REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, SEPTEMBER 18, 2012
7:30 P.M. – COMMISSION CHAMBER – 2nd FLOOR
201 WEST WATER STREET
PIQUA, OHIO 45356

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION - Nathan Burkholder, Piqua High School, Summer Intern
Topic-Summer Internship

PRESENTATION - Brandon Baumeister / Rachel Harker, Piqua High School
Topic-Soldiers for Summit

REGULAR CITY COMMISSION MEETING

CONSENT AGENDA

1. APPROVAL OF MINUTES
   Approval of the minutes from the September 4, 2012 Regular City Commission Meeting

2. RES. NO. R-125-12
   A Resolution appointing a member to the Stormwater Utility Board

3. RES. NO. R-126-12
   A Resolution appointing a member to the Stormwater Utility Board

NEW BUSINESS

4. ORD. NO. 17-12 (2nd Reading)
   An Ordinance amending Sections 154.005, 154.025, 154.026 and 154.027 of the City of Piqua Code of Ordinance to define commercial recreation, indoor, and commercial entertainment, indoor use types and list the use types as special uses in the general business, light industrial, and heavy industrial zoning districts

5. ORD. NO. 18-12 (1st Reading)
   An Ordinance amending Sections 154.020 and 154.021 of the City of Piqua Code of Ordinances to list a Bed and Breakfast use type as a Special Use in the R-1AA and R-1A One-Family Residential Zoning Districts

6. RES. NO. R-127-12
   A Resolution establishing “Trick or Treat/Beggars’ Night” in the City of Piqua

7. RES. NO. R-128-12
   A Resolution approving the tax rates for the City as determined by the Miami County Budget Commission

8. RES. NO. R-129-12
   A Resolution to support the increased need for funding for Water Infrastructure and to bring the subject of "Water Infrastructure" into national discussion

9. RES. NO. R-130-12
   A Resolution awarding a contract to the Righter Company, Inc. for the Bike Path Bridge Repair Project

10. RES. NO. R-131-12
    A Resolution authorizing the City Manager to apply for, accept, and enter into a Water Pollution Control Loan Fund Agreement on behalf of the City of Piqua for planning, design and/or construction of Wastewater Facilities; and designating a dedicated repayment source for the loan

OTHER

Monthly Reports – July 2012

PUBLIC COMMENT

(This is an opportunity for citizens to address the City Commission regarding issues or to provide information. Comments are requested to be limited to five (5) minutes and specific questions should be addressed to the City Manager's office.)

CITY MANAGER'S REPORT

a. Mainstreet Piqua Update – Ms. Lorna Swisher, Director of Mainstreet Piqua

COMMISSIONERS COMMENT

ADJOURNMENT

MINUTES
PIQUA CITY COMMISSION
Tuesday September 4, 2012
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 Vogt, Terry, and Wilson. Absent: Martin.

Moved by Commissioner Wilson, seconded by Commissioner Terry, to excuse Commissioner Martin from the September 4, 2012 City Commission Meeting. Voice vote, Aye: Wilson, Fess, Vogt, and Terry. Nay: None. Motion carried unanimously.

REGULAR CITY COMMISSION MEETING

PROCLAMATION - PIQUA HIGH SCHOOL ALUMNI BAND DAY

Mayor Fess read and presented a proclamation declaring September 14, 2012 as Piqua High School Alumni Band Day in the City of Piqua. Stu Shear, Paul Holfinger, and Sandy Kerns accepted the proclamation on behalf of the Alumni Band. Mr. Shear thanked the City Commission and encouraged citizens to attend the football game on September 14, 2012 to watch the Alumni Band in action. Paul Holfinger thanked all of the Piqua High School graduates for coming back to participate in the program, further stating he is the oldest member of the Alumni Band at the very young age of 86, and he is still marching in the band.

Consent Agenda

Approval of the minutes from the August 21, 2012 Regular Piqua City Commission Meeting.

Moved by Commissioner Wilson, seconded by Commissioner Terry, to approve the Minutes from the August 21, 2012 City Commission Meeting. Voice vote, Aye: Wilson, Vogt, Terry, and Fess. Nay: None. Motion carried unanimously.

New Business

Ordinance No. 13-12 (3rd Reading)

An Ordinance to vacate a portion of public right of way known as Fountain Boulevard and Lake Street

City Planner Chris Schmiesing stated this item was advertised in the public media, the adjacent neighboring property owners were notified, and a public hearing was held before the Planning Commission to vacate a portion of the public right of way known as Fountain Boulevard and Lake Street that is effectively an extension of the front lawn of this property and the neighboring property located at 1105 Lake Street. The Planning Commission approved the vacation, and we did not receive any comments or concerns regard the vacation of the public right of way.

Public Comment

No one came forward to speak for or against Ordinance No. 13-12.

Moved by Commissioner Terry, seconded by Commissioner Vogt, that Ordinance No. 13-12 be adopted. Roll call, Aye: Fess, Wilson, Vogt, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 13-12 adopted.

ORD. NO. 14-12 (2nd Reading)

An Ordinance to levy Special Assessments to pay for the cost of nuisance abatement assessments and declaring an emergency

Mayor Fess explained Ordinance No. 14-12 needs to be amended by replacing Exhibit A with an amended Exhibit A as one customer paid their fees and were removed from the list.

Health and Sanitation Director Amy Welker gave a brief explanation on the various charges and the reason for some of the higher charges. Ms. Welker explained the city abates nuisance conditions on properties including mowing high grass, removing trash, trimming trees, and demolishing structures according to city code. The cost of the abatement is charged to the property owner, and if the property owner fails to pay the abatement cost then the costs are certified to the County Auditor to be placed on the property taxes.

Public Comment

No one came forward to speak for or against Ordinance No. 14-12.

Moved by Commissioner Wilson, seconded by Commissioner Terry, to amend Ordinance No. 14-12 by removing Exhibit A and replacing Exhibit A and with an amended copy. Roll call, Aye: Vogt, Terry, Fess, and Wilson. Nay: None. Motion carried unanimously.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that the rule requiring Amended Ordinance No. 14-12 be read fully and distinctly on three separate days be suspended. Roll call, Aye: Wilson, Fess, Terry and Vogt. Nay: None. Motion carried unanimously.

It was noted that payments would be accepted through Friday, September 7th, after that the assessments will be forwarded to the Miami County Auditor's office for processing.

Moved by Commissioner Vogt, seconded by Commissioner Wilson, that Ordinance 14-12 be adopted, as amended. Roll call, Aye: Fess, Wilson, Terry, and Vogt. Nay, None. Motion carried unanimously. Mayor Fess declared Ordinance 14-12 adopted as amended.

ORD. NO. 17-12

An Ordinance amending Sections 154.005, 154.025, 154.026 and 154.027 of the City of Piqua Code of Ordinance to define commercial recreation, indoor, and commercial entertainment, indoor use types and list the use types as special uses in the general business, light industrial, and heavy industrial zoning districts

City Planner Chris Schmiesing gave a brief overview on the request for the changes in the code sections at this time. This was presented to the Planning Commission at their August meeting hearing from the applicant, and the business owner initialing the request. This is a result of a request from a realtor who represents a property located on Country Club Road. Mr. Kaster stated he occasionally has clients who desire buildings with large open floor plans and high ceilings to accommodate various indoor sports training and competition activities. Typical examples of this use type include gymnastic, tumbling, cheer clubs, or facilities catering to baseball, basketball, soccer, or football activities. The uses often serve a regional customer base and prefer close proximity to major highways; and often there are vacant industrial or commercial building spaces that are well suited to the needs of this use type, stated Mr. Schmiesing. After reviewing this the Planning Commission concluded that it would also be prudent to include provisions for indoor commercial entertainment type facilities, (rides, games, or other attractions, leisure time or recreational activities being conducted indoors, e.g. indoor putt-putt course, go kart tracks, video games, etc.). If this is approved the applicant will go back to the Planning Commission to apply for a Special Use permit.

Public Comment

No one came forward to speak for or against Ordinance No. 17-12.

Ordinance No. 17-12 was given a first reading.

RES. NO. R-118-12

A Resolution approving the renewal of an application for placement of farmland in an agricultural district filed by Louise I Cromes for Parcels # N44-076845, N44-077116, N44-099300 in the City of Piqua

City Manager Huff stated the Public Hearing for this item was held on August 21, 2012, and the Commission has thirty days to act on this item.

Public Comment

No one came forward to speak for or against Resolution No. R-118-12.

Moved by Commissioner Wilson, seconded by Commissioner Terry, that Resolution 17-12 be adopted. Roll call, Aye: Fess, Wilson, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-118-12 adopted

RES. NO. R-119-12

A Resolution awarding a contract to Barrett Paving Material, Inc. for the 2012 Street Resurfacing Program

Bob Graeser, Project Manager stated on August 21, 2012 two bids were received for the 2012 Street Resurfacing Program with Barrett Paving Materials being the lowest bid. The streets to be included are Candlewood Blvd. from New Haven to Amherst, Amherst from Plymouth west to the dead end, Fairfax from McKinley to Marlboro, and Looney Road from E. Ash Street to Garbry Rd. The resurfacing project will consist of profile milling and overlaying of the roadway with a new asphalt surface, and include the installation of new ADA compliant handicap ramps, along with the replacement of catch basins, and placement of all new pavement markings within the project limits. All work is anticipated to be complete by October 29, 2012.

Public Comment

No one came forward to speak for or against Resolution No. R-119-12.

Commissioner Wilson inquired as to how the streets are chosen each year for repairs. Mr. Graeser explained the Engineering Department does a survey each year on the streets and these areas were chosen based on their needs.

Moved by Commissioner Terry, seconded by Commissioner Wilson, to approve Resolution No. R-119-12. Roll call, Aye: Fess, Wilson, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution R-119-12 adopted.

RES. NO. R-120-12

A Resolution awarding a contract to Double Jay Construction, Inc. for the Wayne Street Streetscape project.

Bob Graeser, Project Manager explained this is a streetscape project that will affect the east side of Wayne Street between Water and Ash streets only. This project will consist of the removal and

replacement of sidewalk, curbing, street signs, and light poles along with the installation of brick pavers, benches, trash receptacles and other streetscape amenities.

Commissioner Terry asked if any parking spaces would be removed in front of the Post Office with the project, and further stated the parking area needs to be better defined. Mr. Graeser stated no parking spaces would be eliminated with this project, and the area will be properly marked.

Commissioner Wilson asked if the street would be painted to better define the parking area. Mr. Graeser explained.

Public Comment

No one came forward to speak for or against Resolution No. R-120-12.

Moved by Commissioner Terry, seconded by Commissioner Wilson, to approve Resolution No. R-120-12. Roll call, Aye: Wilson, Terry, Vogt, and Fess. Nay, None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-120-12 adopted.

RES NO. R-121-12

A resolution authorizing a purchase order to Chemco Systems, L.P. for the purchase of a Lime Slaker

Don Freisthler, Water Plant Superintendent explained this would replace the current 1985 lime slaker. Lime is used for softening the water and during the softening process, the initial bacteria kill occurs, and without this purchase the water supply cannot be treated properly at the water plant. On several occasions the current 1998 lime slaker has broken down and the 1985 one would take hours to come on line causing problems for the water plant. The lime slaker has about a 10-12 week lead order time so it would not be installed until after the first of the year sometime, stated Mr. Freisthler. It was noted that this piece of equipment would be used in the new water plant when it comes on line in the future.

Commissioner Wilson asked if the lime slaker was not purchased would the city water taste bad. Mr. Freisthler stated yes, the water would not only taste bad, but the city would not be able to produce water if the lime slaker is not purchased.

Public Comment

No one came forward to speak for or against Resolution No. R-121-12.

Moved by Commissioner Wilson, seconded by Commissioner Terry, to approve Resolution No. R-121-12. Roll call, Aye: Terry, Vogt, Fess, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-121-12 adopted.

RES. NO. R-122-12

A Resolution awarding a contract to HD Supply for the emergency purchase of the material package to rebuild the transmission line damaged by the June 29, 2012 windstorm

Nick Berger, Electrical Engineer, explained the Power System received three responses to the RFQ for the bill of materials on August 10, 2012. Each response was evaluated on both the overall cost and delivery time. HD Supply submitted the best quote and in addition to supplying the material will provide a trailer to house the material on the job site. The material trailer is scheduled to be on-site the week of September 17, 2012, stated Mr. Berger.

There was discussion on the how much of the damage from the windstorm would be covered by FEMA and how much the city insurance would cover. Finance Director, Cindy Holtzapple gave a brief explanation on what would be covered and by which entity.

Public Comment

No one came forward to speak for or against Resolution No. R-122-12.

Moved by Commissioner Terry, seconded by Commissioner Vogt, to approve Resolution No. R-122-12. Roll call, Aye: Vogt, Fess, Wilson, and Terry, Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-122-12 adopted.

RES. NO. R-123-12

A Resolution awarding a contract to Brownstown Electric Supply Company for the emergency purchase of wire to rebuild the transmission line damaged by the June 29, 2012 windstorm

Nick Berger, Electrical Engineer, explained this resolution would allow the purchase of wire from Brownstown Electric Supply Co. The wire will be used to rebuild the damaged 69 KV transmission line segment that catastrophically failed during the windstorm that occurred on June 29, 2012. Three responses were received from the RFQ that were sent out and after valuation of each response it was determined that Brownstown Electric Supply Co. provided the best quote for the purchase of wire.

Public Comment

No one came forward to speak for or against Resolution No. R-123-12.

Moved by Commissioner Terry, seconded by Commissioner Wilson, to approve Resolution No. R-123-12. Roll call, Aye: Fess, Wilson, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-123-12 adopted.

RES. NO. R-124-12

A Resolution acquiring the services of Vaughn Industries to rebuild the transmission line damaged by the June 29, 2012 windstorm

Nick Berger, Electrical Engineer explained this would allow the Power System to enter into an agreement with Vaughn Industries to rebuild the damaged 69 KV transmission line that failed during the windstorm on June 29, 2012. Bids were requested from four pre-qualified contractors on August 8, 2012. Due to the tight timeframe Vaughn Industries was chosen as the best option. Vaughn Industries will provide the equipment and labor to construct both the transmission and distribution underbuild, with the material being furnished by the city.

Several questions were asked including if the work could be done in house, what the total cost of the damages were, and if there was a timeline for the work to be completed. Finance Director Cindy Holtzapple explained the total costs of the damages were about $657,000 with the Power Systems cost being around $500,000. Mr. Berger stated it would not be feasible for this work to be done in house, and the work would begin around September 24th, and be completed by November 16th, 2012.

Public Comment

No one came forward to speak for or against Resolution No. R-124-12.

Moved by Commissioner Wilson, seconded by Commissioner Terry, to approve Resolution No. R-124-12. Roll call, Aye: Fess, Wilson, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-124-12 adopted.

Public Comment

This is an opportunity for citizens to address the City Commission regarding issues or to provide information. Comments are requested to be limited to five (5) minutes and specific questions should be addressed to the City Manager's office.

Brad Boehringer, Mound Street, came forward and voiced his concern over the previous explanation of the new water rates stating he felt they were not explained correctly. City Manager Gary Huff gave a brief overview of the new water rates to Mr. Boehringer.

Mr. Boehringer also voiced his opinion on the Wayne Street streetscape and the cross walks in front of the Post Office. Mayor Fess stated the Engineering Department has studied the area and will make the proper enhancements as needed. Bob Graeser, Project Manager further explained the project to Mr. Boehringer.

City Manager's Report

Canal Place Update– Chris Schmiesing

Chris Schmiesing, City Planner gave a brief update on the changes taking place in Canal Place, which is behind the 300 block of N. Main Street. This is a collaborative effort between MainStreet Piqua, the City of Piqua, and the property owners. This includes Stormwater, Power System, Engineering and Development, and the citizens of Piqua that have donated to the project. MainStreet Piqua is working on sign/plaques to be located in Canal Place explaining the various different projects that were done such as the rain garden area. Local contractors were utilized; Casto Landscaping will be installing the plantings, along with a local Girl Scout Troop who will be planting day lilies on September 22, at 2:00 P.M. Overhead utility lines were relocated and the parking area was resurfaced.

Mayor Fess inquired as to why the paved area does not go all the way down to High Street. Mr. Schmiesing explained the reason for the paved surface not going all the way down to High Street at this time.

City Manager Huff stated the Piqua Government Academy will begin on September 5, at 6:00 P.M. and have 24 participants signed up for the Fall Session.

City Manager Huff stated the 2012 State of Economic Development Report has received the International Excellence in Economic Development Silver Award, and we are very proud to have received that award. Mayor Fess offered kudos to Economic Development Director Bill Murphy for his efforts in putting together the EDR and winning this prestigious award.

City Manager Huff announced the City of Piqua Employee Picnic is scheduled for Friday, September 7, at Fountain Park, and the City Offices will be closed from 11:45 A.M. to 1:30 P.M. so all of the employees can attend together.

City Manager Huff also announced the Piqua Arts Council will hold their Art Walk on Friday, September 14, beginning at 5:00 P.M. and encouraged citizens to attend.

Commissioner Comments

Commissioner Terry stated the attendance at the Heritage Festival was down this year due to the threat of heavy rain, but still was a very enjoyable festival. Commissioner Terry also congratulated the members of the Piqua Alumni Band, and reminded citizens that school is back in session and to watch for children crossing the streets.

Commissioner Wilson stated the Heritage Festival takes a lot of volunteers to put on the three day festival, and thanked them all for their hard work.

Commissioner Wilson reminded citizens that the summer student help has gone back to school now, and asked if citizens would consider adopting an area or Park in their neighborhood to help maintain these areas; this can be done by an individual or as a group effort. If anyone is interested in volunteering they can contact Bill Lutz at 937-778-2041 to sign up.

Mayor Fess stated City Law Director Stacy Wall spent a lot of time getting volunteers together to work at the Heritage Festival in the Rotary Corn Booth, and also worked there herself.

Mayor Fess stated she received an email from a citizen with several complaints including they feel the Pride has gone out of Piqua. Mayor Fess stated this really bothered her since she feels in the last three years the city has been doing everything they can to re-establish pride in the community. If you focus on the negative things and overlook all of the positive things you are always going to have a negative attitude, stated Mayor Fess. The Commissioners cannot go out and clean up the neighborhoods, we establish programs and work hard to try and get citizens motivated to take care of their neighborhoods, along with help from the Neighborhood Associations. It is up to each and every individual citizen to take care of their own property, and it is not up to City Government to take care of your property. Mayor Fess challenged all citizens to take pride in the community and help to make Piqua a place where citizens want to live and work. Look at all of the positive things happening in Piqua and focus on them instead of the negative things, stated Mayor Fess.

Mayor Fess also congratulated the Heritage Festival Committee and all of the volunteers on a wonderful festival again this year.

Moved by Commissioner Vogt, seconded by Commissioner Terry, to adjourn from the Regular Piqua City Commission Meeting at 8:20 P.M. Voice vote, Aye: Wilson, Fess, Vogt, and Terry. Nay: None. Motion carried unanimously.

_____
LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

ORDINANCE NO.17-12

AN ORDINANCE AMENDING SECTIONS 154.005, 154.025, 154.026, and 154.027 OF THE CITY OF PIQUA CODE OF ORDINANCES TO DEFINE COMMERCIAL RECREATION, INDOOR, AND COMMERCIAL ENTERTAINMENT, INDOOR USE TYPES AND LIST THE USE TYPES AS SPECIAL USES IN THE GENERAL BUSINESS, LIGHT INDUSTRIAL, AND HEAVY INDUSTRIAL ZONING DISTRICTS

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 sections 154.098 and 154.100 of the City of Piqua Code of Ordinances to modify permit, general, and display period requirements for temporary; attached and detached sign types, as set forth in Exhibit A included herewith; 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:

SEC. 1. That the City of Piqua hereby amends sections 154.098 and 154.100 of the City of Piqua Code of Ordinances as set forth in Exhibit A included herewith (deleted text lined through and proposed text bold and underlined):

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

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

1st Reading 9-4-2012

_____
LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

Item # 4

Commission Agenda
Staff Report

MEETING DATE	September 4, 2012			
REPORT TITLE (Match resolution/ordinance title)	AN ORDINANCE AMENDING SECTIONS 154.005, 154.025, 154.026, and 154.027 OF THE CITY OF PIQUA CODE OF ORDINANCES TO DEFINE COMMERCIAL RECREATION, INDOOR, AND COMMERCIAL ENTERTAINMENT, INDOOR USE TYPES AND LIST THE USE TYPES AS SPECIAL USES IN THE GENERAL BUSINESS, LIGHT INDUSTRIAL, AND HEAVY INDUSTRIAL ZONING DISTRICTS			
SUBMITTED BY	Chris Schmiesing, City Planner			
	Development Department			
AGENDA CLASSIFICATION	☐Consent	☒Ordinance	☐Resolution	☐Regular
APPROVALS/REVIEWS	☐City Manager		☐Asst. City Manager/Finance	
	☐Asst. City Manager/Development		☐Law Director	
	☐Department Director		☒Planning Commission	
BACKGROUND (Description, background, justification)	This item was presented to the Planning Commission in response to a request from a realtor, Mr. Scott Kaster, who represents a property on Country Club Road in Piqua. Mr. Kaster explained that he occasionally has clients who desire buildings with large open floor plans and high ceilings to accommodate various indoor sports training and competition activities. Typical examples of this use type include gymnastic, tumbling, and cheer clubs, or facilities catering to baseball, basketball, soccer, or football activities. Mr. Kaster explained that these uses often serve a regional customer base and prefer close proximity to major highways; and, often there are vacant industrial or commercial building spaces that are well suited to the needs of this use type. In reviewing this request the Planning Commission concluded that it would also be prudent to include provisions for indoor commercial entertainment type facilities (rides, games, or other attractions, leisure time or recreational activities being conducted indoors, e.g., indoor putt-putt course, go kart track, video games, etc...)			
BUDGET/FINANCIAL IMPACT (Project costs and funding sources)	Budgeted $:	0		
	Expenditure $:	0		
	Source of Funds:	N/A		

	Narrative:	The occupancy of vacant buildings with use this use tpes activities that A commercial use of tWhile not the type of tax base that
OPTIONS (Include deny /approval option)	1.	Adopt the ordinance and approve the proposed amendment to include the defined use types as special use options in the designated zoning districts.
	2.	Defeat the ordinance and deny the proposed amendment to include the defined use types as special use options in the designated zoning districts.
PROJECT TIMELINE	August 14, 2012 – Planning Commission – Public Hearing September 4, 2012 – City Commission – 1st Reading September 18, 2012 – City Commission – 2nd Reading October 2, 2012 – City Commission – 3rd Reading	
STAFF RECOMMENDATION	Approve the proposed amendment to allow the use types as stated.	
ATTACHMENTS	Ordinance, Exhibit A	

From: scott kaster <scottkaster@hotmail.com>
Sent: Tuesday, July 31, 2012 9:43 AM
To: Chris Schmiesing
Subject: 9200 Country Club Dr

Chris,

Thank you for your time yesterday in discussing the possibility of placing my clients gymnastics gym in the space on Country Club Dr. If you could please start the process of adding "Commercial Recreation Facility" to the Heavy Industrial Zoning permitted uses it would be greatly appreciated. I will keep you posted of our progress on the contractual end of this venture. Please feel free to contact me with any questions you or the zoning board may have regarding this addition.

Thank you,

Scott Kaster
RE/MAX Professionals

EXHIBIT A

§ 154.005 DEFINITIONS.

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

ACCESSORY BUILDING. 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.

EXHIBIT A

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.

EXHIBIT A

(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.

EXHIBIT A

(2) *CANOPY (DETACHED).* A canopy with a flat or low slope roof tht 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.

EXHIBIT A

(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 ENTERTAINMENT, INDOOR.* A building or portion of a building designed and equipped for the conduct of entertainment typically including rides, games, or other attractions, leisure time activities, or customary and usual recreational activities, operated for profit or not-for-profit, and open to the public.**

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.~~ **A building or portion of a building designed and equipped for the conduct of sports, exercise, athletic training or other similar activities, operated for profit or not-for-profit, open only to bona fide members and guests of the organization or open to the public for a fee.**

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.

EXHIBIT A

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.

EXHIBIT A

(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.

EXHIBIT A

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.

EXHIBIT A

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.

EXHIBIT A

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.

EXHIBIT A

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.

EXHIBIT A

(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.

EXHIBIT A

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

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

(1) Parking shall be in conformance with §§ 154.080 through 154.083, Parking and Off-Street Loading Regulations.

(2) Access shall be provided by an arterial or collector street.

(3) Side yard requirements shall be 20 feet.

(4) The minimum lot area shall be 20,000 square feet.

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

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

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

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

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

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

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

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

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

LOT LINE. Shall be as follows:

EXHIBIT A

(1) *FRONT LOT LINE.* In the case of an interior lot, that line separating the lot from the street. In the case of a corner lot or through lot, that line separating the lot from either street. 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.

EXHIBIT A

(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.

EXHIBIT A

(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.

EXHIBIT A

(1) Parking shall be in conformance with §§ 154.080 through 154.083, Parking and Off-Street Loading Regulations.

(2) Access is provided by primary collector streets.

(3) Side yard requirements shall be 20 feet.

(4) The minimum lot area shall be one acre.

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

PLANNING COMMISSION. The Planning Commission of the city.

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

*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.

EXHIBIT A

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.

EXHIBIT A

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.

EXHIBIT A

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.

EXHIBIT A

(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 on 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 practioner, 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.

EXHIBIT A

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

EXHIBIT A

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. Any structure, chamber, or tank containing a body of water intended for swimming, diving, or bathing.

(1) *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.

(2) *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.

EXHIBIT A

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.

EXHIBIT A

(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; Am. Ord. 2-10, passed 2-16-10)

EXHIBIT A

§ 154.025 B GENERAL BUSINESS DISTRICT.

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

('97 Code, § 150.361)

(B) *Principal permitted uses.*

(1) *Institutional and public recreation uses.*

(a) Places of worship.

(b) Public recreation facilities.

(c) Private clubs.

(d) Libraries.

(2) *Business and professional office uses.*

(a) Business, professional and administrative offices.

(b) Offices of business and professional associations.

(c) Medical offices and clinics.

(3) *Retail commercial and service uses.*

(a) Specialty retail commercial establishments and boutiques.

(b) Specialty food stores.

(c) Home furnishings, home improvements and miscellaneous materials and equipment stores.

(d) General merchandise stores and supermarkets.

(e) Personal services.

(f) Restaurants, standard.

(g) Financial establishments.

EXHIBIT A

(h) Pet shops.

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

(a) Automobile service stations.

(b) Fraternal and social association facility.

(c) Convenience store.

(d) Automotive appearance and rust protection services.

(e) Motels and hotels.

(f) Printing, publishing, lithographing and binding establishments, provided the gross floor area does not exceed 5,000 square feet.

(g) Self-service storage facility.

(h) Fire station.

('97 Code, § 150.362)

(C) *Accessory permitted uses.*

(1) Accessory structures.

(2) Essential services.

('97 Code, § 150.363)

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

(1) *Residential uses.*

(a) Dwellings.

(b) Elderly housing facilities.

(c) Child day care center.

(2) *Retail commercial and service uses.*

(a) Nurseries and garden supply stores.

EXHIBIT A

(b) Funeral homes.

(c) Animal hospitals, veterinary clinics and kennels, animal grooming.

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

(a) Automobile repair, painting and body shops.

(b) Automobile washing facilities.

(c) Bars, taverns and nightclubs.

(d) Commercial entertainment, outdoor.

(e) Vehicle sales, rental and service.

(f) Carry-outs, mini-markets, drive-through and drive-in stores.

(g) Restaurants, fast food.

(h) Commercial recreation, indoor.

(i) Commercial entertainment, indoor

(4) *Light industrial uses.*

(a) Farm implement sales.

(b) Construction trades and contractor offices.

(c) Tin and sheet metal shops.

(d) Building services and supplies.

(e) Plumbing and heating shops.

(f) Wholesale distributors.

(g) Commercial radio and television studios and transmitting equipment.

(h) Cellular/communication towers.

('97 Code, § 150.364)

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

EXHIBIT A

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

('97 Code, § 150.365)

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

('97 Code, § 150.366)

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

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

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

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

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

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

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

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

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

EXHIBIT A

3. Provide for the containment of litter and debris.

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

1. A solid masonry wall.

2. A solidly constructed decorative fence.

3. Louvered fence.

4. Dense evergreen plantings.

5. Deciduous trees and shrubs.

(4) *Accessory buildings.* Accessory buildings within the B General Business District shall be regulated in conformance with the provisions of §§ 154.121 and 154.122.

('97 Code, § 150.367) (Ord. 42-96, passed 9-17-96; Am. Ord. 5-06, passed 3-20-06; Am. Ord. 17-08, passed 7-21-08) Penalty, see § 154.999

§ 154.026 CBD CENTRAL BUSINESS DISTRICT.

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

('97 Code, § 150.371)

(B) *Principal permitted uses.*

(1) *Institutional and public recreation uses.*

(a) Places of worship.

(b) Public offices and buildings.

(c) Public recreation facilities.

(d) Private clubs.

(e) Libraries.

EXHIBIT A

(2) *Business and professional office uses.*

(a) Business, professional and administrative offices.

(b) Offices of business and professional associations.

(c) Medical offices and clinics.

(3) *Retail commercial and service uses.*

(a) Specialty retail commercial establishments and boutiques.

(b) Specialty food stores.

(c) Home furnishings, home improvements and miscellaneous materials and equipment stores.

(d) General merchandise stores and supermarkets.

(e) Personal services.

(f) Financial establishments.

(g) Restaurants, standard.

(h) Pet shops.

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

(a) Fraternal and social association facility.

(b) Motels and hotels.

(c) Commercial recreation ~~facilities~~, indoor.

(d) Printing, publishing, lithographing and binding establishments, provided the gross floor area does not exceed 5,000 square feet.

(5) *Other uses.* Other uses, which in the opinion of the Planning Commission are similar to the above uses indicated as being permitted. The Planning Commission may also consider essentially custom manufacturing activities which in their opinion shall have the following characteristics.

(a) Benefit from a central location and are appropriate in the CBD Central Business District.

(b) Do not create any significant objectionable influences.

EXHIBIT A

(c) Involve products characterized by a high ratio of value to bulk, so that truck traffic is kept to a minimum.

('97 Code, § 150.372)

(C) *Accessory permitted uses.*

(1) Accessory structures.

(2) Essential services.

('97 Code, § 150.373)

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

(1) *Parking lots.*

(2) *Residential uses.*

(a) Dwellings.

(b) Residential planned unit developments.

(c) Elderly housing facilities.

(3) *Retail commercial and service uses.*

(a) Commercial planned unit developments.

(b) Animal grooming.

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

(a) Carry-outs, mini-markets and drive through and drive-in stores.

(b) Restaurants, fast food.

(c) Bars, taverns, and nightclubs.

(d) Automobile service stations.

(e) Vehicle sales, rental and service, provided service access be available from a side street or alley.

EXHIBIT A

(f) Convenience stores,

('97 Code, § 150.374)

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

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

('97 Code, § 150.375)

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

('97 Code, § 150.376)

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

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

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

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

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

(4) *Accessory buildings.* Accessory buildings within the CBD Central Business District shall be regulated in conformance with the provisions of §§ 154.121 and 154.122.

EXHIBIT A

('97 Code, § 150.377) (Ord. 42-96, passed 9-17-96; Am. Ord. 5-06, passed 3-20-06; Am. Ord. 17-08, passed 7-21-08; Ord. 1-12, passed 1-3-12) Penalty, see § 154.999

§ 154.027 I-1 LIGHT INDUSTRIAL DISTRICT.

(A) *Intent.* The purpose of this district is to provide for industrial uses with limited objectionable external effects in areas that are suitable for industrial development by reason of location, topography, soil conditions, and the availability of adequate utilities and transportation systems. The intent is to permit most manufacturing, wholesaling, and warehousing activities that can be operated in a clean and quiet manner, subject only to those regulations necessary to prohibit congestion and protect adjacent residential and business activities.

('97 Code, § 150.381)

(B) *Principal permitted uses.*

(1) *Light industrial uses.*

(a) Light manufacturing.

(b) Construction trades and contractor offices.

(c) Industrial craft shops.

(d) Lumberyards and building materials sale and storage.

(e) Laundries and dry cleaning plants.

(f) Printing, publishing, lithographing and binding plants.

(g) Warehouses and self-service storage facilities.

(h) Wholesaling and storage facilities.

(2) *Transportation and utilities uses.*

(a) Heavy equipment rental, sales, service and storage.

(b) Transportation terminals.

(c) Public service yards and garages.

EXHIBIT A

(d) Public utilities.

(3) *Retail commercial and service uses.*

(a) Nurseries and garden supply stores.

(b) Animal hospitals, veterinary clinics and kennels, animal grooming.

(c) Sexually oriented businesses

(4) *Road service uses.*

(a) Automobile service stations.

(b) Automobile repair, painting and body shops.

(c) Vehicle sales, rental and service.

(5) *Other uses.* Uses similar to the above uses and any other manufacturing or industrial enterprise, operation, or process whether making, assembling, repairing, buffing, finishing, plating, polishing, tempering, packing, shipping, or storing; provided that any resulting cinders, dust, flashing, fumes, gas, noise, odor, refuse matter, smoke, vapor, or vibration is no greater or more detrimental to the neighborhood than the specified uses, that no extra fire hazard is created, and the permitted use as determined by the Planning Commission is similar in character to one of the specific uses in this section.

('97 Code, § 150.382)

(C) *Accessory permitted uses.*

(1) Essential services.

(2) Accessory structures.

('97 Code, § 150.383)

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

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

(2) Business, professional and administrative offices.

(3) Cellular/communication towers

EXHIBIT A

(4) Child day care centers.

(5) Commercial recreation, indoor.

(6) Commercial entertainment, indoor.

('97 Code, § 150.384)

(E) *Parking regulations.* Parking within the I-1 Light Industrial District shall be regulated in conformance with the provisions of §§ 154.080 through 154.083.

('97 Code, § 150.385)

(F) *Sign regulations.* Signs with the I-1 Light Industrial District shall be regulated in conformance with the provisions of §§ 154.095 through 154.107.

('97 Code, § 150.386)

(G) *Height and area regulations.* The maximum height and minimum lot requirements within the I-1 Light Industrial District shall be as follows.

(1) General requirements within this District shall be as follows.

Minimum lot area	None
Minimum lot frontage	None
Minimum front yard setback	25 feet
Minimum side yard setback	15 feet
Minimum rear yard setback	15 feet or 30 feet if abutting an alley.
Maximum height	40 feet

(2) Where an I-1 Industrial District abuts, or is across the street from, a residential district, the following minimum requirements shall apply.

(a) The minimum front yard shall be 50 feet. If loading facilities are located in the front yard, the required front yard shall be 80 feet.

(b) The minimum side yard shall be 50 feet. For every two feet by which the building height exceeds 40 feet, the required side yard shall be increased by one foot.

(c) The minimum rear yard shall be 50 feet.

(3) If a side yard is greater than 15 feet, the additional area may be utilized for parking subject to the screening requirements in division (G)(4) below.

EXHIBIT A

(4) When a side or rear yard abuts a residential district, it shall be screened in conformance with the following provisions.

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

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

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

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

3. Provide for the containment of litter and debris.

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

1. A solid masonry wall.

2. A solidly constructed decorative fence.

3. Louvered fence.

4. Dense evergreen plantings.

5. Deciduous trees and shrubs.

('97 Code, § 150.387) (Ord. 42-96, passed 9-17-96; Am. Ord. 8-03, passed 6-2-03; Am. Ord. 5-06, passed 3-20-06) Penalty, see § 154.999

§ 154.028 I-2 HEAVY INDUSTRIAL DISTRICT.

(A) *Intent.* The purpose of this district is to provide for industrial and other uses that by virtue of their characteristics should be isolated from residential uses. These uses perform essential functions for the city, including employment, and should be provided for in areas that are best suited for industrial development by reasons of location, topography, soil conditions, and the availability of adequate utilities and transportation systems.

('97 Code, § 150.391)

(B) *Principal permitted uses.*

(1) *Light industrial uses.*

EXHIBIT A

(a) Light manufacturing.

(b) Construction trades and contractor offices.

(c) Industrial craft shops.

(d) Lumberyards and building materials sale and storage.

(e) Laundries and dry cleaning plants.

(f) Printing, publishing, lithographing and binding plants.

(g) Warehouses and self-service storage facilities.

(h) Wholesaling and storage facilities.

(2) *Retail commercial and service uses.*

(a) Nurseries and garden supply stores.

(b) Animal hospitals, veterinary clinics and kennels, animal grooming.

(3) *Road service uses.*

(a) Automobile service stations.

(b) Automobile repair, painting and body shops.

(c) Vehicle sales, rental and service.

(4) *Heavy industrial, transportation and utilities uses.*

(a) Heavy industry.

(b) Heavy equipment rental, sales, service and storage.

(c) Transportation terminals.

(d) Public service yards and garages.

(e) Public utilities.

('97 Code, § 150.392)

(C) *Accessory permitted uses.*

EXHIBIT A

(1) Essential services

(2) Accessory structures.

('97 Code, § 150.393)

(D) *Special uses.* A building or premises may be used for the following purposes in the I-2 Heavy Industrial District if a special use permit for the use has been obtained in conformance with the provisions of § 154.140.

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

(2) Acetylene or oxygen manufacture.

(3) Acid manufacture including all corrosive acids and materials.

(4) Ammonia, chlorine, or bleaching powder manufacture.

(5) Animal black, lamp black, or graphite manufacture.

(6) Automotive wrecking, junk, or salvage yard, if in a completely enclosed building, or the premises on which the use is conducted is entirely enclosed within a solid fence or masonry wall not less than six feet in height.

(7) Celluloid or proxylene products, manufacture or storage.

(8) Cement, lime, gypsum, or plaster manufacture.

(9) Coke ovens.

(10) Crematoriums.

(11) Creosote manufacture or treatment.

(12) Distillation of coal, petroleum, refuse, grain, wood, or bones.

(13) Explosives manufacture.

(14) Fat rendering.

(15) Fertilizer, compost manufacture, or storage.

(16) Fish curing, smoking or packing.

(17) Fish oil manufacture or refining.

EXHIBIT A

(18) Forging plants and drop hammers.

(19) Garbage, offal, dead animals, refuse, rancid fats incineration, reduction, or storage.

(20) Gelatin manufacture.

(21) Glue manufacture.

(22) Landfill or incinerator.

(23) Livestock feeding yards or market.

(24) Petroleum or inflammable liquids production, refining.

(25) Rock crushing.

(26) Slaughtering of animals.

(27) Smelting.

(28) Bulk storage of petroleum products.

(29) Business, professional and administrative offices.

(30) Cellular/Communication Towers.

(31) Commercial recreation, indoor.

(32) Commercial entertainment, indoor.

('97 Code, § 150.394)

(E) *Parking regulations.* Parking within the I-2 Heavy Industrial District shall be regulated in conformance with the provisions of §§ 154.080 through 154.083.

('97 Code, § 150.395)

(F) *Sign regulations.* Signs with the I-2 Heavy Industrial District shall be regulated in conformance with the provisions of §§ 154.095 through 154.107.

('97 Code, § 150.396)

(G) *Height and area regulations*. The maximum height and minimum lot requirements within the I-2 Heavy Industrial District shall be as follows.

(1) General requirements within this district shall be as follows.

EXHIBIT A

Minimum lot area	None
Minimum lot frontage	None
Minimum front yard setback	25 feet
Minimum side yard setback	15 feet
Minimum rear yard setback	15 feet or 30 feet if abutting an alley.
Maximum height	40 feet

(2) Where an I-2 Industrial District abuts, or is across the street from, a residential district, the following minimum requirements shall apply.

(a) The minimum front yard shall be 50 feet. If loading facilities are located in the front yard, the required front yard shall be 80 feet.

(b) The minimum side yard shall be 50 feet. For every two feet by which the building height exceeds 40 feet, the required side yard shall be increased by one foot.

(c) The minimum rear yard shall be 50 feet.

(3) If a side yard is greater than 15 feet, the additional area may be utilized for parking subject to the screening requirements in division (G)(4) below.

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

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

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

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

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

3. Provide for the containment of litter and debris.

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

1. A solid masonry wall.

2. A solidly constructed decorative fence.

3. Louvered fence.

EXHIBIT A

4. Dense evergreen plantings.

5. Deciduous trees and shrubs.

(H) *Sexually oriented business development regulations.*

(1) No sexually oriented business shall be established within 500 feet of any area zoned as a residential district or within 500 feet of any residential use.

(2) No sexually oriented business shall be established within a radius of 500 feet of any child day care center, elementary school, junior high school, high school, or library, whether public or private, governmental, religious or commercial, which child day care center, elementary school, junior high school, high school, or library is attended by persons under 18 years of age.

(3) No sexually oriented business shall be established within a 500 feet of any public park.

(4) No sexually oriented business shall be established within 500 feet of any place of worship.

(5) No sexually oriented business shall be located within 500 feet of the right-of-way of any divided, limited access highway including but not limited to applicable portions of Interstate 75.

(6) Advertisements, displays or other promotional materials posted or displayed at a sexually oriented business shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from any other public area.

(7) All building openings, entries, doorways, windows, and the like, at any sexually oriented business shall be located, covered, or screened in such a manner as to prevent any view into the interior of any such sexually oriented business from the exterior of the structure or any public area.

(8) No screens, loudspeakers or sound equipment shall be used by a sexually oriented business that can be seen or discerned by the public from any public area.

(9) Whether the location of a sexually oriented business satisfies the criteria of this section shall be determined by measuring the straight-line distance, without regard for intervening structures, from the closest exterior structural wall or section of wall enclosing the sexually oriented business to the nearest property line of the other use in question.

('97 Code, § 150.397) (Ord. 42-96, passed 9-17-96; Am. Ord. 8-03, passed 6-2-03; Am. Ord. 5-06, passed 3-20-06) Penalty, see § 154.999

ORDINANCE NO. 18-12

AN ORDINANCE AMENDING SECTIONS 154.020 and 154.021 OF THE CITY OF PIQUA CODE OF ORDINANCES TO LIST A BED AND BREAKFAST USE TYPE AS A SPECIAL USE IN THE R-1AA AND R-1A ONE-FAMILY RESIDENTIAL ZONING DISTRICTS

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 sections 154.020 and 154.021 of the City of Piqua Code of Ordinances to list the Bed and Breakfast use type as a special use, as set forth in Exhibit A included herewith; 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:

SEC. 1. That the City of Piqua hereby amends sections 154.020 and 154.021 of the City of Piqua Code of Ordinances as set forth in Exhibit A included herewith (deleted text lined through and proposed text bold and underlined):

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

SEC. 3. 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
CLERK OF COMMISSION

Item # 5

Commission Agenda
Staff Report

MEETING DATE	September 18, 2012			
REPORT TITLE (Match resolution/ordinance title)	AN ORDINANCE AMENDING SECTIONS 154.020 and 154.021 OF THE CITY OF PIQUA CODE OF ORDINANCES TO LIST A BED AND BREAKFAST USE TYPE AS A SPECIAL USE IN THE R-1AA AND R-1A ONE-FAMILY RESIDENTIAL ZONING DISTRICTS			
SUBMITTED BY	Chris Schmiesing, City Planner			
	Development Department			
AGENDA CLASSIFICATION	☐Consent	☒Ordinance	☐Resolution	☐Regular
APPROVALS/REVIEWS	☐City Manager		☐Asst. City Manager/Finance	
	☐Asst. City Manager/Development		☐Law Director	
	☐Department Director		☒Planning Commission	
BACKGROUND (Description, background, justification)	This item was presented to the Planning Commission in response to a request from Dr. Norman Armstrong and Georgia Armstrong to amend the zoning code to include a Bed and Breakfast use type as a special use option in the R-1AA and R-1A One-family Residential zoning districts. Dr. and Mrs. Armstrong desire the amendment to the zoning code to facilitate their interest in pursuing zoning approval to conduct a Bed and Breakfast use at their residence located at 1220 Park Avenue. In reviewing this request the Planning Commission concluded that the inclusion of the Bed and Breakfast use as a special use in the affected zoning districts would permit the opportunity to allow a use type no more intense than the Day Care and Sports Club use types already included as special use options in the subject zoning districts. The Planning Commission also recognized that zoning standards applicable to a Bed and Breakfast use are already in place to ensure the use is not detrimental to the surrounding properties or the neighborhood in general. The Planning Commission further recognized that by including the use type as a special use the Planning Commission would have an opportunity to consider each request based upon its own merit, and have the ability to impose any special conditions deemed necessary to protect and preserve the character of the surrounding neighborhood, or if the use is deemed incompatible with the location or the surrounding neighborhood, have the option of denying the special use request. With reference to the similarity of the Bed and Breakfast use type with other use types already included as special uses in these districts, and noting that the special use process allows for review and consideration of each request on a case by case basis, the Planning Commission unanimously			

	recommend approval of the proposed amendment.	
BUDGET/FINANCIAL IMPACT (Project costs and funding sources)	Budgeted $:	0
	Expenditure $:	0
	Source of Funds:	N/A
	Narrative:	Bed and Breakfast uses typical accommodate out of town guest who may frequent local businesses while visiting, therefore, making a positive contribution to the local economy.
OPTIONS (Include deny /approval option)	1.	Adopt the ordinance and approve the proposed amendment to include the Bed and Breakfast use types as special use options in the designated zoning districts.
	2.	Defeat the ordinance and deny the proposed amendment to include the Bed and Breakfast use types as special use options in the designated zoning districts.
PROJECT TIMELINE	September 11, 2012 – Planning Commission September 18, 2012 – City Commission – 1st Reading October 2, 2012 – City Commission – 2nd Reading October 16, 2012 – City Commission – 3rd Reading	
STAFF RECOMMENDATION	Approve the proposed amendment to allow the use types as stated.	
ATTACHMENTS	Ordinance, Exhibit A	

EXHIBIT A

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

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

('97 Code, § 150.311)

(B) *Principal permitted uses.*

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

(2) *Institutional and public recreational uses.*

(a) Elementary, junior high and high schools.

(b) Places of worship.

(c) Libraries.

(d) Public recreation facilities.

('97 Code, § 150.312)

(C) *Accessory permitted uses.*

(1) Accessory structures.

(2) Home occupations.

(3) Essential services.

('97 Code, § 150.313)

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

(1) ***Residential uses.***

(a) Bed and breakfast inn

(2) *Institutional and public recreational uses.*

EXHIBIT A

(a) Child day care centers.

(b) Cemeteries.

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

(d) Membership sports and recreation clubs.

('97 Code, § 150.314)

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

(3) *Accessory uses.*

(a) Private garages (not necessary to a principal use).

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

('97 Code, § 150.315)

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

('97 Code, § 150.316)

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

(1) *General requirements for dwellings.*

Minimum lot area	20,000 square feet
Minimum lot frontage	100 feet
Minimum front yard setback	50 feet
Minimum side yard setback	15 feet
Minimum rear yard setback	40 feet
Maximum height	35 feet

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

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

EXHIBIT A

(4) *Accessory buildings.* Accessory buildings within the R-1AA One-Family Residential District shall be regulated in conformance with the provisions of §§ 154.121 and 154.122.

('97 Code, § 150.317) (Ord. 42-96, passed 9-17-96; Am. Ord. 5-06, passed 3-20-06; Am. Ord. 17-08, passed 7-21-08) Penalty, see § 154.999

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

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

('97 Code, § 150.321)

(B) *Principal permitted uses.*

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

(2) *Institutional and public recreational uses.*

(a) Elementary, junior high and high schools.

(b) Places of worship.

(c) Libraries.

(d) Public recreation facilities.

('97 Code, § 150.322)

(C) *Accessory permitted uses.*

(1) Accessory structures.

(2) Home occupations.

(3) Essential services.

('97 Code, § 150.323)

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

(1) ***Residential uses.***

EXHIBIT A

(a) Bed and breakfast inn

(2) *Institutional and public recreational uses.*

(a) Child day care centers.

(b) Cemeteries.

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

(d) Membership sports and recreation clubs.

(2) *Accessory uses.*

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

('97 Code, § 150.324)

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

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

('97 Code, § 150.325)

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

('97 Code, § 150.326)

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

(1) *General requirements for dwellings.*

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

EXHIBIT A

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

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

(4) *Accessory buildings.* Accessory buildings within the R-1A One-Family Residential District shall be regulated in conformance with the provisions of §§ 154.121 and 154.122.

('97 Code, § 150.327) (Ord. 42-96, passed 9-17-96; Am. Ord. 5-06, passed 3-20-06; Am. Ord. 17-08, passed 7-21-08) Penalty, see § 154.999

RESOLUTION NO. R-125-12

A RESOLUTION APPOINTING A MEMBER TO THE STORMWATER UTILITY BOARD

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

WHEREAS, on April 6, 2010 Resolution No. R-47-10 was passed which established the formation of a Stormwater Utility Board; and

WHEREAS, a vacancy now exists on the Stormwater Utility Board.

SEC. 1: Kristy Warren is hereby appointed as a member of the Stormwater Utility Board for a term of two (2) years to expire on August 1, 2014.

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-126-12

A RESOLUTION APPOINTING A MEMBER TO THE STORMWATER UTILITY BOARD

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

WHEREAS, on April 6, 2010 Resolution No. R-47-10 was passed which established the formation of a Stormwater Utility Board; and

WHEREAS, a vacancy now exists on the Stormwater Utility Board.

SEC. 1: Jesse Dotson is hereby appointed as a member of the Stormwater Utility Board for a term of one (1) year to expire on August 1, 2013.

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-127-12

A RESOLUTION ESTABLISHING "TRICK OR TREAT/BEGGARS' NIGHT" IN THE CITY OF PIQUA

WHEREAS, the annual celebration of Halloween has become a tradition in Piqua; and

WHEREAS, by common consent of the municipalities of Miami County, Wednesday, October 31, 2012, from 6:00 P.M. to 8:00 P.M. has been designated "Trick or Treat/Beggars' Night";

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

SEC. 1: This Commission hereby proclaims Wednesday, October 31, 2012 from 6:00 P.M. to 8:00 P.M. as official "Trick or Treat/Beggars' Night" in the City of Piqua.

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-128-12

A RESOLUTION APPROVING THE TAX RATES FOR THE CITY AS DETERMINED BY THE MIAMI COUNTY BUDGET COMMISSION

WHEREAS, on August 30, 2012, the Miami County Budget Commission has, pursuant to general law, certified the following rates of tax to be levied in the City of Piqua for municipal purposes on the general tax duplicate of 2012, subject to any additional levies approved by the electorate; and

WHEREAS, said certified rates of tax require the approval 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:

SEC. 1: The rates of tax to be levied as follows in the City of Piqua for municipal purposes on the general tax duplicate of 2012 (subject to any additional levies approved by the electorate) are hereby approved and certified;

FUND	MILLS	AMOUNT
Ten Mill Limitation		
General	3.70	$1,152,447
Police Pension	.30	93,442
Fire Pension	.30	93,442

SEC. 2: The Clerk of this Commission is directed to file a certified copy of this Resolution with the Miami County Auditor forthwith;

SEC. 3: 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

Item # 7

Commission Agenda
Staff Report

MEETING DATE	September 18, 2012			
REPORT TITLE (Should match resolution/ordinance title)	A resolution approving the tax rates for the city as determined by the Miami County Budget Commission			
SUBMITTED BY	Name & Title: Cynthia Holtzapple, Assistant City Manager, Finance Director			
	Department: Finance			
AGENDA CLASSIFICATION	☐Consent	☐Ordinance	☒Resolution	☐Regular
APPROVALS/REVIEWS	☒City Manager		☒Asst. City Manager/Finance	
	☐Asst. City Manager/Development		☐Law Director	
	☐Department Director;		☐Other:	
BACKGROUND (Includes description, background, and justification)	Every year about this time, we request an approval of the certified tax rates which will be used to levy property tax on all general duplicates for 2012 to be collected in 2013. These certified rates require the approval of our Commission and certifications to Miami County before October 1, 2012.			
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted $:			
	Expenditure $:			
	Source of Funds:			
	Narrative:	Passage of this will allow the City to continue to receive the collection of property tax revenue from the County. These revenues are vitally important to the General Fund and our day to day operations.		
OPTIONS (Include Deny /Approval Option)	1.	Approve Resolution No. R-128-12 for the approval of the tax rates for the City as determined by the Miami County Budget Commission.		
	2.	Do not approve Resolution No. R-128-12 and cause our revenues to drop substantially.		
PROJECT TIMELINE				
STAFF RECOMMENDATION	We are requesting approval of Resolution No. R-128-12 approving the tax rates for the City as determined by the Miami County Commission.			
ATTACHMENTS				

RESOLUTION NO. R-129-12

A RESOLUTION TO SUPPORT THE INCREASED NEED FOR FUNDING FOR WATER INFRASTRUCTURE AND TO BRING THE SUBJECT OF "WATER INFRASTRUCTURE" INTO NATIONAL DISCUSSION

WHEREAS, Ohio's vast water resources are vital to 11 million Ohioans for drinking, swimming, fishing, farming, recreation and industrial production, and Ohio is home to more than 29,000 miles of streams and rivers, a 451-mile border on the Ohio River, more than 5,000 lakes, ponds, and reservoirs (>1 acre), and 236 miles of Lake Erie shoreline. Ohio has 10 scenic rivers comprising more than 629 river miles, the fourth largest total of any state in the nation; and

WHEREAS, these critical resources are now in peril because many treatment systems are old and exceed their designed life; need enhancements to meet federal standards; or need to be upgraded in order to control storm water, combined sewer and/or sanitary overflows; and

WHEREAS, earlier investment in wastewater and drinking water infrastructure resulted in marked improvements in water quality and public health protection and this improvement would be put at serious risk without further investment; and

WHEREAS, well-maintained systems contribute substantially to our citizens' general welfare and the State's prosperity; and

WHEREAS, the gap between needs and expenditures for wastewater, storm water, and drinking water, according to multiple reports is estimated at $21 billion for Ohio's wastewater/water infrastructure over the next 20 years; and

WHEREAS, this funding gap does not include anticipated expenditures to comply with new Clean Water and Safe Drinking Water Act mandates, new responsibilities and costs relating to water security, source water protection or additional needs for re-use of treated effluent; and

WHEREAS, since 2004 the federal government has reduced funding for Ohio's vital wastewater infrastructure by 50%, while funding for drinking water infrastructure has been cut by 40%, shifting the burden of paying for this infrastructure onto local governments; and

WHEREAS, Ohio's water quality monitoring data indicates that 48% of the waters sampled do not meet or are at risk of not meeting the fishable and swimmable goals of the federal Clean Water Act, often due to sewage, combined sewer overflows and/or urban and storm water runoff; and

WHEREAS, it is estimated that between 30,000 and 47,500 jobs are created for each $1 billion of federal investment in infrastructure projects, providing an unparalleled opportunity for economic recovery and long-term growth in Ohio's communities; and

WHEREAS, municipal resources dedicated to water infrastructure are currently overwhelmingly directed to compliance with new and ever more complex federal mandates and are therefore unavailable for critical maintenance, repair, and rehabilitation needs; and

WHEREAS, investment in water infrastructure is an investment in America – it creates high-quality jobs to repair, replace and upgrade our aging drinking water, wastewater and other water-related systems; it is essential to economic vitality and spurs economic growth by

ensuring safe and reliable water and wastewater systems to attract and retain industry, business and qualified workers; it is critical to protect public health and our quality of life; and it drives research and innovation in new water technologies to be used in the US and around the world; and

WHEREAS, through work of the American Water Works Association and the Water Environment Federation, effort has been made to develop a new funding bill called WIFIA (Water Infrastructure Funding Initiative Act) proposed by Congressman Bob Gibbs of Ohio. This bill would provide funding through the US Treasury to supplement the existing State Revolving Loan Fund (SRF) program.

NOW, THEREFORE, BE IT RESOLVED that the City of Piqua, Ohio urges the Congress of the United States of America and the President to understand the importance of water infrastructure to public health and economic vitality and elevate this subject into national discussion during the summer and fall of 2012; and

BE IT FURTHER RESOLVED that the City of Piqua, Ohio urges the Congress of the United States of America and the President to reverse the current decline in infrastructure spending and develop a funding option that makes sense and restores greatness to America through investment in water infrastructure; and

BE IT FURTHER RESOLVED that the City of Piqua, Ohio urges Congress and the President to enact new legislation which provides adequate and reliable long-term funding for municipal water infrastructure needs to help close the funding gap. This funding shall be used solely to address water infrastructure needs and must not rely on traditional sources of revenue, such as a federal tax on water or sewer charges.

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

SEC. 1: A copy of this resolution will be forwarded to the WEF & AWWA for submittal for conversation with candidates, The President of the United States & the Congress of the United States

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

Item # 8

Commission Agenda
Staff Report

MEETING DATE	Sept. 18, 2012			
REPORT TITLE (Should match resolution/ordinance title)	A RESOLUTION TO SUPPORT THE INCREASED NEED FOR FUNDING FOR WATER INFRASTRUCTURE AND TO BRING THE SUBJECT OF "WATER INFRASTRUCTURE" INTO NATIONAL DISCUSSION			
SUBMITTED BY	Name & Title: Dave Davis & Don Friesthler			
	Department: Wastewater Plant & Water Plant Supt.			
AGENDA CLASSIFICATION	☐Consent	☐Ordinance	☒Resolution	☐Regular
APPROVALS/REVIEWS	☒City Manager		☐Asst. City Manager/Finance	
	☐Asst. City Manager/Development		☐Law Director	
	☒Department Director;		☐Other:	
BACKGROUND (Includes description, background, and justification)	This resolution would be sent to the State of Ohio Water Environment Association & the American Water Works Association and then on to the national groups, to be presented to the President, Candidates and Congress for national discussion. It will convey our concerns about federal guidelines that are driving the costs for local water infrastructure to the rate payers with **no** federal funding to defray costs. The City of Piqua is about to invest millions of dollars into it water & wastewater infrastructure and the federal government has cut funding for water & wastewater infrastructure every year since 2004. A change in that thinking and funding **could** help the city with possible funding sources for our projects in the future. Congressman Bob Gibbs of Ohio has already proposed a bill called WIFIA (Water Infrastructure Funding Initiative Act) that has the support from AWWA and OWEA.			
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted $:	$0		
	Expenditure $:	$0		
	Source of Funds:			
	Narrative:	No cost to forward our Resolution, OWEA & AWWA would forward resolution along with other community's resolutions showing our stance.		
OPTIONS	1.	Approval: Would bring to light the need for Water Infrastructure funding from the federal government for the federal guidelines being passed down		

(Include Deny /Approval Option)		to the local governments.
	2.	Approval: Possible future funding sources for Water and Wastewater Infrastructure improvements.
	3.	Deny: We would have no voice in this matter.
	4.	
PROJECT TIMELINE	Resolution would be sent immediately after passage.	
STAFF RECOMMENDATION	Approval of the Resolution would be sent to the State organizations and then from the state to the parent organizations to be presented to the President, Candidates & Congress.	
ATTACHMENTS	Letter from Tom Angelo, President of the Ohio Water Environment Association pertaining to this subject.	

Ohio Water Environment Association
Preserving & Enhancing Ohio's Water Environment

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T: 614.488.5800 F: 614.488.5801 E: info@ohiowea.org
www.ohiowea.org

87th Annual Meeting
June 18-20, 2013
Mason, Ohio

President
Tom Angelo

President-Elect
Dan Sullivan

Vice-President
Mike Frommer

Past President
Doug Clark

Secretary-Treasurer
Jane Winkler

WEF Delegates
Kim Riddell
Mark Livengood

Northwest Delegate
Elizabeth Wick

Northeast Delegate
Ted Baker

Southwest Delegate
Jamie Gellner

Southeast Delegate
Tyler Linton

Executive Manager
Judi Henrich

August 15, 2012

Dear Fellow Water Professional:

I am writing to you as the President of the Ohio Water Environment Association (OWEA), a nonprofit professional organization dedicated to education on issues of water quality protection, enhancement of water resources, and reasonable common sense regulation. OWEA operates as a member association of the Water Environment Federation (WEF), which has headquarters in Alexandria, Virginia.

We are writing to you to **ask your assistance in encouraging our national leaders to support clean water funding initiatives** such as WIFIA (Water Infrastructure Finance Innovations Authority) and continued support of the SRF (State Revolving Loan Fund). To this end, we have attached a resolution for your consideration, which can be sent to your elected officials in Washington DC to let them know your opinions.

Unfortunately, discussions on the importance of water infrastructure have disappeared from national conversation. While discussion has occurred on the subject of roads and bridges and the importance of infrastructure in general, little has been said about the condition of "water infrastructure" and how critical it is to the health and welfare of America, its citizens, and economic commerce. After all, water is the one true substance on Earth that one cannot do without. Yet, given that its infrastructure is often unseen; most people are not aware of the degradation of the system. Despite the unseen (and at times ignored) degradation of our water infrastructure, most utility service providers continue to do an excellent job at providing water of good quality and treating water at reasonable cost.

Many communities report that critical assets are in excess of 80 years old. Unless there is increased funding support to help address the needs of aging infrastructure, the quality of life and health that most of us enjoy in Ohio may be diminished. We already are seeing signs of this stress due to increased frequency of water line breaks and rising costs to ratepayers to support aging systems. The U.S. Environmental Protection Agency estimates that by 2020 there will be an $84 billion gap between what is being spent on wastewater and drinking water infrastructure and what should be spent to meet our national needs. The American Society of Civil Engineers gives a D- grade to the state of our nation's wastewater infrastructure, drinking water infrastructure, levees, and inland waterways.

OWEA believes that investment in water infrastructure also means jobs for Americans, many of which are local to Ohio and Ohio's communities. Jobs directly tied to the construction of water infrastructure include jobs for engineers that design the facilities, contractors that build them, equipment suppliers that provide equipment, and materials suppliers that provide asphalt, concrete, and reinforcing steel. Jobs also include those created by local motels, gas stations and restaurants providing goods and services for construction workers, which benefit the local economies. **Given all of the discussion that has occurred in the last two decades on loss of domestic jobs overseas, investment in infrastructure is a true investment in America, America's people, and a positive step in regaining national pride**.

For our nation to return to economic prosperity, the American people and American businesses (large and small) need a safe and reliable water infrastructure system. The Water Environment Federation recently launched a public awareness campaign called **"WATER'S WORTH IT"**™ (*www.WatersWorthIt.org*) that raises awareness of the challenges ahead. OWEA urges all municipal leaders and utility service providers to review this information and help bring the subject of clean water funding to the national stage.

Ohio is considered by both major political parties to be a swing state in the 2012 election. Your voice can help shape the Ohio of the future. After all, Ohio is blessed with abundant water resources. OWEA believes that "**great infrastructure builds great nations**." We believe that water infrastructure must be provided to ensure good health to our citizens, meet all applicable regulatory standards, be abundant in supply, and be provided at reasonable cost. Water has been part of our national heritage, and this legacy can hopefully be continued with your help.

To this end, we have drafted a resolution, which is attached, to help lend support to this national discussion. Our goal is to have each community consider passing this or a similar resolution as soon as possible and would ask that you help to facilitate this in your community. As you accomplish this, please encourage your local media to write about the legislation. If they or you need additional information for a story, contact Judi Henrich at OWEA and she will direct you to the appropriate people for help. By all means, you can contact me concerning this at 330.219.7883.

Thank you for your consideration.

Regards,

Thomas A. Angelo
President
The Ohio Water Environment Association

RESOLUTION NO. R-130-12

A RESOLUTION AWARDING A CONTRACT TO THE RIGHTER COMPANY, INC. FOR THE BIKE PATH BRIDGE REPAIR PROJECT

WHEREAS, on January 3, 2012, this Commission passed Resolution No. R-2-12 authorizing the City Purchasing Analyst to advertise for bids, according to law; and

WHEREAS, after proper advertisement, bids were opened for the Bike Path Bridge Repair Project, resulting in the tabulation of bids as listed in Exhibit "A" attached hereto;

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

SEC. 1: A contract is hereby approved with The Righter Company, Inc. as the lowest, responsible bidder for the Bike Path Bridge Repair Project and the City Manager is hereby authorized to execute a contract with said bidder pursuant to contract specifications.

SEC. 2: The Finance Director is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of $98,000.00.

SEC. 3: 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

Item # 9

Commission Agenda Staff Report

MEETING DATE	September 18, 2012			
REPORT TITLE (Should match resolution/ordinance title)	A Resolution awarding a contract to The Righter Company, Inc. for the Bike Path Bridge Repair Project.			
SUBMITTED BY	Name & Title: Amy Havenar, P.E., City Engineer			
	Department: Engineering			
AGENDA CLASSIFICATION	☐ Consent	☐ Ordinance	☒ Resolution	☐ Regular
APPROVALS/REVIEWS	☒ City Manager		☐ Asst. City Manager/Finance	
	☐ Asst. City Manager/Development		☒ Law Director	
	☐ Department Director		☐ Other:	
BACKGROUND (Includes description, background, and justification)	On September 6, 2012, six bids were received for the Bike Path Bridge Repair Project (see attached Exhibit "A"). The repairs are needed due to a fire that damaged a portion of the bike path bridge over the Great Miami River in June of this year. The project will consist of the removal and the replacement of approximately a 110' section of the bike path bridge, including the railing, the railroad ties, the decking, the associated steel channel, tubing, and straps, and the removal and replacement of the damaged angle braces.			
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted $:	$0 (Nothing was budgeted for this project)		
	Expenditure $:	$98,000		
	Source of Funds:	The City will be responsible for paying the deductible of $2,500. The remainder of the cost will be paid for through the City's insurance (MVRMA).		
	Narrative	Due to the repairs being necessary as a result of a fire, the repair costs, with the exception of the deductible, will be covered under the City's insurance. However, the Engineering Department and the Fire Department are working together to come up with options to hopefully prevent this degree of damage from occurring to the bridge in the future as we have had numerous insurance claims for repair to this bridge. This resolution includes a 10% contingency for items of work which may be required which are not included in the original plans and specifications. The engineer's estimate was $100,000.		

OPTIONS (Include Deny /Approval Option)	1.	Approve the resolution and complete the repairs to the bike path bridge.
	2.	Do not approve the resolution and do not complete the necessary repairs to the bike path bridge.
PROJECT TIMELINE	The Contractor has indicated that they will begin work on November 26, 2012. The work will take approximately 30 days to complete, weather dependent.	
STAFF RECOMMENDATION	Approve the resolution to allow for the necessary repairs to the bike path bridge.	
ATTACHMENTS	Bid Tabulation (Exhibit “A”)	

BID TABULATION

CITY OF PIQUA BIKE PATH BRIDGE REPAIR - PROJECT # 12-09

BID OPENING: SEPTEMBER 6, 2012, 10:00 A.M.

EXHIBIT "A"

BID REF.	QUANTITIES			The Righter Co., Inc. 2424 Harrison Rd Columbus, OH 43204				Brumbaugh Construction, Inc. 3520 St. Rt.49 Arcanum, Oh 45304				Belgray, Inc. 820 E. Monument Ave Dayton, Oh 45402			
Item No.	**DESCRIPTION**	**APPROX.**	**UNITS**	**MTRL**	**LABOR**	**UNIT PRICE**	**TOTAL PRICE**	**MTRL**	**LABOR**	**UNIT PRICE**	**TOTAL PRICE**	**MTRL**	**LABOR**	**UNIT PRICE**	**TOTAL PRICE**
1	MOBILIZATION	1.0	EA	$2,000.00	$2,000.00	$4,000.00	$4,000.00	$0.00	$6,000.00	$6,000.00	$6,000.00	$892.00	$400.00	$1,292.00	$1,292.00
2	REMOVE AND REPLACE RAILING WITH FASTENERS	220.0	LF	$20.00	$26.00	$46.00	$10,120.00	$10.00	$30.00	$40.00	$8,800.00	$15.00	$30.00	$45.00	$9,900.00
3	REMOVE AND REPLACE DECKING & STRINGERS WITH FASTENERS	1375.0	SF	$9.00	$7.00	$16.00	$22,000.00	$9.00	$23.00	$32.00	$44,000.00	$12.00	$15.00	$27.00	$37,125.00
4	REMOVE AND REPLACE MC7X19.1 CHANNEL	220.0	LF	$20.00	$30.00	$50.00	$11,000.00	$15.00	$22.00	$37.00	$8,140.00	$36.50	$8.50	$45.00	$9,900.00
5	REMOVE AND REPLACE TOE PLATE WITH FASTENERS	220.0	LF	$3.00	$5.00	$8.00	$1,760.00	$2.00	$5.00	$7.00	$1,540.00	$3.75	$3.25	$7.00	$1,540.00
6	REMOVE AND REPLACE STRUCTURAL TUBING 6"X6"X1"	25.0	EA	$250.00	$125.00	$375.00	$9,375.00	$60.00	$65.00	$125.00	$3,125.00	$435.00	$90.00	$525.00	$13,125.00
7	REMOVE AND REPLACE STEEL RAIL STRAPS 3"X 1/2"	440.0	LF	$14.00	$15.00	$29.00	$12,760.00	$1.35	$5.10	$6.45	$2,838.00	$11.50	$5.50	$17.00	$7,480.00
8	REMOVE AND REPLACE 10"X15" X 11' RAIL ROAD TIES	33.0	EA	$300.00	$100.00	$400.00	$13,200.00	$310.00	$148.00	$458.00	$15,114.00	$150.00	$125.00	$275.00	$9,075.00
9	INSTALL NEW HOOK BOLTS FOR RAILROAD TIES	52.0	EA	$15.00	$20.00	$35.00	$1,820.00	$19.85	$27.65	$47.50	$2,470.00	$27.25	$32.75	$60.00	$3,120.00
10	REMOVE AND REPLACE RAIL ANGLE BRACES WITH FASTENERS	17.0	EA	$40.00	$120.00	$160.00	$2,720.00	$15.00	$35.00	$50.00	$850.00	$45.00	$130.00	$175.00	$2,975.00
				Anticipated Start Date: 11/26/2012		**TOTAL**	**$88,755.00**	**Anticipated Start Date:**		**TOTAL**	**$92,877.00**	**Anticipated Start Date: 10/22/2012**		**TOTAL**	**$95,532.00**

BID TABULATION

CITY OF PIQUA BIKE PATH BRIDGE REPAIR - PROJECT # 12-09

BID OPENING: SEPTEMBER 6, 2012, 10:00 A.M.

BID REF.	QUANTITIES			Fryman-Kuck 5150 Weber Street Dayton, OH 45413				Millmark Construction 1360 S. County Rd 25-A Troy, OH 45373				Arcon Builders LTD 7824 Alt. St. Rt. 49 Arcanum, Oh 45304			
Item No.	**DESCRIPTION**	**APPROX.**	**UNITS**	**MTRL**	**LABOR**	**UNIT PRICE**	**TOTAL PRICE**	**MTRL**	**LABOR**	**UNIT PRICE**	**TOTAL PRICE**	**MTRL**	**LABOR**	**UNIT PRICE**	**TOTAL PRICE**
1	MOBILIZATION	1.0	EA	$1,500.00	$1,500.00	$3,000.00	$3,000.00	$1,400.00	$2,000.00	$3,400.00	$3,400.00	$0.00	$12,500.00	$12,500.00	$12,500.00
2	REMOVE AND REPLACE RAILING WITH FASTENERS	220.0	LF	$6.50	$25.00	$31.50	$6,930.00	$27.00	$30.00	$57.00	$12,540.00	$14.50	$26.50	$41.00	$9,020.00
3	REMOVE AND REPLACE DECKING & STRINGERS WITH FASTENERS	1375.0	SF	$13.25	$30.00	$43.25	$59,468.75	$13.00	$9.25	$22.25	$30,593.75	$15.00	$23.00	$38.00	$52,250.00
4	REMOVE AND REPLACE MC7X19.1 CHANNEL	220.0	LF	$33.00	$20.00	$53.00	$11,660.00	$60.00	$32.00	$92.00	$20,240.00	$75.00	$20.00	$95.00	$20,900.00
5	REMOVE AND REPLACE TOE PLATE WITH FASTENERS	220.0	LF	$2.96	$3.50	$6.46	$1,421.20	$5.00	$24.00	$29.00	$6,380.00	$5.00	$6.00	$11.00	$2,420.00
6	REMOVE AND REPLACE STRUCTURAL TUBING 6"X6"X1"	25.0	EA	$58.16	$45.00	$103.16	$2,579.00	$60.00	$96.00	$156.00	$3,900.00	$380.00	$100.00	$480.00	$12,000.00
7	REMOVE AND REPLACE STEEL RAIL STRAPS 3"X 1/2"	440.0	LF	$6.75	$10.00	$16.75	$7,370.00	$9.00	$10.00	$19.00	$8,360.00	$1.70	$6.00	$7.70	$3,388.00
8	REMOVE AND REPLACE 10"X15" X 11' RAIL ROAD TIES	33.0	EA	$272.00	$137.50	$409.50	$13,513.50	$410.00	$182.00	$592.00	$19,536.00	$362.00	$175.00	$537.00	$17,721.00
9	INSTALL NEW HOOK BOLTS FOR RAILROAD TIES	52.0	EA	$7.00	$20.00	$27.00	$1,404.00	$6.00	$58.00	$64.00	$3,328.00	$23.00	$32.00	$55.00	$2,860.00
10	REMOVE AND REPLACE RAIL ANGLE BRACES WITH FASTENERS	17.0	EA	$5.00	$20.00	$25.00	$425.00	$16.00	$71.00	$87.00	$1,479.00	$70.00	$30.00	$100.00	$1,700.00
				Anticipated Start Date:	**1/2/2013**	**TOTAL**	**$107,771.45**	**Anticipated Start Date:**	**11/1/2012**	**TOTAL**	**$109,756.75**	**Anticipated Start Date:**	**9/26/2012**	**TOTAL**	**$134,759.00**

RESOLUTION NO. R-131-12

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE CITY OF PIQUA FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN

WHEREAS, the City of Piqua seeks to upgrade its existing wastewater facilities; and

WHEREAS, the City of Piqua intends to apply for Water Pollution Control Loan Fund (WPCLF) for the planning, design and construction of the wastewater facilities; and

WHEREAS, the Ohio Water Pollution Control Loan Fund requires the government authority to pass legislation for application of a loan and the execution of an agreement as well as designating a dedicated repayment source;

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

SEC. 1: That the City Manager be and is hereby authorized to apply for a WPCLF loan, sign all documents for and enter into a Water Pollution Control Loan Fund with Ohio Environmental Protection Agency and the Ohio Water Development Authority for planning, design and/or construction of wastewater facilities on behalf of the City of Piqua, Ohio;

SEC. 2: That the dedicated source of repayment will be Wastewater Revenues;

SEC. 3: 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

Item # 10

Commission Agenda
Staff Report

MEETING DATE	September 18, 2012			
REPORT TITLE	**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE CITY OF PIQUA FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN**			
SUBMITTED BY	Name & Title: Cynthia A. Holtzapple, Assistant City Manager/Finance Director			
	Department: Finance			
AGENDA CLASSIFICATION	☐Consent	☐Ordinance	☒Resolution	☐Regular
APPROVALS/REVIEWS	☒City Manager		☐Asst. City Manager/Finance	
	☐Asst. City Manager/Development		☒Law Director	
	☒Department Director;		☐Other:	
BACKGROUND	The recently completed Wastewater Master Plan indicates that additional upgrades to the existing Wastewater facilities are needed to further address the Sanitary Sewer Overflow (SSO) issues. The first step is to evaluate and design what improvements may be needed and secure funding. Funds needed for the design of the improvement are estimated to be approximately $3 million. Currently, the interest rate on the loan we are applying for is 2.54% and may change from now until the loan is awarded in December 2012.			
BUDGETING AND FINANCIAL IMPACT	Budgeted $:	$0 in 2012 - Loan funds would be available in 2013		
	Expenditure $:	$0 in 2012		
	Source of Funds:	Wastewater revenues will be used to repay the loan.		
OPTIONS	1.	Approve the Resolution R-131-12 so application for the loan can be made this year.		
	2.	Reject the Resolution R-131-12 and reapply at a later time or consider other funding sources.		
PROJECT TIMELINE	October-December 2012 - Application for loan January 2013 - Loan award 2013-2014 - Design period			
STAFF RECOMMENDATION	We recommend approval of the Resolution R-131-12 so that the loan application can be made as soon as possible.			