (Ord. 42-96, passed 9-17-96)

§ 154.127 ~~SEPTIC TANKS OR WELLS~~ **DEMOLITION STANDARDS; PERMIT REQUIREMENT.**

~~Any residential construction utilizing wells and septic tanks shall be situated on a lot having a minimum site area of 1.5 acres. Use of septic tanks and wells shall be subject to the regulations of the Plumbing Code.~~

This section shall explain the applicable standards for demolition work and the procedure, process, and requirements to obtain a demolition permit within the city.

(A) **Downtown Historic District.** Demolitions within the Downtown Historic District requires an approved certificate of appropriateness. Said certificate of appropriateness shall be issued in compliance with §§ 152.01 through 152.08 prior to the commencement of any demolition within the Downtown Historic District for which a demolition permit issued in accordance with this section is still necessary.

(B) **Demolition Permit Required.** A demolition permit issued by the enforcing official shall be required for every demolition of any structure in excess of 200 square feet in area. Every application for a demolition permit shall include reasons for demolition, a site plan and such other documentation as may be necessary.

(1) **Site Plan.** A site plan, containing the following information at a minimum, shall be provided:



PROPOSED CODE AMENDMENTS

Demolition and Restoration Standards

- (a) The location and dimensions of all structures on the lot.
- (b) Property boundaries and dimensions, including distances from other structures and or lot lines to the structure or structures to be demolished.
- (c) Prominent natural features, landscaping, or other physical improvements found on the lot.
- (d) Planned staging areas, equipment parking, and or dumpster locations.
- (e) The location of all utilities and the disconnection and disposition thereof.
- (f) An explanation of the purpose for the demolition project and a statement regarding the intended use of the vacated site.
- (g) The natural features, landscaping, structures, or other physical improvements to be demolished and the intended clean-up and restoration of the site, including but not limited to the work items required to satisfy the following minimum demolition and restoration standards:
- (1) The demolition and excavation of all footers, foundations, slabs, and service sidewalks, and improvements incidental to the building being demolished; and the demolition and excavation of all footers, foundations, slabs, service sidewalks, and improvements incidental to any buildings accessory to the building being demolished.
 - (2) Placement of compacted backfill in openings or excavations and grading thereof to match the existing surrounding surface contours.
 - (3) Placement of six inches of topsoil over all backfilled or disturbed areas.
 - (4) Placement of grass seed and mulching over all backfilled or disturbed areas covered with topsoil.
 - (5) Placement of erosion control as deemed necessary by the enforcing official.
 - (6) Placement of fence and or any other safety precautions deemed to be taken necessary by the enforcing official to secure the demolition site, as deemed necessary by the enforcing official.
- (h) The disposal location for the demolition debris.
- (2) Permit Application. A permit application or other supporting documentation, containing the following information at a minimum, shall be provided:
- (a) Anticipated start date and completion date for the demolition activity.



PROPOSED CODE AMENDMENTS

Demolition and Restoration Standards

(b) Evidence that all taxes and utility bills are paid in full, as deemed necessary by the enforcing official.

(c) Any other information that, as deemed necessary by the enforcing official, to completely explain the proposed demolition.

(d) A photographic record of all elevations of the building or buildings to be demolished.

(e) A special use permit, issued in accordance with §§ 154.063 and 154.064, for any structure (or structures) to remain on the lot, when the subject structure (or structures) to remain on the lot is a nonconforming use, or if the demolition activity will cause the subject structure (or structures) to remain on the lot to become a nonconforming use.

(3) License and Bond or Other Surety. Prior to the issuance of a demolition permit, the owner, agent or person with control of the property subject to demolition shall execute a license provided by the city, granting to the city the right to enter the property. The license shall permit the city to correct or eliminate any unsafe condition or conditions at the demolition site before, during and after the demolition. The license granted by the applicant shall further provide that the city shall have the sole right to determine if a condition or conditions are unsafe. The license shall further include an agreement providing that the owner, agent or person with control of the property subject to demolition shall indemnify the city for its cost to correct or eliminate the unsafe condition or conditions. The agreement shall provide that the indemnification may be from the performance bond, cash deposit or other surety the owner, agent or person with control of the property subject to demolition shall post with the city to assure the city that the demolition work will proceed as permitted. The value of the surety shall not exceed the cost associated with the demolition and site restoration, as determined by a detailed estimate to be provided by the owner, agent or person with control of the property subject to demolition, provided the enforcing official finds the estimate to be a reasonable estimation of the gross costs anticipated to complete the demolition and restoration project. The terms of the surety shall provide that the city may retain or claim the surety proceeds if the permit holder fails to perform the demolition or restoration activities in accordance with the permit granted. The value of the surety may be reduced during the course of the demolition work, at the sole discretion of the enforcing official, if, in the estimation of the enforcing official, sufficient surety remains to assure completion of the demolition and site restoration activity.

(4) Other Approvals or Regulations. Other regulatory agency approvals necessary prior to the issuance of a demolition permit by the city, or the regulations of other agencies which are applicable and to be adhered to during the completion of any demolition work include but are not limited to those of the Ohio Environmental Protection Agency, Regional Air Pollution Control Authority, Department of Health, Department of Public Works, and the like.



PROPOSED CODE AMENDMENTS

Demolition and Restoration Standards

(5) Permit Expiration. Any demolition permit issued under this section shall expire 30 days from the date of issuance if the demolition has not commenced; or if demolition has commenced and the work is delayed for a period of more than 10 consecutive days and the enforcing official determines that the delays were unnecessary, or if demolition has commenced and the work continues for a period of more than 30 consecutive days beyond the anticipated completion date indicated on the permit application, or upon completion of the demolition work in accordance with the permit issued. The enforcing official may authorize one or more extensions of the permit provided the enforcing official determines that the owner, agent or person with control of the property subject to demolition has demonstrated the ability to complete the work in a timely and workmanlike manner.

(Ord. -08, passed - -2008)

~~(97 Code, § 150.808) (Ord. 42-96, passed 9-17-96) Penalty, see § 154.999~~

~~Cross-reference:~~

~~—Plumbing Code, see §§ 150.015 et seq.~~

~~—Private sewage systems; compliance with recommendations, see § 51.33~~

§ 154.143 ADMINISTRATION AND ENFORCEMENT.

(A) ~~Enforcing officer.~~ The Public Works Director ~~City Planner~~ is designated as the enforcing officer / **enforcing official** of this chapter **shall be as designated by the City Manager**. The enforcing officer is authorized to issue orders to prevent and stop violations, to enforce and administer the provisions of this chapter. The Public Works Director ~~City Planner~~ **enforcing official** may be assisted by any personnel as the City Manager may authorize.

Note: While the revision to the provision identifying the City Planner as the enforcing officer is not necessarily related to the demolition permitting and restoration issue, because there were other revisions needed in this section of the code, this seemed to be an appropriate opportunity to amend this item as well.

(B) ~~Building p~~**Permits: General.** No building or other structure shall be erected, moved, added to, **enlarged, extended, converted, reconstructed, demolished,** or structurally altered without a **the building permits incidental and necessary to the enforcement of this chapter having been** issued by the enforcing officer, **the issuance of which may be held subject to compliance with any other requirement described within the City of Piqua Codified Ordinances that is deemed applicable to the subject project**



PROPOSED CODE AMENDMENTS

Demolition and Restoration Standards

by the enforcing official. No building permit shall be issued except in conformity with the provisions of this chapter. **The enforcing official may issue a comprehensive or consolidated permit approving one or more element of work subject to the requirements of this chapter;** or, if the enforcing official deems a permit unnecessary to ensure the compliance of one or more element of work subject to the requirements of this chapter, the enforcing official may waive the permit requirement.

('97 Code, § 150.204) (Ord. 42-96, passed 9-17-96) Penalty, see § 154.999

EXHIBIT 'A'

§ 154.127 SEPTIC TANKS OR WELLS DEMOLITION STANDARDS; PERMIT REQUIREMENT.

Any residential construction utilizing wells and septic tanks shall be situated on a lot having a minimum site area of 1.5 acres. Use of septic tanks and wells shall be subject to the regulations of the Plumbing Code.

This section shall explain the applicable standards for demolition work and the procedure, process, and requirements to obtain a demolition permit within the city.

(A) Downtown Historic District. Demolitions within the Downtown Historic District requires an approved certificate of appropriateness. Said certificate of appropriateness shall be issued in compliance with §§ 152.01 through 152.08 prior to the commencement of any demolition within the Downtown Historic District for which a demolition permit issued in accordance with this section is still necessary.

(B) Demolition Permit Required. A demolition permit issued by the enforcing official shall be required for every demolition of any structure in excess of 200 square feet in area. Every application for a demolition permit shall include reasons for demolition, a site plan and such other documentation as may be necessary.

(1) Site Plan. A site plan, containing the following information at a minimum, shall be provided:

(a) The location and dimensions of all structures on the lot.

(b) Property boundaries and dimensions, including distances from other structures and or lot lines to the structure or structures to be demolished.

(c) Prominent natural features, landscaping, or other physical improvements found on the lot.

(d) Planned staging areas, equipment parking, and or dumpster locations.

(e) The location of all utilities and the disconnection and disposition thereof.

(f) An explanation of the purpose for the demolition project and a statement regarding the intended use of the vacated site.

(g) The natural features, landscaping, structures, or other physical improvements to be demolished and the intended clean-up and restoration of the site, including but not limited to the work items required to satisfy the following minimum demolition and restoration standards:

(1) The demolition and excavation of all footers, foundations, slabs, service sidewalks, and improvements incidental to the building being demolished; and the demolition and excavation of all footers,

EXHIBIT 'A'

foundations, slabs, service sidewalks, and improvements incidental to any buildings accessory to the building being demolished.

- (2) Placement of compacted backfill in openings or excavations and grading thereof to match the existing surrounding surface contours.
- (3) Placement of six inches of topsoil over all backfilled or disturbed areas.
- (4) Placement of grass seed and mulching over all backfilled or disturbed areas covered with topsoil.
- (5) Placement of erosion control as deemed necessary by the enforcing official.
- (6) Placement of fence and or any other safety precautions deemed necessary by the enforcing official.

(h) The disposal location for the demolition debris.

(2) Permit Application. A permit application or other supporting documentation, containing the following information at a minimum, shall be provided:

(a) Anticipated start date and completion date for the demolition activity.

(b) Evidence that all taxes and utility bills are paid in full, as deemed necessary by the enforcing official.

(c) Any other information that is deemed necessary by the enforcing official to completely explain the proposed demolition.

(d) A photographic record of each elevation of the building or buildings to be demolished.

(e) A special use permit, issued in accordance with §§ 154.063 and 154.064, for any structure (or structures) to remain on the lot, when the subject structure (or structures) to remain on the lot is a nonconforming use, or if the demolition activity will cause the subject structure (or structures) to remain on the lot to become a nonconforming use.

(3) License and Bond or Other Surety. Prior to the issuance of a demolition permit, the owner, agent or person with control of the property subject to demolition shall execute a license provided by the city, granting to the city the right to enter the property. The license shall permit the city to correct or eliminate any unsafe condition or conditions at the demolition site before, during and after the demolition. The license granted by the applicant shall further provide that the city shall have the sole right to determine if a condition or conditions are unsafe. The license shall further include an agreement providing that the owner, agent or person with control of the property subject to demolition shall indemnify the city for its cost to correct or eliminate the unsafe condition or conditions. The agreement shall provide that the indemnification may be from the performance bond, cash deposit or other surety the owner, agent or person with control of the property subject to demolition shall post with the city to assure

EXHIBIT 'A'

the city that the demolition work will proceed as permitted. The value of the surety shall not exceed the cost associated with the demolition and site restoration, as determined by a detailed estimate to be provided by the owner, agent or person with control of the property subject to demolition, provided the enforcing official finds the estimate to be a reasonable estimation of the gross costs anticipated to complete the demolition and restoration project. The terms of the surety shall provide that the city may retain or claim the surety proceeds if the permit holder fails to perform the demolition or restoration activities in accordance with the permit granted. The value of the surety may be reduced during the course of the demolition work, at the sole discretion of the enforcing official, if, in the estimation of the enforcing official, sufficient surety remains to assure completion of the demolition and site restoration activity.

(4) Other Approvals or Regulations. Other regulatory agency approvals necessary prior to the issuance of a demolition permit by the city, or the regulations of other agencies which are applicable and to be adhered to during the completion of any demolition work include but are not limited to those of the Ohio Environmental Protection Agency, Regional Air Pollution Control Authority, Department of Health, Department of Public Works, and the like.

(5) Permit Expiration. Any demolition permit issued under this section shall expire 30 days from the date of issuance if the demolition has not commenced; or if demolition has commenced and the work is delayed for a period of more than 10 consecutive days and the enforcing official determines that the delays were unnecessary, or if demolition has commenced and the work continues for a period of more than 30 consecutive days beyond the anticipated completion date indicated on the permit application, or upon completion of the demolition work in accordance with the permit issued. The enforcing official may authorize one or more extensions of the permit provided the enforcing official determines that the owner, agent or person with control of the property subject to demolition has demonstrated the ability to complete the work in a timely and workmanlike manner.

~~{'97 Code, § 150.808}~~ (Ord. 42-96, passed 9-17-96) Penalty, see § 154.999

Cross-reference:

~~—Plumbing Code, see §§ 150.015 et seq.~~

~~—Private sewage systems; compliance with recommendations, see § 51.33~~

§ 154.143 ADMINISTRATION AND ENFORCEMENT.

(A) *Enforcing officer.* The ~~Public Works Director~~ enforcing officer / enforcing official of this chapter shall be as designated by the City Manager. The enforcing officer is authorized to issue orders to prevent and stop violations, to enforce and administer the provisions of this chapter. The ~~Public Works Director~~ enforcing official may be assisted by any personnel as the City Manager may authorize.

EXHIBIT 'A'

(B) ~~Building p~~**Permits; General.** No building or other structure shall be erected, moved, added to, **enlarged, extended, converted, reconstructed, demolished,** or structurally altered without a **the building permits incidental and necessary to the enforcement of this chapter having been** issued by the enforcing officer, **the issuance of which may be held subject to compliance with any other requirement described within the City of Piqua Codified Ordinances that is deemed applicable to the subject project by the enforcing official.** No building permit shall be issued except in conformity with the provisions of this chapter. **The enforcing official may issue a comprehensive or consolidated permit approving one or more element of work subject to the requirements of this chapter.**

(C) *Certificate of Health Officer.* In every instance where a lot is not serviced with public water or disposal of sanitary wastes by means of public sewers, the application for a building permit shall be accompanied by a certificate of approval by the Health Officer of the proposed method of water supply or disposal of sanitary wastes.

(D) *Special permits; certificate of compliance.*

(1) Upon completion of construction of any improvements as authorized or required by the City Commission for any buildings or uses for which a special permit was granted, the permittee may apply for inspection and partial certification, and upon completion of construction of all improvements, the permittee shall apply to the enforcing officer for a certificate of compliance, which certificate shall not be issued until the enforcing officer has inspected the premises covered by the special permit and has found that all terms, conditions, and requirements of the special permit have been complied with.

(2) If the enforcing officer finds at any time that the terms, conditions and requirements of a special permit have not been complied with, or that any phase thereof has not been completed within the time required under the special permit that time conforming to the time indicated on the building permit, for the specific use, the enforcing officer shall report this fact to the City Commission which may, after a hearing of which the permittee shall be notified, revoke the special permit for failure to comply with the terms, conditions, and requirements, or take any other action as it may deem necessary to obtain compliance.

(E) *Certificate of occupancy permit.* It shall be a violation of this chapter to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until an occupancy permit has been issued by the enforcing officer, stating that the proposed use of the building or land conforms to the requirements of this chapter. This provision shall apply to all buildings and uses, except the raising of crops and other agricultural uses.

(F) *Remedies.* If any building or land is used, altered, constructed, enlarged, or any action proposed in violation of the provisions of this chapter or any amendment or supplement thereto, the Law Director, the enforcing officer, any person or any property owner damaged by or subject to damage by the violation in addition to other remedies provided by law, is hereby empowered or authorized to institute appropriate action or proceedings to prevent the unlawful location, erection, construction, reconstruction, alteration, enlargement, change, maintenance, or use.

(G) *Other action.* Nothing herein contained shall prevent the city from taking any other lawful action as is necessary to prevent or remedy any violation.

(H) *Affected parties.* Buildings erected, altered, razed, or converted, or uses carried on in violation of any provision of this chapter are hereby declared to be a nuisance per se. The court shall order the nuisance abated and the owner or agent in charge of the building or land shall be adjudged guilty of maintaining a nuisance per se.

(I) *Fees.* Any application under this chapter for a permit, variance, exception, special use, planned unit development or amendment shall be accompanied by a fee as shall be specified from time to time by the City Commission.

(J) *Separability.* If for any reason any one or more sections, sentences, clauses or parts of this chapter are held invalid, the judgment shall not affect, impair, or invalidate the remaining provisions of this chapter, but shall be confined in its operation to the specific section, sentence, clause, or part of this chapter held invalid. The invalidity of any section, sentence, clause, or part of this chapter in any one or more instances shall not attest or prejudice in any way the validity of this chapter in any other instance.

(K) *Violation.* No person, firm, or corporation shall violate any provision of this chapter or any amendment or supplement thereto.

('97 Code, § 150.204) (Ord. 42-96, passed 9-17-96) Penalty, see § 154.999

RESOLUTION NO. R-64-08

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED CITY TAX BUDGET FOR MIAMI COUNTY FOR THE CALENDAR YEAR 2009 AND DRAFT APPROPRIATION ORDINANCE

WHEREAS, Sections 5705.28 of the Revised Code requires that this Commission adopt a tax budget for the next succeeding year on or before July 15th; and

WHEREAS, Charter Section 49 requires the submission of the draft of an appropriation ordinance based upon said budget;

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: A public hearing on the proposed city tax budget for Miami County for the year 2009 and draft appropriation ordinance shall be held at the next regular meeting of this Commission on July 7, 2008 at 7:30 P.M.; and

SEC. 2: The Commission Clerk is hereby directed to cause the publication of notice of said public hearing in the Piqua Daily Call;

SEC. 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-65-08

**A RESOLUTION AWARDING A CONTRACT FOR
THE PURCHASE OF A PICK-UP TRUCK FOR THE
POLICE DEPARTMENT**

WHEREAS, the present operations of the City require the purchase of a pick-up truck for the Police Department; and

WHEREAS, after solicitation of bids, bids were opened resulting in the tabulation of bids as listed in Exhibit "A" attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: A contract for the purchase of a pick-up truck from Advantage Ford is hereby approved as the lowest, responsible bidder and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications.

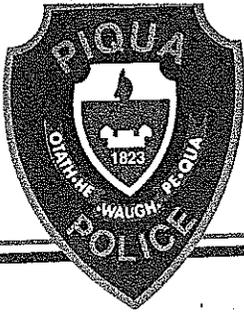
SEC. 2: The Finance Director is hereby authorized to draw her warrants on the appropriate account of the City treasury in payment according to contract terms, not exceeding a total of \$30,488.64.

SEC. 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Committed to Excellence...Dedicated to Service

PIQUA POLICE DEPARTMENT

100 North Wayne Street • Piqua, Ohio 45356
Phone: (937) 778-2027 • Fax: (937) 778-2008
Emergency Police Dispatch: 9-1-1 • Non-emergency: (937) 440-9911
www.piquaohpd.org • E-mail: policeservices@piquaoh.org



"An Internationally Accredited
Law Enforcement Agency"

June 11, 2008

To: Fred Enderle, City Manager
Subject: Pick-up Truck Award

The City's Purchasing Analyst, Bev Yount, has received the bids on the police pick-up truck.

There were only two (2) bidders: Advantage Ford and 32 Ford Mercury.

The intended use of the truck by the police department would include the transportation of heavy items and the plowing of snow to open up unplowed streets for police response to calls for service. This vehicle is expected to be in service for up to 10 years.

While both vendors did provide an alternate bid for a ½ ton pick-up, both vendors advise that the ½ ton pick-up is ill suited for the type of use and plowing proposed by the police department. The consensus is that the lighter truck would not hold up to such service demands.

The recommended would include all specified standard equipment, as well as the optional power windows and locks, tilt wheel, skid plates (off road package), and Snowplow.

We have evaluated the bids and recommend that the city purchase the Ford F250 ¾ ton pick-up from Advantage Ford as the lowest and best bid. The delivery time is 16 weeks. The total cost for the truck would be:

2009 Ford F-250 with standard and specified optional equipment: \$30,488.64

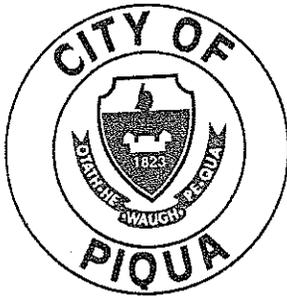
This cost is \$488 above the 2008 capital budget of \$30,000 for this truck, however, the other police capital items will come in slightly under budget and the police capital budget will remain in balance overall.

Sincerely,


Wayne R. Willcox, CLEE
Chief of Police

Police Pick-up Truck Bids

	Advantage Ford	32 Ford Mercury
¾ Ton Supercab 4WD, 6' Bed with standard and	\$23,873.64	\$24,045.00
Optional Equipment, including power locks & windows, bedliner, snowplow, Skid Plates	\$6,615.00	\$6,840.00
Total ¾ Ton Pick-up	\$30,488.64	\$30,885.00



FINANCE DEPARTMENT

201 West Water Street • Piqua, Ohio 45356
(937) 778-2065 • FAX (937) 778-1130
www.piquaoh.org

MEMORANDUM

TO: Frederick E. Enderle, City Manager
FROM: Beverly M. Yount, Purchasing Analyst *Bmy*
RE: Police Department Pick-Up Truck Proposal
DATE: June 11, 2008

+++++

Invitations for bids on the purchase of a pick-up truck for the Police Department were sent out on May 3, 2008 to 16 dealerships. We also advertised our need for bids in the Piqua Daily Call and on our City's website. We had our bid opening on May 23, 2008 with Deputy Chief Tom Christy and me in attendance. Two bids were received, one from Advantage Ford and one from 32 Ford Mercury.

We included two vehicle options and numerous equipment options for pricing comparisons and Chief Willcox has decided which options to include in order for them to stay under budget for this capital purchase. The anticipated delivery for this vehicle is 16 weeks from the date of the order, which will likely put us out to October.

It is requested that this item be placed on the June 16th Piqua City Commission Meeting Agenda for approval.

Please let me know if you have any questions, concerns, or need further clarification.



RESOLUTION NO. R-66-08

**A RESOLUTION REQUESTING PRELIMINARY LEGISLATION
FOR ODOT TO RESURFACE STATE ROUTE 185 FROM THE
MIAMI/DARKE COUNTY LINE TO THE WEST CORPORATION
LIMIT OF THE CITY OF PIQUA**

WHEREAS, in the sound judgment of the City Manager, it would be in the best interest of the City of Piqua to resurface State Route 185 from the Miami/Darke County line to the West Corporation Limit of the City of Piqua; and

NOW THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: This project proposes to plane and resurface the existing roadway and other roadway related items, on State Route 185 from the Miami/Darke County line to the West Corporation limit of the City of Piqua; and

SEC. 2: Being in the public interest, the City of Piqua gives consent to the Director of Transportation to complete the above-described project.

SEC. 3: The City of Piqua shall cooperate shall cooperate with the Director of Transportation in the above described project as follows:

- a. The City of Piqua has no obligation for costs for the project as described in Section 1. ODOT will provide all Federal-aid and State funds as set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.
- b. The City of Piqua agrees to pay One-Hundred Percent (100%) of those features requested by the City of Piqua which are determined by the State and Federal Highway Administration to be unnecessary for the Project.
- c. If curb ramps are constructed by ODOT in compliance with the Americans with Disabilities Act, future maintenance of installed sidewalk curb ramps shall be the responsibility of the City. The City shall adjust any existing castings, as required, with City forces.

SEC. 4: The City of Piqua agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The City of Piqua also understands that right-of-way costs include eligible utility costs. The City of Piqua agrees that all utility

accommodations, relocations and reimbursements will comply with the current provision of 23 CFR 645 and the ODOT Utilities Manual.

SEC. 5: Upon completion of the Project, and unless otherwise agreed, the City of Piqua shall (1) provide adequate maintenance for the Project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

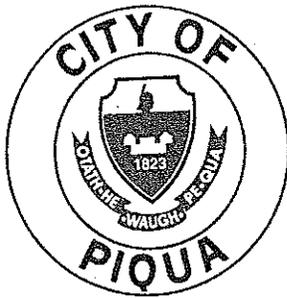
SEC. 6: The City Manager of the City of Piqua, is hereby empowered on behalf of the City of Piqua to enter into contracts with the Director of Transportation necessary to complete the above described project.

SEC. 7: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



PUBLIC WORKS DEPARTMENT

Thomas R. Zechman, P.E., P.S. – Public Works Director
201 West Water Street • Piqua, Ohio 45356
(937) 778-2044 • FAX (937) 778-5165
E-Mail: tzechman@piquaoh.org

June 4, 2008

MEMORANDUM

TO: Frederick E. Enderle

RE: **Request For Consent Legislation
ODOT Resurfacing Of State Route 185 from the Miami/Darke County Line to
the West Corporation Limit of the City of Piqua.
No Financial Participation Requested By The City Of Piqua**

Enclosed please find a letter from Bradley A. Lightle, Transportation Planning and Programs Administrator for ODOT District 7, making request for the above referenced consent legislation.

The City of Piqua will not have any financial involvement in this project. However, ODOT requires the permission of the local entity prior to commencement of work within that entity. The project is scheduled for 2012.

The Engineering Department will work with ODOT and keep the Commission apprised of any changes as the project approaches construction.

Please let me know if you have any questions pertaining to this matter.

Respectfully submitted,

Thomas R. Zechman, P.E., P.S.

TRZ/nmd

Enclosure

c: Amy Havenar, City Engineer

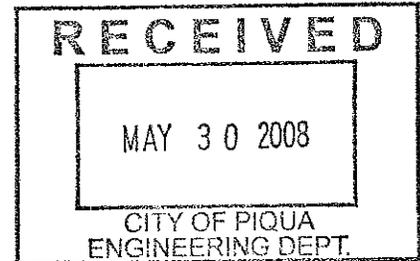




OHIO DEPARTMENT OF TRANSPORTATION
1001 St. Marys Ave., Sidney, OH 45365 - (937) 492-1141 - Fax (937) 497-9734
Governor Ted Strickland Director James Beasley, P. E., P. S.
District Deputy Director Rex Dickey, P. E., P. S.
<http://www.dot.state.oh.us/dist7>

February 21, 2008

Amy L. Havenar, P.E.
City Engineer
201 West Water Street
Piqua, Ohio 45356



RE: MIA-SR185-0.00, PID #83899
Preliminary Legislation
Resurfacing Project – Consent

Dear Ms. Havenar:

The Ohio Department of Transportation is proposing to resurface the existing roadway, along with other roadway related items, on State Route 185 from the Miami/Darke County Line to the West Corporation Limit of the City of Piqua, plus or minus, in Miami County, Ohio. This project is scheduled for bid letting in State Fiscal Year 2012. Please note that we are requesting no financial participation from the City.

Since a portion of this project is within the corporation limits of the City of Piqua, it will be necessary that we obtain CONSENT legislation from the City. We are enclosing three (3) copies of an Ordinance/Resolution which shall require action by the City Council.

If applicable, in accordance with the Federal Americans with Disabilities Act, ODOT policy now requires the construction of sidewalk curb ramps at intersections with curbs or other barriers to entry from street level pedestrian walkways. If curb ramps do not presently exist within the curbed areas of the City, they will be constructed with this resurfacing project.

In completing the form, please be sure to indicate the Ordinance/Resolution Number in the upper right-hand corner of Page 1. You will note in Section VI, the designated Contractual Officer's signature must appear on Page 3 in the space provided for Contractual Officer, as well as in the space on Page 2 for Officer of City. A Councilman or the Clerk should attest to both. If the City has no President of Council, please write the word "SAME" in quotes in that space indicating the Mayor acts as President of Council.

Also, on Page 3 in the "Certificate of Copy", please be sure to fill in Ordinance/Resolution Record Number and Page Number. If the Clerk has a seal, it should be affixed to the "Certificate of Copy". **If there is no seal**, a letter stating that the City does not have a seal should accompany the executed legislation.

When the legislation has been properly executed and all **inked original** signatures affixed, please return all three (3) originals to the District Seven address shown above, Attention: Marlene Tekamp, **no later than August 29, 2008**. After the Director of the Ohio Department of Transportation has signed all copies, one original will be returned to the City.

Amy L. Havenar, P.E.
February 21, 2008
Page 2

The executed legislation must be in our office as soon as possible so it can be forwarded to Columbus and we can continue to complete project programming. Our Columbus office will not schedule a sale date for the project until completed legislation is received.

Should you have any questions, please feel free to contact this office. Your cooperation in this matter is greatly appreciated.

Respectfully,



Handwritten signature of Bradley A. Lightle, P.E. in cursive script.

Bradley A. Lightle, P.E.
Transportation Planning and Programs Administrator

BAL:mht
Enclosures (3)

c: file w/att.

CERTIFICATE OF COPY
STATE OF OHIO

City of Piqua of Miami County, Ohio

I, _____, as Clerk of the City of Piqua of Miami County, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance/Resolution adopted by the legislative Authority of the said City of Piqua on the _____ day of _____, 2____, that the publication of such Ordinance/Resolution has been made and certified of record according to law; that no proceedings looking to a referendum upon such Ordinance/Resolution have been taken; and that such Ordinance/Resolution and certificate of publication thereof are of record in _____, Page _____.
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____, 2_____.

Clerk
City of Piqua, Ohio.

SEAL
(REQUIRED or Letter stating No Seal)

The foregoing is accepted as a basis for proceeding with the project herein described for the City of Piqua, Ohio.

Attest: _____, Date _____
Contractual Officer

For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation

RESOLUTION NO. R-67-08

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO A LEASE AGREEMENT TO PERMIT
THE USAGE OF A PORTION OF FOUNTAIN PARK,
HARDMAN FIELD AND HANCE PAVILION TO THE
PIQUA FOURTH OF JULY ASSOCIATION**

BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: The City Manager is hereby authorized to permit the Piqua Fourth of July Association for July 4, 2008 to use Hance Pavilion, Hardman Field, the Fountain Park volleyball courts and that part of Fountain Park between (and including) the hardball diamond and the dining hall, upon the condition that the Piqua Fourth of July Association obtains liability insurance satisfactory to the City Manager at a minimum coverage of \$1,000,000. The rental fee for this lease shall be \$1.00 and other valuable consideration.

SEC. 2: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into this 9th day of June 2008, by and between the City of Piqua and the Piqua Fourth Of July Association as follows:

Section 1: For one dollar and other valuable consideration, the City leases to the Association the below-listed public park facilities for the day of July 4, 2008:

Hance Pavilion
Hardman Field
Fountain Park volleyball courts
That portion of Fountain Park between (and including) the
baseball diamond and the dining hall

Section 2: The Association shall occupy and use the leased premises solely for the purposes of the annual Independence Day celebration and related activities.

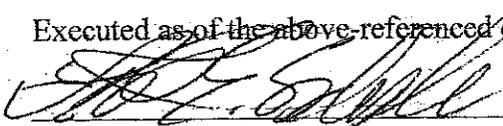
Section 3: The Association shall obtain liability insurance satisfactory to the City Manager at a minimum coverage of \$1,000,000.

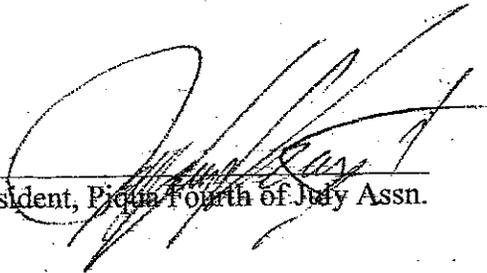
Section 4: The Association shall indemnify, hold harmless and defend the City of Piqua, Ohio, its officers, employees, agents and volunteers against any and all liability, loss, costs, damages, expenses, claims or actions, including attorney's fees which the City of Piqua, Ohio, its officers, employees, agents and volunteers may hereafter sustain, incur or be required to pay, arising out of or by any act or omission of the Association, the City of Piqua, Ohio, their officers, employees, agents and volunteers, in the execution, performance or failure to adequately perform Association's or City of Piqua's obligations pursuant to this contract.

Section 5: The association will include the following as additional insureds: The City of Piqua, Ohio, its elected and appointed officials, all employees, agents, volunteers, all boards, commissions and/or authorities and board members including employees, agents and volunteers thereof. Coverage shall be primary to the Additional Insureds and not contributing with any other insurance or similar protection available to the Additional Insureds whether other available coverage be primary, contributing, or excess.

Section 6: The City of Piqua shall be issued a certificate of insurance in the amount not less than stated above. The certificate of insurance shall specify that the City of Piqua, its officials, employees and volunteers are added by endorsement as additional insureds as written in Section 5 above.

Executed as of the above-referenced date by:


Frederick E. Enderle, City Manager
City of Piqua


President, Piqua Fourth of July Assn.

RESOLUTION NO. R-68-08

**A RESOLUTION AUTHORIZING A PURCHASE ORDER
TO WARREN FIRE EQUIPMENT FOR THE PURCHASE OF
SELF CONTAINED BREATHING APPARATUS FOR THE
FIRE DEPARTMENT**

WHEREAS, the City of Piqua desires to purchase SCBA air packs for the Fire Department; and

WHEREAS, the 2008 budget includes funds for the purchase of the SCBA air packs; and

WHEREAS, the Piqua Fire Department applied for a Grant from FEMA to offset the cost of SCBA air packs; and

WHEREAS, the Piqua Fire Department was awarded a Fire Act Grant from FEMA in an amount not to exceed \$181,900 with the city being responsible for 10% of the cost.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: The City Manager is hereby authorized to purchase the self-contained breathing apparatus's from Warren Fire Equipment in the amount not to exceed \$168,513.00.

SEC. 2: The Finance Director is hereby authorized to draw her warrant on the appropriate account of the City treasury in payment according to this Resolution.

SEC. 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



CHIEF GARY CONNELL



MEMO

To: Fred Enderle, City Manager
From: Gary Connell, Fire Chief
Date: June 9, 2008
Subj: Bids on SCBA

Fred,

As you are aware last year the fire department was awarded the Fire Act Grant from FEMA for the purchase of new SCBA air packs. The city will be responsible for 10% of the amount awarded in the final grant tabulation. We have worked on this for some time having different companies bringing in their products for us to test and compare. We then put together a set of specs that was sent out for bids.

We had the bid opening on May 13, 2008 with four companies turning in bids. Attached please find a copy of the bid tabulation sheet that was put together by finance.

I have also attached a comparison sheet of the two companies that our committee had chosen as the best products to go with even before we had the bid openings. Please note that we have listed the pros and cons of each. Also it is worth noting that Warren Fire Equipment deals with Scott Air Pacs and Howell Rescue Systems deals with ISI pacs.

My professional opinion and recommendation is for us to purchase the Scott Air Pacs from Warren Fire Equipment. Even though their bid was higher than Howell they are still under the grant money and what was budgeted in this years budget, overall the difference in the bids for the city is about \$3,000 dollars.

Scott brand is the ones we are currently using and have been for the past 20 + years. We have never had any problems with either the product or the service with Scott or Warren Fire Equipment. The vehicle brackets that are included in the Scott bid are necessary for us to mount the units in the vehicle seats in order to have the air packs readily available. These were not included in the ISI bid and we would need to spend an additional \$1,500 to \$2,500 from our budget for these. Also we have a pack made up for confined space rescue that was set up for our current Scott air packs. If we were to go with ISI it would cost us an additional \$825 to purchase adapters to convert these units.

Additionally in 2007 the Dayton Fire Department received a grant to purchase air purifying units and filters for all the area fire departments that have Scott air systems. These units and filters are used in case of an anthrax situation or bird flu outbreak. We were given enough units and filters for our department that would last us for up to a week of straight use. These will not do us any good if we do not stay with Scott systems.

If you should have any questions please let me know. I would like to move forward with this project as soon as possible.

Bid Tabulation for Fire Dept. IFB 8009 SCBAs opened 5-13-08 at 2:00 p.m.

	Fire Safety Service, Inc.	Howell Rescue Systems, Inc.	Warren Fire Equipment, Inc.	Finley Fire Equipment
36 New SCBAs	Unit Price \$ 3,505.00	\$ 3,291.12	\$ 4,635.00	\$ 4,073.12
	Total Price \$ 126,180.00	\$ 118,480.32	\$ 166,860.00	\$ 146,632.32
36 Spare Bottles	Unit Price \$ 500.00	\$ 463.12	included	\$ 628.33
	Total Price \$ 18,000.00	\$ 16,672.32	included	\$ 22,619.88
19 Vehicle Brackets	Unit Price \$ 69.00	no bid	\$ 87.00	\$ 112.96
	Total Price \$ 1,311.00	no bid	\$ 1,653.00	\$ 2,146.24
Grand Total	\$ 145,491.00	\$ 135,152.64	\$ 168,513.00	\$ 171,398.44

Delivered by this date: 6/30/2008 30 days 60-90 days 5/28/2008

Self Contained Breathing Apparatus Comparison
2008 Federal Grant

	Warren Fire Equipment	Howell Rescue Systems
36 New Self Contained Breathing Apparatus		
Unit Price \$	4,635.00	\$ 3,291.12
Total \$	166,860.00	\$ 118,480.32
36 Spare Bottles		
Unit Price \$	Included	\$ 463.12
Total \$	Included	\$ 16,672.32
19 Vehicle Brackets		
Unit Price \$	87.00	No Bid
Total \$	1,653.00	No Bid
Total Bid \$	168,513.00	\$ 135,152.64
Airpack Comparison/Pros	Warren/Scott Bid is less than Federal Grant Award Seamless Changeover/Compatible w/Current Equip. Have Similar Models/Familiar Local Mutual Aid Agencies Use Vehicle Brackets Available/On Bid Local Rep for Repairs/Maintenance Exceptional Service/Reliability with Warren/Scott 23 Year Relationship with Scott Equipment	Lowest Bid for Unit/Spare Range of Motion Single Facepiece/Respirator New to Area/More Attention Some Repairs Performed at Piqua Fire
Airpack Comparison/Cons	Needs Additional Maintenance/Out of House Less Range of Motion/While Wearing	Forced Air System Designed for Scott Conversion Required/Additional Costs Creates a Mixed System of Air Supply Equip. Not Compatible w/ Confined Space/SAR/Pro Flo Filters No Vehicle Brackets Available Face Piece Seal Around Chin New to Area for Local Support/Georgia Office Closest Minimal References/No Area Department Usage Unsure of Reliability/Service

RESOLUTION NO. R-69-08

**A RESOLUTION APPROVING THE FISCAL YEAR 2008 FORMULA
ALLOCATION PROGRAM APPLICATION**

WHEREAS, the City of Piqua is a unit of government that possesses the legal authority to apply for Small Cities Community Development Block Grant funds available through the Ohio Department of Development, under the Federal Housing and Community Development Act of 1974, as amended; and

WHEREAS, the City of Piqua has housing and community development needs that can be improved and alleviated with this assistance; and

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring that:

SEC. 1. This FY 2008 CDBG Formula Allocation Program application is hereby approved and the City Manager is hereby authorized and directed to submit the City's program application to the Ohio Department of Development, including all understandings and assurances therein.

SEC 2. The City Manager is authorized to be the designated agent of the program in connection with the application and is authorized to execute all agreements in conjunction with the FY 2008 Program.

SEC. 3. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



DEVELOPMENT OFFICE

William Lutz – Development Program Manager
201 West Water Street • Piqua, Ohio 45356
(937) 778-2062 • FAX (937) 778-0809
E-Mail: blutz@piquaoh.org
Web: <http://www.piquaoh.org>

To: Fred Enderle, City Manager

From: William Lutz, Development Program Manager

Date: June 11, 2008

Subj.: FY 2008 Community Development Block Grant Formula Allocation Program Application

Fred:

Attached please find a resolution that I am requesting the City Commission adopt at their next meeting. This resolution authorizes the City to make application to the Ohio Department of Development for Community Development Block Grant Formula Allocation Funds of \$151,000.

As part of the City's FY 2008 Community Development Block Grant Formula Allocation Program, we will be undertaking two major projects; property acquisition and demolition and micro enterprise business development assistance.

Under the property acquisition and demolition program, the City will purchase two abandoned properties and demolish these properties. These properties will be located in the two target areas that are declared slum and blight by separate resolutions being sent under a separate cover memo. This program will become part of, and support, the goals of the Property Rehabilitation and Land Bank Program. City Staff is currently working with local banks on an investment pool for the property rehabilitation portion of the program.

Additionally, funds will be requested to provide micro enterprise business development assistance to small businesses in the community, whose owners make less than 80% of the Area Median Income. In the past ten years, the City has received two of these grants and we have been encouraged by the Ohio Department of Development to reapply for these funds due to our past grant performance.

The below chart shows what objectives we plan to achieve and the projected budget for each activity.

Activity	Outcome	Budget
Acquisition/Demolition	2 units	\$80,800
Microenterprise Development	5 businesses assisted	\$50,000
General Administration	N/A	\$15,150
Fair Housing	N/A	\$5,050
Total Request		\$151,000

If you have any further comments or questions, please do not hesitate to contact me.

Bill

RESOLUTION NO. R-70-08

**A RESOLUTION DECLARING AND DESIGNATING A BLIGHTED AREA IN
THE CITY OF PIQUA, OHIO**

WHEREAS, for the purposes of the Community Development Block Grant (CDBG) Program, a blighted area has the following characteristics:

At least twenty-five (25%) of the properties throughout the area experience one or more of the following conditions:

1. Physical deterioration of buildings or improvements;
2. Abandonment of properties;
3. Chronic high occupancy turnover rates or chronic high vacancy rates in commercial or industrial buildings;
4. Significant declines in property values or abnormally low property values relative to other areas in the community; or
5. Known or suspected environmental contamination

WHEREAS, the factors stated above substantially impairs the sound growth of an area, retards the provision of safe, decent and sanitary housing, or constitutes an economic and social liability to the community; and

WHEREAS, the City of Piqua has completed a review of the blighted influences on the particular areas of Main Street, Downing Street, Wayne Street, Garnsey Street, South Street, Young Street, Grant Street, Miami Street and Wood Street in the City of Piqua (as shown on the attached map as "Target Area 1"); and

WHEREAS, the said review as concluded that the area is a "blighted area" as the same is defined by the Community Development Block Grant regulations found in 24 CFR 570.208 by reason of the following:

Specifically with respect to deteriorated structures, it has been determined that approximately 31% (39 of 126 properties) are substandard by reason of age, obsolence or lack of maintenance.

Specifically with respect to significant declines in property values or abnormally low property values relative to other areas in the community; it has been determined that the average sales price for single-family residential properties in "Target Area 1" from June 1, 2006 to June 1, 2008 was \$49,395.89 as compared to \$88,588.46, which represents that properties in "Target Area 2" are roughly 56% of that of the entire community.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring that:

SEC. 1. This commission hereby finds that the above portion of the community is presently a slum and blighted area, for the purposes of the Community Development Block Grant program;

SEC. 2. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



DEVELOPMENT OFFICE

William Lutz -- Development Program Manager
201 West Water Street • Piqua, Ohio 45356
(937) 778-2062 • FAX (937) 778-0809
E-Mail: blutz@piquaoh.org
Web: <http://www.piquaoh.org>

To: Fred Enderle, City Manager
From: William Lutz, Development Program Manager
Date: June 11, 2008
Subj.: Area Wide Slum and Blight Resolutions

Fred:

Attached please find two resolutions with corresponding maps that I am requesting be adopted by the City Commission.

As part of the City's FY 2008 Community Development Block Grant Formula Allocation Program, we will be submitting an application to purchase and demolish two abandoned properties in the two targeted areas represented by the resolutions. As part of the Community Development Block Grant requirements, the City may undertake this activity, but only in an area designated as Slum and Blighted.

This Slum and Blight resolution will play a central role in the development of a new Property Rehabilitation and Land Bank Program. Currently, City Staff is working with local banks on the development of an investment pool for the property rehabilitation component of the program. Additionally, the city has designated "Target Area 1" as a targeted area with the FY 2008 Community Housing Improvement Program Application. It is expected that through leveraging resources from various sources, the community can make a positive impact in the target areas by promoting property rehabilitation and exploring opportunities for redevelopment.

The Community Development Block Grant sets a test for an area to be determined to be Slum and Blight. In order for a local government to declare an area to be Slum and Blight, at least one of five tests must be met:

1. At least 25% of the properties must have physical deterioration of buildings or improvements.
2. At least 25% of the properties must be abandoned
3. At least 25% of the properties must suffer chronic high occupancy turnover rates or chronic high vacancy in commercial or industrial buildings.
4. At least 25% of the properties must have significant declines in property values or abnormally low property values relative to other areas of the community.
5. At least 25% of the property must have known or suspected environmental contamination.

In order to meet these requirements, the Development Department looked at criterions 1 and 4.

With the assistance of Devon Alexander, Code Enforcement Officer, the Development Department was able to determine that 39 properties were deteriorated in Target Area 1 and 29 were deteriorated in Target Area 2. These figures both represent more than the 25% minimum

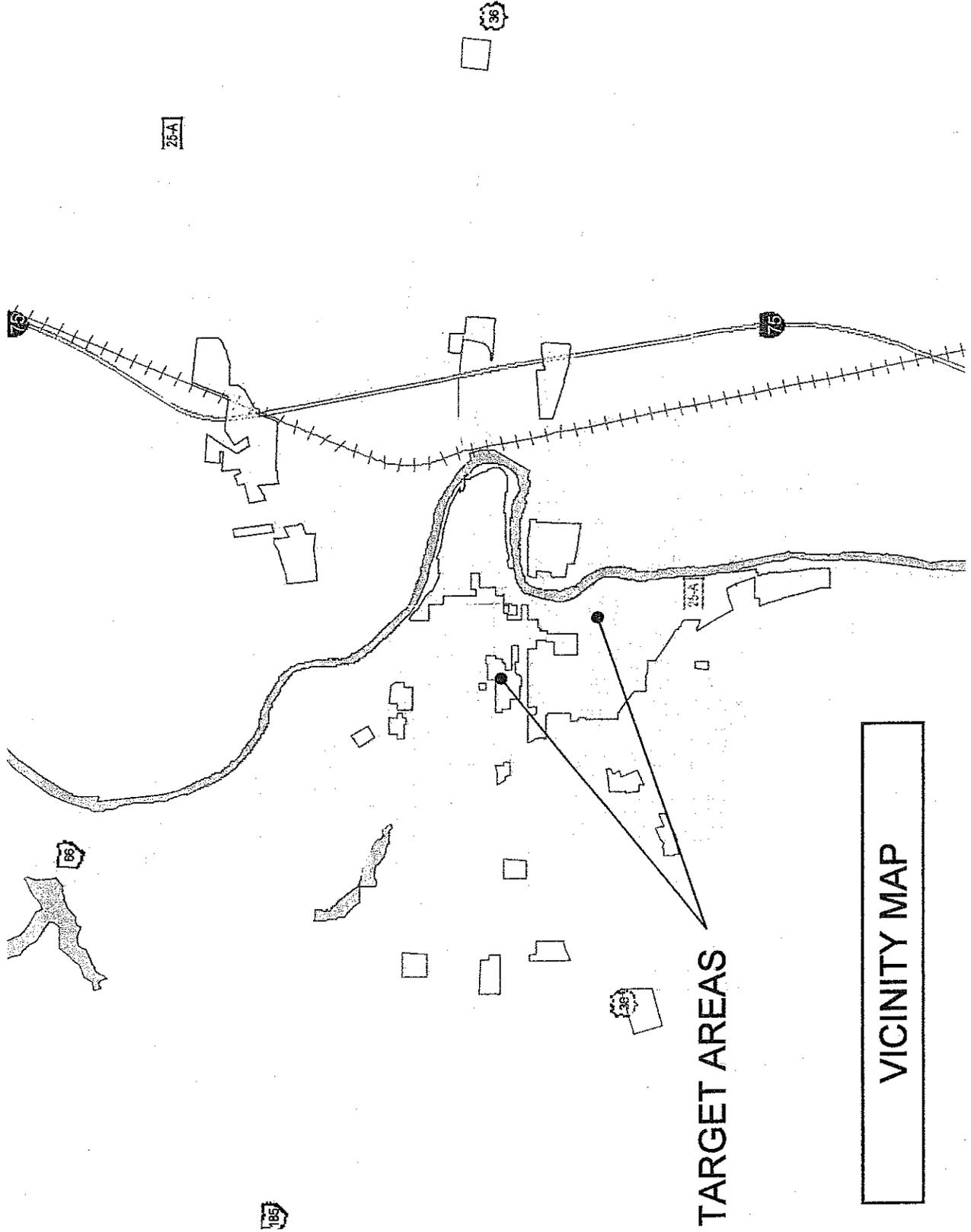
threshold required to meet the test. It was determined that 31% of the homes in Area 1 met the test and 48% of the homes in Area 2 met the test.

Using information from the Miami County Auditor, it was determined the average sales price for a single-family home in the City of Piqua from June 1, 2006 through June 1, 2008 was \$88,589. In Target Area 1, for the same time period, the average sales price for a single-family home was \$49,396, which represents a 45% decrease in the average sales price community wide. In Target Area 2, the average sales price was \$66,100, which represents a 26% decrease in average sales price community wide. These figures demonstrate that the average property values in the target areas are abnormally low when compared to other areas in the community.

If you have any further comments or questions, please do not hesitate to contact me.

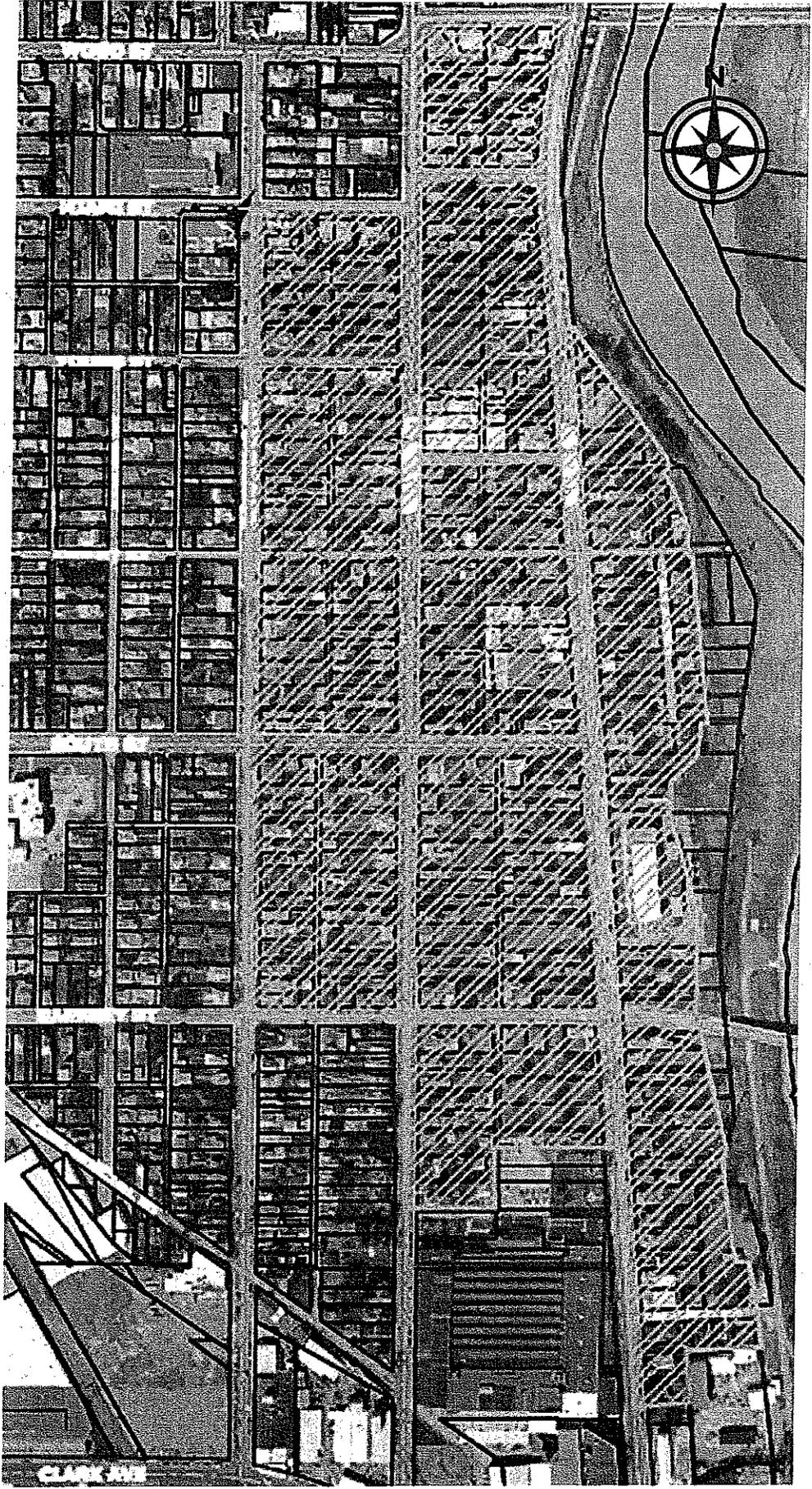
Warmest Regards,

Bill



TARGET AREAS

VICINITY MAP



TARGET AREA 1

RESOLUTION NO. R-71-08

**A RESOLUTION DECLARING AND DESIGNATING A BLIGHTED AREA IN
THE CITY OF PIQUA, OHIO**

WHEREAS, for the purposes of the Community Development Block Grant (CDBG) Program, a blighted area has the following characteristics:

At least twenty-five (25%) of the properties throughout the area experience one or more of the following conditions:

1. Physical deterioration of buildings or improvements;
2. Abandonment of properties;
3. Chronic high occupancy turnover rates or chronic high vacancy rates in commercial or industrial buildings;
4. Significant declines in property values or abnormally low property values relative to other areas in the community; or
5. Known or suspected environmental contamination

WHEREAS, the factors stated above substantially impairs the sound growth of an area, retards the provision of safe, decent and sanitary housing, or constitutes an economic and social liability to the community; and

WHEREAS, the City of Piqua has completed a review of the blighted influences on the particular areas of High Street, Water Street, Roosevelt Avenue, Broadway, Franklin Street and Caldwell Street in the City of Piqua (as shown on the attached map as "Target Area 2"); and

WHEREAS, the said review as concluded that the area is a "blighted area" as the same is defined by the Community Development Block Grant regulations found in 24 CFR 570.208 by reason of the following:

Specifically with respect to deteriorated structures, it has been determined that approximately 48% (29 of 60 properties) are substandard by reason of age, obsolescence or lack of maintenance.

Specifically with respect to significant declines in property values or abnormally low property values relative to other areas in the community; it has been determined that the average sales price for single-family residential properties in "Target Area 2" from June 1, 2006 to June 1, 2008 was \$66,100.00 as compared to \$88,588.46, which represents that properties in "Target Area 2" are roughly 74% of that of the entire community.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring that:

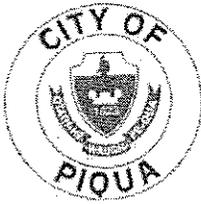
SEC. 1. This commission hereby finds that the above portion of the community is presently a slum and blighted area, for the purposes of the Community Development Block Grant program;

SEC. 2. This Resolution shall take effect and be in force from the and after the earliest period allowed by law.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



DEVELOPMENT OFFICE

William Lutz – Development Program Manager
201 West Water Street • Piqua, Ohio 45356
(937) 778-2062 • FAX (937) 778-0809
E-Mail: blutz@piquaoh.org
Web: <http://www.piquaoh.org>

To: Fred Enderle, City Manager
From: William Lutz, Development Program Manager
Date: June 11, 2008
Subj.: Area Wide Slum and Blight Resolutions

Fred:

Attached please find two resolutions with corresponding maps that I am requesting be adopted by the City Commission.

As part of the City's FY 2008 Community Development Block Grant Formula Allocation Program, we will be submitting an application to purchase and demolish two abandoned properties in the two targeted areas represented by the resolutions. As part of the Community Development Block Grant requirements, the City may undertake this activity, but only in an area designated as Slum and Blighted.

This Slum and Blight resolution will play a central role in the development of a new Property Rehabilitation and Land Bank Program. Currently, City Staff is working with local banks on the development of an investment pool for the property rehabilitation component of the program. Additionally, the city has designated "Target Area 1" as a targeted area with the FY 2008 Community Housing Improvement Program Application. It is expected that through leveraging resources from various sources, the community can make a positive impact in the target areas by promoting property rehabilitation and exploring opportunities for redevelopment.

The Community Development Block Grant sets a test for an area to be determined to be Slum and Blight. In order for a local government to declare an area to be Slum and Blight, at least one of five tests must be met:

1. At least 25% of the properties must have physical deterioration of buildings or improvements.
2. At least 25% of the properties must be abandoned
3. At least 25% of the properties must suffer chronic high occupancy turnover rates or chronic high vacancy in commercial or industrial buildings.
4. At least 25% of the properties must have significant declines in property values or abnormally low property values relative to other areas of the community.
5. At least 25% of the property must have known or suspected environmental contamination.

In order to meet these requirements, the Development Department looked at criterions 1 and 4.

With the assistance of Devon Alexander, Code Enforcement Officer, the Development Department was able to determine that 39 properties were deteriorated in Target Area 1 and 29 were deteriorated in Target Area 2. These figures both represent more than the 25% minimum

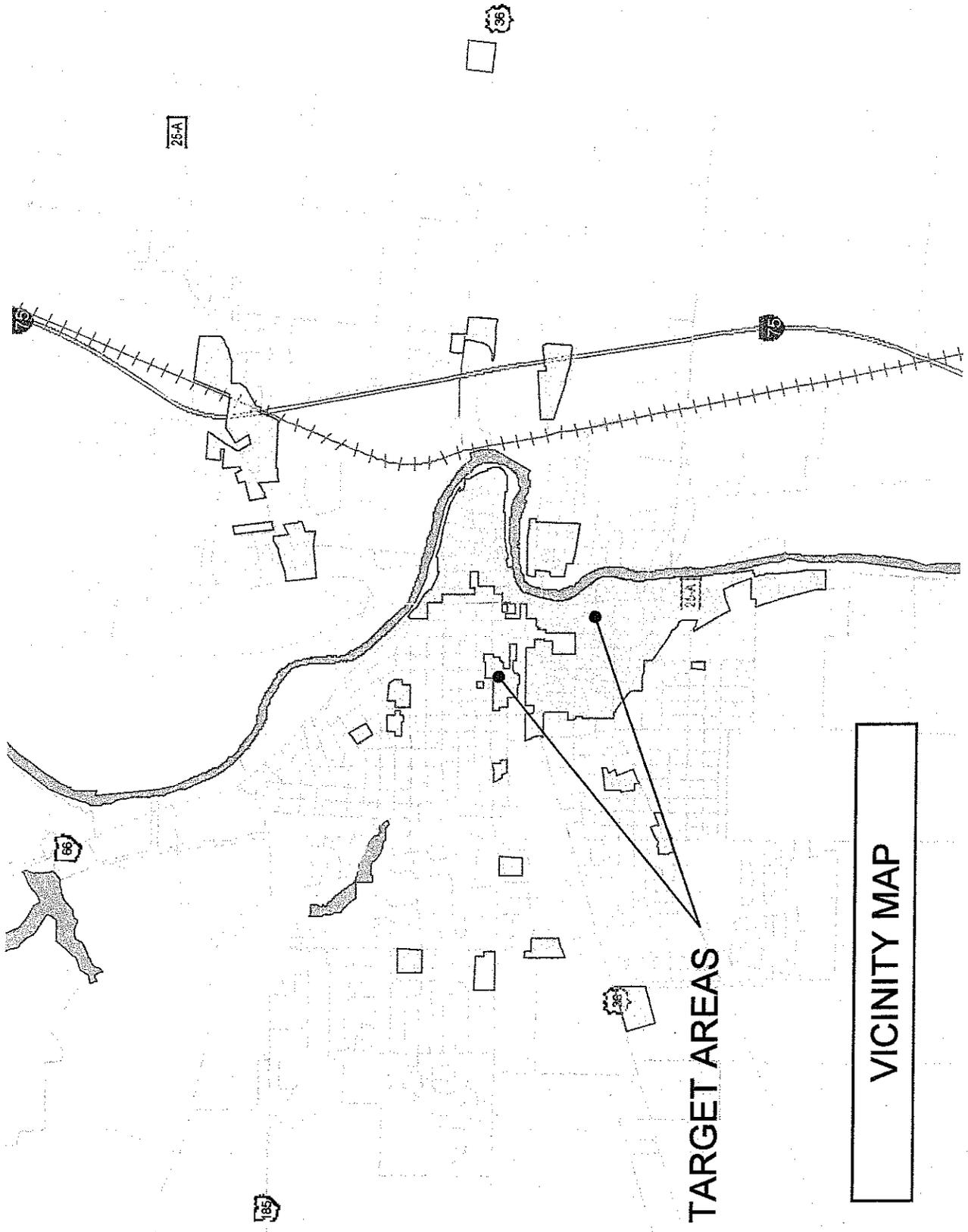
threshold required to meet the test. It was determined that 31% of the homes in Area 1 met the test and 48% of the homes in Area 2 met the test.

Using information from the Miami County Auditor, it was determined the average sales price for a single-family home in the City of Piqua from June 1, 2006 through June 1, 2008 was \$88,589. In Target Area 1, for the same time period, the average sales price for a single-family home was \$49,396, which represents a 45% decrease in the average sales price community wide. In Target Area 2, the average sales price was \$66,100, which represents a 26% decrease in average sales price community wide. These figures demonstrate that the average property values in the target areas are abnormally low when compared to other areas in the community.

If you have any further comments or questions, please do not hesitate to contact me.

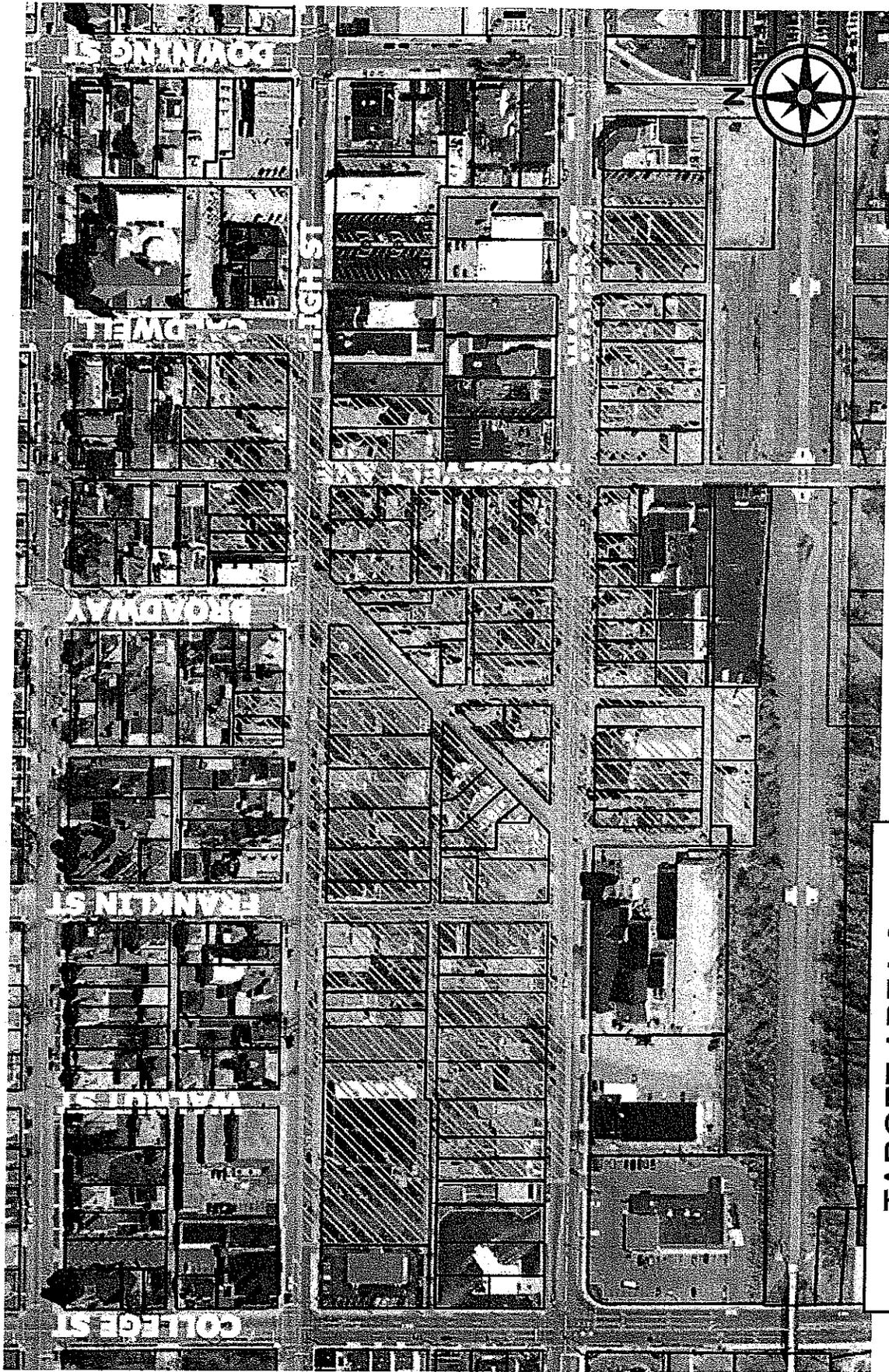
Warmest Regards,

Bill



TARGET AREAS

VICINITY MAP



TARGET AREA 2

RESOLUTION NO. R-72-08

**A RESOLUTION AUTHORIZING A CONTRACT ADDENDUM WITH
BOLLINGER ENTERPRISES TO PROVIDE ADMINISTRATIVE SERVICES
FOR THE FY 2006 COMMUNITY HOUSING IMPROVEMENT PROGRAM**

WHEREAS, the City of Piqua entered into a contract with Bollinger Enterprises authorized through Resolution #R-48-06, and

WHEREAS, the City of Piqua has determined that an addendum to the contract must be entered into with Bollinger Enterprises to expend an additional \$7,500 in grant funds for administrative services; and

WHEREAS, the FY 2006 Community Housing Improvement Program requires the services of a professional specially trained in lead risk assessments;

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring that:

SEC. 1. A contract addendum identified in Exhibit "A" attached hereto is hereby entered into with Bollinger Enterprises and the City Manager is hereby authorized to execute a contract with said firm.

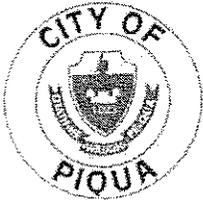
SEC. 2. The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate accounts of the city treasury in payment according to contract terms.

SEC. 3. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



DEVELOPMENT OFFICE

William Lutz – Development Program Manager
201 West Water Street • Piqua, Ohio 45356
(937) 778-2062 • FAX (937) 778-0809
E-Mail: blutz@piquaoh.org
Web: <http://www.piquaoh.org>

To: Fred Enderle, City Manager
From: William Lutz, Development Program Manager
Date: June 11, 2008
Subj.: Addendum to Bollinger Enterprises Contract

Fred:

After consulting with Mike Fischbach in the Finance Department, it has been determined that an addendum with Bollinger Enterprises is necessary to complete the required objectives and outcomes of the FY 2006 Community Housing Improvement Program. I am requesting City Commission adopt the attached resolution which will amend the city's contract with Bollinger Enterprises from \$40,000 to \$47,500. Mr. Bollinger provides rehabilitation specialists services for the program which includes property inspections, project monitoring, lead risk assessments, lead risk testing and other like services. The additional \$7,500 was determined after careful consultation with Mr. Fischbach and Mr. Bollinger in determining the work that needs to be completed to meet the program's objectives and outcomes and this funding will be paid wholly from grant funded dollars.

The necessity for the increased funding has come from the fact that many projects have been determined to be walk-aways (this occurs when it is determined that the cost of the project is more than the maximum amounts allowed by the program) and a large number of homes that have had to have gone through additional steps to ensure that lead based hazards are minimized. These additional steps include more detailed project testing and sampling for lead dust, the preparation of lead risk assessments and the preparation of more detailed work descriptions outlining lead risk work.

It should be noted that beginning with the FY 2008 Community Housing Improvement Program, the rehabilitation specialist services will be handled in house by Mr. Bob Graeser, who is currently working on the Fort Piqua Hotel Project. At this time, given the work needed at the hotel, the city's best option is to continue to work with Mr. Bollinger through the remainder of the FY 2006 program. Mr. Graeser will be ready to administer the FY 2008 Community Housing Improvement Program.

If you have any further comments or questions, please do not hesitate to contact me.

Warmest Regards,

Bill

ADDENDUM NUMBER ONE

to the

CONTRACT FOR PROFESSIONAL SERVICES

by and between

DAVID L. BOLLINGER

and

THE CITY OF PIQUA, OHIO

WHEREAS, the City entered into a contract with David L. Bollinger, Construction Specialist for said housing rehabilitation and construction management in conjunction with its FY 2006 Community Housing Improvement Program; and

WHEREAS, the City has exceeded its unit goals for its FY 2006 Community Housing Improvement Program; and

WHEREAS, the City, in exceeding its goals, has increased its need for the Construction Specialist to provide Lead Risk Assessments and Lead Clearance testing at participating dwellings; and

WHEREAS, the Construction Specialist desires to be compensated for the additional hours performed in the implementation of the City's FY 2006 Community Housing Improvement Program;

THE PARTIES DO HEREBY MUTUALLY AGREE THAT:

I. Compensation

During the implementation of the City's FY 2006 Community Housing Improvement Program, the Construction Specialist shall be compensated an additional \$7,500.00, at the rate of \$40.00 per hour for routine inspection services and \$40.00 per hour for Lead Risk assessor services.

II. Scope of Services

The Construction Specialist will continue to be responsible for and provide his best effort in the implementation of the FY 2006 Community Housing Improvement Program.

III. Contract Term

The Construction Specialist shall continue to be available for up to 20 hours of work per week, ending after the successful completion of the FY 2006 Community Housing Improvement Program.

IV. Witnesseth

IN WITNESSETH WHEREOF, THE CITY AND THE CONSTRUCTION SPECIALIST HAVE EXECUTED THIS ADDENDUM TO THE CONTRACT ON THE 16TH DAY OF JUNE, 2008.

David L. Bollinger

Frederick E. Enderle, City Manager

RESOLUTION NO. R-73-08

**A RESOLUTION AWARDING A CONTRACT FOR ENGINEERING
DESIGN SERVICES FOR THE RIVERSIDE DRIVE
RECONSTRUCTION PHASE I AND BROADWAY AVENUE
RECONSTRUCTION-PHASE II PROJECTS**

WHEREAS, on January 7, 2008 this Commission passed Resolution No. R-6-08 authorizing the City Purchasing Analyst to advertise for bids, according to law, for engineering design services for the Riverside Drive Reconstruction Phase I and Broadway Avenue Reconstruction Phase II projects; and

WHEREAS, after proper bid solicitation, resulting in the tabulation of proposals as listed in Exhibit "A" attached hereto; resulting in the lowest, responsible bid from Mote & Associates, Inc.;

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: A contract for said engineering design services for the Riverside Drive Reconstruction Phase I, and Broadway Avenue Reconstruction Phase II projects are hereby awarded to Mote & Associates, Inc. as the lowest, responsible bidder and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications;

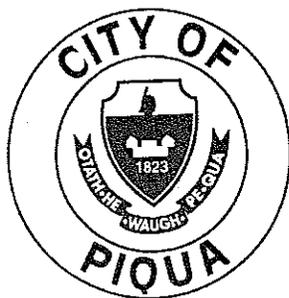
SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the City treasury in payment according to contract terms, not exceeding a total of \$93,000;

SEC. 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



PUBLIC WORKS DEPARTMENT

Thomas R. Zechman, P.E., P.S. – Public Works Director
201 West Water Street • Piqua, Ohio 45356
(937) 778-2044 • FAX (937) 778-5165
E-Mail: tzechman@piquaoh.org

June 10, 2008

MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: **REQUEST FOR CITY COMMISSION AUTHORIZATION TO ISSUE A PURCHASE ORDER TO MOTE & ASSOCIATES, INC. FOR ENGINEERING DESIGN SERVICES FOR THE RIVERSIDE DRIVE RECONSTRUCTION – PHASE I & BROADWAY AVENUE RECONSTRUCTION – PHASE II PROJETS TOTAL COST NOT TO EXCEED \$93,000**

This request is to authorize a purchase order to Mote & Associates, Inc. in the amount of \$93,000 (includes 5% contingency) for the engineering design services as referenced above (see attached proposal). A total of \$100,000 was budgeted for the engineering design services.

The proposal was broken down into the engineering design for Riverside Drive Reconstruction – Phase I and the engineering design for Broadway Avenue Reconstruction – Phase II with the fieldwork for the entire project included as part of the engineering design for Phase I.

Riverside Drive Reconstruction – Phase I is scheduled for construction in 2009 while Broadway Avenue Reconstruction – Phase II is scheduled for construction in 2010.

The proposal includes the following phases of the project:

- Preliminary Design
- Fieldwork Phase
- Traffic Engineering
- Concept Design Meeting
- Preliminary Design Utility Meeting
- Construction Plan Preparation / Design Phase
- Bidding Phase
- Construction Phase
- Right-of-Way & Utility Easement Prep.

Mote & Associates, Inc. has completed various roadway design projects for the City of Piqua including the design of the Staunton Street reconstruction in 2007 and the design of the McKinley Avenue reconstruction project in 2006. The City of Piqua is very confident in the abilities of Mote & Associates, Inc. to provide us with a quality set of plans in a timely manner.

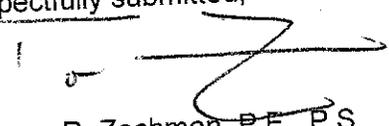


The following is a breakdown of the companies that submitted proposals and their associated costs:

CONSULTANT	PROPOSAL PRICE		
	PHASE I	PHASE II	PROJECT TOTAL
Mote & Associates	\$62,415.00	\$25,760.00	\$88,175.00
Choice One Engineering	\$76,739.00	\$49,527.00	\$126,266.00
Kleingers & Associates	\$87,500.00	\$47,570.00	\$135,070.00
DLZ	\$108,855.00	\$64,627.00	\$173,482.00
Woolpert, Inc.	\$276,110.00	\$169,190.00	\$445,300.00

Please let me know if you have any questions pertaining to this matter.

Respectfully submitted,


Thomas R. Zechman, P.E., P.S.

Enc.

TRZ/jc

c: Amy Havenar, City Engineer
Doug Harter, Street Superintendent
Dave Burtner, Wastewater Superintendent
Ron Klima, Water Department Superintendent

PROPOSED SCHEDULE OF TASKS

Attachment VII

Riverside Drive Reconstruction—Phase I

<u>Task</u>	<u>Anticipated Schedule</u>
I. Anticipated Authorization to Proceed	June 17, 2008
II. Preliminary Phase	Late June 2008
A. Meet with City of Piqua representatives	
B. Secure existing information and input.	
III. Fieldwork Phase / Traffic Counts	July 2008
A. Research existing surveys and existing utility maps.	
B. Conduct fieldwork.	
IV. Concept Design Mtg./Prelim. Utility Design Mtg.	Early August 2008
A. Meet with City of Piqua representatives and utilities to discuss conceptual design layout of the project.	
III. Construction Plan Preparation / Design Phase	September 2008
A. Start Plan & Profile Sheets.	
B. Design proposed centerline.	
C. Perform storm sewer design.	
IV. Design Progress Meeting #1	September 2008
V. Construction Plan Preparation / Design Phase	October 2008
A. Complete Plan & Profile sheets.	
B. Complete Cross Sections.	
C. Prepare General Summary.	
D. Prepare Preliminary Construction Estimate.	
E. Prepare Detail Sheets.	
VI. Design Progress Meeting #2	late October 2008
VII. Construction Plan Preparation / Design Phase	November 2008
A. Prepare Maintenance of Traffic Plans.	
B. Prepare Detail Sheets.	
C. Finalize General Summary.	
D. Prepare Final Construction Estimate.	
E. Utility coordination.	
F. Prepare Utility Easements (as required).	
VIII. Presentation of Final Plans & Specifications	November 21, 2008

Riverside Drive Reconstruction—Phase I

Project Description: Provide engineering services to complete construction plans for the reconstruction of Riverside Drive beginning at Main St. to Broadway Ave. Approximately 3650' of pavement reconstruction and widening with new curb & gutter, new sidewalks, new driveway approaches, water and sanitary improvements, and storm drainage improvements will be included with the design. Phase I will also include the fieldwork for Broadway Avenue which will be constructed as a second phase to this project. We plan to team with Richard Oaks, P.E. for the traffic engineering studies including traffic counts and intersection improvements (turn lanes, etc.) at Riverside & N. Main, Riverside & N. Downing, and the Riverside, Broadway & Robinson intersection island. All Traffic Engineering design will be included with phase I. Easements will be prepared as required for the proposed construction. It is our understanding that it will not be necessary to submit a NOI to OEPA for a SWPPP since this project includes the 'footprint of an existing street'. However, we will include typical SWPPP measures in the construction plans. If it is determined that an NOI is necessary, we can negotiate additional fees for that work.

I. Preliminary Design.....*Not to exceed: \$ 320*

Includes:

- A. Review and field visit the site, meet with City of Piqua representatives and secure existing information and input for both phases of the project.

II. Fieldwork Phase.....*Not to exceed: \$ 18,720*

Includes:

- A. Perform courthouse research of property ownership, surveys of record, and right-of-way and boundary information.
- B. Establish and set survey control points.
- C. Set benchmarks referenced to USGS elevation datum.
- D. Provide all field surveys to complete topographic drawings for the project (phase I and phase II)

III. Traffic Engineering (By Subconsultant).....*Not to exceed: \$ 13,015*

Includes:

- A. One 24 hour hose traffic count location for northbound and southbound Riverside to obtain background of traffic characteristics. From this data, a decision would be made as to when to collect the manual turn count data. Typically this is 0645 to 0845 to bracket the morning peak and 1600 to 1800 to bracket the evening peak. The times would be coordinated with and approved by the City.

ENGINEERING FEE SCHEDULE

Attachment VIII

B. Manual Turn Counts—based on the decisions above, manual turn counts would be collected at three intersections:

- Main and Riverside
- North Downing and Riverside
- Robinson Ave-Broadway and Riverside

The Robinson Ave-Broadway and Riverside intersection(s) are complex and will require two people to properly make an accurate count. It is anticipated that Mr. Oaks will be one of the people making the counts as almost always, the on site presence of an experienced Engineer reveals a nuance that is not apparent for the traffic count data by itself.

C. Analysis—the above turn count data would be analyzed by the traffic modeling program Synchro. This would aid in determining the number of lanes and their function at each of the intersections

D. Report—a brief summary report of the analysis and recommendation would be prepared.

E. Review of conceptual geometry and Pavement Marking Plan prepared by Mote & Associates

IV. Concept Design Mtg.....*Not to exceed: \$ 480*

Includes:

A. Meet with City of Piqua representatives to discuss conceptual design layout of the project.

V. Preliminary Design Utility Mtg.....*Not to exceed: \$ 480*

Includes:

A. Meet with City of Piqua electric department, sanitary sewer, and water department representatives to discuss utility layout of the project.

VI Construction Plan Preparation / Design Phase.....*Not to exceed: \$ 22,800*

Includes:

- A. Prepare detailed plans of the existing topography .
- B. Design proposed centerline profile.
- C. Perform storm sewer design.
- D. Perform sanitary sewer design.
- E. Prepare waterline design.

ENGINEERING FEE SCHEDULE

Attachment VIII

F. Prepare detail construction plans in AutoCAD format including:

- 1) Title Sheet.
- 2) Typical Section.
- 3) Concrete details
- 4) Storm Sewer Improvements Details.
- 5) Sanitary Sewer Improvements Details.
- 6) Waterline Improvements Details.
- 7) Erosion Control Details
- 8) General Notes.
- 9) Intersection Details.
- 10) Pavement Marking and Signage Plan.
- 11) Detour / Phasing Plan.
- 12) General Summary.
- 13) Plan & Profile Sheets (20 scale).
- 14) Cross Section Sheets.

G. Property lines and property owners will be designated in accordance with county tax map and survey records.

H. Prepare Detailed Engineer's Construction Estimate.

I. Utility Coordination.

J. Attendance at Monthly Progress Design Meetings (2 anticipated), presentation of Final Plans and Specifications, and attendance at Public Meeting (not to exceed 4 meetings).

VII. Bidding Phase.....*Not to exceed: \$ 2,000*

Includes:

- A. Identify and notify potential bidders.
- B. Provide Detail Plans to the City for sale to prospective bidders (20 full size sets of plans, 10 half-size sets of plans).
- C. Provide consultation to prospective bidder's questions.
- D. Prepare addenda as needed.
- E. Evaluate bids and make recommendation for award.

VIII. Construction Phase.....*Not to exceed: \$ 1600*

Includes:

- A. Attend Preconstruction Meeting.
- B. Prepare Record Drawings utilizing Contractor and City Inspector notes.
- C. Provide reproducible hard copies to the City.
- D. Provide an electronic disc of the plans and specifications to the City in an AutoCAD and WORD format respectively.

ENGINEERING FEE SCHEDULE

Attachment VIII

E. Provide construction administration / observation on an 'as needed' basis..... \$ 55-95/hr.*
** dependent upon services provided and hourly rate of staff member providing service*

IX. Right-of-Way & Utility Easement Prep. (if needed)..... *Not to exceed: \$ 3000*
(assuming 6 parcels)

Includes:

A. Prepare drawing and legal description of R/Wand utility easements.

TOTAL ENGINEERING SERVICES FEES..... *Not to exceed: 62,415*
(plus construction administration as needed)

Services not included:

- Boundary survey.
- Excavation for utility location/verification.
- Permit fees.
- Material testing.
- Environmental testing.
- Preparation of assessments.
- Pay request and payroll report review.
- Change order preparation.

Note: The fees listed herein are based on the scope of services detailed. All extra work necessary to complete the project will require additional compensation as negotiated with the City of Piqua.

PROPOSED SCHEDULE OF TASKS

Attachment VII

Broadway Avenue Reconstruction—Phase II

<u>Task</u>	<u>Anticipated Schedule</u>
I. Anticipated Authorization to Proceed	June 17, 2008
II. Concept Design Mtg./Prelim. Utility Design Mtg. A. Meet with City of Piqua representatives and utilities to discuss conceptual design layout of the project.	January 2009
III. Construction Plan Preparation / Design Phase A. Start Plan & Profile Sheets. B. Design proposed centerline. C. Perform storm sewer design.	February 2009
IV. Design Progress Meeting #1	March 2009
V. Construction Plan Preparation / Design Phase A. Complete Plan & Profile sheets. B. Complete Cross Sections. C. Prepare General Summary. D. Prepare Preliminary Construction Estimate. E. Prepare Detail Sheets.	April 2009
VI. Design Progress Meeting #2	May 2009
VII. Construction Plan Preparation / Design Phase A. Prepare Maintenance of Traffic Plans. B. Prepare Detail Sheets. C. Finalize General Summary. D. Prepare Final Construction Estimate. E. Utility coordination. F. Prepare Utility Easements (as required).	June-July 2009
VIII. Presentation of Final Plans & Specifications	August 1, 2009

Broadway Avenue Reconstruction—Phase II

Project Description: Provide engineering services to complete construction plans for the reconstruction of Broadway Ave. beginning at Riverside Dr. to Washington Ave. Approximately 2600' of pavement reconstruction and widening with new curb & gutter, new sidewalks, new driveway approaches, water and sanitary improvements, and storm drainage improvements will be included with the design.

I. Concept Design Mtg.....*Not to exceed: \$ 480*

Includes:

- A. Meet with City of Piqua representatives to discuss conceptual design layout of the project.

II. Preliminary Design Utility Mtg.....*Not to exceed: \$ 480*

Includes:

- A. Meet with City of Piqua electric department, sanitary sewer, and water department representatives to discuss utility layout of the project.

III Construction Plan Preparation / Design Phase.....*Not to exceed: \$ 18,200*

Includes:

- A. Prepare detailed plans of the existing topography .
- B. Design proposed centerline profile.
- C. Perform storm sewer design.
- D. Perform sanitary sewer design.
- E. Prepare waterline design.
- F. Prepare detail construction plans in AutoCAD format including:
 - 1) Title Sheet.
 - 2) Typical Section.
 - 3) Concrete details
 - 4) Storm Sewer Improvements Details.
 - 5) Sanitary Sewer Improvements Details.
 - 6) Waterline Improvements Details.
 - 7) Erosion Control Details
 - 8) General Notes.
 - 9) Intersection Details.
 - 10) Pavement Marking and Signage Plan.
 - 11) Detour / Phasing Plan.
 - 12) General Summary.
 - 13) Plan & Profile Sheets (20 scale).
 - 14) Cross Section Sheets.



- G. Property lines and property owners will be designated in accordance with county tax map and survey records.
- H. Prepare Detailed Engineer's Construction Estimate.
- I. Utility Coordination.
- J. Attendance at Monthly Progress Design Meetings (2 anticipated), presentation of Final Plans and Specifications, and attendance at Public Meeting (not to exceed 4 meetings).

IV. Bidding Phase.....*Not to exceed: \$ 2,000*

Includes:

- A. Identify and notify potential bidders.
- B. Provide Detail Plans to the City for sale to prospective bidders (20 full size sets of plans, 10 half-size sets of plans).
- C. Provide consultation to prospective bidder's questions.
- D. Prepare addenda as needed.
- E. Evaluate bids and make recommendation for award.

V. Construction Phase.....*Not to exceed: \$ 1600*

Includes:

- A. Attend Preconstruction Meeting.
- B. Prepare Record Drawings utilizing Contractor and City Inspector notes.
- C. Provide reproducible hard copies to the City.
- D. Provide an electronic disc of the plans and specifications to the City in an AutoCAD and WORD format respectively.
- E. Provide construction administration / observation on an 'as needed' basis.....*\$ 55-95/hr.**

** dependent upon services provided and hourly rate of staff member providing service*

IX. Right-of-Way & Utility Easement Prep. (if needed).....*Not to exceed: \$ 3000*
(assuming 6 parcels)

Includes:

- A. Prepare drawing and legal description of R/Wand utility easements.

TOTAL ENGINEERING SERVICES FEES.....*Not to exceed: 25,760*
(plus construction administration as needed)

Services not included:

- Boundary survey.
- Excavation for utility location/verification.
- Permit fees.
- Material testing.
- Environmental testing.
- Preparation of assessments.
- Pay request and payroll report review.
- Change order preparation.

Note: The fees listed herein are based on the scope of services detailed. All extra work necessary to complete the project will require additional compensation as negotiated with the City of Piqua.