

3. **ORD. NO. 18-08**
(2nd Reading) An Ordinance amending Sections 154.005 and 154.108 of the Piqua Code relating to special events signs
4. **ORD. NO. 19-08**
(2nd Reading) An Ordinance amending Sections 154.127 and 154.143 of the Piqua Code relating to demolition standards
5. **ORD. NO. 20-08**
(1st Reading) An Ordinance amending Sections 154.096, 154.097, 154.100, 154.101, 154.103 and 154.105 of the Piqua Code relating to regulating signs
6. **RES. NO. R-75-08**
(Public Hearing) A Resolution accepting for statutory purposes a budget for the calendar year 2009
7. **RES. NO. R-76-08** A Resolution authorizing permission to conduct business with John Richard
8. **RES. NO. R-77-08** A Resolution of Appreciation for the public service of John C. Withrow as a City Employee
9. **RES. NO. R-78-08** A Resolution requesting authorization to issue a purchase order to Siemens Water Technologies Corporation for emergency repairs at the Wastewater Treatment Facility
10. **RES. NO. R-79-08** A Resolution awarding a contract for the purchase of a new Leeboy 1000F, 8-13 foot asphalt truck paver from the McLean Company
11. **RES. NO. R-80-08** A Resolution awarding a contract to Hull & Associates, Inc. for a Locks & Canals engineering study
12. **RES. NO. R-81-08** A Resolution awarding a contract to Stantec Engineering for engineering services to prepare the City of Piqua's Stormwater Management Plan and recommendation for a Stormwater Utility

OTHER:

- Monthly Reports – May 2008

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 Marguardt 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.

Gary Felver, Park Avenue stated he feels that we are getting our monies worth at the cemetery, and believes they are doing a fine job of taking care of the cemetery.

Moved by Commissioner Terry, seconded by Trustee Holfinger that the resolution be adopted. Voice vote, Aye: Martin, Hudson, Vogt, Terry, Fess, Hiegel, McMaken, and Holfinger. Nay: None. Motion carried unanimously. Mayor Hudson declared Resolution No. R-63-08 adopted.

Moved by Trustee Holfinger, seconded by Commissioner Vogt, to adjourn from the Joint Meeting with Washington Township Trustees at 7:40 P.M. Voice vote, Aye: Holfinger, Hiegel, McMaken, Vogt, Terry, Fess, Martin, and Hudson. Nay: None. Motion carried unanimously.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

WASHINGTON TOWNSHIP TRUSTEES

James A. Hiegel

Edward F. McMaken

Paul S. Holfinger

RESOLUTION NO. R-74-08

**A RESOLUTION REPLACING A TAX LEVY IN
EXCESS OF THE TEN- MILL LIMITATION FOR
MAINTENANCE AND OPERATING THE FOREST
HILL UNION CEMETERY**

WHEREAS, by a joint Resolution No. C-6465, this Commission and the Washington Township Board of Trustees resolved to contribute funds from a proposed tax levy towards the maintenance and operation of Forest Hill Union Cemetery, as permitted by Sections 759.30 and 759.34 of the Ohio Revised Code; and

WHEREAS, such continued contribution is solely conditioned upon the passage of a tax levy in excess of the ten mill limitation pursuant to Section 5705.19 (T) of the Ohio Revised Code; and

WHEREAS, the amount of taxes which may be raised within this ten mill limitation will be insufficient to provide an adequate amount for the necessary requirements of the Forest Hill Union Cemetery jointly owned by the City of Piqua, Ohio and Washington Township;

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, and by the Board of Trustees of Washington Township, Miami County, Ohio, a majority of all members elected thereto concurring, that:

SEC. 1: It is necessary to replace a tax levy, currently imposed at a rate of 0.5 mills for each dollar of valuation, in excess of the ten mill limitation for the benefit of the City of Piqua, Ohio, and Washington Township for the purpose of maintenance and operation of Forest Hill Union Cemetery at a rate not exceeding 0.5 mills for each one dollar of valuation, which amounts to five cents for each one hundred dollars of valuation for a period of five years.

SEC. 2: Said replacement levy shall be placed upon the tax list of the current year after February settlement next succeeding election and shall be effective commencing January 2009 for a period of five years (2009, 2010, 2011, 2012 and 2013) first due and payable in calendar year 2010, if a majority of the electors voting thereon vote in favor thereof;

SEC. 3: The Clerk of this Commission is hereby authorized and directed to certify a copy of this Resolution to the Board of Elections of Miami County, Ohio, prior to August 21, 2008, and to notify said Board of Elections to cause notice of election to be held on Tuesday, November 4, 2008, on the questions of levying said tax to be given as required by law.

SEC. 4: 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

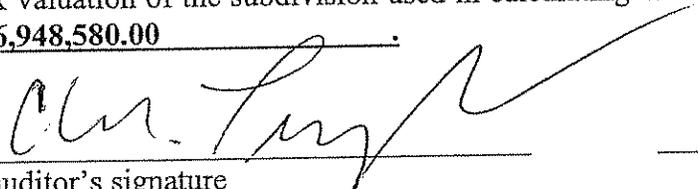
WASHINGTON TOWNSHIP TRUSTEES

Certificate of Estimated Property Tax Revenue

(Use this form when a taxing authority certifies a millage rate and requests the revenue produced by that rate.)

The County Auditor of **Miami County, Ohio**, does hereby certify the following:

1. On June 4, 2008, the taxing authority of Forest Hill Union Cemetery certified a copy of a resolution or ordinance adopted June 2, 2008, by the Commission of the City of Piqua, Miami County, Ohio and by the Board of Trustees of Washington Township, Miami County, Ohio requesting the county auditor to certify the current tax valuation of the subdivision and the amount of revenue that would be produced by fifty one hundredths (.50) mill/mills, to levy a tax outside the ten-mill limitation for the purpose of FUNDING THE OPERATION AND MAINTENANCE OF THE FOREST HILL UNION CEMETERY pursuant to Revised Code Section 5705.19 to be placed on the ballot at the November 4, 2008, election. The levy type is a REPLACEMENT.
2. The estimated property tax revenue that will be produced by the stated millage, assuming the tax valuation of the subdivision remains constant throughout the life of the levy, is calculated to be \$ 211,877.57.
3. The total tax valuation of the subdivision used in calculating the estimated property tax revenue rate is \$ 366,948,580.00.


auditor's signature

6/4/08
date

INSTRUCTIONS

1. "Total tax valuation" includes the taxable value of all real, personal, and public utility property in the subdivision, which are on the tax lists that were most recently certified for collection. If the subdivision is located in more than one county, the home county auditor (where the greatest taxable value of the subdivision is located) shall obtain the assistance of the other county auditors to establish the total tax valuation of the subdivision.
2. For the purposes of this certification, "subdivision" includes any agency, board, commission, or other authority authorized to request a taxing authority to submit a tax levy on its behalf.
3. "Levy type" includes the following: (1) additional, (2) renewal, (3) renewal with an increase, (4) renewal with a decrease, (5) replacement, (6) replacement with an increase, and (7) replacement with a decrease levies.
4. Please file this certificate with the subdivision as soon as possible, so the taxing authority can pass a resolution to proceed not later than 75 days before the election.

COUNTY AUDITOR RECEIPT

I acknowledge receipt on behalf of the Forest Hill Union Cemetery of the Certificate of Estimated Property Tax Revenue (DTE Form 140R) on June 4th, 2008.

Cynthia A. Holtzapple Finance Director
Taxing Authority City of Pequea

Please sign and return one copy of this form to:

Chris A. Peeples
Miami County Auditor
Miami County Safety Building
201 West Main Street
Troy, Ohio 45373-2363

**MINUTES
PIQUA CITY COMMISSION
MONDAY, JUNE 16, 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. Vice Mayor Fess called the meeting to order. Also present were Commissioners Martin, Vogt, and Terry. Absent: Mayor Hudson.

REGULAR CITY COMMISSION MEETING

APPROVAL OF MINUTES

Moved by Commissioner Terry, seconded by Commissioner Martin, that the minutes of the June 2, 2008 Regular City Commission Meeting and the Work Session of June 9, 2008 be approved. Voice vote, Aye: Terry, Martin, Vogt, Hudson, and Fess. Nay: None. Motion carried unanimously.

ORD. NO. 15-08
(3rd 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)

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Ordinance No. 15-08 be adopted. . Voice vote, Aye; Hudson, Martin, Fess, Vogt, and Terry. Nay, None. Motion carried unanimously. Vice Mayor Fess then declared Ordinance No. 15-08 adopted.

ORD. NO. 16-(A)-08-Tabled
(2nd Reading)

Moved by Commissioner Vogt, seconded by Commissioner Martin, to remove Tabled Ordinance No.16-(A)-08 from the table. Voice vote, Aye: Martin, Fess, Vogt, and Terry. Nay: None. Motion carried unanimously to take Ordinance No. 16-(A)-08 off the table.

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

Gary Felver, Park Avenue, explained the reason for the request to the Charter at this time.

Commissioner Terry asked Mr. Felver if he was satisfied with the language in the Ordinance at this time. Mr. Felver stated he was satisfied with the language the way it is written in the Ordinance at this time.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that the rule requiring the ordinance to be read on three separate days be suspended. Roll call, Aye: Fess, Vogt, Martin, and Terry. Nay, None. Motion carried unanimously.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Ordinance No. 16-08 be adopted. Roll call, Aye: Fess, Vogt, Martin and Terry. Nay: None. Motion carried unanimously. Vice Mayor Fess then declared Ordinance No. 16-(A)-08 adopted.

ORD. NO. 17-08
(1ST Reading)

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

Commissioner Vogt questioned if a 24 ft. x 30 ft. garage was the largest allowed at this time, but if a homeowner had an extra large lot could they request a larger garage be built? City Planner Chris Schmiesing explained as the code is written the largest size for a garage at this time is a 24 ft. x 30 ft. A resident may apply for a special use permit that would go before the Planning Commission to allow them to build a larger garage, said Mr. Schmiesing.

Ordinance No. 17-08 was given a first reading at this time.

ORD. NO. 18-08
(1ST Reading)

An Ordinance amending Sections 154.005 and 154.108 of the Piqua Code relating to special event signs

Commissioner Martin inquired as to the "Period of display" on Exhibit A, page 19, section 4 (a). Mr. Schmiesing explained the time frame of the sign displays.

Commissioner Terry asked if Mr. Schmiesing would give a few examples of signs that the Ordinance would cover. Mr. Schmiesing explained signs such as the United Way Sign placed on the square, and Public Sales signs placed at the Armory on Rt. 36 were several of the event signs that would be included in this ordinance.

Ordinance No. 18-08 was given a first reading.

ORD. NO. 19-08
(1ST Reading)

An Ordinance amending Sections 154.127 and 154.143 of the Piqua Code relating to demolition standards

Commissioner Fess asked if the old hospital would be included in this? City Manager Enderle stated unfortunately they have already applied and received their demolition permit for the demolition of the old hospital.

Commissioner Martin inquired as to what department would be responsible for enforcing the code, and would there be a need for an engineer to look at the project first? City Manager Enderle stated Code Enforcement Officer Devon Alexander would be responsible for enforcing the code, and the person taking down the structure would be responsible for providing the information to the city on the demolition of the structure.

Commissioner Terry asked if any structure over two hundred square feet would be required to have a demo permit to take it down? City Manager Enderle stated the standards would be different for the smaller structures such as sheds and garages.

Chuck Starrett, 4244 Demming Road, came to the podium and voiced his concern over several issues concerning demolition of structures. Commissioner Fess explained the need for this ordinance came about with the demolition project of the old hospital. The ordinance was not put in place for the small projects, it is to be placed on the books for future large projects like the hospital, said Commissioner Fess.

Ordinance No. 19-08 was given a first reading.

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 Ordinance

Moved by Commissioner Terry, seconded by Commissioner Martin, that Resolution No. R-64-08 be adopted. Voice vote, Aye: Martin, Vogt, Fess, and Terry. Nay: None. Motion carried unanimously. Vice Mayor Fess then declared Resolution No. R-64-08 adopted.

RES. NO. R-65-08

A Resolution awarding a contract for the purchase of a pick-up truck for the Police Department

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution No. R-65-08 be adopted. Voice vote, Aye: Terry, Fess, Martin, and Vogt. Nay: None. Motion carried unanimously. Vice Mayor Fess then declared Resolution No. R-65-08 adopted.

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

Commissioner Fess asked where the actual Miami/Darke County line is located? Public Works Director Tom Zechman stated Miami/Darke County line is the centerline on State Route 721.

Moved by Commissioner Terry, seconded by Commissioner Martin, that Resolution No. R-66-08 be adopted. Voice vote, Aye: Martin, Vogt, Fess, and Terry. Nay: None. Motion carried unanimously. Vice Mayor Fess then declared Resolution No. R-66-08 adopted.

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.

Moved by Commissioner Terry, seconded by Commissioner Martin, that Resolution No. R-67-08 be adopted. Voice vote, Aye: Terry, Martin, Vogt, and Fess. Nay: None. Motion carried unanimously. Vice Mayor Fess then declared Resolution No. R-67-08 adopted.

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

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Resolution No. R-68-08 be adopted. Roll call, Aye: Terry, Fess, Vogt, and Martin. Nay: None. Motion carried unanimously. Vice Mayor Fess then declared Resolution No. R-68-08 adopted.

RES. NO. R-69-08

A Resolution approving the fiscal year 2008 formula allocation program application

Commissioner Martin asked where the two properties were located that the city was to acquire?

City Manager Enderle stated the estimate is up to two properties the City could possibly acquire, and if they will both be in the two target areas in Resolutions No. R-70-08 and R-71-08.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-69-08 be adopted. Voice vote, Aye: Vogt, Terry, Martin, and Fess. Nay:None. Motion carried unanimously. Vice Mayor Fess then declared Resolution No. R-69-08 adopted.

RES. NO. R-70-08

A Resolution declaring ad designating a blighted area in the City of Piqua, Ohio

City Manager Enderle explained the boundaries of the blighted area as stated in the resolution. For purposes of the Community Development Block Grant (CDBG) Program at least twenty-five percent of the properties throughout the area must experience one or more of five various conditions listed in the resolution. It has been determined that approximately thirty-one percent or (39 of 126 properties) are substandard by reason of age, obsolence or lack of maintenance, said Mr. Enderle. There is a limited amount of funds to acquire the two to four properties. These properties must be abandoned or have been vacant for a long period of time. The properties would be land banked for future development or use. The banks will invest in a fund to rehab properties as single-family dwellings.

Commissioner Fess asked if the banks and the grants will cover this project, and what is the city's part in this project. City Manager Enderle stated the City's part in the project would be in-kind services. There will be no actual dollars coming out of City funds at this time stated Commissioner Fess.

Commissioner Martin asked where did the \$88,588 come from? City Manager explained this is from the assessor's market value of the homes.

Commissioner Terry stated if an area is determined to be blighted how does it affect the other houses in the neighborhood that are not blighted, and will they be demolished? City Manager Enderle explained the blighted status and stated it would not affect the other homes, and stated this may even increase the value of the other properties by removing or rehabbing the blighted ones. It depends on the condition of the property whether it would be demolished or not.

Commissioner Fess asked if the money would go back into the fund once the property has been taken care of. City Manager Enderle stated yes, that is the agreement the city has with the banks, we will use their dollars to acquire the properties, rehab them, and then sell the properties. Any profit will go back into the fund unencumbered for future use, said Mr. Enderle.

Commissioner Fess asked what is the city's responsibility to the bank? City Manager Enderle stated the city would pay some quarterly interest expense to use the money, and hope that the money will grow for future investment in the city. The banks are looking at this as an investment in the city and hopes it will pay off. Commissioner Fess asked what would happen if the program does not work, would the City have to pay the money back? City Manager Enderle stated we are still working on the details, but the only obligation the city has is to pay the quarterly interest.

Commissioner Martin asked if there was another term that could be used instead of blighted? City Manager Enderle stated no, not by HUD standards, if we do not adopt it like it is written, it would not be accepted.

Brad Boehringer, 132 E. Main Street, voiced several concerns on the use of the land after the houses have been removed, and the term blighted. City Manager Enderle explained the use of the land and Commissioner Fess stated the term blighted would no show up on anything else other than the application.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-70-08 be adopted. Voice vote, Aye: Martin, Fess, Terry, and Vogt. Nay: None. Motion carried unanimously. Vice Mayor Fess then declared Resolution No. R-70-08 adopted.

RES. NO. R-71-08

A Resolution declaring and designating a blighted area in the City of Piqua, Ohio

Commissioner Terry asked if the money would have to be used in the two different areas? City Manager Enderle stated the money would be used in the area that best suits the need, it does not have to be used in both areas.

Commissioner Martin stated this would give us two specific areas to apply for funds.

Jean Franz, 114 Parkridge Place, stated she encouraged the Commissioners to pass the resolution.

Moved by Commissioner Terry, seconded by Commissioner Martin, that Resolution no. R-71-08 be adopted. Voice vote, Aye; Vogt, Fess, Terry, and Martin. Nay: None. Motion carried unanimously. Vice Mayor Fess then declared Resolution No. R-71-08 approved.

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

Commissioner Fess asked if this was a two-year contract? City Manager Enderle stated the contract will be in effect until we close out the 2006 Community Housing Improvement Program.

Commissioner Fess voiced concern over the language difference in the original request and the addendum. City Manager Enderle explained the reason for the difference in the language, citing there have been several walk-aways, thus the need for the extension of the contract to complete the project at this time.

Commissioner Terry asked if the \$7500 would be covered by the CHIP Funds? City Manager Enderle stated yes, it would be covered by the CHIP Funds, and no general fund dollars are going into this program.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-72-08 be adopted. Voice vote, Aye: Fess, Terry, Vogt, and Martin. Nay: None. Motion carried unanimously. Vice Mayor Hudson then declared Resolution No. R-72-08 adopted.

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

Commissioner Vogt voiced his concern over the need for a consultant for the project. City Manager Enderle explained smaller projects could be done in house but not the larger projects such as this one.

Public Works Director Tom Zechman stated this is a major reconstruction project, and this extensive project would not be able to be designed in house.

Commissioner Terry stated this is \$93,000 below what we budgeted for this project.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Resolution No. R-73-08 be adopted. Roll call, Aye: Terry, Fess, Vogt, and Martin. Nay: None. Motion carried unanimously. Vice Mayor Hudson then declared Resolution No. R-73-08 adopted.

Brad Boehringer, 132 E. Main Street, stated he would like to commend the City Commission on the action they took on Ordinance No. 16-08 by taking the steps to place it on the November ballot. Mr. Boehringer also asked that citizens remember the veterans by writing cards and letters to them.

Mr. Boehringer voiced concern about the condition of City Seal at the Heritage Green Park, citing it was in need of painting and he offered to repaint it if the city would provide the paint. Vice Mayor Fess stated they will take it under advisement and thanked Mr. Boehringer for his offer.

Jeff Lange, 9586 N. St. Rt. 66 thanked the city for their support of the 5th Annual Clean Sweep of the Miami River, which is scheduled for July 12, 2008. Vice Mayor Fess stated the City owes Mr. Lange a big thank you along with all the volunteers who help with the project.

Jean Franz, 114 Parkridge Place, representing the Southview Neighborhood Association stated they replaced the missing landscaping at Mote Park as their project. The Southview Neighborhood does not have a designated green space area, so they have adopted the area at Mote Park. Vice Mayor Fess thanked Mrs. Franz and the SouthView Neighborhood Association for their efforts, citing volunteers make Piqua a great place.

Linda Blakley, 650 S. Roosevelt Avenue, voiced her concern about lawn mowing of various areas in her neighborhood. Ms. Blakely also voiced concern over a police matter. Vice Mayor Fess stated they will look into the grass-mowing situation, and Police Chief Willcox asked Ms. Blakely to see him after the meeting.

Commissioner Vogt asked if it would be possible to have a citywide garage sale and asked citizens to contact their Commissioner to voice their opinion. Commissioner Vogt thanked Steve Willcox for passing out flyers for the City Car Show at the Strawberry Festival. Commissioner Vogt also thanked citizens for their calls of concern this past week after his accident. Your concerns are were much appreciated, said Commissioner Vogt.

Commissioner Martin voiced his concern about high grass on Clark Avenue along the railroad. City Manager Enderle stated he would look into it. Commissioner Martin further stated the Shawnee Neighborhood Association would be holding their Neighborhood Garage Sale on June 26, 27, & 28th.

Commissioner Fess stated she was glad that Commissioner Vogt was not injured more seriously, and is glad that he is able to be in attendance at the meeting.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn into Executive Session at 8:50 P.M. for the purpose of discussing pending litigation. Roll call, Aye: Martin, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously.

Moved by Commissioner Martin, seconded by Commissioner Terry, to return to the Regular City Commission Meeting at 9:20 P.M. Voice vote, Aye; Martin, Vogt, Fess, and Terry. Nay: None.

Moved by Commissioner Martin, seconded by Commissioner Terry, to adjourn from the Piqua City Commission Meeting at 9:22 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

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: _____
2nd 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

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~~.

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§ 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.

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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.

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(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.

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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.

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(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

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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.

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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.

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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.

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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 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:

- (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, **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.*

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 and 154.122.

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 and 154.122.

~~(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 and 154.122.

~~(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 and 154.122.

~~(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 and 154.122.

~~(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.*

EXHIBIT 'A'

(1) *Institutional and public recreation uses.*

- (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.*

EXHIBIT 'A'

- (1) Accessory structures.
- (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.

EXHIBIT 'A'

('97 Code, § 150.364)

(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 and 154.122.

('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 and 154.122.

('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.

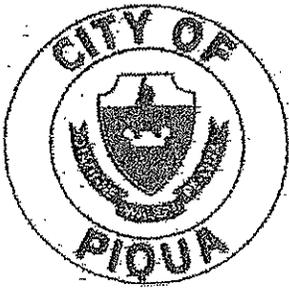
SEC. 1: Sections 154.005 and 154.108 of the Piqua Code is hereby amended per Exhibit "A" attached hereto (with deletions lined out and additions underlined).

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: _____
2nd 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) 778-5365
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 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 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.

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- (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

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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.

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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

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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.

LOT LINE. Shall be as follows:

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(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.

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(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.

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(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.

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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.

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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.

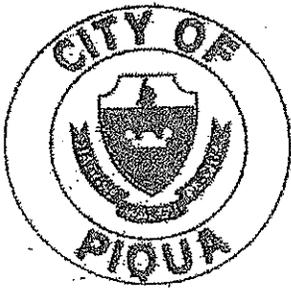
SEC. 1: Sections 154.127 and 154.143 of the Piqua Code is hereby amended per Exhibit "A" attached hereto (with deletions lined out and additions underlined).

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: _____
2nd Reading

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



PLANNING AND ZONING

Christopher W. Schmiesing - City Planner
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(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 Yaylow, 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 pPermits; 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

ORDINANCE NO. 20-08

**AN ORDINANCE AMENDING SECTIONS 154.096, 154.097
154.100, 154.101, 154.103 AND 154.105 OF THE PIQUA
CODE RELATING TO REGULATING 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 154.096, 154.097, 154.100, 154.101, 154.103, and 154.105 of the Piqua City Code is needed in order to address sign regulations.

SEC. 1: Sections 154.096, 154.097, 154.100, 154.101, 154.103 and 154.105 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

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

July 2, 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 Regulating Signs - §§ 154.096, 154.097, 154.100, 154.101, 154.103, and 154.105

At the July 1, 2008 meeting of the Planning Commission, with all members present, the Planning Commission unanimously recommended approval of the above referenced proposed code amendments. Therefore, in accordance with §154.141 of the codified ordinances I am forwarding the supporting items pertaining to this matter for the City Commissions' consideration.

With reference to pending litigation, the proposed amendments come as a result of a review of the entire sign code by MVRMA legal counsel. The proposed revisions address specific concerns cited in the lawsuit recently filed against the City concerning the community's adopted sign standards. Notwithstanding the recommended amendments, MVRMA's legal counsel indicates that the Piqua Sign Code is in *great shape*. The specific changes recommended by counsel, which have been included in the attached exhibit, are as follows:

§ 154.096 Definitions – The Banner Sign definition is clarified to better distinguish between a banner and a permanent detached cabinet sign with a flexible sign face. The Ground Sign and Monument Sign definitions have been consolidated into one definition to reduce the likelihood of confusion. The Temporary Sign definition has been cleaned up to eliminate extraneous wording.

§ 154.097 General Requirements – Here again, extraneous wording was removed from the Construction Materials provision. The Sign Identification provision was eliminated in its entirety due to obsolescence of this requirement and the content based nature of this provision.

§ 154.100 Temporary Signs – The heading has been modified to clearly indicate that the Temporary Sign provisions pertain to attached and detached sign types. The Banner Sign height, area, and setback provision have been broken down to distinguish between an attached and detached Banner Sign type. The side yard setbacks have all been reduced to five (5) feet. And, the provision pertaining to the removal of signs associated with a discontinued event or obsolete message was modified to be specific to a commercial message.

July 2, 2008

RE: **Request for Legislation to Adopt Proposed Amendments to the Zoning Chapter of the City of Piqua Codified Ordinances Regulating Signs - §§ 154.096, 154.097, 154.100, 154.101, and 154.105**

§ 154.101 Permanent Detached Signs – The side yard setbacks have all been reduced to five (5) feet.

§ 154.103 Special Signs – The height, area, and setback table Lot Line Setback column heading was modified to reference the Front lot line.

§ 154.105 Fees and Maintenance – The language specific to the removal of a sign in a state of disrepair has been modified to improve the effectiveness of this provision.

Noting the review and input of legal counsel, and citing the obvious merit of each of the proposed revisions, it is the opinion of the Planning Commission that the proposed code amendments are both appropriate and necessary and will only serve to strengthen this section of the zoning chapter.

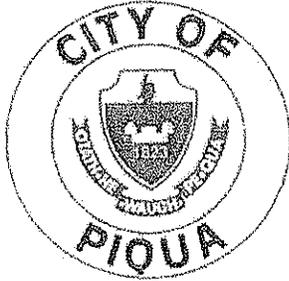
Included with this memo for the City Commissions' reference in considering each of these requests, please find a copy of the Planning Commission resolution and the supporting documents pertaining to each item.

Sincerely,

Chris Schmiesing

Christopher W. Schmiesing
City Planner

Enc.



PLANNING AND ZONING

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E-Mail: cschmiesing@piquaoh.org

MEMORANDUM

June 30, 2008

To: Planning Commission
From: Chris Schmiesing, City Planner
Re: Proposed Amendments to Zoning Code

Included with this memo you will find an amended Exhibit 'A' which includes proposed amendments to the adopted community standards relating to sign definitions and side yard setbacks applicable to certain sign types.

The current code provisions require a 30 foot side yard setback for a temporary or permanent detached or freestanding sign type. Obviously for lots with less than 60 feet in width this provision presents a challenge. Also, the current language does not distinguish between an attached and detached temporary sign type.

Exhibit 'A' shows the proposed code amendments with the proposed insertions underlined and proposed ~~deletions~~ shown with a strike through line.

EXHIBIT 'A'

§ 154.096 DEFINITIONS AND EXHIBITS.

For the purpose of §§ 154.097 through 154.107 of this code, the following definitions and those definitions included in § 154.005, shall apply, unless the context clearly indicates or requires a different meaning.

ABANDONED SIGN. A sign or sign structure associated with an abandoned use, or a sign or sign structure that has ceased to be used or remains after the original design of the structure is no longer being fully utilized.

AERIAL SIGN. A sign displayed on a balloon or other airborne flotation device.

ANIMATED SIGN. A sign employing motion or the illusion of motion, whose message or content changes more frequently than every 60 seconds, are differentiated from changeable copy signs as defined and regulated by this code, including the following types:

(1) **ELECTRONICALLY ACTIVATED.** Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

(a) **FLASHING.** Animated signs or animated portions of signs whose illumination is characterized by a cycle of illumination and non-illumination.

(b) **PATTERNED ILLUSIONARY MOVEMENT.** Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing light patterns designed to appear in some form of motion.

(2) **ENVIRONMENTALLY ACTIVATED.** Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

(3) **MECHANICALLY ACTIVATED.** Animated signs characterized by motion and/or rotation activated by a mechanical means.

ATTACHED SIGN. A sign that is any manner affixed to any exterior surface of a building ~~or structure~~ or architectural projection of a building ~~or structure~~.

AWNING SIGN. A sign displayed on or attached flat against the surface or surfaces of an awning. See **ATTACHED SIGN**. See also, **WALL OR FASCIA SIGN**.

BANNER. A flexible substrate on which copy or graphics may be displayed.

BANNER SIGN. A sign utilizing a banner as its display sign face without a cabinet or frame encompassing the sign face as an integral component of the sign structure.

BENCH SIGN. A sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair.

BILLBOARD. An off-premise sign with a display area larger than the display area allowed for an off-premise sign listed as an authorized accessory use in a particular use group.

CANOPY SIGN. A sign that is mounted, painted, or otherwise applied on, attached to, or affixed to a detached or attached canopy.

CHANGEABLE COPY. A portion of a sign's display with characters, letters, or illustrations that can be changed or rearranged by electronic or mechanical means without altering the face or surface of the sign.

CHANGEABLE COPY SIGN. A sign with changeable copy, whose message or content changes not more frequently than every 60 seconds, including the following types:

(1) **ELECTRONICALLY ACTIVATED.** A changeable copy sign whose message copy or content can be changed by means of remote electronically energized on-off switching combinations of alphabetic or pictographic components arranged on a display

EXHIBIT 'A'

surface. Illumination may be integral to the components, such as characterized by lamps or other light emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also, *ELECTRONIC MESSAGE SIGN OR CENTER*.

(2) *MANUALLY ACTIVATED*. A changeable copy sign whose message or copy or content can be changed manually.

COPY. Those letters, numbers, figures, symbols, logos and graphic elements comprising the content of a sign.

DETACHED SIGN. A sign principally supported by a sign structure affixed to the ground, and not supported by a building or a structure intended for another purpose. See *FREESTANDING SIGN*.

DOUBLE FACED SIGN. A sign with two faces, back to back.

ELECTRONIC SIGN. A sign activated or illuminated by means of electrical energy.

ELECTRONIC MESSAGE SIGN OR CENTER. See *CHANGEABLE COPY SIGN*, *ELECTRONICALLY ACTIVATED*.

EXTERIOR SIGN. A sign placed outside a building or structure.

FASCIA SIGN. See *ATTACHED SIGN*. See also, *WALL OR FASCIA SIGN*.

FLAG. A fabric or bunting displayed from a flagpole, building or structure.

FLASHING SIGN. See *ANIMATED SIGN*, *ELECTRONICALLY ACTIVATED*.

FREESTANDING SIGN. See *DETACHED SIGN*.

FUEL PUMP SIGN. A changeable copy sign mounted on the top of a fuel pump.

GOVERNMENTAL SIGN. A sign erected and maintained pursuant to and/or in discharge of any government functions, or required by law, ordinance, or other governmental regulations.

GROUND SIGN. A detached sign with no more than 30 inches clearance from the bottom of the sign face to the ground below, and with an overall width greater than the height.

ILLEGAL SIGN. A prohibited sign or a sign that is without a valid permit, is not a nonconforming use, and is not expressly permitted and/or exempt from the provisions of this zoning code.

ILLUMINATED SIGN. A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

IMAGE. The individual elements of the sign copy that form the message.

(1) *IMAGE (PRIMARY)*. The elements of the sign copy essential to forming the message occupying the majority of the sign area.

(2) *IMAGE (SECONDARY)*. The elements of the sign copy not essential to forming the message occupying the majority of the sign.

INTERIOR SIGN. A sign that is more than three feet inside any window, door or exterior elevation of the building, and not be legible from a distance of more than five feet beyond the lot line of the parcel on which such sign is located; not intended to be viewed from outside the property; is located so as not to be visible from any public right-of-way or from any adjacent property; is located in interior areas of shopping centers, commercial buildings and structures, stadiums, and similar structures of a recreational nature.

JOINT IDENTIFICATION SIGN. A sign, which by means of multiple messages displayed in individual sign face areas contiguous to one another, identifies a multiple-occupancy structure or development on a single lot, such as a shopping center, office building, or other similar development.

MANSARD/PENT EAVE. An inclined decorative roof-like projection that is attached to an exterior building facade.

MESSAGE. The meaning of the sign copy.

EXHIBIT 'A'

(1) *MESSAGE (COMMERCIAL)*. Any message that advertises goods or services for economic gain.

(2) *MESSAGE (NONCOMMERCIAL)*. Any message that communicates ideological beliefs (such as a political or religious message) or information that does not advertise goods or services for economic gain.

MONUMENT SIGN. ~~A detached sign with no more than 30 inches clearance from the bottom of the sign face to the ground below, and with an overall height greater than the width. See GROUND SIGN also;~~
PYLON SIGN.

MULTIPLE-FACED SIGN. A sign containing three or more faces.

OBSCENE SIGN. A sign including obscene or indecent copy.

OBSOLETE SIGN. A sign that no longer advertises or identifies a bona fide business conducted on the property or product sold, or a sign that includes context clearly indicating or requiring a different meaning than that which would customarily be associated with the use of, products sold on, or the sale or lease of, the property on which it is displayed, or the event or purpose for which the sign was originally posted.

OFF/ON-PREMISE SIGN. A sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial messages that include content both appurtenant and not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed (e.g., real estate signs, auction signs, and development complex signs).

OFF-PREMISE SIGN. A sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

ON-PREMISE SIGN. A sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

OUTDOOR ADVERTISING SIGN. See *BILLBOARD*.

PERMANENT SIGN. A sign made of materials that are intended to last for more than a short period of time, intended for more than short term use, and embedded in the ground or affixed to a building or sign structure that is embedded in the ground.

POLE SIGN. A detached sign suspended or supported by one or more uprights or braces anchored in the ground with more than 30 inches of clearance from the bottom of the sign face to the ground below. See also, *PYLON SIGN*.

PORTABLE SIGN. A sign that is not a temporary sign, is moveable, is not permanently attached to either the ground, a building, or a permanent structure, and is designed or constructed in such a manner that it can be moved or relocated by a single person of ordinary strength without involving any structural or support changes.

PROJECTING SIGN. An attached sign which extends more than 24 inches from the building or structure face with a sign face perpendicular to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.

PUBLIC RIGHT-OF-WAY. A portion of land dedicated for the purpose of constructing and maintaining the infrastructure necessary to provide public transportation and utility systems.

PYLON SIGN. See *MONUMENT SIGN* or *POLE SIGN*.

REFACING. An alteration to the face of a sign involving the replacement of materials or parts. *REFACING* does not refer to replacing the entire sign structure, the removal of the sign, or the replacement of structural components.

REVOLVING SIGN. A sign that revolves 360 degrees about an axis. See also, *ANIMATED SIGN*, *MECHANICALLY ACTIVATED*.

ROOF SIGN. Any sign erected upon, displayed upon or supported by the roof of a building or structure.

SIGN. Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations.

(1) *SIGN (PRIMARY)*. A sign exceeding the secondary sign limitations, as described in the provisions stated in §§ 154.099 through 154.103.

EXHIBIT 'A'

(2) *SIGN (SECONDARY)*. A sign not exceeding the secondary sign limitations, as described in the provisions stated in §§ 154.099 through 154.103.

SIGN AREA. The *SIGN AREA* includes the face of the entire display area not including the bracing, framing, and structural supports of the sign, unless such support members are made part of the message or face of the sign. When a sign has two or more display faces, the area of all faces shall be included in determining the area of the sign, unless the two faces are joined back to back, and are parallel to each other with no separation, and are identical to each other in appearance, size and shape, in which case the area of one display face constitutes the total area of the sign.

SIGN COPY. Those letters, numbers, figures, symbols, logos and graphic elements comprising the content or message of a sign.

SIGN FACE. The surface upon, against, or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

(1) In case of panel or cabinet type signs, the sign face includes the entire area of the sign panel, cabinet, or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.

(2) In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or contrasting surface or color.

(3) In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy of the same building or structure.

(4) In the case of sign copy enclosed within a painted or illustrated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

SIGN STRUCTURE. The supporting unit of a sign face, including but not limited to frames, braces, poles, and foundations, the primary design purpose of which, is to support a sign.

SPECIAL SIGN. A sign that, owing to some unique characteristics attendant to its installation or function, is not a temporary or permanent sign.

STREAMER. A ribbon-shaped or cord-like rope with pennants attached, which is stretched or hung between two or more supports.

TEMPORARY SIGN. A ~~secondary sign intended to display either commercial or noncommercial messages of a transitory nature and~~ **that** is not permanently embedded in the ground, or permanently affixed to a building or a sign structure that is permanently embedded in the ground.

TRAFFIC CONTROL SIGNS. Official governmental signs and/or devices for traffic control purposes, including railroad crossing signs and signals, and traffic control signs on private property, which meet the Ohio Department of Transportation Manual of Uniform Traffic Control Devices standards for size, shape, color, location, and placement of such a sign, and which contain no commercial message of any sort.

TRAILER SIGN. Any sign, which is attached to, supported by or part of a structure, which is designed to move on trailer wheels, skids, or other similar devices, or transported, pushed, or pulled by a motor vehicle parked and visible from the public right-of-way, unless the vehicle is used for transporting people, equipment, or materials in the normal day-to-day operations of the lawfully established principal, special or nonconforming use conducted on the premise on which the sign is located.

TREE LAWN. That portion of a public right-of-way lying between the back face of the curb and the leading edge of the sidewalk.

UNDER CANOPY SIGN OR UNDER MARQUEE SIGN. A sign attached to the underside of a canopy or marquee perpendicular to the structure face to which the canopy or marquee is attached.

V SIGN. A sign with two faces, approximately equal in size, not parallel to one another, erected upon common or separate structures, positioned in a "V" shape with an interior angle between faces of not more than 90 degrees with the distance between the sign faces not exceeding 24 inches at their closest point.

EXHIBIT 'A'

VEHICLE SIGN. Any sign attached to or painted on a vehicle parked and visible from the public right-of-way, unless the vehicle is used for transporting people, equipment, or materials in the normal day-to-day operations of the lawfully established principal, special or nonconforming use conducted on the premise on which the sign is located.

WALL OR FASCIA SIGN. An attached sign which extends not more than 24 inches from the building or structure face with a sign face on a parallel with the face of the building facade or to the face or faces of the architectural projection to which it is affixed.

WINDOW SIGN. A sign affixed to the surface of, displayed from, or installed on a window for purpose of viewing from outside the premises. This definitions does not include merchandise and other temporary displays located inside a window.

WINDOW SURFACE. A pane of glass.

(Am. Ord. 25-06, passed 10-17-06)

§ 154.097 GENERAL REQUIREMENTS.

The regulations contained in this section shall apply to all signs and all zoning districts.

(A) *Traffic safety.* All signs shall be designed, constructed, and located in accordance with the following standards:

(1) *Sight-distance hazard prohibited.* No sign shall be erected at or near any intersection of any streets, or any railway and any street, or any sidewalk and any street or railway, in such a manner as to obstruct free and clear vision of vehicular and pedestrian traffic.

(2) *Resemblance of traffic control sign or device prohibited.* No sign shall be of a shape or color that may be confused with any authorized traffic sign, signal, or device, or which makes use of the words "stop," "look," "danger," or other words, phrases, or symbols in such manner as to interfere with, mislead, or confuse traffic.

(3) *Resemblance of emergency light prohibited.* Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

(4) *Public nuisance.* No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices or employ any parts, or elements, which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention if the use of such materials is determined to create a traffic hazard. No signs shall be attached to or supported by a tree, utility pole, trash receptacle, or public shelter.

(B) *Design and construction.* All signs shall be designed with the highest degree of craftsmanship and constructed in accordance with the following standards:

(1) *Conformance with building and electrical codes.* All signs shall comply at all times with the appropriate detailed provisions of the applicable building and electrical codes adopted by the City of Piqua.

(2) *Construction materials.* ~~Except for banners, flags, and temporary window signs conforming in all respects with the requirements of this zoning code, all signs shall be constructed of permanent materials.~~ Internally illuminated exterior signs shall be constructed entirely of noncombustible materials, except that faces may be made of approved combustible plastic if the remainder of the sign and supporting structure are made of noncombustible materials. All sign face display areas encased by a sign frame, shall extend to the frame of the sign. In no case shall a sign hang inside of a frame with a visible separation between the sign frame and the sign face.

(3) *Wind pressure.* All signs and supporting structures shall be of sufficient strength and bracing to withstand wind pressure of 30 pounds per square foot of surface exposed. The exposed area subjected to wind pressure shall be the total area of all parts of the sign, including structural framing on a plane perpendicular to the direction of the wind. In determining the stress in any member, the wind shall be assumed to flow from the horizontal and from that compass direction which produces the maximum stress in that member.

(4) *Sign supports and braces.* All permanent signs shall be supported by sign structures that are made of steel or other metal, concrete, or wood, and designed to resist wind pressures, dead loads, and lateral loads in accordance with the appropriate detailed provisions of the Building Code. All sign supports shall be an integral part of the sign design. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the enforcing officer, proceed at once to put the sign in a safe and secure condition or remove the sign.

EXHIBIT 'A'

(5) *Anchoring.* No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. All signs shall be securely anchored to their supporting structures to prevent any lateral movement that would cause wear on supporting members or connections.

(6) *Pole cap required.* A freestanding sign shall have a pole cap, unless the pole is an integral part of the sign design.

(7) *External lighting.* External light sources shall be an integrated architectural component of the sign display, or screened from view by site grading or evergreen shrubs when physically located separate from the sign.

(8) *Appearance of display.* No sign, or in the case of a joint identification sign no single sign panel, shall incorporate more than one background color, nor more than a total of four different colors used in the primary and/or secondary image. Any multi-faceted sign shall consistently display the same name, message and graphics on all faces. Reverse sides of signs shall be unobtrusive and blend with the surroundings. Reverse sides of all permanent signs and structural supports must be completely enclosed. In no case shall the height of the primary or secondary image exceed two-thirds of the total height or length of the sign face area available.

(C) *Location.* All signs shall be located in accordance with the following standards:

(1) *Maintenance of ingress and egress.* No sign shall cover any part of any window unless specifically permitted under this zoning code. No sign shall cover any door, or hinder or prevent free ingress to or free egress from any door, window, fire escape, or any other required exit way.

(2) *Maintenance of ventilation.* No sign shall be attached in any form, shape, or manner that will interfere with any opening required for ventilation.

(3) *Required clearance from utility wires.* No sign shall be located nearer than ten feet horizontally or vertically from any overhead electric wires or conductors or public utility guy wires.

(4) *Prohibited within public right-of-way.* Signs shall not be erected within nor project into any public right-of-way, unless otherwise specified within this code.

(5) *Prohibited on a vacant lot.* No sign shall be located on a vacant lot, except for an off/on-premise sign advertising the lot for sale or lease.

(6) *Prohibited within utility easement.* Permanent signs shall not be erected within nor project into any utility easement, unless otherwise specified within this code.

(7) *Banner signs prohibited in Central Business District.* Banner signs shall not be located on property within the boundaries of the Central Business District, unless otherwise specified within this code.

(D) *Illumination.* All signs shall be in accordance with the following standards:

(1) *Brightness.* Light sources for illuminated signs shall not be of such brightness as to constitute a hazard to pedestrians or motorists, and no more than two foot-candles of light, nor more than one-tenth foot-candle of light on residential properties, and shall be shielded so as not to cast illumination on contiguous properties.

(2) *Flashing.* Intermittent illumination, or illumination which involves movement or causes the illusion of movement resulting from the arrangement of lighting, is prohibited, unless otherwise specified within this code.

(3) *Colored lights.* No colored lights shall be used in a location or manner in which they may be confused with traffic control devices or vehicular traffic.

(E) *Maintenance and repair.* All signs shall be maintained in safe and good structural condition, in compliance with all applicable building and electrical codes, and in conformance with this zoning code at all times. Such maintenance includes replacement of all defective bulbs, parts, materials, painting, repainting, cleaning, and other acts required for maintenance of such sign. If any sign is not made to comply with adequate safety standards, the enforcing officer shall require its removal.

(F) *Protection of property.* Signs shall not be posted in any manner destructive to public property. Signs shall also not be attached or otherwise applied to trees, utility poles, transit shelters, benches, trash receptacles, or boxes, unless otherwise specified within this code.

(G) *Property owner permission required.* Signs shall not be erected, placed, or located upon any property or building without the written consent of the owner(s) of such property or an authorized representative.

EXHIBIT 'A'

~~(H) *Identification required.* All signs hereafter erected, altered, or relocated shall be plainly marked with the name of the person, firm, or corporation erecting, altering, or relocating such signs.~~

~~(I) *Obscene signs prohibited.* No sign shall contain words, statements, images, or graphic descriptions or illustrations of an obscene or indecent nature.~~

('97 Code, § 150.703) (Ord. 42-96, passed 9-17-96; Am. Ord. 25-06, passed 10-17-06) Penalty, see § 154.999

§ 154.100 TEMPORARY; ATTACHED AND DETACHED 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, and to recognize the individual or entity who occasionally desires to display a temporary commercial message in conjunction with a permitted land use, and to provide the time, place, and manner limitations allowing certain sign types for these purposes. It is further intended to recognize the negative affect temporary signs can have on the attractiveness of a community, including the deterioration of the natural environment, the clutter temporary signs contribute to the landscape, the distractions and obstructions this sign type may cause to motorist, and the hazards that the aforementioned concerns may cause. Thus, this section is intended to establish regulations that allow temporary signs without their becoming a nuisance to the community.

(B) *Permitted temporary 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.*

(a) *Off-premise.*

1. Banner sign.
2. Ground sign.
3. Monument sign.
4. Pole sign.
5. Window sign.

(b) *On-premise.*

1. Banner sign.
2. Ground sign.
3. Monument sign.
4. Pole sign.
5. Window sign.

(2) *Commercial message.*

(a) *Off-premise.*

1. Ground sign.
2. Monument sign.

(b) *On-premise.*

EXHIBIT 'A'

- 1. Banner sign.
- 2. Ground sign.
- 3. Monument sign.
- 4. Window sign.

(c) Off/on-premise.

- 1. Banner sign.
- 2. Ground sign.
- 3. Monument sign.
- 4. Pole sign.
- 5. Window sign.

(C) Height, area, and setback regulations.

(1) General requirements for temporary signs.

Sign Type	Maximum Height	Maximum Sign Area	Maximum Lot Area	Minimum Setback from Front Lot Line	Minimum Setback from Side and Rear Lot Lines
<u>Banner sign; attached</u>	<u>None</u>	<u>24 sq. feet</u>	<u>< 1 acre</u>	<u>N/A</u>	<u>N/A</u>
<u>Banner sign; attached</u>	<u>12 feet</u>	<u>32 sq. feet</u>	<u>1 acre to 5 acres</u>	<u>N/A</u>	<u>N/A</u>
<u>Banner sign; attached</u>	<u>24 feet</u>	<u>50 sq. feet</u>	<u>> 5 acres</u>	<u>N/A</u>	<u>N/A</u>
<u>Banner sign; detached</u>	8 feet	24 sq. feet	< 1 acre	10 feet	30 feet <u>5 feet</u>
<u>Banner sign; detached</u>	12 feet	32 sq. feet	1 acre to 5 acres	20 feet	30 feet <u>5 feet</u>
<u>Banner sign; detached</u>	24 feet	50 sq. feet	> 5 acres	50 feet	30 feet <u>5 feet</u>
Ground sign; monument sign; pole sign	4 feet	6 sq. feet	< 1 acre	2 feet	30 feet <u>5 feet</u>
Ground sign; monument sign; pole sign	6 feet	12 sq. feet	1 acre to 5 acres	10 feet	30 feet <u>5 feet</u>
Ground sign; monument sign; pole sign	8 feet	32 sq. feet	> 5 acres	20 feet	30 feet <u>5 feet</u>
Window sign	First floor windows	50% of a building's total window surface area	N/A	N/A	N/A

(D) Other regulations.

EXHIBIT 'A'

(1) *Location.*

(a) Temporary 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 setbacks 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.

(b) Banners authorized for display on utility poles by the city manager shall be permitted.

(2) *Number.* The maximum allowable number of temporary signs shall be in accordance with the following limitations:

(a) Off-premise noncommercial message signs – Unlimited.

(b) On-premise noncommercial message signs – Unlimited.

(c) Off-premise commercial message signs – No more than one sign may be displayed at any one time on a single lot.

(d) On-premise commercial message banner, ground, or monument signs – No more than one sign per 100 feet of property frontage may be displayed at any one time on a single lot.

(e) Off/on-premise commercial message signs - No more than one sign may be displayed at any one time on a single lot. When a structure or business location to be advertised for sale or lease or rental has an obsolete attached or an obsolete detached sign accessory to the structure or business for sale or lease or rental, the obsolete sign shall be used to advertise the business for sale or lease or rental, and no temporary off/on-premise commercial message sign shall be permitted for this purpose.

(3) *Landscaping.* None required for this sign type.

(4) *Period of display.*

(a) Noncommercial message signs may be displayed for an unlimited period of time subject to the provisions included in § 154.100(D)(4)(d).

(b) Off-premise commercial message temporary signs and off/on-premise commercial message signs may be displayed for the duration of the event or activity for which the sign is advertising provided all temporary signs are removed at such time the event or activity it advertises is discontinued or the sign message becomes obsolete.

(c) On-premise commercial message signs may be displayed for a period of time not to exceed 90 consecutive days not more than three times in any 12-month period, provided 90 days has lapsed since the most recent past display of a temporary on-premise commercial message sign at the same location for any message displayed.

(d) All temporary **commercial message** signs shall be removed at such time when the event or activity the sign advertises is discontinued or the sign message becomes obsolete.

('97 Code, § 150.707) (Ord. 42-96, passed 9-17-96; Am. Ord. 25-06, passed 10-17-06) Penalty, see § 154.999

§ 154.101 PERMANENT; DETACHED 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 permanent commercial message in conjunction with a permitted land use, and to provide the time, place, and manner limitations allowing certain detached sign types for this purpose. It is further intended to recognize the negative affect oversized and misplaced permanent signs can have on the attractiveness of a community, including the deterioration of the natural environment, the clutter freestanding signs contribute to the landscape, the distractions and obstructions this sign type may cause to motorist, and the hazards that the aforementioned concerns may cause. Thus, this section is intended to establish regulations that allow permanent detached signs without their becoming a nuisance to the community.

(B) *Permitted permanent detached sign types.* Any of the detached 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.*

(a) *On-premise.*

EXHIBIT 'A'

1. Canopy sign.
2. Ground sign.
3. Monument sign.
4. Pole sign.

(2) *Commercial message.*

(a) *On-premise.*

1. Canopy (freestanding) sign.
2. Ground sign.
3. Monument sign.
4. Pole sign.

(b) *Off/on-premise.*

1. Ground sign.
2. Monument sign.

(C) *Height, area, and setback regulations.*

(1) General requirements for primary permanent detached signs.

Sign Type	Maximum Height	Maximum Sign Area	Minimum Lot Area	Minimum Setback from Front Lot Line	Minimum Setback from Side and Rear Lot Lines
Canopy (detached) sign	20 feet	1 sq. foot per lineal foot of the width of the canopy face to which the sign will be attached, not to exceed 50 sq. feet	N/A	10 feet	10 feet <u>5 feet</u>
Ground sign; monument sign	8 feet	25 sq. feet	< 1 acre	2 feet	30 feet <u>5 feet</u>
Ground sign; monument sign	12 feet	50 sq. feet	1 acre or more	10 feet	30 feet <u>5 feet</u>
Pole sign	8 feet	25 sq. feet	< 1 acre	2 feet	30 feet <u>5 feet</u>
Pole sign	20 feet	50 sq. feet	1 acre or more	10 feet	30 feet <u>5 feet</u>

(2) General requirements for primary secondary permanent detached signs.

Sign Type	Maximum Height	Maximum Sign Area	Minimum Lot Area	Minimum Setback from Front Lot Line	Minimum Setback from Side and Rear Lot Lines
Ground sign; monument sign; pole sign	4 feet	6 sq. feet	N/A	2 feet	5 feet

EXHIBIT 'A'

(D) *Other regulations.*

(1) *Location.*

(a) Primary and secondary permanent detached signs shall be permitted in any yard fronting a street, or a parking lot, drive through lane, or service drive on the same lot, subject to the general requirements 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.

(b) Primary and secondary permanent detached signs shall be accessible by maintenance vehicles from the lot occupied by the use to which the sign is accessory.

(2) *Number of signs.*

(a) The maximum allowable number of primary permanent detached signs shall be as follows:

1. Each lot shall be permitted one ground sign or monument sign per street frontage contiguous to the lot or lots occupied by the same principal, special, or nonconforming use to which the sign is accessory, provided no other primary detached sign type as described by § 154.101(D)(2)(a)(2), exist on the same lot.

2. Each lot shall be permitted one pole sign per lot or lots occupied by the same principal, special, or nonconforming use to which the sign is accessory, provided no other primary detached sign type as described by § 154.101(D)(2)(a)(1), exist on the same lot.

3. Each lot with multiple business establishments shall be permitted to utilize each ground sign, monument sign, or pole sign permitted in accordance with § 154.101(D)(2)(a)(1) or (2), as a joint identification sign, and may increase the total sign area by 10 square feet for each primary message added to the sign, provided no sign area shall exceed 100 square feet.

4. Each lot shall be permitted one canopy (detached) sign per street frontage contiguous to the lot or lots occupied by the same principal, special, or nonconforming use to which the sign is accessory.

5. In addition to, but not in lieu of, the permanent detached sign allowance provided by § 154.101(D)(2)(a)(1) and (2) of this code, each lot within 1,500 feet of the centerline of Interstate 75 shall be permitted one pole sign per lot or lots occupied by the same principal, special, or nonconforming use to which the sign is accessory, provided the sign face area does not exceed 200 square feet, the sign height does not exceed 80 feet, and the minimum setback to all lot lines is 20 feet. This sign may be used as a joint identification sign.

6. Each lot shall be permitted two ground signs or monuments signs for each drive through lane located on the lot or lots occupied by the same principal, special, or nonconforming use to which the sign is accessory, provided the sign face area of each sign does not exceed 32 square feet and the height of the signs do not exceed eight feet.

7. Each subdivision shall be permitted two ground signs or monument signs per entrance street to the subdivision, provided the signs are located on a lot contiguous to the lot or lots occupied by the subdivision to which the sign is accessory, and provided no other primary detached sign type exist on the same lot.

8. When a structure or business location to be advertised for sale or lease or rental has an obsolete detached sign on the same lot as and accessory to the structure or business for sale or lease or rental, one obsolete detached sign shall be permitted to be used to advertise the business for sale or lease or rental, and no temporary off/on-premise commercial message sign shall be permitted for this purpose.

(b) The maximum allowable number of secondary permanent detached signs shall be as follows:

1. Each lot shall be permitted one ground sign, monument sign, or pole sign for each drive opening from a street frontage, service drive, or parking lot facility located on the lot or lots occupied by the same principal, special, or nonconforming use to which the sign is accessory.

2. Each lot shall be permitted two ground signs, monument signs, or pole signs per drive through lane located on the lot or lots occupied by the same principal, special, or nonconforming use to which the sign is accessory.

(3) *Landscaping.* Each freestanding sign permitted, shall be effectively landscaped with living plant material to be maintained in good condition at all times. The minimum landscaped area shall include the base of all freestanding signs, and extend in all directions at least three feet beyond all sign faces and supporting structures. Exposed foundations and pole supports must be constructed or encased with a finished material such as brick, stone, or wood, or be screened with evergreen plantings.

(‘97 Code, § 150.708) (Ord. 42-96, passed 9-17-96; Am. Ord. 25-06, passed 10-17-06) Penalty, see § 154.999

EXHIBIT 'A'

§ 154.103 SPECIAL SIGNS; REQUIREMENTS.

(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 portable commercial message in conjunction with a permitted land use, to recognize the for certain signs to be erected and maintained in the discharge of government functions, and to provide the time, place, and manner limitations allowing certain special 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 signs without their becoming a nuisance to the community.

(B) *Permitted special sign types.* The following special sign types shall be permitted in all use groups, subject to the limitations included in this code.

(1) *Special sign types.*

- (a) Flags.
- (b) Governmental signs.
- (c) Interior signs.
- (d) Traffic control signs.
- (e) Portable signs.

(C) *Height, area, and setback regulations.*

(1) General requirements for special signs.

Sign Type	Maximum Height	Maximum Sign Area	Minimum Lot Area	Minimum Setback from <u>Front</u> Lot Line	Maximum Projection from Structure Face into Required Minimum Setback Area
Flag; noncommercial message	None				
Flags; commercial message	30 feet	25 sq. feet	< 1 acre	10 feet	10 feet
Flags; commercial message	50 feet	50 sq. feet	1 acre or more	30 feet	10 feet
Interior signs	None				
Governmental signs; traffic control signs	In accordance with the federal, state or local law, regulation, or ordinance necessitating the sign				
Portable signs	6 feet	12 sq. feet	None	0 feet	4 feet

(D) *Other regulations.*

(1) *Location.*

(a) The permitted location of a flag shall be as follows:

1. Flags shall be permitted in any yard on the same lot as the use to which the flag is accessory, subject to the general requirements established by this section of the code.

2. Flags shall be permitted on each building elevation facing a street, parking lot, drive through lane, or service drive on the same lot, provided a public entrance serving the business establishment to which the sign is accessory exist on the same building elevation to which the flag will be affixed, and subject to the general requirements established by this section of the code, provided no flag shall be permitted when a nonconforming, abandon or obsolete permanent detached sign or permanent attached sign exist on the same lot.

EXHIBIT 'A'

3. Flags authorized for display on utility poles by the city manager shall be permitted.

(b) Governmental signs and traffic control signs shall be permitted in any location required by the federal, state, or local law, regulation, or ordinance necessitating the sign.

(c) The permitted location of a portable signs shall be as follows:

1. Portable signs shall be permitted in any yard fronting a street, or a parking lot, drive through lane, or service drive on the same lot, serving the business establishment to which the sign is accessory and provided the public entrance is on the same building elevation to which the sign will be adjacent, subject to the general requirements established by this section of the code, provided the sign face is oriented towards the same street, parking lot, drive through lane, or service drive to which it is adjacent.

2. When a location on the lot occupied by the business establishment to which the sign is accessory is not available, a portable signs shall be permitted on a public sidewalk adjacent to a public entrance serving the business establishment to which the sign is accessory, provided the sign is located within ten feet of the public entrance to the business establishment, does not occupy more than 25% of the public sidewalk width, and is not located in a tree lawn area, subject to the general requirements established by this section of the code.

(2) *Number of signs.*

(a) Each lot shall be permitted three flags.

(b) The number of governmental signs and traffic control signs permitted shall be in accordance with the federal, state, or local law, regulation, or ordinance necessitating the sign.

(c) One portable sign shall be permitted for each business establishment facing a street, parking lot, drive through lane, or service drive on the same lot, provided a public entrance serving the business establishment to which the sign is accessory exist on the same building elevation to which the sign will be adjacent, subject to the general requirements established by this section of the code, and provided no portable signs shall be permitted when a nonconforming, abandon or obsolete permanent detached sign or permanent attached sign exist on the same lot as the business to which the portable sign is accessory; and, no portable sign shall be permitted when a permanent detached sign exist on the same lot as the business to which the portable sign is accessory; and, no portable sign shall be permitted when a permanent attached sign does not exist on the same building elevation as the public entrance to which the portable sign will be adjacent.

(3) *Period of display.*

(a) The period of display for a portable sign shall be in accordance with the following limitations:

1. Portable signs shall be permitted from dawn to dusk, during the hours the business establishment to which the sign is accessory is open to the public.

2. Portable signs shall be permitted during typical weather conditions, provided the sign is removed from display during periods of snow or ice accumulation, periods of weather with wind gust exceeding 15 MPH, or any other period of inclement weather that may cause the sign to become a potential hazard to the public.

('97 Code, § 150.710) (Ord. 42-96, passed 9-17-96; Am. Ord. 25-06, passed 10-17-06) Penalty, see § 154.999

§ 154.105 FEES AND MAINTENANCE.

(A) *Fees.* Permit application, plan review and inspection fees shall be as established by the City Commission and adopted by resolution.

(B) *Re-inspection and maintenance;* All signs for which standards are established by a permit is issued in accordance with this section chapter shall be subject to the following provisions:

(1) The enforcing officer or designee may re-inspect each sign periodically following the erection of such a sign to determine its continued compliance ~~with the approved permit and plans as they were issued~~ and to insure proper operating conditions and maintenance in accordance with this section chapter. The sign owner shall be solely responsible for maintaining the appearance, safety and structural integrity of the sign at all times.

EXHIBIT 'A'

(2) Whenever the inspecting officer finds a sign in need of repair, support, replacement, cleaning, repainting, or any maintenance service necessary to maintain reasonable and proper appearance and public safety, he or she shall issue an order to the owner ~~allowing 30 days~~ to effect needed repairs or maintenance. If the inspecting official determines that the existing condition of the sign creates an immediate hazard to the health or safety of the public, or determines the sign is in a state of disrepair, he or she shall issue an order to the owner requiring the sign to be removed immediately.

(3) Failure of an owner to comply with the provisions listed above shall be cause for the inspecting official to ~~order the permit issued for the sign void and~~ issue an order for the sign to be removed. The cost of removal will be the responsibility of the property owner. If the property owner refuses to remove the sign, the city shall cause the sign to be removed, and the cost of such removal shall be assessed ~~to the property owner's tax records~~ in the form of a lien against the owner of the property.

('97 Code, § 150.712) (Ord. 42-96, passed 9-17-96; Am. Ord. 25-06, passed 10-17-06) Penalty, see § 154.999

RESOLUTION No. PC 36-08

WHEREAS, the City, has submitted a request to amend the zoning chapter of the codified ordinances to modify the code provisions pertaining to minimum side yard setback requirements for temporary and permanent freestanding (detached) signs; 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 Ada hereby moves to second 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 Bubp, 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"/>

**PUBLIC HEARING
RESOLUTION NO. R-75-08**

**A RESOLUTION ACCEPTING FOR STATUTORY
PURPOSES A BUDGET FOR THE CALENDAR
YEAR 2009**

WHEREAS, Section 5705.18 of the Revised Code requires that this Commission adopt a tax budget for the next succeeding fiscal year; and

WHEREAS, said tax budget, identified as the "2009 County Tax Budget" and incorporated by reference herein, has been presented to this Commission;

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 2009 County Tax Budget for the City of Piqua, Ohio is hereby accepted as current for all statutory purposes;

SEC. 2: Pursuant to Charter Section 49, receipt of the 2009 draft appropriation ordinance is hereby acknowledged;

SEC. 3: The Clerk of this Commission is hereby authorized and directed to certify a true copy of this Resolution and of the 2009 County Tax Budget to the Miami County Budget Commission;

SEC. 4: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

THOMAS D. HUDSON, MAYOR

PASSED: _____

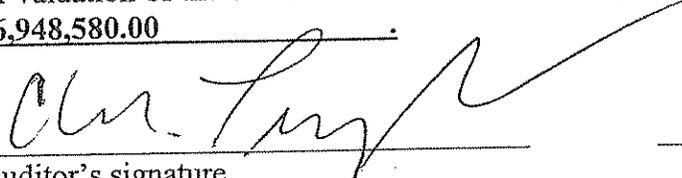
ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

Certificate of Estimated Property Tax Revenue

(Use this form when a taxing authority certifies a millage rate and requests the revenue produced by that rate.)

The County Auditor of **Miami County, Ohio**, does hereby certify the following:

1. On June 4, 2008, the taxing authority of Forest Hill Union Cemetery certified a copy of a resolution or ordinance adopted June 2, 2008, by the Commission of the City of Piqua, Miami County, Ohio and by the Board of Trustees of Washington Township, Miami County, Ohio requesting the county auditor to certify the current tax valuation of the subdivision and the amount of revenue that would be produced by fifty one hundredths (.50) mill/mills, to levy a tax outside the ten-mill limitation for the purpose of FUNDING THE OPERATION AND MAINTENANCE OF THE FOREST HILL UNION CEMETERY pursuant to Revised Code Section 5705.19 to be placed on the ballot at the November 4, 2008, election. The levy type is a REPLACEMENT.
2. The estimated property tax revenue that will be produced by the stated millage, assuming the tax valuation of the subdivision remains constant throughout the life of the levy, is calculated to be \$ 211,877.57.
3. The total tax valuation of the subdivision used in calculating the estimated property tax revenue rate is \$ 366,948,580.00.


auditor's signature

6/4/08
date

INSTRUCTIONS

1. "Total tax valuation" includes the taxable value of all real, personal, and public utility property in the subdivision, which are on the tax lists that were most recently certified for collection. If the subdivision is located in more than one county, the home county auditor (where the greatest taxable value of the subdivision is located) shall obtain the assistance of the other county auditors to establish the total tax valuation of the subdivision.
2. For the purposes of this certification, "subdivision" includes any agency, board, commission, or other authority authorized to request a taxing authority to submit a tax levy on its behalf.
3. "Levy type" includes the following: (1) additional, (2) renewal, (3) renewal with an increase, (4) renewal with a decrease, (5) replacement, (6) replacement with an increase, and (7) replacement with a decrease levies.
4. Please file this certificate with the subdivision as soon as possible, so the taxing authority can pass a resolution to proceed not later than 75 days before the election.

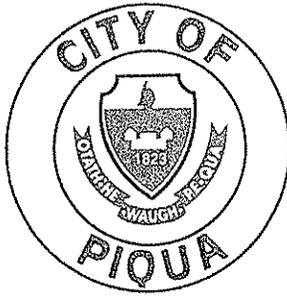
COUNTY AUDITOR RECEIPT

I acknowledge receipt on behalf of the Forest Hill Union Cemetery of the Certificate of Estimated Property Tax Revenue (DTE Form 140R) on June 4th, 2008.

Cynthia A. Holtzapple Finance Director
Taxing Authority City of Pequot

Please sign and return one copy of this form to:

Chris A. Peeples
Miami County Auditor
Miami County Safety Building
201 West Main Street
Troy, Ohio 45373-2363



FINANCE DEPARTMENT

Cynthia A. Holtzapple – Director of Finance
201 West Water Street • Piqua, Ohio 45356
(937) 778-2065 • FAX (937) 778-1130
E-Mail: choltzapple@piquaoh.org

July 2, 2008

Mr. Fred Enderle
City Manager

RE: Year 2009 County Tax Budget and Draft Appropriation Ordinance

The 2009 County Tax Budget was prepared based upon information obtained from the individual city departments and City administration.

The total 2009 tax budget is projected to be \$86.3 million, an increase of \$8.1 million, or 10% more than the latest 2008 estimates. The major reasons for the net \$8.1 million increase are as follows:

	<u>AMOUNTS OF CHANGE YEAR 2009 VERSUS 2008</u>
<u>GENERAL FUND</u>	
Salaries and fringes	\$0.2 million increase
Safety Department – general operations & capital	\$0.3 million increase
Parks Department – addition of ODNR grant	\$0.2 million increase
Great Miami Recreational Trail construction	(\$0.6) million decrease
Hotel Project construction	<u>(\$0.4) million decrease</u>
<u>General Fund Total</u>	<u>(\$0.3) million decrease</u>
<u>SPECIAL REVENUE FUNDS</u>	
Street Department – general operations & capital	\$0.4 million increase
Completion of N. Co. Rd. 25-A reconstruction	(\$2.3) million decrease
New grant programs including Job Ready Site	<u>\$2.5 million increase</u>
<u>Special Revenue Funds Total</u>	<u>\$0.6 million increase</u>
<u>CONSTRUCTION FUNDS</u>	
Equalization Basin construction	\$5.0 million increase
<u>Construction Funds Total</u>	<u>\$5.0 million increase</u>



ENTERPRISE FUNDS

Power System – general operation	\$2.0 million increase
Water System – general operation, capital & debt service	\$0.2 million increase
Wastewater System – general operation, capital & debt service	\$0.3 million increase
Refuse and Golf Course combined – general operation	<u>\$0.3 million increase</u>
<u>Enterprise Funds Total</u>	<u>\$2.8 million increase</u>

GRAND TOTAL **\$8.1 million increase**

If you have any questions, please let me know.

Sincerely,



Cynthia A. Holtzapple
Director of Finance

CITY OF PIQUA, OHIO
2009 COUNTY TAX BUDGET

SUMMARY

		ACTUAL 2006	ACTUAL 2007	ESTIMATED 2008	PROPOSED 2009
<u>OPERATING FUNDS</u>					
TOTAL GENERAL FUND	Total Sources Available	\$ 27,038,038	\$ 36,091,609	\$ 23,489,749	\$ 20,720,960
	Total Expenses	19,531,283	30,895,884	19,133,795	18,772,388
	Balance as of 12/31	\$ 7,506,755	\$ 5,195,725	\$ 4,355,954	\$ 1,948,572
TOTAL ENTERPRISE FUNDS	Total Sources Available	\$ 38,938,468	\$ 43,733,679	\$ 52,561,403	\$ 54,124,410
	Total Expenses	26,432,320	31,933,258	42,466,384	45,302,414
	Balance as of 12/31	\$ 12,506,148	\$ 11,800,421	\$ 10,095,019	\$ 8,821,996
TOTAL OPERATING FUNDS (GENERAL PLUS ENTERPRISE)	Total Sources Available	\$ 65,976,506	\$ 79,825,288	\$ 76,051,152	\$ 74,845,370
	Total Expenses	45,963,603	62,829,142	61,600,179	64,074,802
	Balance as of 12/31	\$ 20,012,903	\$ 16,996,146	\$ 14,450,973	\$ 10,770,568
+++++					
<u>TOTAL SPECIAL REVENUE FUNDS</u>	Total Sources Available	\$ 6,618,573	\$ 9,427,841	\$ 9,466,233	\$ 9,340,360
	Total Expenses	5,451,369	7,463,396	7,978,433	8,579,354
	Balance as of 12/31	\$ 1,167,204	\$ 1,964,445	\$ 1,487,800	\$ 761,006
<u>TOTAL INTERNAL SERVICE FUNDS</u>	Total Sources Available	\$ 6,980,186	\$ 7,096,815	\$ 8,947,203	\$ 8,069,248
	Total Expenses	2,603,591	2,477,783	5,049,626	4,968,424
	Balance as of 12/31	\$ 4,376,595	\$ 4,619,032	\$ 3,897,577	\$ 3,100,824
<u>TOTAL FIDUCIARY FUNDS</u>	Total Sources Available	\$ 158,063	\$ 157,624	\$ 203,775	\$ 214,742
	Total Expenses	150,364	149,873	185,050	196,050
	Balance as of 12/31	\$ 7,699	\$ 7,751	\$ 18,725	\$ 18,692
<u>TOTAL CONSTRUCTION FUNDS</u>	Total Sources Available	\$ 293,700	\$ 9,350	\$ 508,368	\$ 5,475,009
	Total Expenses	284,790	8,623	508,368	5,475,009
	Balance as of 12/31	\$ 8,910	\$ 727	\$ -	\$ -
<u>SPECIAL ASSESSMENTS PROJECTS (700'S)</u>	Total Sources Available	\$ 8,534	\$ 58,779	\$ 100,000	\$ 99,994
	Total Expenses	8,534	58,773	100,000	99,994
	Balance as of 12/31	\$ -	\$ 6	\$ -	\$ -
<u>TOTAL DEBT SERVICE FUNDS</u>	Total Sources Available	\$ 2,751,907	\$ 2,509,517	\$ 3,277,346	\$ 3,290,413
	Total Expenses	2,221,438	1,992,837	2,819,930	2,905,975
	Balance as of 12/31	\$ 530,469	\$ 516,680	\$ 457,416	\$ 384,438
+++++					
<u>GRAND TOTAL ALL FUNDS</u>	Total Sources Available	\$ 82,787,469	\$ 99,085,214	\$ 98,554,077	\$ 101,335,136
	Total Expenses	56,683,669	74,980,427	78,241,586	86,299,608
	Balance as of 12/31	\$ 26,103,780	\$ 24,104,787	\$ 20,312,491	\$ 15,035,528

CITY OF PIQUA, OHIO
2009 COUNTY TAX BUDGET

GENERAL (001)	Total Sources Available	\$ 13,006,702	\$ 12,458,315	\$ 10,811,188	\$ 9,025,325
	Total Expenses	7,043,085	8,922,601	7,961,634	8,119,239
	Balance as of 12/31	\$ 5,963,617	\$ 3,535,714	\$ 2,849,554	\$ 906,086
NEIGHBORHOOD IMPROV. TEAM (104)	Total Sources Available	\$ 19,532	\$ 6,885	\$ 146,503	\$ 146,503
	Total Expenses	18,834	6,885	146,503	146,503
	Balance as of 12/31	\$ 698	\$ -	\$ -	\$ -
PARK DEPT. (105)	Total Sources Available	\$ 688,577	\$ 756,118	\$ 766,451	\$ 911,096
	Total Expenses	673,888	715,817	725,505	894,898
	Balance as of 12/31	\$ 14,689	\$ 40,301	\$ 40,946	\$ 16,198
SAFETY (106)	Total Sources Available	\$ 8,411,195	\$ 9,007,970	\$ 9,976,559	\$ 9,974,253
	Total Expenses	7,553,202	7,795,523	8,766,418	9,073,243
	Balance as of 12/31	\$ 857,993	\$ 1,212,447	\$ 1,210,141	\$ 901,010
TREE DONATION FUND (107)	Total Sources Available	\$ 25,000	\$ 25,812	\$ 21,857	\$ 10,000
	Total Expenses	-	4,955	20,000	10,000
	Balance as of 12/31	\$ 25,000	\$ 20,857	\$ 1,857	\$ -
DUI EDUCATIONAL FUND (109)	Total Sources Available	\$ 9,665	\$ 12,374	\$ 14,529	\$ 5,184
	Total Expenses	-	-	11,500	5,000
	Balance as of 12/31	\$ 9,665	\$ 12,374	\$ 3,029	\$ 184
PRO-PIQUA (128)	Total Sources Available	\$ 42,256	\$ 53,203	\$ 50,673	\$ 50,673
	Total Expenses	35,011	49,832	47,302	46,958
	Balance as of 12/31	\$ 7,245	\$ 3,371	\$ 3,371	\$ 1,715
POLICE AUXILIARY (120)	Total Sources Available	\$ 15,650	\$ 7,528	\$ 7,718	\$ 4,088
	Total Expenses	8,493	180	4,000	4,000
	Balance as of 12/31	\$ 7,157	\$ 7,348	\$ 3,718	\$ 88
HOTEL CONSTRUCTION (301)	Total Sources Available	\$ 4,190,234	\$ 4,776,126	\$ 430,480	\$ 35,547
	Total Expenses	3,906,370	4,761,104	394,933	35,547
	Balance as of 12/31	\$ 283,864	\$ 15,022	\$ 35,547	\$ -
GREAT MIAMI REC. TRAIL (303)	Total Sources Available	\$ -	\$ -	\$ 600,000	\$ 25,000
	Total Expenses	-	-	600,000	25,000
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
INCOME TAX (407)	Total Sources Available	\$ 298,344	\$ 8,639,331	\$ 300,344	\$ 310,344
	Total Expenses	292,400	8,638,987	300,000	310,000
	Balance as of 12/31	\$ 5,944	\$ 344	\$ 344	\$ 344
SAFETY EQUIP. RESERVE (809)	Total Sources Available	\$ 330,883	\$ 347,947	\$ 363,447	\$ 222,947
	Total Expenses	-	-	156,000	100,000
	Balance as of 12/31	\$ 330,883	\$ 347,947	\$ 207,447	\$ 122,947
TOTAL GENERAL FUND	Total Sources Available	\$ 27,038,038	\$ 36,091,609	\$ 23,489,749	\$ 20,720,960
	Total Expenses	19,531,293	30,895,884	19,133,795	18,772,388
	Balance as of 12/31	\$ 7,506,755	\$ 5,195,725	\$ 4,355,954	\$ 1,948,572
<u>SPECIAL REVENUE FUNDS</u>					
STREET DEPT. (101)	Total Sources Available	\$ 3,337,358	\$ 3,103,798	\$ 3,496,544	\$ 3,148,902
	Total Expenses	2,591,786	1,944,117	2,684,505	2,778,463
	Balance as of 12/31	\$ 745,572	\$ 1,159,681	\$ 812,039	\$ 370,439
STREET INCOME TAX (1/4%) (103)	Total Sources Available	\$ 1,595,012	\$ 1,409,747	\$ 1,696,347	\$ 1,698,500
	Total Expenses	1,394,423	854,471	1,176,855	1,440,115
	Balance as of 12/31	\$ 200,589	\$ 555,276	\$ 517,492	\$ 258,386
N. CO. RD. 25-A CONSTRUCTION (302)	Total Sources Available	\$ -	\$ 3,974,177	\$ 2,285,199	\$ -
	Total Expenses	-	3,974,177	2,285,199	-
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
RENEW PIQUA (114)	Total Sources Available	\$ 25,737	\$ 20,031	\$ 12,330	\$ 10,000
	Total Expenses	7,240	8,201	11,959	10,000
	Balance as of 12/31	\$ 18,497	\$ 11,830	\$ 371	\$ -
MANDATORY DRUG FINE (111)	Total Sources Available	\$ 11,327	\$ 12,219	\$ 4,468	\$ 718
	Total Expenses	11	8,001	4,000	718
	Balance as of 12/31	\$ 11,316	\$ 4,218	\$ 468	\$ -

CITY OF PIQUA, OHIO
2009 COUNTY TAX BUDGET

CHIP 2006 (117)	Total Sources Available	\$ 6,000	\$ 134,660	\$ 463,186	\$ -
	Total Expenses	2,517	114,097	463,186	-
	Balance as of 12/31	\$ 3,483	\$ 20,583	\$ -	\$ -
CHIP 2008 (118)	Total Sources Available	\$ -	\$ -	\$ -	\$ 500,000
	Total Expenses	\$ -	\$ -	\$ -	\$ 500,000
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
CHIP PROGRAM INCOME (119)	Total Sources Available	\$ 48,861	\$ 53,477	\$ 72,274	\$ 25,190
	Total Expenses	14,200	(6,367)	65,084	15,000
	Balance as of 12/31	\$ 34,661	\$ 59,844	\$ 7,190	\$ 10,190
DEMOLITION DEFENSE FUND (126)	Total Sources Available	\$ 35,777	\$ 43,073	\$ 49,081	\$ 31,556
	Total Expenses	20,000	25,755	31,500	30,000
	Balance as of 12/31	\$ 15,777	\$ 17,318	\$ 17,581	\$ 1,556
COMMUNITY DEVELOPMENT (122)	Total Sources Available	\$ 106,532	\$ 7,684	\$ 38,275	\$ 101,000
	Total Expenses	106,529	5,092	38,275	101,000
	Balance as of 12/31	\$ 3	\$ 2,592	\$ -	\$ -
BROWNFIELD EPA GRANT (131)	Total Sources Available	\$ -	\$ -	\$ -	\$ 250,000
	Total Expenses	-	-	-	250,000
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
MICROENTERPRISE GRANT (129)	Total Sources Available	\$ 1,000	\$ 44,418	\$ -	\$ 50,000
	Total Expenses	-	44,418	-	50,000
	Balance as of 12/31	\$ 1,000	\$ -	\$ -	\$ -
REVOLVING LOAN (130)	Total Sources Available	\$ 14,341	\$ 18,538	\$ 20,088	\$ 24,443
	Total Expenses	114	6,305	10,500	10,000
	Balance as of 12/31	\$ 14,227	\$ 12,233	\$ 9,588	\$ 14,443
DISTRESS SET-ASIDE FUND (113)	Total Sources Available	\$ 36,931	\$ 220,787	\$ 12,342	\$ -
	Total Expenses	34,142	220,725	12,342	-
	Balance as of 12/31	\$ 2,789	\$ 62	\$ -	\$ -
POLICE PENSION (115)	Total Sources Available	\$ 147,163	\$ 148,310	\$ 144,501	\$ 143,651
	Total Expenses	111,564	114,095	111,136	115,026
	Balance as of 12/31	\$ 35,599	\$ 34,215	\$ 33,365	\$ 28,625
FIRE PENSION (116)	Total Sources Available	\$ 119,178	\$ 137,635	\$ 147,777	\$ 148,798
	Total Expenses	94,101	99,394	108,515	112,313
	Balance as of 12/31	\$ 25,077	\$ 38,241	\$ 39,262	\$ 36,485
ECONOMIC DEVELOPMENT DEPARTMENT (135)	Total Sources Available	\$ 53,270	\$ 10,716	\$ 314,206	\$ 316,479
	Total Expenses	42,554	3,871	305,777	316,479
	Balance as of 12/31	\$ 10,716	\$ 6,845	\$ 8,429	\$ -
DOWNTOWN REVITALIZATION (137)	Total Sources Available	\$ -	\$ -	\$ 400,000	\$ 340,000
	Total Expenses	-	-	400,000	340,000
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
FEMA FUND (139)	Total Sources Available	\$ 8,727	\$ -	\$ 20,000	\$ 20,000
	Total Expenses	8,727	-	20,000	20,000
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
ECONOMIC DEVELOPMENT REVOLVING LOAN (141)	Total Sources Available	\$ -	\$ -	\$ 200,000	\$ 200,000
	Total Expenses	-	-	200,000	200,000
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
JOB READY SITE (142)	Total Sources Available	\$ -	\$ -	\$ -	\$ 2,211,000
	Total Expenses	-	-	-	2,211,000
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
US AGRICULTURE SMALL BUSINESS TRAINING (143)	Total Sources Available	\$ -	\$ -	\$ -	\$ 30,000
	Total Expenses	-	-	-	30,000
	Balance as of 12/31	\$ -	\$ 16,724	\$ -	\$ -
ENTERPRISE ZONE APPLICATIONS (127)	Total Sources Available	\$ 1,800	\$ 1,200	\$ 750	\$ 750
	Total Expenses	1,800	1,200	750	750
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -

CITY OF PIQUA, OHIO
2009 COUNTY TAX BUDGET

LAW ENFORCEMENT TRUST (609)	Total Sources Available	\$ 881	\$ 881	\$ 881	\$ 881
	Total Expenses	-	-	-	-
	Balance as of 12/31	\$ 881	\$ 881	\$ 881	\$ 881
CONSERVANCY (611)	Total Sources Available	\$ 86,859	\$ 86,470	\$ 87,984	\$ 88,492
	Total Expenses	45,732	45,844	46,850	48,490
	Balance as of 12/31	\$ 41,127	\$ 40,626	\$ 41,134	\$ 40,002
TOTAL SPECIAL REVENUE FUNDS	Total Sources Available	\$ 6,618,573	\$ 9,427,841	\$ 9,466,233	\$ 9,340,360
	Total Expenses	5,451,369	7,463,396	7,978,433	8,579,354
	Balance as of 12/31	\$ 1,167,204	\$ 1,964,445	\$ 1,487,800	\$ 761,006
<u>FIDUCIARY FUNDS</u>					
UNCLAIMED TRUST (606)	Total Sources Available	\$ 657	\$ 196	\$ 226	\$ 176
	Total Expenses	461	(30)	50	50
	Balance as of 12/31	\$ 196	\$ 226	\$ 176	\$ 126
EMPLOYEE FLEXIBLE SPENDING (615)	Total Sources Available	\$ 156,976	\$ 156,976	\$ 203,073	\$ 214,073
	Total Expenses	149,903	149,903	185,000	196,000
	Balance as of 12/31	\$ 7,073	\$ 7,073	\$ 18,073	\$ 18,073
MAYOR WILSON (612)	Total Sources Available	\$ 430	\$ 452	\$ 476	\$ 493
	Total Expenses	-	-	-	-
	Balance as of 12/31	\$ 430	\$ 452	\$ 476	\$ 493
TOTAL FIDUCIARY FUNDS	Total Sources Available	\$ 158,063	\$ 157,624	\$ 203,775	\$ 214,742
	Total Expenses	150,364	149,873	185,050	196,050
	Balance as of 12/31	\$ 7,699	\$ 7,751	\$ 18,725	\$ 18,692
<u>INTERNAL SERVICE FUNDS</u>					
INFORMATION TECHNOLOGY (408)	Total Sources Available	\$ 426,098	\$ 490,164	\$ 1,649,424	\$ 1,596,128
	Total Expenses	294,719	297,540	1,510,096	1,562,949
	Balance as of 12/31	\$ 131,379	\$ 192,624	\$ 139,328	\$ 33,179
LIABILITY INSURANCE RESERVE (125)	Total Sources Available	\$ 1,077,909	\$ 1,132,958	\$ 1,200,638	\$ 950,409
	Total Expenses	-	(7,909)	310,000	320,850
	Balance as of 12/31	\$ 1,077,909	\$ 1,140,867	\$ 890,638	\$ 629,559
WORKMAN'S COMP. RESERVE (124)	Total Sources Available	\$ 2,034,445	\$ 2,147,817	\$ 2,259,672	\$ 2,089,772
	Total Expenses	-	(6,755)	275,000	284,625
	Balance as of 12/31	\$ 2,034,445	\$ 2,154,572	\$ 1,984,672	\$ 1,805,147
HEALTH CARE PLAN (614)	Total Sources Available	\$ 3,441,734	\$ 3,325,876	\$ 3,837,469	\$ 3,432,939
	Total Expenses	2,308,872	2,194,907	2,954,530	2,800,000
	Balance as of 12/31	\$ 1,132,862	\$ 1,130,969	\$ 882,939	\$ 632,939
TOTAL INTERNAL SERVICE FUNDS	Total Sources Available	\$ 6,980,186	\$ 7,096,815	\$ 8,947,203	\$ 8,069,248
	Total Expenses	2,603,591	2,477,783	5,049,626	4,968,424
	Balance as of 12/31	\$ 4,376,595	\$ 4,619,032	\$ 3,897,577	\$ 3,100,824
<u>DEBT SERVICE FUNDS</u>					
SPECIAL ASSESSMENT (202)	Total Sources Available	\$ 394,268	\$ 386,499	\$ 372,743	\$ 322,264
	Total Expenses	92,361	106,314	143,037	150,000
	Balance as of 12/31	\$ 301,907	\$ 280,185	\$ 229,706	\$ 172,264
OWDA LOAN 1995 (210)	Total Sources Available	\$ 515,456	\$ 515,942	\$ 515,135	\$ 514,327
	Total Expenses	506,536	506,537	506,538	506,538
	Balance as of 12/31	\$ 8,920	\$ 9,405	\$ 8,597	\$ 7,789
JOHN DEERE CREDIT (260)	Total Sources Available	\$ 32,390	\$ 32,364	\$ 32,293	\$ 17,993
	Total Expenses	17,991	17,991	17,993	17,993
	Balance as of 12/31	\$ 14,399	\$ 14,373	\$ 14,300	\$ -
TYMCO INTERNATIONAL (261)	Total Sources Available	\$ 24,790	\$ 25,087	\$ 24,659	\$ 11,767
	Total Expenses	24,230	24,230	24,231	11,767
	Balance as of 12/31	\$ 560	\$ 857	\$ 428	\$ -
ELECT. G.O. BONDS (238)	Total Sources Available	\$ 490,886	\$ 484,431	\$ 490,017	\$ 487,817
	Total Expenses	406,180	404,280	408,890	406,690
	Balance as of 12/31	\$ 84,706	\$ 80,151	\$ 81,127	\$ 81,127

CITY OF PIQUA, OHIO
2009 COUNTY TAX BUDGET

SWIMMING POOL G.O. BONDS D.S. (221)	Total Sources Available	\$ 9,408	\$ 9,503	\$ 8,837	\$ 8,715
	Total Expenses	8,493	8,622	8,699	8,577
	Balance as of 12/31	\$ 915	\$ 881	\$ 138	\$ 138
ADMIN. BLDG. CONST. G.O. BONDS (248)	Total Sources Available	\$ 601,725	\$ 605,391	\$ 604,636	\$ 607,472
	Total Expenses	541,108	542,534	541,864	544,700
	Balance as of 12/31	\$ 60,617	\$ 62,857	\$ 62,772	\$ 62,772
FIRE & POLICE PENSION G.O. BONDS (249)	Total Sources Available	\$ 43,997	\$ 47,924	\$ 46,810	\$ 47,360
	Total Expenses	39,375	43,437	42,188	40,938
	Balance as of 12/31	\$ 4,622	\$ 4,487	\$ 6,422	\$ 6,422
GOLF COURSE 9 HOLE EXPANSION G.O. BONDS (243)	Total Sources Available	\$ 186,579	\$ 189,558	\$ 176,553	\$ 174,151
	Total Expenses	168,441	171,013	172,520	170,118
	Balance as of 12/31	\$ 18,138	\$ 18,545	\$ 4,033	\$ 4,033
WATER TOWER DEBT SERVICE 2005 (250)	Total Sources Available	\$ 136,978	\$ 140,679	\$ 135,329	\$ 135,329
	Total Expenses	129,972	132,822	132,823	132,823
	Balance as of 12/31	\$ 7,006	\$ 7,857	\$ 2,506	\$ 2,506
WATER TOWER DEBT SERVICE 2006 (251)	Total Sources Available	\$ 25,200	\$ 9,211	\$ 17,782	\$ 17,782
	Total Expenses	24,520	3,729	14,351	14,351
	Balance as of 12/31	\$ 680	\$ 5,482	\$ 3,431	\$ 3,431
HOTEL DEBT SERVICE (252)	Total Sources Available	\$ -	\$ 62,928	\$ 399,886	\$ 396,158
	Total Expenses	-	31,328	360,880	357,352
	Balance as of 12/31	\$ -	\$ 31,600	\$ 38,806	\$ 38,806
INFO TECH GO BONDS DEBT SERVICE (253)	Total Sources Available	\$ -	\$ -	\$ 31,788	\$ 130,000
	Total Expenses	-	-	31,788	130,000
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
OWDA 08 EQ BASIN NOTE DEBT SERVICE (254)	Total Sources Available	\$ -	\$ -	\$ 419,278	\$ 419,278
	Total Expenses	-	-	414,128	414,128
	Balance as of 12/31	\$ -	\$ -	\$ 5,150	\$ 5,150
TOTAL DEBT SERVICE FUNDS	Total Sources Available	\$ 2,751,907	\$ 2,509,517	\$ 3,277,346	\$ 3,290,413
	Total Expenses	2,221,438	1,992,837	2,819,930	2,905,975
	Balance as of 12/31	\$ 530,469	\$ 516,680	\$ 457,416	\$ 384,438
<u>CONSTRUCTION PROJECTS</u>					
CO. RD. 25-A RECONSTRUCTION WASTEWATER FUND (304)	Total Sources Available	\$ -	\$ -	\$ 7,539	\$ -
	Total Expenses	-	-	7,539	-
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
SWIMMING POOL CONSTRUCTION (323)	Total Sources Available	\$ 17,402	\$ 9,350	\$ 829	\$ 9
	Total Expenses	8,492	8,623	829	9
	Balance as of 12/31	\$ 8,910	\$ 727	\$ -	\$ -
EQUILIZATION BASIN (342)	Total Sources Available	\$ -	\$ -	\$ 500,000	\$ 5,475,000
	Total Expenses	-	-	500,000	5,475,000
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ -
TOTAL CONSTRUCTION FUNDS	Total Sources Available	\$ 293,700	\$ 9,350	\$ 508,368	\$ 5,475,009
	Total Expenses	284,790	8,623	508,368	5,475,009
	Balance as of 12/31	\$ 8,910	\$ 727	\$ -	\$ -
<u>SPECIAL ASSESSMENT PROJECTS</u>					
SPECIAL ASSESS. PROJECTS (700'S)	Total Sources Available	\$ 8,534	\$ 58,779	\$ 100,000	\$ 99,994
	Total Expenses	8,534	58,773	100,000	99,994
	Balance as of 12/31	\$ -	\$ 6	\$ -	\$ -
TOTAL SPECIAL ASSESSMENTS	Total Sources Available	\$ 8,534	\$ 58,779	\$ 100,000	\$ 99,994
	Total Expenses	8,534	58,773	100,000	99,994
	Balance as of 12/31	\$ -	\$ 6	\$ -	\$ -

CITY OF PIQUA, OHIO
2009 COUNTY TAX BUDGET

ENTERPRISE FUNDS

ELECTRIC SYSTEM (401)	Total Sources Available	\$ 28,460,157	\$ 33,367,331	\$ 33,956,789	\$ 34,016,174
	Total Expenses	18,131,203	23,929,734	26,053,554	28,070,428
	Balance as of 12/31	\$ 10,328,954	\$ 9,437,597	\$ 7,903,235	\$ 5,945,746
WATER SYSTEM (403)	Total Sources Available	\$ 3,714,975	\$ 3,705,197	\$ 4,030,679	\$ 4,217,381
	Total Expenses	2,897,580	2,873,419	3,316,095	3,532,158
	Balance as of 12/31	\$ 817,395	\$ 831,778	\$ 714,584	\$ 685,222
WASTEWATER SYS. (404)	Total Sources Available	\$ 3,811,169	\$ 3,671,638	\$ 10,089,672	\$ 10,960,680
	Total Expenses	2,905,306	2,759,862	9,178,789	9,485,047
	Balance as of 12/31	\$ 905,863	\$ 911,776	\$ 910,883	\$ 1,475,633
REFUSE (405)	Total Sources Available	\$ 1,606,507	\$ 1,737,056	\$ 1,941,296	\$ 2,035,219
	Total Expenses	1,410,649	1,418,623	1,674,998	1,833,623
	Balance as of 12/31	\$ 195,858	\$ 318,433	\$ 266,298	\$ 201,596
GOLF COURSE (409)	Total Sources Available	\$ 748,947	\$ 793,482	\$ 785,232	\$ 867,228
	Total Expenses	727,774	778,023	769,771	867,228
	Balance as of 12/31	\$ 21,173	\$ 15,459	\$ 15,461	\$ -
STORM WATER UTILITY (410)	Total Sources Available	\$ -	\$ -	\$ -	\$ 250,000
	Total Expenses	-	-	-	10,000
	Balance as of 12/31	\$ -	\$ -	\$ -	\$ 240,000
SWIMMING POOL (415)	Total Sources Available	\$ 148,993	\$ 160,223	\$ 167,308	\$ 172,302
	Total Expenses	147,420	159,403	167,308	172,302
	Balance as of 12/31	\$ 1,573	\$ 820	\$ -	\$ -
BUSINESS OFFICE (412-413)	Total Sources Available	\$ 43,235	\$ 64,711	\$ 1,130,478	\$ 1,130,478
	Total Expenses	10,204	10,102	1,075,869	1,086,628
	Balance as of 12/31	\$ 33,031	\$ 54,609	\$ 54,609	\$ 43,850
ELECTRIC DEPOSITS (603)	Total Sources Available	\$ 151,836	\$ 183,836	\$ 363,104	\$ 378,104
	Total Expenses	-	732	180,000	195,000
	Balance as of 12/31	\$ 151,836	\$ 183,104	\$ 183,104	\$ 183,104
WATER DEPOSITS (604)	Total Sources Available	\$ 50,205	\$ 50,205	\$ 96,845	\$ 96,845
	Total Expenses	-	3,360	50,000	50,000
	Balance as of 12/31	\$ 50,205	\$ 46,845	\$ 46,845	\$ 46,845
TOTAL ENTERPRISE FUNDS	Total Sources Available	\$ 38,938,468	\$ 43,733,679	\$ 52,561,403	\$ 54,124,410
	Total Expenses	26,432,320	31,933,258	42,466,384	45,302,414
	Balance as of 12/31	\$ 12,506,148	\$ 11,800,421	\$ 10,095,019	\$ 8,821,996
<u>GRAND TOTAL</u> ALL FUNDS	Total Sources Available	\$ 82,787,469	\$ 99,085,214	\$ 98,554,077	\$ 101,335,136
	Total Expenses	56,683,689	74,980,427	78,241,586	86,299,608
	Balance as of 12/31	\$ 26,103,780	\$ 24,104,787	\$ 20,312,491	\$ 15,035,528

**A DRAFT ORDINANCE TO MAKE APPROPRIATIONS FOR
THE CITY OF PIQUA FOR THE CALENDAR YEAR 2009**

WHEREAS, Section 49 of the Piqua Charter requires the submission of a draft appropriation ordinance at this time;

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: There be appropriated from the City funds as follows:

	<u>PROPOSED 2009</u>
GENERAL FUND (001)	\$8,119,239
NEIGHBORHOOD IMPROVEMENT TEAM (104)	146,503
PARKS DEPARTMENT (105)	894,898
SAFETY (106)	9,073,243
TREE DONATION FUND (107)	10,000
DUI EDUCATIONAL FUND (109)	5,000
PRO-PIQUA (128)	48,958
POLICE AUXILIARY (120)	4,000
HOTEL CONSTRUCTION (301)	35,547
GREAT MIAMI RECREATIONAL TRAIL (303)	25,000
INCOME TAX (407)	310,000
SAFETY EQUIPMENT RESERVE (809)	100,000
STREET DEPARTMENT (101)	2,778,463
STREET 1/4% INCOME TAX (103)	1,440,115
RENEW PIQUA (114)	10,000
MANDATORY DRUG FINE (111)	718
CHIP 2008 (118)	500,000
CHIP PROGRAM INCOME (119)	15,000
DEMOLITION DEFENSE FUND (126)	30,000
COMMUNITY DEVELOPMENT (FORMULA FUNDS) (122)	101,000
BROWNFIELD EPA GRANT (131)	250,000
MICRO ENTERPRISE GRANT (129)	50,000
REVOLVING LOAN (130)	10,000
POLICE PENSION (115)	115,026
FIRE PENSION (116)	112,313
ECONOMIC DEVELOPMENT DEPARTMENT (135)	316,479
DOWNTOWN REVITALIZATION (137)	340,000
FEMA FUND (139)	20,000
ECONOMIC DEVELOPMENT REVOLVING LOAN (141)	200,000
JOB READY SITE (142)	2,211,000
US AGRICULTURE SMALL BUSINESS TRAINING (143)	30,000
ENTERPRISE ZONE APPLICATIONS (127)	750
CONSERVANCY (611)	48,490
UNCLAIMED TRUST (606)	50
EMPLOYEE FLEXIBLE SPENDING (615)	196,000

PROPOSED 2009

INFORMATION TECHNOLOGY (408)	1,562,949
LIABILITY INSURANCE RESERVE (125)	320,850
WORKMAN'S COMP. RESERVE (124)	284,625
HEALTH CARE PLAN (614)	2,800,000
SPECIAL ASSESSMENT (202)	150,000
OWDA LOAN '95 (210)	506,538
JOHN DEERE CREDIT (260)	17,993
TYMCO INTERNATIONAL (261)	11,767
ELECTRIC BONDS (238)	406,690
SWIMMING POOL BONDS D.S. (221)	8,577
ADMINISTRATION BUILDING CONST BONDS (249)	544,700
FIRE & POLICE PENSION BONDS (249)	40,938
GOLF COURSE 9 HOLE EXPANSION BONDS (243)	170,118
WATER TOWER DEBT SERVICE '05 (250)	132,823
WATER TOWER DEBT SERVICE '06 (251)	14,351
HOTEL DEBT SERVICE (252)	357,352
INFO TECH BONDS DEBT SERVICE	130,000
OWDA '08 EQUALIZATION BASIN DEBT SERVICE (254)	414,128
SWIMMING POOL CONSTRUCTION (323)	9
EQUALIZATION BASIN (342)	5,475,000
SPECIAL ASSESS. PROJECT (700'S)	99,994
ELECTIC SYSTEM (401)	28,070,428
WATER SYSTEM (403)	3,532,158
WASTEWATER SYSTEM (404)	9,485,047
REFUSE (405)	1,833,623
GOLF COURSE (409)	867,228
STORM WATER UTILITY (410)	10,000
SWIMMING POOL UTILITY (415)	172,302
BUSINESS OFFICE (412-413)	1,086,628
ELECTRIC DEPOSITS (603)	195,000
WATER DEPOSITS (604)	50,000

SEC. 2: That sums expended from the appropriations and which are proper charges against any other department, or against any person, firm or corporation which are repaid with the period covered by such appropriations shall be considered re-appropriated for such original purposes; provided, that the net total of expenditures under any item of said appropriation shall not exceed the amount of the item.

SEC. 3: That the Director of Finance is hereby authorized and directed to draw her warrant upon the City Treasury for the amounts appropriated in this order when claims are properly presented and approved, the same to be chargeable to the appropriations for the year 2009 when passed and legally contracted for in conformity by law.

SEC. 4: That all ordinances, or parts of ordinances, inconsistent with this ordinance be and they are hereby repealed.

_____ SEC. 5: That this ordinance shall take effect and be in force from and after passage.

THOMAS D. HUDSON, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-76-08

**A RESOLUTION RECOGNIZING AN EXCEPTION TO CHARTER SECTION 131
TO AUTHORIZE THE CITY TO CONDUCT BUSINESS WITH A CITY EMPLOYEE**

WHEREAS, Charter Section 131 permits the City to purchase services from businesses in which a City employee has a direct interest and/or indirect if the service cannot be obtained elsewhere at a lower cost; and

WHEREAS, John Richard, being an employee of the City, has submitted the necessary disclosure statement (See Exhibit "A" attached) for the purpose of providing construction (concrete) work; and

WHEREAS, three quotes were obtained by Fire Chief Connell and John Richard provided the lowest priced quote to the City of Piqua to provide construction (concrete) work;

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 Purchasing Analyst is hereby authorized to contract with John Richard for construction work finding that Charter Section 131(C) has been satisfied and John Richard submitted the lowest quote.

SEC. 2: This Resolution only recognizes an exception to Charter Section 131. Before a final contract is executed with John Richard, all other City requirements, such as liability insurance, shall be satisfied.

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



PIQUA FIRE DEPARTMENT
CHIEF GARY CONNELL



MEMO

To: Fred Enderle, City Manager
From: Gary Connell, Fire Chief
Date: June 26, 2008
Subj: Concrete work to replace Apron

FIRE LINE - DO NOT CROSS

Fred,

As you know we have in our 2008 budget \$20,000 to replace the concrete apron in front of the Fire Department. We drew up specs and had them approved by Tom Zechman and his department. We contacted a few contractors and asked them to give us a quote on the job. Here is a list of those who responded.

Russ Fashner took our specs and stated that he did not figure a formal bid but gave an estimated guess of at least \$25,000.

Lavy Concrete sent back a quote for \$16,500 (I have attached a copy to this memo)

John Richard gave us a quote of \$15,425 (I have attached John's note for his quote)
Also I have included a signed form or "Acknowledgement" for Financial interest in Contracts signed by John.

I would like to recommend John Richard be given the job. We would need to have the commission approve the Acknowledgement form. I would like to have this on the July 7th agenda.

Please let me know if you have any questions.

Gary L. Connell

Specs for fire dept. apron

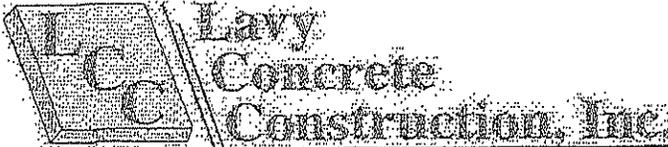
1. #4 rebar @ 2' o.c. (slabs pinned together).
2. 8" vinyl expansion joint between each pour and against building.
3. Slab 8" thick on gravel base compacted, high early mix, thicken edge at street to 12" approx 8" back from street.
4. Sealer- super diamond clear.

Notes

1. Construction joints to be in line with each column.
2. Control joints sawn or hand tooled.
3. Saw straight edge at street.
4. Tear out and replace in front of one bay at a time.
5. Approx square footage = 2372

Approved by
Tom Zechman
Bill Harding

4-29-08



Proposal

1708 Commerce Drive Piqua, Ohio 45356 • (937) 773-3963 • Fax (937) 773-4904
www.lavyconcrete.com

Proposal Submitted to:	Phone 1	Phone 2	Fax	Date
Piqua Fire Department	778-2014		778-2019	6/9/2008
Street	Project Name		Print Date	Job #
229 W Water St.	Apron			E9032
City	State	Zip	Project Location	Attn.
Piqua	OH	45356	229 W. Water St., Piqua	Mike Rindler or <i>Chief O'Connell</i>

We hereby submit specifications and estimates for installing the following:

Quantity +/-

Driveway Apron

- Remove and haul away existing apron in 4 different sections, at 4 different times: 88.00 CY
- Install new Apron, 1 section at a time, in 4 different sections to maintain access into fire house.
- Apron - 8" thick x 63' x 37'8", edge thickened to 12" x approx. 14" back from the street, High Early Concrete on up to a 4" compacted gravel base. New apron to be doweled w/ #4 rebar @ 2' o/c and to include 8" vinyl expansion joint and Diamond Clear Sealer. 2,373.21 SF

*The price given is subject to change upon receipt and review of the final approved prints, specifications, and existing site conditions.
*Please review the notes listed on the reverse side of this proposal.

We Propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

SIXTEEN THOUSAND FIVE HUNDRED AND 00/100***** DOLLARS

\$16,500.00

Payment to be made as follows:

- *Net due 10 days from invoice date. 1 1/2% per month interest charged on overdue invoices. Partial draws may be required.
- *No retainage is to be held on this project unless agreed to by Lavy Concrete Construction.
- *All permits, fees, assessments, engineering, staking and soil compaction tests, if required, to be paid by others. We will call for appropriate inspection of our work.
- *All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices.
- *Any alteration or deviation from above specifications involving extra costs will be executed and will become an extra charge over and above the estimate.
- *All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance.
- *Our workers are fully covered by Workmen's Compensation insurance.

Authorized Signature *Amber Langa*

Note: This proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted.

You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____ Date of Acceptance _____

CONDITIONS TO PROPOSAL AND AGREEMENT

Lavy Concrete Construction, (hereinafter LCC) and the Customer executing the Agreement on the reverse side of this document (hereinafter Customer) agree as follows with respect to the work to be performed by LCC under this Agreement.

- 1) LCC agrees to perform the described work in a workmanlike and timely manner in consideration of the payment of the contract sum set forth on the reverse side of this document.
- 2) LCC will not be liable in damages for any delay in performance caused by weather, work stoppages, strikes, acts of God, or any other acts beyond the control of LCC. In no event shall LCC be liable for consequential damages.
- 3) LCC will not be liable for damages caused by Concrete trucks, Gravel trucks or any other subcontractor hired by us to assist in your project.

NOTES: Unless otherwise specified on front of contract

- 4) Excavation and gravel are an estimate only; an allowance has been included in the price given.
- 5) Accessible and reasonably level lot is assumed.
- 6) Soil bearing to be locally acceptable for design and load of footings and walls quoted. Lavy Concrete will not be liable for bearing capacity of soils.
- 7) No rock excavation, export of dirt (on or off the lot), or contaminated waste removal was figured. If rock, or contaminated materials are encountered, or export is required, it shall be handled at the customers direction, on a time and material basis, or at a mutually agreed upon, change order price.
- 8) Excavation does not include backfill or grading. Backfill, if quoted, includes initial (one trip) backfilling of walls to the top of the excavation with on site dirt only. Window wells should be in place before backfilling. A minimum of 12" of clean gravel will be provided in the bottom of a window well.
- 9) Pumping, bucketing or excessive dragging concrete, if required, due to inaccessibility will be charged as an extra.
- 10) Flatwork normally includes expansion joints and control joints as required, and Cure and Seal applied at manufacturer's recommended rates.
- 11) Landscaping, grading, seeding and backfill have not been included on exterior flatwork projects.
- 12) LCC will clean up their spoils at job site.
- 13) Cold/hot weather protection may be required, if not quoted it will be charged as an extra. This may include hot water and/or admixtures to accelerate or retard set times, blanket rental, frost removal and/or ground thawing and additional labor.
- 14) Lavy Concrete Construction is not responsible for freeze, thaw or salt damage to exterior flat work or curbs poured between September 1 and April 15.

Ask us about adding a
Safe Room
to your basement or slab home.

More info coming soon!

Specs for fire dept. apron

1. #4 rebar @ 2' o.c. (slabs pinned together).
2. 8" vinyl expansion joint between each pour and against building.
3. Slab 8" thick on gravel base compacted, high early mix, thicken edge at street to 12" approx 8" back from street.
4. Sealer- super diamond clear.

Notes

1. Construction joints to be in line with each column.
2. Control joints sawn or hand tooled.
3. Saw straight edge at street.
4. Tear out and replace in front of one bay at a time.
5. Approx square footage = 2372

\$ 15,425

John Richard

4-29-08

ACKNOWLEDGEMENT

The undersigned employee of the City of Piqua, Ohio, hereby acknowledges that he/she has not violated any provision of Charter Section 131 (set forth below) during the calendar year 20 08.

John Richard
(signature)

John Richard
(name)

Fire fighter
(title)

6-19-08
(date)

SS 131 - FINANCIAL INTEREST IN CONTRACTS, ETC.

No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, or services except:

- (a) When such officer or employee is acting on behalf of the City;
- (b) When such contract is let by competitive bidding;
- (c) When such contract is for necessary supplies or services for the City which are unobtainable elsewhere for sale of lower cost or are being furnished to the City as part of a continuing course of mailings established prior to the association by the officer or employee with the City, and the entire transaction is conducted at arm's length with full knowledge by the City of the financial interest of the officer or employee;
- (d) When the financial interest of such officer or employee consists solely of employment in a non-management or non-supervisory capacity by the party contracting with the City.

When an officer or employee of the City shall have a financial interest, directly or indirectly, and is applying under the exceptions (b) and/or (c), said contracts and service bids shall be submitted for approval to the City Commission. A declaration of acknowledgement of the officer or employee with a financial interest, directly or indirectly, stating the date of association with the parties involved, shall be made part of said bids or service agreements submitted to the City Commission.

Any willful violation of this section shall constitute malfeasance in office, and any officer or employee found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge, expressed or implied, of the person or corporation contracting with the City shall render the contracts involved voidable by the City Manager or the Commission. (Amendment adopted by the electorate-November 6, 1979.)

RESOLUTION NO. R-77-08

A RESOLUTION OF APPRECIATION FOR THE
PUBLIC SERVICE OF JOHN C. WITHROW AS
A CITY EMPLOYEE

WHEREAS, John C. Withrow has retired as Plant Operator in the Wastewater Department; and

WHEREAS, his retirement follows 10 years of faithful and dedicated service to the City and its citizens;

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

SEC. 1: In recognition and appreciation of the service of John C. Withrow as Plant Operator, this Commission tenders its unanimous and respectful tribute by this Resolution, which shall be a matter of public and permanent record.

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

RESOLUTION NO. R-78-08

**A RESOLUTION REQUESTING AUTHORIZATION
TO ISSUE A PURCHASE ORDER TO SIEMENS WATER
TECHNOLOGIES CORP. FOR EMERGENCY REPAIRS
AT THE WASTEWATER TREATMENT FACILITY**

WHEREAS, the present operations of the City require emergency repairs for the No. 2 raw sewage screw pump lower bearing assembly at the Wastewater Treatment facility; and

WHEREAS, Siemens Water Technologies Corporation originally supplied the pumps in 1988 for the No. 2 Raw Sewage Screw Pump and in 2004 the City made similar repairs to pump No. #1 in 2004; and

WHEREAS, the City Wastewater plant operators will be performing the labor to tear down and rebuild the pump.

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 purchase order is hereby awarded to Siemens Water Technologies Corporation in an amount not to exceed \$50,000.00 for said services.

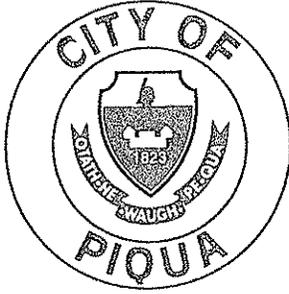
SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the City treasury in payment according to this Resolution.

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



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 30, 2008

MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: **REQUEST FOR CITY COMMISSION AUTHORIZATION TO ISSUE A PURCHASE ORDER TO SIEMENS WATER TECHNOLOGIES CORP., NOT TO EXCEED \$50,000 FOR EMERGENCY REPAIR PARTS FOR THE NO. 2 RAW SEWAGE SCREW PUMP LOWER BEARING ASSEMBLY AT THE WASTEWATER TREATMENT FACILITY**

We request authorization to issue a purchase order for emergency repairs to the lower bearing assembly of raw sewage pump #2. This is one of three screw pumps which service the Wastewater Water Treatment Plant.

The plant was designed with three pumps. Any one of the three can handle normal flows and any two of the three can handle peak flows through the plant. The third is for back-up.

These pumps were installed in 1988. In 2004 we made similar repairs to pump #1. Recently the bearings have gone out requiring this work to pump #2.

All of the labor to tear down and rebuild the pump will be conducted by the plant operators. This cost is for materials only. We have received a bid of \$47,500 from the manufacturer who originally supplied the pumps. We included \$2,500 for contingency items, if additional parts are necessary. The wastewater plant will spend only what is required to make the repairs.

The 2008 budget does not include any funding for this repair, as it was totally unanticipated. However, funds are available in the Wastewater Department cash balance and will be included in the re-appropriation legislation to be proposed by the Finance Department at the next meeting of the City Commission.

Please let me know if you have any questions pertaining to this matter.

Respectfully submitted,

Thomas R. Zechman, P.E., P.S.

TRZ/jc

c: Dave Burtner, Wastewater System Superintendent
Dave Davis, Wastewater System Supervisor



RESOLUTION NO. R-79-08

A RESOLUTION AWARDED A CONTRACT FOR
THE PURCHASE OF A NEW LEEBOY 1000F, 8-13
FOOT ASPHALT TRACK PAVER FROM THE
MCLEAN COMPANY

WHEREAS, the present operations of the City require the purchase of a new Leeboy 1000F, 8-13 foot asphalt track paver; and

WHEREAS, after solicitation by The Ohio Department of Administrative Services, bids were received through the state cooperative purchasing program, resulting in a low bid of \$ 51,600.00 by The McLean Company.

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 New Leeboy 1000F, 8-13 foot asphalt track paver from The McLean Company 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.

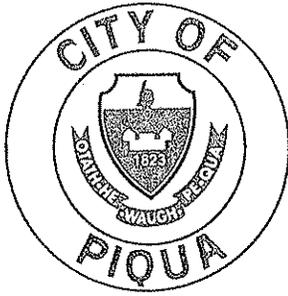
SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the City treasury in payment according to contract terms, not exceeding a total of \$ 51,600.00

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 30, 2008

MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: **REQUEST FOR COMMISSION AUTHORIZATION TO PURCHASE
A NEW LEEBOY 1000F, 8-13 FOOT ASPHALT TRACK PAVER
FROM THE MCLEAN COMPANY
TOTAL COST \$51,600 – STATE BIDDER'S LIST**

We request authorization to purchase the above referenced asphalt paver from the state bidder's list.

The 2008 budget includes \$11,700 to rent this paver for three months for the annual alley resurfacing program. The resurfacing program is a five year program. Therefore after five years we will have spent \$58,500 leasing a paver, which we can purchase today at \$51,600.

While this was not budgeted, the 101 Street Fund has an adequate cash balance to purchase this piece of equipment now. In essence, we are borrowing from the cash balance and will repay it over the next four years by not leasing a paver. Furthermore at the end of the five-year period the City will own the machine for additional future use.

The paver is available. We can take delivery within the next two weeks and we will begin the alley paving program shortly thereafter.

Please let me know if you have any questions pertaining to this matter.

Respectfully submitted,

Thomas R. Zechman, P.E., P.S.

TRZ/jc

Attachment

c: Amy Havenar, City Engineer
Doug Harter, Street Superintendent





The McLean Company

6681 Chittenden Road
Hudson, Ohio 44236
(330) 656-1100
FAX (330) 655-5969

3155 East 17th Avenue
Columbus, Ohio 43219
(614) 475-2880
FAX (614) 475-0069

8131 Regal Lane
Cincinnati, Ohio 45069
(513) 777-5556
FAX (513) 777-4494

SALES PROPOSAL

www.themcleancompany.com

Date 06/02/2008

Name City of Piqua

City Piqua

Address 130 North Wayne Street

State Ohio

Zip 45356

County Miami

Fax:

Phone:

We propose to sell and deliver to you, upon the within terms and conditions, including those set forth on the reverse hereof, equipment and material described as follows:

(1) New Leeboy 1000 E, 8-13 foot asphalt track paver. Includes: 37 HP Hatz diesel engine, seamless 8-13 foot legend screed, propane heated screed, vibratory screed, electric spray down with two sprayers, gravity feed hopper, sonic feed auger control, back-up alarm, and all other standard features.

***Municipal Finance through GE Capital. (5 year term).....\$ 1,015.00 per month (60 months)
\$ 12,503.00 (1 payment per year)

***Ohio STS pricing

Price F.O.B. West Chester, Ohio\$ 51,600.00
Sales tax+ \$
Trade-In\$
Total Due Net On Delivery Days.....\$ 51,600.00

Warranty 12 months

Purchase price to be the price in effect at date of shipment, plus any tax impost, excise, duty or penalty which seller is required by law to pay or collect.
Delivery: Shipment of equipment to be made approximately _____ days from receipt of your approval of the proposal. This proposal is expressly limited to the terms and provisions expressed herein and is not subject to change or alteration by the Purchaser without express written consent of the McLean Company.

Submitted in the name of the McLean Company this 2nd day of June, 2008
By Kirk Sidwell Title Sales

PURCHASER'S APPROVAL

IMPORTANT: THIS PROPOSAL AND APPROVAL ARE SUBJECT TO ADDITIONAL TERMS AND CONDITIONS SET FORTH ABOVE AND ON THE REVERSE SIDE HEREOF, AND BY APPROVING THIS APPROVAL THE PURCHASER EXPRESSLY AGREES TO BE BOUND BY THE SAID TERMS AND CONDITIONS.

Purchaser hereby approves the foregoing Proposal and agrees to purchase the equipment and/or material according to the Terms and conditions set forth herein.

DATED _____ PURCHASER'S NAME _____

By _____ Title _____

SELLER'S APPROVAL

Seller hereby approves the foregoing Proposal and/or material according to the terms and conditions set forth herein.

The McLean Company

By _____

TERMS AND CONDITIONS OF PROPOSAL

ACCEPTANCE

1. This proposal shall become void unless returned to The McLean Company ("Seller") by Purchaser, with Purchaser's Approval, below, properly executed, within 30 days of the date hereof. A contract for the purchase by Purchaser and sale by Seller of the equipment and/or material described on the front side of this Proposal, upon the terms and conditions contained herein, shall be formed at such time as Purchaser's Approval and Seller's Approval, below, have been properly executed. All terms and conditions stated are a part of this proposal and any resulting sale is expressly conditioned upon the within terms and conditions and Seller agrees to furnish the equipment and material ordered only upon such terms and conditions. Any additional or different terms or conditions submitted by Purchaser shall be deemed objected to by Seller and shall be of no effect nor in any circumstance binding upon Seller unless accepted by Seller in writing.

PRICES

2. Price quoted is F.O.B. _____
3. The price quoted does not include applicable taxes. Any tax or other governmental charge upon the production, sale or shipment of the goods sold hereunder, now imposed or hereafter becoming effective during the term of this agreement, shall be added to the price herein provided, and shall be paid by the Purchaser to the Seller, unless Purchaser provides Seller with a tax exemption certificate acceptable to the appropriate taxing authority.
4. Prices quoted shall not include crating and skidding for domestic shipment. Extra charge shall be made if preparation for sea shipment is required.

DEFERRED TERMS OF PAYMENT

5. Deferred terms of payment at Seller's option:

Cash with order.....\$ _____

And the further sum of.....\$ _____

Said further sum shall be payable in _____ equal successive monthly payments of \$ _____ each with interest from date of shipment at

the rate of _____ percent per annum until paid, together with exchange and collection charges at current rates. The above payments are to start

_____ and are to be made thereafter on the _____ day of each month until completed. Purchaser agrees to execute and deliver a cognovit note as evidence of the amounts of the deferred payments above stated, a financing statement, security agreement or chattel mortgage as required by Seller, for payment direct to it or through the _____ at the option of Seller.

DELIVERY

6. Seller shall not be liable for any failure to deliver hereunder where such failure has been occasioned by fire, embargo, strike, differences with workmen, act of God, government order or regulation, failure to secure materials from usual sources of supply or any circumstances beyond the Seller's control not hereinabove enumerated which shall prevent the Seller from making deliveries in the usual course of business. The Seller is not, however, relieved from making shipment or the Purchaser from accepting delivery at the agreed price when the causes interfering with deliveries shall have been removed.

7. (a) Although the Manufacturer may extend certain warranties, Seller makes no warranties, express or implied, with respect to the equipment except as contained within this Proposal. Purchaser understands and agrees that any IMPLIED WARRANTIES OF MERCHANTABILITY or IMPLIED WARRANTIES OF FITNESS FOR A PARTICULAR PURPOSE, AND ALL OTHER WARRANTIES, express or implied, except for warranties, if any, given by the Manufacturer in writing, are EXPRESSLY EXCLUDED. Purchaser understands and agrees that its SOLE AND EXCLUSIVE REMEDY shall be as contained only in the express written warranties, if any, given by the Manufacturer.

(b) No agent, employee, or representative of the Seller has any authority to bind the Seller to any affirmation, representation or warranty concerning the items sold under the contract unless such affirmation, representation or warranty is specifically included within this proposal.

DAMAGES

8. The liability of the Seller with respect to this contract, or anything done in connection therewith such as performance or breach thereof, or from the manufacture, sale, delivery, lease, installation or use of any equipment covered by or furnished under this contract whether in contract or tort, under any warranty, or otherwise, shall not, except as expressly provided herein, exceed the price of the equipment or part on which such liability is based. UNDER NO CIRCUMSTANCES SHALL SELLER BE LIABLE FOR ANY CONSEQUENTIAL OR INCIDENTAL DAMAGES, EXPENSES, LOSSES OR DELAYS HOWSOEVER CAUSED.

EXCLUSIVITY

9. This contract constitutes the entire agreement of the parties hereto and may not be modified or changed except by an agreement in writing signed by the Seller. Further, this contract supersedes any prior agreements, proposals and sales literature or materials relating to the purchase and sale of the equipment and material herein.

CONSTRUCTION

10. This contract between Seller and Purchaser shall be governed by and construed in accordance with the laws of the State of Ohio.

11. No waiver of any breach of default under this contract shall be deemed a waiver of any subsequent breach or default of the same or different nature.

PRODUCT LIABILITY

12. Seller's products are designed with safety features consistent with the Job specifications and good safety practices by the user. Any special safety features required by Purchaser or local jurisdiction must be brought to Seller's attention prior to acceptance of this proposal, in which event Seller may in its discretion terminate his Proposal. The cost of such special safety features are not included within this proposal. Purchaser shall require employees to use all safety devices and guards supplied with the products, and shall not remove or modify such safety feature or warning signs. Purchaser agrees to notify Seller promptly, and in any event within 30 days, of any accident or malfunction which results in personal injury or damage to property, and agrees to cooperate fully with Seller in investigating and determining the cause of such accident or malfunction.

ASSIGNMENT-DELEGATION

13. No right or interest in this contract shall be assigned by either Purchaser or Seller without the written permission of the other party, and no delegation of any obligation owed, or of the performance of any obligation, by either Purchaser or Seller shall be made without the written permission of the other party. Any attempted assignment or delegation shall be wholly void and totally ineffective for all purposes unless made in conformity with this paragraph.

TIME FOR BRINGING ACTION

14. Any action for breach of this contract must be commenced within one (1) year after the cause of action has accrued.

PURCHASE MONEY SECURITY AGREEMENT

15. Seller and Purchaser agree that Seller hereby retains a purchase money security interest (as that term is defined in Chapter 1309, Ohio Revised Code) in the goods which are the subject of this proposal to secure the payment of any sums owing hereunder or under the terms of any other instrument given by Purchaser in connection with this purchase transaction. Purchaser shall not attach or affix said goods to real estate unless Seller consents in writing prior to such attachment or affixation. If Purchaser fails to pay any amount owed in the manner or at the time provided for this Proposal or in any other related instruments or otherwise breaches any agreement contained in this Security Agreement, Purchaser shall be in default hereunder, and Seller may, at its option take any action authorized by Chapter 1309, Ohio Revised Code, including, but not limited to: (a) requiring Purchaser to make goods available for repossession by Seller; (b) taking possession of the good without judicial process; (c) repairing, renovating or otherwise preparing the goods for future sale, lease or other disposition; and (d) selling, leasing or otherwise disposing of the goods. Purchaser further agrees to execute such financing statements or other documents as Seller may deem necessary to perfect the security interest retained herein and to maintain such perfection.

RESOLUTION NO. R-80-08

**A RESOLUTION AWARDING A CONTRACT TO
HULL & ASSOCIATES, INC. FOR A LAKES AND
CANALS ENGINEERING STUDY**

WHEREAS, the City has established the necessity to secure professional services for a raw water engineering study to evaluate vegetation and excessive siltation in Franz Pond, Echo Lake and the entire canal leading out to Swift Run Lake; and

WHEREAS, five proposals were received in accordance with City Code Section 34.19 and were reviewed by a Review Committee comprised of various City Employees involved with the project.

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 is hereby approved with Hull & Associates, Inc. for professional services to conduct an engineering study to evaluate vegetation and excessive siltation in Franz Pond, Echo Lake and the entire canal leading out to Swift Run Lake and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications;

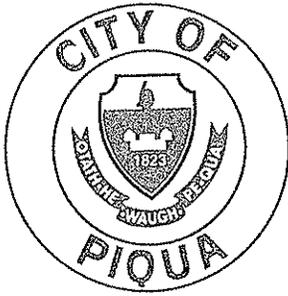
SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of \$60,000.00.

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 30, 2008

MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: **REQUEST FOR CITY COMMISSION AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH HULL & ASSOCIATES, INC. FOR A RAW WATER ENGINEERING STUDY TO EVALUATE VEGETATION AND EXCESSIVE SILTATION IN FRANZ POND, ECHO LAKE, AND THE ENTIRE CANAL LEADING OUT TO SWIFT RUN LAKE
TOTAL COST NOT TO EXCEED \$60,000**

We request authorization to enter into an agreement with Hull & Associates, Inc. as shown above.

This study is specifically to address the 2008 city goal 2.5 – Improve Overall Community Esthetics. The specific item states:

“Analyze alternatives to address silting, algae and other aquatic growth problems that detract from the appearance of the waters, while not adversely effecting water quality of the process to treat water for public distribution and consumption; hold public information meetings to educate adjacent proper owners and public regarding issues, and seek input on solutions; and prepare a plan for addressing issue.”

This matter is also consistent with the results of the “Plan It Piqua” Comprehensive plan.

The project will include an initial public meeting. Stakeholders invited to the meeting will be property owners adjacent to the lakes and hydraulic canal as well as others who have been identified as having interest in this project and the general public. The project will include field analysis of the water quality and assessment of the vegetation. It will also include a bathymetric study to document the contour of the bottom of the lakes.

After the initial public meeting and the analysis phase of the project the consultant will prepare alternate remedies and the associated cost for each. A second public meeting will be held to inform the public of the results of the study and to garner additional input prior to a final recommendation and presentation to the city commission.



Memo to Frederick E. Enderle, City Manager
Request for commission authorization – Agreement with Hull & Associates, Inc.
June 30, 2008
Page 2

We requested a statement of qualifications (SOQ) from five consultants with expertise in this field of study. An SOQ was returned from Hull & Associates, Inc., FTC&H, Bowser Morner and EMH&T. The review committee comprised of myself, City Engineer Amy Havenar, Water System Superintendent Ron Klima, and Assistant Water System Superintendent Todd Brandenburg reviewed the qualifications and short listed two consultants for interviews. After the interviews and cost proposals were submitted, Hull was selected best consultant for this project. Hull's proposed cost is \$54,520. We have requested a 10 percent contingency for additional items of work which may be required but not included in the scope of services.

The 2008 Water Department budget included \$400,000 for plant engineering design. We do not anticipate the design work taking place in 2008. In fact we are still assessing the exact route that is most appropriate to take for the future of the City of Piqua Water Treatment Plant. However the funding is available in the 2008 department budget for this engineering study.

The proposed schedule includes a first stakeholder's public meeting to be held by August 8, with a first draft completed by October 10 and all final meetings and presentations completed January 30, 2009.

Please let me know if you have any questions pertaining to this matter.

Respectfully submitted,

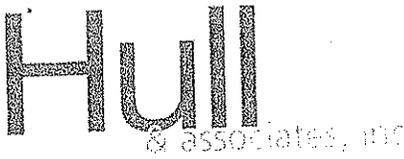
A handwritten signature in black ink, appearing to read "Tom Z", written over a horizontal line.

Thomas R. Zechman, P.E., P.S.

TRZ/jc

Attachment

c: Amy Havenar, City Engineer
Ron Klima, Water System Superintendent
Todd Brandenburg, Assistant Water System Superintendent



June 25, 2008

Mr. Thomas R. Zechman, P.E., P.S.
Public Works Director
City of Piqua
201 West Water Street
Piqua, Ohio 45356

RE: Proposal for Raw Water Engineering Study in Piqua, Ohio (Site); PIQ001.300.0003.

Dear Mr. Zechman:

Hull & Associates, Inc. (Hull) appreciates the opportunity to present our proposal to provide professional engineering services to the City of Piqua for the referenced project. The project will be performed for the City of Piqua (Client) at the referenced Site.

BACKGROUND

The City of Piqua has a series of three lakes connected with a hydraulic canal that are in excess of 150 years old. These lakes consist of Franz Pond, Echo Lake and Swift Run Lake. This system serves as a collector for a major watershed including the western portion of the city as well as many rural properties north and west of Piqua. This system also serves as one of the City's three water sources for raw water that feeds the water treatment plant.

This project only includes Franz Pond, Echo Lake, and the hydraulic canal between Franz Pond and Swift Run Lake. In recent years, there has been an increase in plant growth on the surface of the water and a build-up of silt and sediments at the inlets to the lakes.

The City desires to address two problems; the primary concern of overall aesthetics and impediment to boating from an overgrowth of vegetation; and secondarily, a loss of raw water storage capacity and lakefront as a result of sediment deposition.

The City desires to retain a consultant to assess the existing conditions of the raw water system, meet with selected community members, and draft a long-range plan for improvements. The remedies will be made with consideration for the safety of the water being introduced to the water treatment plant and the Ohio Department of Natural Resources (ODNR) dam regulations.

SCOPE OF SERVICES

Based on Hull's understanding of the project and our interview with the City, we feel it is appropriate to perform the following tasks.

Task 1 Initial Meeting and Research

Hull will meet with City of Piqua staff from the water, engineering, planning, and recreation departments to review the scope of the project, become familiar with the concerns and review existing documentation. Background information that may be reviewed includes:

6397 Emerald Parkway, Suite 200, Dublin, Ohio 43016
614.793.8777 fax 614.793.9070 www.hullinc.com

1. aerial photographs;
2. current and historic USGS topographic maps;
3. City maps;
4. Water Department annual reports showing size and storage capacity of the lakes;
5. historic information pertinent to the study from the City archives and library;
6. the ODNR dam study prepared for the City of Piqua by Bowser Morner;
7. the Water Department Water Supply Master Plan prepared by Jones and Henry; and
8. construction plans for the levee repair projects over the past 25 years.

In addition, Hull will utilize its geographic information system (GIS) capability to compile this information in a format that will allow for more efficient data analysis as well as provide a platform for graphic presentations.

Task 2 Field Analysis

Hull will conduct field analyses to collect physical and technical information on the water and sediment quality of the ponds and hydraulic canal.

Task 2A Vegetation Assessment

Hull will conduct a field survey of the vegetation species in the raw water storage system and map their summer extent, noting critical rooting depths for the dominant species. Hull will use these data to help determine appropriate vegetation control measures.

Task 2B Water Quality Assessment

Hull will conduct representative water quality sampling and analysis in order to characterize the baseline condition of the raw water supply system with respect to pollutants (e.g., suspended solids, nutrients and pesticides) that may be entering the raw water supply in surface runoff. These data will be used as a baseline against which future water quality improvements can be compared. These data may also be used as a basis for suggesting future periodic monitoring of the raw water supply system, and to aid in determining possible controls on upland sources of pollutants.

Task 2C Feeder Stream Assessment

Hull will conduct a field inspection of the tributary streams to the raw water storage system to assess their stability and to gather basic data (e.g., slope, channel size and bed materials) necessary to estimate flow volume. These data, together with watershed data, will be used to estimate the relative proportions of sediment originating from streambank erosion, farm field erosion and other sources.

Task 2D Bathymetric Survey

Hull will use a Global Positioning System (GPS)-integrated water depth sonde to prepare a bathymetric survey map of the bottom contours in Franz Pond, Echo Lake and the hydraulic canal between Franz Pond and Swift Run Lake. The sonde will also provide the density of the sediment material that will allow an estimate of the thickness of the sediments. Hull will use a hand probe in selected locations to determine the actual thickness of the sediments. This information will be used to calibrate the data from the sonde to estimate the thickness of sediments in the entire raw water storage system.

Samples of the sediments will be collected for physical and chemical analyses. These analyses will be used to assist with recommendations for dredging activities and dredge disposal.

Task 3 Watershed Analysis

Hull will use field data from Task 2, together with a Geographic Information System (GIS)-based analysis of watershed size and the types and proportion of various land uses, to estimate the mean annual contribution of water to the raw water storage system. These data will also be used in estimating the mean annual sediment load delivered to the raw water storage system using such tools as the Universal Soil Loss Equation and soil erosion class data.

Task 4 Public Meetings and Outreach

Hull will organize and conduct two information-gathering public meetings with stakeholders. Prior to these meetings, Hull will meet with the City to determine stakeholders and discuss public meeting formats, and develop pertinent fact sheets, presentations, and information materials required for public outreach. Hull anticipates that the stakeholder list will include City officials, rural agricultural landowners in the watershed in addition to City residents.

The information-gathering public meetings will be conducted to record, discuss and prioritize stakeholder concerns and discuss potential approaches to address these concerns. Hull recognizes the role public perception and public education play in stakeholder processes and will integrate these elements into the meetings. Two final meetings will be conducted to present results: one with stakeholders and one with the City Commission. Hull will then produce a final public participation document for inclusion in the overall long-term plan document.

Task 5 Long-Range Remedial Plan

Hull will draft a long-range remediation plan for the raw water storage system focused on the priority concerns identified in the stakeholder meetings. Hull anticipates that specific recommendations will be made regarding the remediation and long-term control of vegetation and excessive siltation in the lake. Hull anticipates that recommendations for long-term control of sedimentation may involve cooperative efforts with all watershed landowners, potentially including those outside the City limits. These recommended improvements will be assigned priorities based on all information gathered, including technical and stakeholder information.

It is anticipated that the project will be implemented in phases. The plan will include proposed project phasing on a project timeline in Gantt format. Project phasing will include public relations, permitting, design, bid, and construction activities.

A qualitative cost-to-benefit analysis will be conducted for the recommended prioritized remedy. Hull anticipates that a quantitative cost-to-benefit analysis will not be feasible for all aspects of the project because implementation costs and improvements in, for example aesthetics, cannot be directly compared in the same units of measure. Aspects such as aesthetics that can't be quantified will be noted in the analysis for consideration.

Assuming that dredging is a potential remedy, Hull will formulate conceptual plans for dredging where needed and recommend dredging depth, plans for equipment access and staging, and a disposal site and design for the dredged material. Hull will supply the City with a list of contractors who may be interested in bidding the dredging work. Hull will provide the City with and estimated unit and total cost for the dredging project.

COMPENSATION

The fee for this work is shown on Table 1. The fees have been developed based on our estimate of hours for each labor category expected to be involved in the project. The Client will be billed on a percent completed basis with the total project cost not to exceed that shown in Table 1, unless additional work is required as discussed below. The project will be billed on a monthly basis with payment due to Hull within thirty days after receipt of an invoice.

ADDITIONAL WORK

Additional work beyond the Scope of Work defined herein shall not be performed until such time as an amendment to this proposal, including the scope of the additional work and associated costs, has been prepared in writing to address the additional work and said amendment has been approved by the Client.

Specific items not within the scope of work on this project include, but are not limited to, the following:

1. engineering design of the selected remedial alternatives;
2. permitting and construction activities; and
3. a boundary or topographic survey of the Site.

STANDARD OF CARE AND LIMITATIONS

Hull shall perform its services using that degree of care and skill ordinarily exercised under similar conditions by reputable members of its profession practicing in the same or similar locality at the time of service. No other warranty, expressed or implied, is made or intended by our proposal or by our oral or written reports. Hull makes no guarantees regarding the completeness or accuracy of any information obtained from public or private files or information provided by subcontractors.

Mr. Thomas R. Zechman, P.E., P.S.
PIQ001.300.0003
June 25, 2008
Page 5

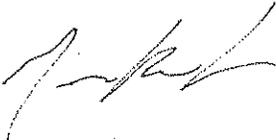
CLOSING

We appreciate your interest in Hull on this project. If you concur with this proposal, we can begin work immediately with an executed Professional Services Agreement. If you have any questions, please don't hesitate to call us at 614-793-8777.

Sincerely,



Hugh F. Crowell, PWS
Senior Project Manager



Mark J. Bonifas, P.E.
Principal

Attachments

**RAW WATER ENGINEERING STUDY
FRANZ POND, ECHO LAKE AND THE HYDRAULIC CANAL
BETWEEN FRANZ POND AND SWIFT RUN LAKE
PIQUA, OHIO**

TABLE 1

COST ESTIMATE

<u>ITEM</u>	<u>UNIT PRICE</u>	<u>ESTIMATED QUANTITY</u>	<u>ESTIMATED TOTAL</u>
<u>Task 1 - Initial Meeting and Research</u>			
Sr. Project Manager	150.00 /hr.	6 hrs.	900.00
Scientist 2	85.00 /hr.	12 hrs.	1,020.00
GIS Specialist	65.00 /hr.	12 hrs.	780.00
Engineer 2	90.00 /hr.	16 hrs.	1,440.00
Clerical	50.00 /hr.	4 hrs.	200.00
Direct Expenses (e.g., mileage, etc.)		LS	<u>300.00</u>
		Task Subtotal	\$4,640.00
<u>Task 2 - Field Analysis</u>			
<i>Task 2A Vegetation Assessment</i>			
Sr. Project Manager	150.00 /hr.	3 hrs.	450.00
Scientist 1	70.00 /hr.	10 hrs.	700.00
Vehicle use	100.00 /day	1 day	100.00
		Task Subtotal	\$1,250.00
<i>Task 2B Water Quality Assessment</i>			
<i>Labor included in Task 2D</i>			
<u>Laboratory analysis of water samples</u>			
Total suspended solids	11.00 /each	8 samples	88.00
Nitrogen	13.75 /each	8 samples	110.00
Phosphorous	22.00 /each	8 samples	176.00
Total Kjeldahl Nitrogen	22.00 /each	8 samples	176.00
Sulphate	13.75 /each	8 samples	110.00
Pesticides - OPP/OCP	236.50 /each	8 samples	1,892.00
		Task Subtotal	\$2,552.00
<i>Task 2C Feeder Stream Assessment</i>			
Sr. Project Manager	150.00 /hr.	12 hrs.	1,800.00
Scientist 1	70.00 /hr.	12 hrs.	840.00
Vehicle use (included in Task 2A)	100.00 /day	0 day	0.00
		Task Subtotal	\$2,640.00

**RAW WATER ENGINEERING STUDY
FRANZ POND, ECHO LAKE AND THE HYDRAULIC CANAL
BETWEEN FRANZ POND AND SWIFT RUN LAKE
PIQUA, OHIO**

TABLE 1

COST ESTIMATE

<u>ITEM</u>	<u>UNIT PRICE</u>	<u>ESTIMATED QUANTITY</u>	<u>ESTIMATED TOTAL</u>
<i>Task 2D Bathymetric Survey</i>			
Senior Scientist	130.00 /hr.	18 hrs.	2,340.00
Project Scientist	105.00 /hr.	18 hrs.	1,890.00
Vehicle use	100.00 /day	2 days	200.00
per diem	140.00 /day	2 days	280.00
Sampling supplies, equipment rental, shipping costs		LS	500.00
Boat	100.00 /week	1 week	100.00
456 Dual Frequency Depth sounder	3956.00 /week	1 week	3,956.00
<u>Laboratory analysis of sediment samples</u>			
Total suspended solids	11.00 /each	8 samples	88.00
Nitrogen	13.75 /each	8 samples	110.00
Phosphorous	22.00 /each	8 samples	176.00
Total Kjeldahl Nitrogen	22.00 /each	8 samples	176.00
Sulphate	13.75 /each	8 samples	110.00
Pesticides - OPP/OCP	236.50 /each	8 samples	1,892.00
grain size	100.00 /each	8 samples	800.00
		Task Subtotal	\$12,618.00
<u>Task 3 - Watershed Analysis</u>			
Sr. Project Manager	150.00 /hr.	4 hrs.	600.00
Scientist 1	70.00 /hr.	8 hrs.	560.00
Engineer 2	90.00 /hr.	24 hrs.	2,160.00
GIS Specialist	65.00 /hr.	16 hrs.	1,040.00
Clerical	50.00 /hr.	4 hrs.	200.00
Direct Expenses (e.g., document reproduction, etc.)		LS	500.00
		Task Subtotal	\$5,060.00
<u>Task 4 - Public Meetings and Outreach</u>			
Sr. Project Manager	150.00 /hr.	16 hrs.	2,400.00
Community Relations Specialist	105.00 /hr.	60 hrs.	6,300.00
Vehicle use (4 meetings)	100.00 /day	4 days	400.00
Direct Expenses (e.g., document reproduction, etc.)		LS	500.00
		Task Subtotal	\$9,600.00

RAW WATER ENGINEERING STUDY
 FRANZ POND, ECHO LAKE AND THE HYDRAULIC CANAL
 BETWEEN FRANZ POND AND SWIFT RUN LAKE
 PIQUA, OHIO

TABLE 1

COST ESTIMATE

<u>ITEM</u>	<u>UNIT PRICE</u>	<u>ESTIMATED QUANTITY</u>	<u>ESTIMATED TOTAL</u>
<u>Task 5 - Long-Range Remedial Plan</u>			
Sr. Project Manager	150.00 /hr.	12 hrs.	1,800.00
Project Engineer	110.00 /hr.	16 hrs.	1,760.00
Engineer 2	90.00 /hr.	40 hrs.	3,600.00
Scientist 2	85.00 /hr.	40 hrs.	3,400.00
GIS Specialist	65.00 /hr.	20 hrs.	1,300.00
Cost Estimator	125.00 /hr.	24 hrs.	3,000.00
Clerical	50.00 /hr.	16 hrs.	800.00
Direct Expenses (e.g., document reproduction, etc.)		LS	<u>500.00</u>
		Task Subtotal	\$16,160.00
		ESTIMATED PROJECT TOTAL	\$54,520.00

TABLE 2

Management Staff	
Principal	\$150.00 - \$200.00
Senior Project Manager	\$120.00 - \$175.00
Project Manager	\$100.00 - \$140.00
Government & Community Relations	\$ 80.00 - \$150.00
Civil/Environmental Engineering	
Senior Engineer	\$100.00 - \$140.00
Project Engineer	\$ 90.00 - \$120.00
Engineer 2	\$ 70.00 - \$100.00
Engineer 1	\$ 65.00 - \$ 85.00
Electrical Engineering	
Senior Engineer	\$100.00 - \$140.00
Project Engineer	\$ 90.00 - \$120.00
Electrical Engineer 2	\$ 80.00 - \$110.00
Electrical Engineer 1	\$ 70.00 - \$ 90.00
Senior Electrical Designer	\$ 85.00 - \$115.00
Electrical Designer	\$ 70.00 - \$ 90.00

Hydrogeological / Science	
Senior Hydrogeologist	\$100.00 - \$140.00
Project Hydrogeologist	\$ 85.00 - \$115.00
Hydrogeologist 2	\$ 70.00 - \$100.00
Hydrogeologist 1	\$ 60.00 - \$ 80.00
Senior Scientist	\$100.00 - \$140.00
Project Scientist	\$ 85.00 - \$115.00
Scientist 2	\$ 70.00 - \$100.00
Scientist 1	\$ 60.00 - \$ 80.00
Support Staff	
GIS Manager	\$ 80.00 - \$120.00
GIS Specialist	\$ 50.00 - \$ 80.00
Senior Designer	\$ 80.00 - \$110.00
Designer	\$ 70.00 - \$ 90.00
CAD 2	\$ 60.00 - \$ 80.00
CAD 1	\$ 50.00 - \$ 70.00
Senior Technician	\$ 50.00 - \$ 80.00
Technician 2	\$ 40.00 - \$ 65.00
Technician 1	\$ 30.00 - \$ 55.00
Clerical	\$ 30.00 - \$ 50.00

NOTES:

- Hourly billing rates for personnel apply to actual time spent in meetings concerning the project, preparing for such meetings, project coordination time, design activities, field and office investigations, and travel time when job-related.
- Hourly billing rates reflect the range of salaries for each job classification. Rates are typically reviewed and adjusted periodically to account for salary increases and other changes.
- If personal vehicles are utilized, travel mileage is billed at the federal mileage reimbursement rate. If company-owned vehicles are utilized, rental rates of \$75/day, \$300/week, or \$1,000/month are used in lieu of travel mileage. If rental vehicles are utilized, the actual cost of the rental and gasoline will be billed directly with no mark-up.
- Air transportation fees are billed directly with no mark-up. Travel time is typically billed only for that time actually spent flying to/from the project location and does not include layovers, delays, etc.
- Project reimbursable expenses such as reproduction by vendors, overnight shipping, meals, and lodging associated with travel or extended field activities, etc. are billed directly with no mark-up. Certain project reimbursable expenses such as sampling kits, health and safety equipment, etc. are billed at flat rates based on the cost of the materials.
- Field equipment rented from outside vendors is billed directly with no mark-up. If field equipment owned by Hull is utilized on the client's project, competitive market-equivalent rates are billed for daily or weekly rental.
- Subcontractors' fees are billed to the Client at a rate equal to the subcontractor fee multiplied by 1.1 to recover Hull's contractual liability risk and associated operational expense.

RESOLUTION NO. R-81-08

**A RESOLUTION AWARDING A CONTRACT TO
STANTEC ENGINEERING FOR ENGINEERING
SERVICES TO PREPARE THE CITY OF PIQUA'S
STORMWATER MANAGEMENT PLAN AND
RECOMMENDATION FOR A STORMWATER UTILITY**

WHEREAS, the City has established the necessity to secure professional services for the engineering services to prepare the City of Piqua's storm water Management Plan and recommendation for a storm water utility; and

WHEREAS, due to recent EPA requirements, the City of Piqua must implement a stormwater phase II management plan; and

WHEREAS, the City requested proposals from five consultants and received four proposals: and the information was reviewed by a Review Committee comprised of various City Employees involved with the project.

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 is hereby approved with Stantec Engineering for professional services to prepare the City of Piqua's Storm Water Management Plan and recommendation for a Storm Water Utility and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications;

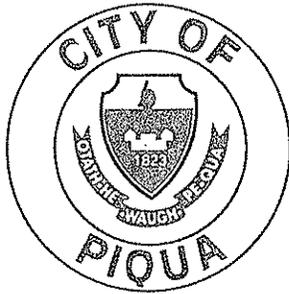
SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of \$110,000.00.

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 30, 2008

MEMORANDUM

TO: Frederick E. Enderle, City Manager

RE: **REQUEST FOR CITY COMMISSION AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH STANTEC FOR ENGINEERING SERVICES TO PREPARE THE CITY OF PIQUA'S STORMWATER MANAGEMENT PLAN AND RECOMMENDATION FOR A STORMWATER UTILITY TOTAL COST NOT TO EXCEED \$110,000**

We request authorization to enter into an agreement with Stantec Engineering as referenced above.

Because of recent EPA requirements, the City of Piqua must implement a stormwater phase II management plan. The plan includes components for mapping, capital improvements, public education, implementation of best management practices (BMP), and a process for monitoring and improving the collection system.

There will be substantial costs associated with the implementation of the stormwater management plan. Many cities today cover these costs with a stormwater utility. The study requested herein includes detailed recommendation for implementation of stormwater utility for Piqua.

The City requested proposals from five consultants and received four proposals. The group was short listed to two for interviews and the selection committee comprised of myself, City Engineer Amy Havenar and Street Superintendent Doug Harter has determined that Stantec has submitted the best proposal for this work.

There will be an extensive public involvement component to this project, including the formation of a stormwater advisory committee (SWAC) to oversee the work of the consultant in conjunction with City staff. The work is scheduled to begin upon approval by the commission and to be completed in April of 2009.

The 2008 Street Department budget 101 included \$68,915 for this study. The cost of the study has exceeded the estimated budget. However, the Shawnee Pump Station bids came in \$85,000 under bid and we have available funds to cover the cost of this study.

Please let me know if you have any questions pertaining to this matter.

Respectfully submitted,

Thomas R. Zechman, P.E., P.S.

TRZ/jc



Mr. Glascock has broad experience in development and research of relational and spatial database systems in a variety of watershed and flood mapping projects.

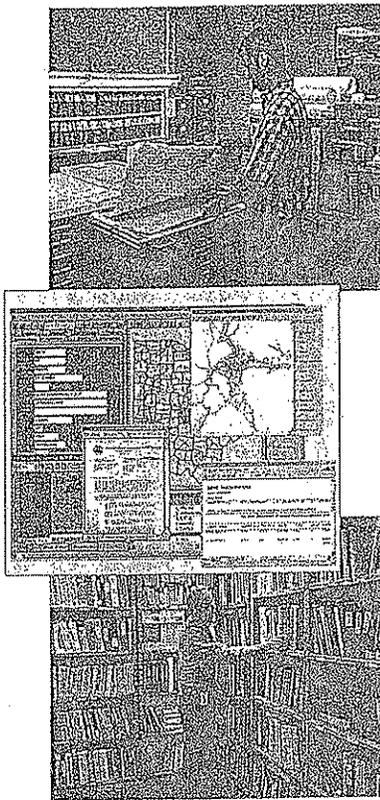
Jesse Glascock, GIS Analyst possesses broad professional experience including development and research of relational and spatial database systems in a variety of watershed and flood mapping projects as well as experience with developing automated GIS processes using model builders and programming techniques. Mr. Glascock recently worked on creating a GIS parcel-based assessment program for the Muskingum Watershed Conservancy District, where his primary duties included development and maintenance of parcel databases and design and development of billing reports.

E. Project Approach, Summary of Work Tasks

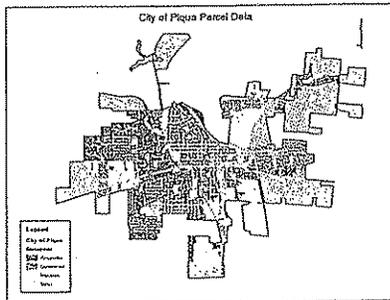
Project Approach

The City staff have outlined the basic project approach with the suggested items of work designated 'a' thru 'm'. We will follow that outline and discuss our approach for each item of work:

- a. **Establish SWAC and hold 8 meetings.** - The key to establishing a storm water utility in a community is to institute a representative Advisory Committee, carefully walk that group through a structured set of meetings utilizing Issue Papers to identify key elements of the program or important decisions and then through a facilitated process, establish consensus on the issues. We strive for unanimous consensus, however in a diverse group with varied interests and concerns it may not always be possible to achieve complete agreement. Through discussion and compromise we try to listen to everyone's concerns and achieve agreement on the basic elements of the program. The City has suggested eight meetings for the SWAC which should be sufficient to discuss the key elements, including:
 - 1) Introduction to storm water management and how the process will work
 - 2) Level of Service (LOS) / Cost of Service (COS)
 - 3) Rate Structure
 - 4) Credits
 - 5) Resolution of Issue Papers
 - 6) Ordinance(s)
 - 7) Public Information / Education
 - 8) Executive Summary and Implementation



Data Collection and Review



City of Piqua Parcel Data

- b. **Data Collection and Review** - Stantec will review reports, plans, maps and data that the City has on file prior to any work on the study. We will review the City's budget information and CIP and incorporate it into the LOS and COS plan. The key data for a storm water utility is the project GIS. We understand that the City uses Autodesk as their GIS platform. We have the capability to work in Autodesk and can deliver the data in that format.
- c. **Level of Service** - Stantec staff will meet with the City staff to discuss their long term plans and needs for a comprehensive storm water maintenance and improvement program. We have already reviewed the City's Storm Water Management Plan (SWMP) and will incorporate those requirements into the LOS. Three levels of service will be presented (current, minimum and expanded). We will develop an Excel spreadsheet Cost of Service (COS), that will include maintenance, CIP and administrative costs for the first five years for each LOS. Each cell of the spreadsheet will include either a comment on what is included under the individual task or a formula showing the computation for future documentation of how the numbers were established.
- d. **Rate Structures** - Stantec will summarize rate structures from other communities in the tri-state area and around the country. A few of these are included in table 1 on page 6. We have a long history of establishing storm water districts that are fair, equitable and legally defensible.
- e. **Database Development** - Most consulting firms will have one or two GIS technicians on staff, or engineers that have taken a GIS course. Stantec (FMSM) is a major contractor to FEMA Regions V and VII in updating flood insurance maps throughout the Mid-west. As a result, we have over 35 GIS Specialists in our Columbus, Cincinnati and Louisville offices; all of whom have, at a minimum, four year degrees in GIS and database development. For our Muskingum Conservancy District project we had 23 technicians working nearly a year with paper County Tax maps, CAD files or digital files, digitizing and rectifying the maps from 18 counties into a seamless database and GIS, and then attributing these 704,000 parcels with County Auditor records to use in developing the assessment.

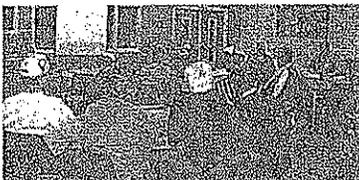
For Piqua, we will evaluate the County GIS data, take a statistical sample of residential properties to determine an average residential impervious area and then analyze commercial, industrial and other land use classifications to determine if the impervious area method is appropriate. New AutoCAD layers will be created if necessary and databases will be linked to either existing or new layer objects. We will also evaluate alternative rate models to find the one that best fits Piqua's requirements.

Based upon Miami County GIS data, there are approximately 8,090 residential, 894 commercial, 281 industrial and 602 other parcels within the city of Piqua. A full page map containing this GIS data has been included in Appendix C.



Stantec integrates GIS into nearly every storm water management project approach.

- f. **Master Billing File / Cash Flow Analysis** - Stantec personnel experienced in setting up billing files will create the city's storm water master account file and develop a billing plan consistent with chosen billing system. We will establish queries to determine parcel or vacant development and recommend a billing cycle consistent with the current system. In coordination with the City Billing staff, a test billing will be performed to ensure the two datasets are compatible. Finally, we will prepare a 5-year cash flow analysis beginning in 2009.
- g. **Credits Program** – Stantec will prepare an Issue Paper on Credits including how other communities deal with Credits, potential rules for administering a credits program and who should be eligible for a credit. From this Issue Paper and the input of City staff and the SWAC, a Billing Policy will be established for Credits.
- h. **Implementation Plan** - Again as an Issue Paper, Stantec will prepare a draft implementation plan that will address the steps necessary to implement the utility along with the start-up costs associated with implementation. Based on staff and SWAC input a final implementation plan will be developed.
- i. **Draft Ordinances** - Stantec will prepare a draft ordinance(s) for the City and assist the City Attorney in finalizing the Ordinance if necessary. As an example, Appendix D is the index page for the Gwinnett County, GA storm water ordinance.
- j. **Public Information / Education** – This is one of the most critical components of any storm water utility start-up. To be successful, a utility must gain public understanding of the need for the utility and how the utility will affect them financially. This can be accomplished through a series of newspaper articles, flyers and public meetings. Appendix E is an example of a brochure we prepared for the Hamilton County (Cincinnati) area storm water district formation. This document was provided to over 100 attendees at a public meeting, to outline the need and proposed plan for the joint county storm water district.



Community forum in Indiana to identify public priorities to be accomplished with a newly developed storm water user fee.

One of the most important elements of many successful storm water utilities is identifying a "Champion". This can be an important figure in the community, someone the public respects, and someone that business and industry will listen to and follow. This may be a local elected official or the CEO of one of the local

businesses that is willing to step-up and publicly endorse the utility formation.

- k. **Organization and Staffing** - Based upon all of the information collected and presented, Stantec would develop an organization and staffing plan that evaluates each element of the Storm Water Plan to determine the person-hours required to complete the anticipated work load, and the personnel required to administer the program. This will be incorporated into the administration portion of the COS.
- l. **Executive Summary Report** – Stantec will prepare an Executive Summary of all the work completed under this contract. It will document decisions made by the SWAC and City staff and their recommendations to Council on methodology, rates and implementation of the utility.
- m. **Review SWMP** - We have already reviewed the SWMP and will provide recommendations on how to incorporate its implementation into the Storm Water Utility.

In summary, Stantec has extensive experience in facilitating a SWAC, preparing Issue Papers on key elements in the formation of a storm water utility and reaching consensus on the implementation of that Utility. We can meet Piqua's needs with experienced expert personnel and tried and true methods. The following two pages include a Proposed Schedule and Price Proposal demonstrating our ability to complete the work in a timely and cost efficient manner.