

AGENDA
PIQUA CITY COMMISSION
TUESDAY, FEBRUARY 16, 2010
7:30 P.M.
201 WEST WATER STREET
PIQUA, OHIO 45356

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

REGULAR CITY COMMISSION MEETING

OATH OF OFFICE

Police Lieutenant Jason M. Preston

A. CONSENT AGENDA

- a. APPROVAL OF MINUTES
Approval of the minutes from the January 15, 2010 Piqua City Commission Worksession and the February 2, 2010 Regular City Commission Meeting

B. OLD BUSINESS

- a. ORD. NO. 2-10 (2nd Reading)
An Ordinance amending Sections 154.005 and 154.129 of the City of Piqua Code of Ordinances to establish definitions and standards applicable to swimming pools, spas hot tubs

C. NEW BUSINESS

- a. ORD. NO. 3-10 (1st Reading)
An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Sections 3 and 4 The Commission
- b. ORD. NO. 4-10 (1st Reading)
An Ordinance authorizing the submission of a proposed amendment to Piqua Charter Section 33 under Administrative Service
- c. RES. NO. R-24-10
A Resolution reappointing a member to the Civil Service Commission
- d. RES. NO. R-25-10
A Resolution reappointing a member to the Community Diversity Committee
- e. RES. NO. R-26-10
A Resolution reappointing a member to the Community Diversity Committee

- f. RES. NO. R-27-10
A Resolution reappointing a member to the Downtown District Design Review Board
- g. RES. NO. R-28-10
A Resolution reappointing a member to the Planning Commission
- h. RES. NO. R-29-10
A Resolution reappointing a member to the Planning Commission
- i. RES. NO. R-30-10
A Resolution reappointing an alternate member to the Miami Valley Regional Planning Commission
- j. RES. NO. R-31-10
A Resolution reappointing an alternate member to the Miami Valley Regional Planning Commission

D. OTHER BUSINESS

- a. ECONOMIC DEVELOPMENT UPDATE:
Presented by – Mr. Bill Murphy, Assistant City Manager/Director of Economic Development

E. ADJOURNMENT

A. CONSENT AGENDA ITEMS
FEBRUARY 16, 2010

➤ **Minutes-January 15, 2010 and February 2, 2010**

MINUTES
PIQUA CITY COMMISSION WORK SESSION
January 15, 2010
11:00 A.M.
201 WEST WATER STREET
PIQUA, OHIO 45356

Piqua City Commission met in a Special Work Session in the Administrative Conference Room in the Municipal Government Complex, 201 W. Water Street for a work session. Mayor Fess called the meeting to order at 11:00 A.M. Also present were Commissioners Wilson, Martin, Terry, and Vogt. Absent: None. Also in attendance: City Manager Fred Enderle, Finance Director Cynthia Holtzapple, Law Director Stacy Wall, Power Systems Director Ed Krieger, Health & Sanitation Director Amy Welker, Utility Office Manager Robin Hungerford, and Utility Director Dave Burtner.

Purpose of the Special Meeting is to discuss the Utility Billing

City Manager Enderle gave a brief overview of the current rate structure and the possibility of adding programs to help defray some of the costs to the customers. But sometimes what saves one customer group costs another customer group, said Mr. Enderle.

Cynthia Holtzapple gave a brief review of the Programs and Charges the city is considering at this time which include: Electric, Water, Wastewater and Refuse.

Power Systems Director Ed Krieger went over the 2010 Budget costs stating it was very positive, the type of customers that are using the power which include, Residential, Commercial, and Industrial, and how they are billed. Mr. Krieger explained the Demand Charge and how it affects each customer. The demand fee covers fixed costs, while the energy usage fees cover variable costs. Mr. Krieger stated that two-thirds of the expenses of the power system are the cost of the power supply, and the remainder comes from such areas as personnel, capital and maintenance. The rate structure is currently in line with DP & L's allowing for a direct comparison of the rates between that utility company and Piqua Power, and that Piqua's said Mr. Krieger.

There was discussion on the concern of the small business owners with the higher rates. City Manager Enderle stated there are ways to cut down on peak power usage. Mr. Krieger explained how business owners could adjust their peak usage, and stated the Power System has staff available to provide energy audits to businesses. There are energy tips available on the Website at piquaoh.org/power, said Mr. Krieger. City Manager Enderle stated it takes the business owner to be pro-active and look for ways to cut costs. There was discussion on ways to get more information on the demand charges, peak usages and other pertinent information out the citizens and business through flyers, public service announcements, and the use of APTA. Mr. Krieger stated they have spoken to the Piqua Schools and AMP Ohio has been a big help in supplying information also. Mayor Fess stated businesses should call for energy edits and more information on the peak and demand usage, and take advantage of the help the city is offering. Mayor Fess thanked Mr. Krieger for his presentation.

Utility Director Dave Burtner gave a brief overview of the Water and Wastewater and the Underground Utilities 2010 Budget expenses, and the type and number of customers involved. There is significant operational costs included, the treatment of chemical, utilities, building and grounds maintenance and personnel. Also the expense of planning and building a new water treatment plant are included in the Water, said Mr. Burtner.

The Wastewater System provides the treatment and collection of wastewater from the City of Piqua and accepted area's in a safe and effective manner for the health and welfare of the public. The city also takes in flow from the Monnin Estates, Greens and Villages of Springcreek, Piqua Country Club, and the I-75 Roadside Rest Area. In addition the City will be adding the Fletcher flow in 2010 or 2011, said Mr. Burtner.

The Underground Utilities provide operation and maintenance of Piqua's underground water distribution and wastewater collection systems. They also ensure that quality potable drinking water is delivered to each consumer's tap and that the wastewater flows are conveyed effectively to the Piqua wastewater treatment facility. The Underground Utilities Department received financial support from the Water System and the Wastewater System to provide a variety of support functions, said Mr. Burtner.

City Manager Enderle stated the city will have to borrow to cover the development and construction costs for the new plant and those loans have been already figured into the city budget. Water rate increases have been implemented to increase the reserve and increase the city's capacity to borrow money at lower interest rates. In the long run this saves the customers money and helps to ensure them of not receiving a sudden large increase in the water bills, said Mr. Enderle.

There was discussion concerning the costs and if the city is in line with other communities, and was stated Piqua is not the only community raising rates.

Major capital expenses for the wastewater system will include the necessary sewer line repairs and the extension of the sewer line to Fletcher, which is being paid for by the Village of Fletcher, said Mr. Enderle. The only cost to the city would be the over sizing of the system to allow for additional tap-ins with development beyond that area. The lines will reach approximately a mile beyond Springcreek School for future connection to tie in as needed.

There was discussion over the size and the maintenance of the water towers needed, type of system that is being considered, where have the studies taken place, and if aquifers can be utilized. A question was raised if it would be possible for someone tie into a pressurized line. Mr. Burtner stated no, no one can tie into any sewer line without the consent of the city.

Health & Sanitation Director Amy Welker gave a brief overview of the 2010 Refuse Budget revenues and expenses, along with the number of residential and commercial accounts.

Types of refuse customers include: Residential customers include all homeowners and tenant occupied structures, and buildings with four or more apartments my contract with a commercial hauler upon approval by the city. Commercial or business accounts include small buildings, churches, retail operations, etc. Businesses may contract with a commercial hauler upon city approval.

Ms. Welker stated the Refuse Utility provides for the collection of solid waste from residential properties and commercial operations. Rates are reviewed annually and rare set to cover operations and needed capital expenditures, (refuse trucks). Significant operational costs include: tipping fees, recycling contract, personnel and capital. Current rates for residential are \$15.30 per month plus \$3.13 for recycling and Commercial is \$17.23 per month (min) plus \$3.13 for recycling also, said Ms. Welker.

There was discussion on the citywide clean-up being discontinued and the reason along with the costs involved. Questions were raised on the cost of the tipping fees over the years. Ms. Welker stated in 2003 the tipping fee was \$46 per ton and in 2010 it is \$59.05 per ton. There was also discussion on types of refuse can be put into the red recycling bins. Ms. Welker gave a brief explanation on the types of things that can be placed in the recycling bins and stated more information is located on the City's website.

Ms. Welker stated there are several Refuse Programs in place at this time and they include: Senior Bag Program; Vacation Option; Senior/Disabled Discount. Ms. Welker went over each program and the impact the increase has to the other customers if these are utilized.

There were various questions raised by some of the rental property owners concerned about their vacant properties having to pay for water and refuse when they are unoccupied, some of them are having to turn off the utilities until they can rent them again. One rental property owner voiced his concern about having to pay for refuse pickup when the property is unoccupied. Ms. Welker stated there is no way for the refuse collectors to tell when a home is vacant or not from the rear of the property, and it would be hard to monitor such a situation. It was suggested that markers possibly be place on the vacant properties to alert the refuse collector it is an unoccupied property. Another suggestion was made to possibly al-a-carte the fees for water and sewer, refuse and recycling, and electric separate, or to have a base fee for the refuse like there is for the electric for the unoccupied properties.

One rental property owner requested a breakdown of the cost for the refuse. Ms. Welker stated the cost is in the budget document. Another rental property owner stated it is hard to show a property when the utilities have been shut off; it is not very attractive and will not bring many people in to the city of Piqua. One of the rental property owners stated he has thirty-two rental properties and sixteen have had the utilities turned off and only have nine rented at this time. Mayor Fess stated the city would look at options to try and work out some reasonable answer to the situation. There was also discussion of the deposit that is required for utility services and the reason for the deposit not rolling over each time a new tenant moves in.

Mayor Fess stated she wanted to compliment the rental property owners for screening their applicants before allowing them to move in to the City.

Mayor Fess asked what type of time frame would it take to work on some of the options suggested. Mr. Enderle stated a couple of weeks could possibly have something by the February 10, 2010 work session.

Chuck Starrett, P.O.I.N.T, Chairman, stated the P.O.I.N.T. statistics are available through P.O.I.N.T. if anyone is interested.

Mayor Fess asked the rental property owners to be pro-active rather than reactive.

Mayor Fess thanked all who attended, and stated a lot of good information came from the meeting.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Work Session at 1:15 P.M. Voice vote, Aye: Wilson, Martin, Terry, Hudson and Vogt. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION

**MINUTES
PIQUA CITY COMMISSION
February 2, 2010
7:30 P.M.**

Piqua City Commission met at 7:30 P.M. in the Municipal Government Complex Commission Chambers located at 201 W. Water Street. Mayor Fess called the meeting to order. Also present were Commissioners Martin, Vogt, Terry, and Wilson. Absent: None.

REGULAR CITY COMMISSION MEETING

Moved by Commissioner Vogt, seconded by Commissioner Martin, that the minutes of the Regular City Commission Meeting of January 19, 2010 be approved. Voice vote, Aye: Wilson, Fess, Terry, Martin, and Vogt. Nay: None. Motion carried unanimously.

ORD. 2-10 (1st Reading)

An Ordinance amending Sections 154.005 and 154.129 of the City of Piqua Code of Ordinances to establish definitions and standards applicable to swimming pools, spas, and hot tubs.

City Planner Chris Schmiesing gave a brief background on the various changes that are to be implemented in Code Sections 154.005 and 154.129. The recommended amendments stem in part from a permit application submitted last year to place a 24-foot above ground swimming pool on a vacant lot located adjacent to and across the alley from the applicant's residence. Current code provisions made it necessary for the pool to be accessory and incidental to a principal structure, and require that the accessory structure be located on the same lot as the principal structure to which it is accessory. The current code sections applicable at the time of installation currently provide no guidance concerning location, setback, safety enclosure, or screening measures appropriate to this type of use. The Planning Commission has approved these recommendations to the code sections as submitted and asked they be forwarded to the City Commission for approval.

There was discussion on the various changes to the code, how they would affect future locations and placements of pools, spas & hot tubs in neighborhoods, and if there were any problems waiting to get feedback on the ordinance before making a decision. Mr. Schmiesing stated yes, it would be ok to wait to receive feedback and give Ordinance 2-10 a first reading at this time.

Public Comment

No one came forward to speak for or against Ordinance No. 2-10 at this time.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to give Ordinance No. 2-10 a first reading. Voice vote, Aye: Wilson, Vogt, Martin, Terry, and Fess. Nay: None. Motion carried unanimously.

RES. NO. R-18-10

A Resolution of appreciation for the public service of Richard K. Cron as a City Employee.

Mayor Fess read the Resolution of Appreciation.

Public Comment

No one came forward to speak for or against Resolution No. R-18-10.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adopt Resolution No. R-18-10. Voice vote, Aye: Martin, Vogt, Terry, Wilson, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-18-10 adopted.

RES. No. R-19-10

A Resolution of Appreciation for the public service of David J. Larger as a City Employee

Mayor Fess read the Resolution of Appreciation.

Public Comment

No one came forward to speak for or against Resolution No. R-19-10.

Moved by Commissioner Vogt, seconded by Commissioner Martin, that Resolution No. R-19-10 be adopted. Voice vote, Aye: Fess, Terry, Wilson, Vogt, and Martin, Nay: None. Motion carried unanimously. Mayor Fess declared Resolution No. R-19-10 adopted.

RES. NO. R-20-10

A Resolution to accept the Miami County Debris Management Plan for the City of Piqua

City Manager Enderle explained that the City of Piqua is required by the Federal Emergency Management Agency to have a Debris Management Plan in place to be able to qualify for FEMA funding assistance in case of a disaster.

Health and Sanitation Director Amy Welker explained these are standard procedures that are followed everyday. The Miami County Debris Management Plan has been reviewed by staff and is sufficient to meet our needs, thus the reason for adopting the plan at this time. The Debris Management Plan would become a companion document to the City Emergency Operation Plan. There is no impact to adopting a debris management plan, however, the financial impact of not adopting a plan could be significant in the event of a disaster due to the lack of eligibility for federal reimbursement, said Ms. Welker.

Public Comment

No one came forward to speak for or against Resolution No. R-20-10 at this time.

Moved by Commissioner Wilson, seconded by Commissioner Vogt, that Resolution No. R-20-10 be adopted. Voice vote, Aye: Terry, Wilson, Martin, Vogt, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-20-10 adopted.

RES. No. R-21-10

A Resolution awarding contracts for the purchase of transformers for the Power System

Power Systems Director Ed Krieger stated this purchase would allow us to replenish our inventory supply for the needed transformers, and allow us to maintain a minimum amount of transformers for potential new customers and emergency situations.

There was discussion on the cost of the transformers being significantly lower this year, and how the operating costs were determined with Mr. Krieger explaining.

Public Comment

No one came forward to speak for or against Resolution No. R-21-10.

Moved by Commissioner Martin, seconded by Commissioner Terry, that Resolution No. R-21-10 be adopted. Voice vote, Aye: Wilson, Fess, Vogt, Martin, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-21-10 adopted.

RES. NO. R-22-10

A Resolution approving the purchase of a 1.24 acre tract of Parcel No. M40-400108

City Manager Enderle gave a brief explanation for the purchase of the property located of Hemm Avenue along the abandoned railway. The next Resolution No. R-22-10 is a companion to this resolution and would like to see it passed tonight also. These properties are to be utilized for the site of a future consolidates Power System Service Center. Placing a consolidated service center near key Power System assets along a major thoroughfare ultimately directed us to the locations, said City Manager Enderle.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to amend Resolution No. R-22-10 in the first line of the Resolution to change the name of Hemm Road to Hemm Avenue, and to note for the record the date on page 2 of the Staff Report as it should read 12-16-09 instead of 12-16-10. Voice vote, Aye: Martin. Vogt, Wilson, Fess, and Terry. Nay: None. Motion carried unanimously.

Public Comment

No one came forward to speak for or against Resolution No. R-22-10.

Moved by Commissioner Terry, seconded by Commissioner Wilson, to adopt amended Resolution No. R-22-10. Voice vote, Aye: Fess, Terry, Vogt, Martin, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-22-10 adopted, as amended.

RES. NO. R-23-10

A Resolution approving the purchase of Parcel No. N44-069800

Power System Director gave a brief explanation for the reason for the purchase of this particular parcel of land at this time.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to amend Resolution No. R-23-10 in the first line of the Resolution to change the name of Hemm Road to Hemm Avenue, and to note for the record the date on page 2 of the Staff Report as it should read 12-16-09 instead of 12-16-10. Voice vote, Aye: Martin. Vogt, Wilson, Fess, and Terry. Nay: None. Motion carried unanimously.

Public Comment

No one came forward to speak for or against Resolution No. R-23-10.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that Resolution No. R-23-10 be adopted. Voice vote, Aye: Fess, Vogt, Martin, Terry and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-23-10 adopted, as amended.

PUBLIC COMMENT

Commissioner Wilson stated he wanted to congratulate a former city employee Rich Donnelly for his generous donation to the Rehabilitation Center this past week.

Mayor Fess also stated Mr. Donnelly has helped many charitable organizations

Commissioner Terry stated the North Parks Neighborhood Association will hold their next meeting on February 11, at 7:00 P.M. at Wilder School on Nicklin Avenue.

Commissioner Terry wished Mr. Cron and Mr. Larger the best in their retirements.

Commissioner Vogt congratulated Mr. Cron and Mr. Larger on their retirement, adding both men have served over thirty years of service each in the Piqua Police Department. They are both very good men, said Commissioner Vogt.

Commissioner Martin also congratulated Mr. Cron and Mr. Larger and thanked them for their service to the Citizens of Piqua. It will be hard to replace them, said Commissioner Martin.

It was stated the Redevelopment Plan – Redo Plan Community Workshop will be held on February 11, at 6:00 P.M. in the Municipal Government Complex. Citizens may contact Chris Schmiesing if they have any questions.

City Manager Enderle stated the City of Piqua will be partnering with the Ohio Attorney General Office hosting an Open Records Meeting on Wednesday, March 24 at 1:00 in the Ft. Piqua Plaza. Citizens can contact the City Managers Office at 837-778-2051 for more information.

Mayor Fess stated the City Parks Department is holding a Father-Daughter Dance on February 19, from 6:30-8:30 P.M. This is a dinner/dance being held at the Ft. Piqua Plaza, for reservations citizens may contact 937-778-2085, and the deadline for registering is February 12, said Mayor Fess.

Mayor Fess stated the City is working hard on the Storm Water issue, but the required mandates and changes have come from the EPA, and the city must conform to the mandates or be fined a considerable amount for each day we are not in compliance. Law Director Wall was working in Cincinnati when they did not conform to the EPA regulations and were taken to court, said Mayor Fess.

Law Director Wall gave a brief overview of the process the City of Cincinnati went through and why they were taken to court and forced to comply with the EPA requirements.

Several of the City leaders met with a representative (Frank DeBrosse) from John Boehner's Office recently, and he stated Mr. Boehner would like to help the City of Piqua. The City Government is trying to do something but can't do it alone, we need to get the State on board with us on this issue, said Mayor Fess. We need to write letters to our Representatives and Congressmen to ask for their help in this matter, citizens can also support this by writing letters to voice their concerns about the mandates.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Meeting at 8:15 P.M. Voice vote, Aye: Vogt, Martin, Terry, Wilson, and Fess. Nay: None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

B. OLD BUSINESS
FEBRUARY 16, 2010

➤ **Ord. No. 2-10 (2nd Reading)**

ORDINANCE NO. 2-10

AN ORDINANCE AMENDING SECTIONS 154.005 AND 154.129 OF THE CITY OF PIQUA CODE OF ORDINANCES TO ESTABLISH DEFINITIONS AND STANDARDS APPLICABLE TO SWIMMING POOLS, SPAS, AND HOT TUBS

WHEREAS, the City of Piqua Charter Section 154.141 directs the Commission to take action on zoning amendment recommendations received from the Planning Commission at their next regularly scheduled meeting; and

WHEREAS, the Planning Commission has studied a proposed amendment to the zoning code amending section 154.005 and section 154.129 of the City of Piqua Code of Ordinances to establish definitions and standards applicable to swimming pools, spas, and hot tubs; and

WHEREAS, the Planning Commission has conducted a public hearing and made a report of its findings; and

WHEREAS, the Planning Commission has submitted a recommendation to the City Commission;

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

SECTION 1. That the City of Piqua hereby amends sections 154.005 and 154.129 of the City of Piqua Code of Ordinances as set forth below (deleted text lined through and proposed text bold and underlined):

§ 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. 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.

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.

(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.

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.

(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 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.

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.

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

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

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

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

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

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

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

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

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

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

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

LOT. A parcel of land, occupied or to be occupied by a main building or a group of buildings and accessory buildings, or utilized for the principal use and uses accessory

thereto, together with any open spaces as are required under provisions of this chapter. Every LOT shall abut upon and have permanent access to a public street.

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

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

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

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

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

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

LOT LINE. Shall be as follows:

(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.

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.

MOBILE SERVICE AND RETAIL OPERATIONS. A self contained service or retail operation that is operated from a movable vehicle or portable structure that routinely changes location, and is operated as a temporary use, including mobile food service operations and mobile retail food establishments as defined by section 3717-1-01 of the Ohio Administrative Code, and also including mobile operations and entities exempted from the food license requirements by R.C. § 3717.22.

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.
 - (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, as set forth in §§ 154.060 through 154.066, Nonconforming and Nonstandard Uses.

NONSTANDARD USE. Those lots occupied by buildings or structures or uses 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 to the permitted uses within the district as set forth in §§ 154.060 through 154.066, Nonconforming and Nonstandard Uses.

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.

OUTDOOR FESTIVAL, EXHIBITION, OR GATHERING. An assembly or crowd attending a celebration, event, fair, circus, carnival, public display of items of special interest or demonstration of a particular skill or craft at an open air or tented location.

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.

- (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.

PORTABLE STORAGE UNIT. Any enclosed unit constructed of metal or other durable material that is designed to be transported by vehicle and used to provide storage.

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.

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.

SEASONAL/TEMPORARY SERVICE AND RETAIL ESTABLISHMENTS. A self contained service or retail operation, other than a mobile service or retail operation, that temporarily or routinely operates at a set location from a portable structure or an area with a defined boundary delineated by a fence, tent, or other similar feature, and is operated as a temporary use, including seasonal and temporary food service operations, and seasonal and temporary retail food establishments as defined by section 3717-1-01 of the Ohio Administrative Code, and also including seasonal and temporary operations and entities exempted from the food license requirements by R.C. § 3717.22.

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.

(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.

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 POOLS, SPAS, AND HOT TUBS. 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. **Any structure, chamber, or tank containing a body of water intended for swimming, diving, or bathing.**

PRIVATE RESIDENTIAL SWIMMING POOL, SPA OR HOT TUB. A Swimming Pool, Spa, or Hot Tub intended to serve a residential structure containing not more than three dwelling units and used exclusively by the residents and their nonpaying guests.

PUBLIC SWIMMING POOL, SPA, OR HOT TUB. A Swimming Pool, Spa, or Hot Tub intended to be used collectively and operated by any person whether as the owner, lessee, operator, licensee, or concessionaire, regardless of whether or not a fee is charged for use, not including any public bathing areas or Private Residential Swimming Pools.

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

TEMPORARY USE. The use of land, a building, or a premises for a duration not exceeding 180 consecutive days and permitted by the provisions 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).

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.

WHEELCHAIR RAMP. A fabricated or constructed sloping surface designed and installed to provide access from one level to a higher or lower level.

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. 17-08, passed 7-21-08; Am. Ord. 31-08, passed 12-1-08; Am. Ord. 05-09, passed 5-18-09)

§ 154.129 SWIMMING POOLS, SPAS, AND HOT TUBS.

(A) A Private Residential Swimming Pool, Spa, or Hot Tub may be permitted as an accessory structure to a single-family, two-family, or three-family dwelling unit principal use in accordance with the following standards:

(1) Location.

(a) A Swimming Pool, Spa, or Hot Tub may be constructed or placed on a lot occupied by the principal use to which the structure will be accessory provided the Swimming Pool, Spa, or Hot Tub is located in the rear yard.

(b) A Swimming Pool, Spa, or Hot Tub may be constructed or placed on a lot other than the lot occupied by the principal use to which the structure will be accessory provided the subject lots are adjacent, separated by not more than a public alley right of way, and the lot on which the Swimming Pool, Spa, or Hot Tub is to be located is not contiguous to a public street right of way.

(2) Setback.

(a) Swimming Pools, Spas, or Hot Tubs and the mechanical equipment and deck areas incidental to the Swimming Pool, Spa,

or Hot Tub shall be setback a minimum of ten feet from any side or rear lot line.

(b) Swimming Pools, Spas, or Hot Tubs with a water surface area greater than 150 square feet shall not be located nearer than ten feet measured horizontally to any principal or accessory structure or overhead utility.

(c) Swimming Pools, Spas, or Hot Tubs shall not be located within any utility easement and shall not be located nearer than five feet measured horizontally to any underground utility.

(3) Safety Enclosure.

(a) All Swimming Pools, Spas, or Hot Tubs with a water surface area greater than 150 square feet shall be completely enclosed by a fence or structural barrier. All mechanical equipment and deck areas incidental to the Swimming Pool, Spa, or Hot Tub shall be located within the area enclosed by the fence or structural barrier. The fence or barrier shall be a minimum of 48 inches in height above the finished ground level as measured on the side of the fence or barrier away from the Swimming Pool, Spa, or Hot Tub. The fence or barrier shall be constructed without horizontal members that would make it easy to climb and in such a manner that a sphere with a diameter of 6 inches cannot be passed through any opening. All gates or doors in the safety enclosure shall be lockable, and any gate or door used for ingress and egress to the Swimming Pool, Spa, or Hot Tub area shall be self-closing and self-latching with the latching mechanism located on the pool side of the gate or door.

(B) A Public Swimming Pool, Spa, or Hot Tub may be permitted as an accessory structure to a permitted principal use in accordance with the following standards:

(1) Location.

(a) A Swimming Pool, Spa, or Hot Tub may be constructed or placed on any lot within a zoning district permitting a Swimming Pool, Spa, or Hot Tub as a permitted principal or accessory use.

(2) Setback.

(a) Swimming Pools, Spas, or Hot Tubs and incidental mechanical equipment and deck areas shall be subject to all applicable principal structure and accessory structure setback requirements of the zoning district in which the Swimming Pool, Spa, or Hot Tub is located and in all cases maintain a minimum setback of ten feet to all lot lines.

(3) Safety Enclosure.

(a) All Swimming Pools, Spas, or Hot Tubs and incidental mechanical equipment and deck areas shall be completely enclosed by a fence or structural barrier in accordance with Ohio Building Code requirements, as adopted by § 150.001.

(4) Screening.

All Swimming Pools, Spas, and Hot Tubs and incidental mechanical equipment and deck areas shall be screened with landscaping and plantings so that the Swimming Pool, Spa, or Hot Tub and incidental mechanical equipment and deck areas shall not be plainly visible from any public right of way or adjacent property.

SECTION 2. All other sections of Chapter 154 of the City of Piqua Code of Ordinances not amended herein shall remain in effect as is.

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

LUCINDA L. FESS, MAYOR

PASSED: _____
(2nd Reading)

ATTEST: _____
REBECCA J. COOL
CITY COMMISSION CLERK



CITY COMMISSION MEETING REPORT

For the Regular Meeting of February 2, 2010

TO: Fred Enderle, City Manager

FROM: Chris Schmiesing, City Planner

SUBJECT: *Amendment to sections 154.005 and 154.129 of the City of Piqua Code of Ordinances*

PURPOSE:

Adopt an ordinance for the purpose of amending sections 154.005 and 154.129 of the City of Piqua Code of Ordinances.

RECOMMENDATION:

Approval of Ordinance to amend the City of Piqua Code of Ordinances to insert/delete text related to Swimming Pools, Spas, and Hot Tubs.

BACKGROUND:

The recommended amendments stem, in part, from a permit application submitted by Mackenzie Emrick, 123 Linden Avenue. The permit request sought to place a 24 foot diameter above-ground pool on a vacant lot located adjacent to and across the alley from the applicant's residence. Because current code provisions make it necessary for a swimming pool to be accessory and incidental to a principal structure (i.e., the residence), and require that the accessory structure (i.e., the swimming pool) be located on the same lot as the principal structure to which it is accessory, it was determined that it is not possible to issue the permit requested by the applicant. This led to a conversation with the Planning Commission concerning the possibility of amending the code to allow swimming pools on lots without a principal structure when certain conditions exist.

Additionally, the code sections applicable at the time of installation currently provide no guidance concerning location, setback, safety enclosure, or screening measures appropriate to this type of use.

ALTERNATIVES:

- 1) Approve Ordinance to accept the code amendments as recommend by the Planning Commission.*
- 2) Amend and Approve the Amended Ordinance to accept code amendments as recommend by the Planning Commission with modifications.*
- 3) Defeat the Ordinance to reject the code amendments as recommend by the Planning Commission.*

DISCUSSION:

The proposed amendment language presented to the Planning Commission is responsive to the circumstances presented by the Emrick permit request and, if adopted, would allow for the issuance of a zoning permit for the installation of a swimming pool on the subject lot.

If adopted, this Ordinance will establish community standards identifying when and where it is appropriate and acceptable to permit the placement of a swimming pool, spa, or hot tub, in particular, in those instances where the swimming pool, spa, or hot tub is located on a different lot than the lot on which the principal structure to which it is accessory is located.

Specifically, the code amendments will:

- *establish location, setback, safety enclosure, and screening requirements for swimming pools, spas, and hot tubs; and,*
- *establish consistency between the zoning, building, and property maintenance codes with regards to the swimming pool, spa, and hot tub definitions and standards listed in each of those documents.*

FINANCIAL IMPACT:

A \$50 permit fee is collected for permits issued to approve the installation of a permanent (more than 6 months) swimming pool, spa, or hot tub. No permit/no fee is applicable for temporary (less than six months) swimming pool, spa, or hot tub installations. This represents no change to the current fee structure/permit requirements.

COMMUNITY IMPACT:

The standards presented reflect the input and guidance provided by the Planning Commission concerning this matter. A public hearing to receive public comment and review the proposed code amendments was conducted on January 26, 2010 before the Planning Commission. At this meeting one person, Ms. Mackenzie Emrick, spoke in favor of the proposed amendment, and no other persons spoke for or against this item. The Planning Commission action on this matter resulted in a 4-0 vote to forward the item to the City Commission with a recommendation that the code amendments be approved as submitted.

CONFORMITY TO CITY PLANS & POLICIES:

The recommend code amendment is consistent and compatible with all adopted City plans and policies, including the Goal, Principles, and Objectives and Strategies outlined in the Land Use chapter of the Plan It Piqua Comprehensive Plan document.

B. NEW BUSINESS
FEBRUARY 16, 2010

- **Ord. No. 3-10 (1st Reading)**
- **Ord. No. 4-10 (1st Reading)**
- **Res. No. R-24-10**
- **Res. No. R-25-10**
- **Res. No. R-26-10**
- **Res. No. R-27-10**
- **Res. No. R-28-10**
- **Res. No. R-29-10**
- **Res. No. R-30-10**
- **Res. No. R-31-10**

ORDINANCE NO. 3-10

AN ORDINANCE AUTHORIZING THE SUBMISSION OF A PROPOSED AMENDMENT TO PIQUA CHARTER SECTIONS 3 and 4 THE COMMISSION

WHEREAS, the Charter Review Committee met pursuant to Charter Section 135 and has recommended the Charter sections concerning the establishment of wards and when Commission may enter into executive session be put on the ballot to be amended as stated below; and

WHEREAS, the Charter Review Committee met in open sessions and took public comment regarding the recommended changes; and

WHEREAS, the Piqua City Commission adopted Resolution R-14-10 on January 19, 2010, adopting the meeting night for 2010 to be on Tuesday and thus requested a change to Section 4 of the Charter to remain consistent with a Tuesday meeting night; and

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

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:

SECTION 1. The City Commission requests that the Miami County Board of Elections place on the ballot for the spring 2010 election the question whether the electorate is for or against amending Charter Sections 3 and 4 as follows:

SECTION 3 THE COMMISSION, POWERS, ELECTION, TERM, VACANCIES.

Except as otherwise provided in this charter all legislative and executive powers of the city shall be vested in a commission of not less than five members, either elected or appointed. One member shall be elected from each ward in the manner hereinafter provided. Commissioners from wards shall have resided in their respective wards for at least one year preceding their election or appointment. All Commissioners shall be elected from the city at large, and the person from each ward receiving the highest number of votes from the city at large shall be the commissioner from his ward. The terms of members of the commission shall begin on the first Monday in January next following their election, and they shall serve for a term of four years or until their successors are chosen and qualified, except that the three members elected at the first election by the lowest number of votes shall serve for two years only. Members of the commission shall be qualified electors of the city and shall not hold any other elective office or municipal position or employment for the City of Piqua, Ohio with the exception of the office of mayor. If a vacancy occurs in the commission except as the result of a recall election, the commission shall forthwith fill the place vacated for the unexpired term, within the sixty days, by the appointment of an elector from the ward in which the vacancy occurs. If such vacancy has not been filled by appointment within sixty days, then said vacancy shall be filled by a special election. Such special election shall be

called by the commission to be held not less than forty nor more than sixty days after the failure of the commission to appoint an elector to fill the vacancy. The special election shall be held at the same time as any other general or special election held within such period; but if none such election is to be held within such period the commission shall call a special election to be held within the time aforesaid. A member ceasing to possess any of the qualifications specified in this section or convicted of a felony, adjudicated mentally incompetent, or removing from his ward, or from the city, shall forfeit his office.

Redistricting of the wards shall occur every ten years using the census. The redistricting shall be based on an equitable balance of population and shall commence with the 2010 census figures, having the new boundaries of the wards in effect for January 1, 2012. After January 1, 2012, said boundaries of the wards if redrawn shall go into effect at the earliest possible time that the census information can be verified and the boundaries redrawn.

SECTION 4 MEETINGS OF THE COMMISSION.

At seven-thirty o'clock P.M. on the first ~~Monday~~ Tuesday in January following a regular municipal election the commission shall meet at the usual place for holding commission meetings and the newly elected members shall assume the duties of office. Thereafter the commission shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings may be held upon vote of the commission taken in any regular or special meeting and, also, shall be called by the clerk upon the written request of the mayor, the city manager or two members of the commission. Any such vote or request shall state the subject to be considered at the special meeting and no other subject shall be there considered. Except for executive sessions not open to the public, all meetings of the commission and of the committees thereof shall be open to the public, and the rules of the commission shall provide that citizens of the city shall have a reasonable opportunity to be heard at any such meeting in regard to any matter considered thereat.

The members of the commission may hold an executive session only after a majority of its quorum determines by a roll call vote to hold such a session and only at a regular or special meeting for the sole purpose of the consideration of any of the following matters:

- A. To consider the appointment, employment, dismissal, discipline or compensation of the City Manager, or City Clerk;
- B. To consider pending or imminent litigation;
- C. To prepare for and review negotiations on compensation or other terms and conditions of employment for City personnel;
- D. To consider matters regarded as confidential by federal law or rules or state statutes;
- E. To consider specialized details of security arrangements;

F. To consider the purchase or sale of property for public purposes;

G. To consider the compensation or discipline of a City employee.

SECTION 2. The proposed amendment shall be submitted to a vote of the electors on the spring 2010 election in the City of Piqua.

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

Shall Charter Section 3 be amended to redistrict based on population beginning with the 2010 census and every ten years thereafter?

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

SECTION 4. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 4 Meetings of Commission", and the question to be submitted shall be as follows:

Shall Charter Section 4 be amended to change the meeting night for the first meeting to be held in January from Monday to Tuesday?

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

SECTION 5. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 4 Meetings of Commission", and the question to be submitted shall be as follows:

Shall Charter Section 4 be amended to clarify that the Commission may meet in executive session to discuss the employment of any City employee?

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

SECTION 5. The City Manager shall cause notice of the proposed amendment as well as the time and place of the election to be published in the Piqua Daily Call for a period of two consecutive weeks.

SECTION 6. The Clerk of this Commission shall certify a copy of this Ordinance to the Board of Elections of Miami County, Ohio.

SECTION 7. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CITY COMMISSION CLERK

***For Regular Meeting of City Commission
February 16, 2010***

To: Fred Enderle, City Manager

From: Stacy M. Wall, Law Director

Date: February 10, 2010

Re: Charter Amendments to Sections 3 and 4

PURPOSE:

To adopt the recommendations of the Charter Review Committee and place on the Spring 2010 ballot, Charter Amendments for Sections 3 and 4.

RECOMMENDATION:

To adopt the Resolution for Charter Sections 3 and 4 as they are the result of the Charter Review Committee's recommendations and at the request of the Commission. Furthermore, Section 3 is in need of amendment to reflect the growth of the City.

BACKGROUND:

The Commission appointed the Charter Review Committee pursuant to Charter Section 135 and Resolution No. 33-09. The Committee was chaired by Frank Patrizio and it reviewed every section of the Charter, meeting on April 30th, May 11th and 18th, June 8th and 30th and July 20th, 2009. Every meeting was open to the public and public comment was received.

The Committee arrived at 21 recommended changes to the Charter. Because of the number of changes, the Committee prioritized the charter changes, grouping them into three groups, which were to be placed on the ballot in November 2009, Spring 2010 and November 2010. The Commission approved the Committee's recommendations in 2009 and placed 11 Charter Amendments on the ballot in November 2009. The second group of changes for the Spring 2010 ballot are as follows:

Section 3 The Commission, Powers, Election, Term, Vacancies
Section 4 Meetings of Commission

Section 33 Commission Not to Interfere in Appointments or Removals

Charter Section 3. **The Commission, Powers, Election, Term Vacancies**, determines how many wards the City is divided into and how the commissioners are elected. The Charter Review Committee strongly believes that the boundaries of the wards need to be redrawn due to the disproportionate population amongst the wards. No one could recall the boundaries ever being redrawn and when they were originally created, developments such as Eagle's Nest and Indian Ridge were not yet in existence. Therefore, due to development within the City, the population has changed and the wards need to be reconfigured. The Committee believed, and after consultation with the Board of Elections, the fairest way to redraw boundary lines is based on an "equitable balance of population" and the 2010 Census data provides the timely opportunity to redraw the boundaries since there will be accurate and current data. The Board of Elections will be responsible for redrawing the boundaries with the assistance of the City. The redistricting of the wards would occur every ten years in accordance with the census with the proposed charter change.

Charter Section 4. **Meetings of the Commission**, as proposed would permit the Commission to go into executive session to discuss the appointment, employment, dismissal, discipline or compensation of an employee. Currently, the Commission is permitted to adjourn into executive session to discuss these issues for the City Manger. The proposed change was at the request of the Law Director and agreed to by the Committee as there are many instances where the terms of employment for an employee may need to be discussed outside of the public context prior to a decision being made.

Section 4 is also being placed on the ballot at the Commission's request to change the first meeting night from Monday to Tuesday. The charter only addresses the first meeting of the year and then permits the Commission to set its calendar.

ALTERNATIVES:

The Commission could not adopt the recommendations of the Committee and not place the ordinances on the ballot.

DISCUSSION:

The proposed ordinances are before the Commission for the first time; however, the Commission has already been introduced to these proposals in 2009 when I presented all of the Charter Review Committee's recommendations. These changes are the result of many public meetings and much input and research. The Committee really focused on Section 3 of the Charter because everyone was in agreement that the wards no longer have a proportionate share of the population. There was a lot of discussion with the Committee and the Board of

Elections on how and when to redistrict. The fairest way to redistrict appears to be based on an “equitable balance of the population.” The perfect time for this charter change is now because of the 2010 census which will provide an accurate count to achieve that equitable balance.

The proposed change to Section 4 for executive session was at my request. There are several matters that may not rise to the level of pending or imminent litigation and yet may need to be discussed in executive session due to the sensitivity or confidentiality of the matter. Therefore, the Committee was in agreement and recommended the change.

Section 4 is also being changed to reflect the first meeting to be held on a Tuesday. This change is at the request of the Commission.

FINANCIAL IMPACT:

None

CONFORMITY TO CITY PLANS & POLICIES:

The proposed changes are consistent with the Commission’s recent calendar changes. The proposed changes reflecting redistricting are consistent and in-line with the growth of the City.

ORDINANCE NO. 4-10

AN ORDINANCE AUTHORIZING THE SUBMISSION OF A PROPOSED AMENDMENT TO PIQUA CHARTER SECTION 33 UNDER ADMINISTRATIVE SERVICE

WHEREAS, the Charter Review Committee met pursuant to Charter Section 135 and has recommended that Charter section 33 concerning the communication Commissioners have with employees be put on the ballot to be amended as stated below; and

WHEREAS, the Charter Review Committee met in open sessions and took public comment regarding the recommended changes; and

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

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:

SECTION 1. The City Commission requests that the Miami County Board of Elections place on the ballot for the spring 2010 election the question whether the electorate is for or against amending Charter Section 33 as follows:

SECTION 33 COMMISSION NOT TO INTERFERE IN APPOINTMENTS OR REMOVALS.

Neither the commission nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the city manager or any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. However, nothing in this section shall prohibit City Commissioners from communicating with employees regarding city matters. Except for the purpose of inquiry, the commission and its members shall deal with that of the service of the city for which the manager is responsible solely through the manager, and neither the commission nor any member thereof shall give orders to any subordinate of the city manager either publicly or privately.

SECTION 2. The proposed amendment shall be submitted to a vote of the electors on for the spring 2010 election in the City of Piqua.

SECTION 3. The ballot for said election shall, at the top thereof, be entitled "City of Piqua Charter Amendment Section 33 Commission Not to Interfere in Appointments and Removals", and the question to be submitted shall be as follows:

Shall Charter Section 33 be amended to clarify that Commissioners may communicate with employees although they cannot direct their activity?

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

SECTION 5. The City Manager shall cause notice of the proposed amendment as well as the time and place of the election to be published in the Piqua Daily Call for a period of two consecutive weeks.

SECTION 6. The Clerk of this Commission shall certify a copy of this Ordinance to the Board of Elections of Miami County, Ohio.

SECTION 7. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CITY COMMISSION CLERK

RESOLUTION NO. R-24-10

**A RESOLUTION REAPPOINTING A MEMBER
TO THE CIVIL SERVICE COMMISSION**

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: David E. Vollette is hereby reappointed as a member of the Civil Service Commission for a three-year term to expire on March 1, 2013 or until his successor is confirmed and qualified;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-25-10

**A RESOLUTION REAPPOINTING A MEMBER
TO THE COMMUNITY DIVERSITY COMMITTEE**

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: Helen Cuff is hereby reappointed as a member of the Community Diversity Committee for a one-year term to expire on March 1, 2011 or until her successor is confirmed and qualified;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-26-10

**A RESOLUTION REAPPOINTING A MEMBER
TO THE COMMUNITY DIVERSITY COMMITTEE**

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: Terry Wright is hereby reappointed as a member of the Community Diversity Committee for a two-year term to expire on March 1, 2012 or until his successor is confirmed and qualified;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-27-10

**A RESOLUTION REAPPOINTING A MEMBER
TO THE DOWNTOWN DISTRICT DESIGN REVIEW BOARD**

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: Bradley C. Bubp is hereby reappointed as a member of the Downtown District Design Review Board for a three-year term to expire on March 1, 2013 or until his successor is confirmed and qualified;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-28-10

**A RESOLUTION REAPPOINTING A MEMBER
TO THE PLANNING COMMISSION**

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: Jim Oda is hereby reappointed as a member of the Planning Commission for a five-year term to expire on March 1, 2015 or until his successor is confirmed and qualified;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-29-10

**A RESOLUTION REAPPOINTING A MEMBER
TO THE PLANNING COMMISSION**

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: Michael A. Taylor is hereby reappointed as a member of the Planning Commission for a five-year term to expire on March 1, 2015 or until his successor is confirmed and qualified;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-30-10

**A RESOLUTION REAPPOINTING AN ALTERNATE MEMBER TO
THE MIAMI VALLEY REGIONAL PLANNING COMMISSION**

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: William P. Murphy is hereby reappointed as an alternate member of the Miami Valley Regional Planning Commission for a term of one (1) year to expire on March 1, 2011 or until his successor is confirmed and qualified;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

RESOLUTION NO. R-31-10

**A RESOLUTION REAPPOINTING AN ALTERNATE MEMBER TO
THE MIAMI VALLEY REGIONAL PLANNING COMMISSION**

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: Christopher Schmiesing is hereby reappointed as an alternate member of the Miami Valley Regional Planning Commission for a term of one (1) year to expire on March 1, 2011 or until his successor is confirmed and qualified;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION