

**SPECIAL PIQUA CITY COMMISSION MEETING  
FRIDAY, OCTOBER 19, 2012  
9:00 A.M. – COMMISSION CHAMBER – 2<sup>nd</sup> FLOOR  
201 WEST WATER STREET  
PIQUA, OHIO 45356**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**SPECIAL CITY COMMISSION MEETING**

**OLD BUSINESS**

1. ORD. NO. 19-12 (2<sup>nd</sup> Reading-Amended)  
An Ordinance amending Sections 154.005, 154.096, 154.097, 154.101 and 154.104 of the City of Piqua Code of Ordinances to modify definitions, standards and other general provisions applicable to high-rise/highway oriented and other sign types

**ADJOURNMENT**



**ORDINANCE NO. 19-12**

**AN ORDINANCE AMENDING SECTIONS 154.005, 154.096, 154.097, 154.101 AND 154.104 OF THE CITY OF PIQUA CODE OF ORDINANCES TO MODIFY DEFINITIONS, STANDARDS AND OTHER GENERAL PROVISIONS APPLICABLE TO HIGH-RISE/HIGHWAY ORIENTED AND OTHER SIGN TYPES**

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 154.005, 154.096, 154.097, 154.101, and 154.104 of the City of Piqua Code of Ordinances to modify definitions, standards and other general provisions applicable to high-rise/highway oriented and other signs, 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 154.005, 154.096, 154.097, 154.101, and 154.104 of the City of Piqua Code of Ordinances to modify definitions, standards and other general provisions applicable to high-rise/highway oriented and other signs, 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.

**1<sup>st</sup> Reading as amended in Exhibit A 10-16-12**

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
REBECCA J. COOL  
CLERK OF COMMISSION



## EXHIBIT A KEY

Code amendments proposed by city staff

~~Existing code text stricken~~

**Proposed code text amendment**

Code amendments proposed by Planning Commission

~~**Proposed code text amendment stricken**~~

**Proposed code text amendment**

Amendments to Resolution adopted by City Commission

~~**Proposed code text amendment**~~

**Proposed code text amendment**

## 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.

*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

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undercoating, and the minor repair or maintenance of automobiles or any part thereof, including the changing of oil, adding fluids, replacing wiper blades, and any other activities similar in nature to those described which can be performed by the average automobile owner in his or her own driveway, and be completed on the same calendar day as the calendar date upon which the work commenced. This shall not include the storage of any junk or abandoned vehicles as defined in § 91.01 through § 91.10 of the City of Piqua Ohio Code of Ordinances.

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

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

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

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

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

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

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

- (1) Maximum number of guests per day shall be ten.
- (2) Only breakfast shall be served, and the kitchen shall not be remodeled into a commercial kitchen.
- (3) Only one non-illuminated sign of four square feet may be erected on the property.
- (4) Parking shall be in conformance with §§ 154.080 through 154.083, Parking and Off-Street Loading Regulations.

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- (5) Guests shall not stay longer than 15 consecutive days.
- (6) Facility shall be located in an existing structure and a structure cannot be built for this purpose.
- (7) Tandem parking is permitted, but the area shall be screened from adjacent uses.
- (8) The operator of the inn shall live on the premises or in adjacent premises.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*DWELLING.*

(1) Dwelling types shall be as follows.

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

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

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

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

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

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

## EXHIBIT A

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

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

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

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

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

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

(b) Minimum lot frontage: None.

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

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

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

(f) Maximum height: 35 feet.

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

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

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

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

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

(3) Side yard requirements shall be 20 feet.

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(4) An educational institution shall have a minimum lot area of 20,000 square feet.

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

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

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

*ESTABLISHED* includes any of the following:

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

*FACADE.* See *BUILDING ELEVATION*.

*FAMILY.* An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person who are domiciled together as a single domestic housekeeping unit in a dwelling unit; or a collective number of individuals domiciled together in one dwelling unit, whose relationship is of a continuing non-transient domestic character, and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other

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individuals whose domestic relationship is of a transitory or seasonal nature, or for an anticipated limited duration of a school term or terms, or other similar determinable period.

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

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

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

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

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

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

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

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

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

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

*GARAGE, PRIVATE.* An accessory building or portion of a main building with a connecting driveway providing access to or from a street or alley improvement, designed or used for the storage or minor repair or maintenance of motor driven vehicles, boats, and similar vehicles or

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other personal property owned by, licensed to, or used by the owner of the lot or the occupants of the building to which it is accessory.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*HOTEL.* A building occupied as the temporary abode of individuals who are lodged with or without meals, in which there are ten or more sleeping rooms, and which shall have no provision

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made for cooking in any individual room or apartment. A *HOTEL* may include a restaurant or cocktail lounge, public banquet halls, ballrooms, meeting rooms, or other commercial uses.

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

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

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

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

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

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

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

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

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

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

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(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, **or any configuration of adjoining parcels of land owned by one owner that is required to support the principal use or uses and the accessory uses thereto, that is owned or leased by the owner and or lessee of the use or uses occupying the lot** occupied or to be occupied by a main building or a group of buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with any open spaces as are required under provisions of this chapter. Every *LOT* shall abut upon and have permanent access to a public street.

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

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

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

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

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

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

*LOT LINE.* Shall be as follows:

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

(2) *REAR LOT LINE.* That lot line opposite the front lot line. In the case of a lot pointed at the rear, the *REAR LOT LINE* shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying furthest from the front lot line and wholly within the lot. In the case of a

## EXHIBIT 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.

## EXHIBIT A

(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.

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

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

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

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

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

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

*NONSTANDARD USE.* Those lots occupied by buildings or structures or uses which existed immediately prior to the effective date of this chapter which fail to comply with minimum lot requirements for the area, density, width, front yard, side yard, rear yard, height, unobstructed open space, or parking for the district in which they are located, even though the use of the premises conforms to the permitted uses within the district as set forth in §§ 154.060 through 154.066, Nonconforming and Nonstandard Uses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Access is provided by primary collector streets.

(3) Side yard requirements shall be 20 feet.

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

*PLANNED UNIT DEVELOPMENT.* Land under unified control, planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots, or building

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sites, site plans and design principles for all buildings intended to be located, constructed, used and related to each other, and for other uses and improvements on the land as related to buildings. Development may be a single operation or a definitely programmed series of development operations, including all lands and buildings, with a program for provision, operation, and maintenance of the areas, improvements, and facilities necessary for common use by the occupants of the development. Further provisions are as set forth in §§ 154.040 through 154.047, Planned Unit Development.

*PLANNING COMMISSION.* The Planning Commission of the city.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*SEXUALLY ORIENTED BUSINESSES.* Those businesses defined as follows:

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

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

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

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

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

(3) *ADULT CABARET.* A nightclub, bar, restaurant, private club, bottle club, juice bar or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (a) persons who appear nude or semi-nude or in a state of nudity or semi-nudity; (b) live performances which are characterized by the exposure of "specified anatomical areas" or by

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"specified sexual activities;" or, (c) films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas." "Private club" means an establishment where patrons may bring in their own bottle or other container of alcohol (including beer, wine or liquor) and purchase a mixture for the same or use of a glass from the club or business.

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

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

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

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

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

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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 practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

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

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

*SIGN*. See § 154.096.

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

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

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

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

*SPECIALTY RETAIL COMMERCIAL ESTABLISHMENTS* and *BOUTIQUES*. These include antique stores; apparel stores; art galleries; art supplies; book and magazine stores; card and stationery shops; cosmetics stores; craft and hobby shops; camera and photo supply stores; florists; gift shops; interior decorating accessories; leather goods stores; jewelry stores; kitchen, bath and bedroom accessory stores; office supply stores; picture framing shops; tobacco shops

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and toy stores. These uses do not include stores with drive-in or drive-through facilities or general merchandise stores.

*SPECIFIED ANATOMICAL AREAS.* Includes any of the following:

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

*SPECIFIED SEXUAL ACTIVITIES.* Includes any of the following:

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

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

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

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

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

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

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

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*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.

*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.

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

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

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

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

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

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

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

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

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

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*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.

### § 154.096 DEFINITIONS AND EXHIBITS.

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

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

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

*ANIMATED SIGN.* A sign employing motion or the illusion of motion, whose message or content changes more frequently than every 60 30 seconds, are differentiated from changeable copy signs as defined and regulated by this code, including the following types:

## EXHIBIT A

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

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

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

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

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

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

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

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

*BANNER SIGN*. A sign utilizing a banner as its display face.

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

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

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

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

*CHANGEABLE COPY SIGN*. A sign with changeable copy, whose message or content changes not more frequently than every 60 30 seconds, including the following types:

## EXHIBIT A

(1) *ELECTRONICALLY ACTIVATED*. A changeable copy sign whose message copy or content can be changed by means of remote electronically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also, *ELECTRONIC MESSAGE SIGN OR CENTER*.

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

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

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

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

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

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

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

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

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

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

*FREESTANDING SIGN*. See *DETACHED SIGN*.

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

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

*GROUND SIGN*. A detached sign with no more than 30 inches clearance from the bottom of the sign face to the ground below.

**HIGH-RISE/HIGHWAY ORIENTED SIGN. An on-premise ground sign located on a lot, as defined by §154.005, as an accessory use to the principal use of the property, and displayed mainly with the objective of attracting interstate highway travelers.**

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

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

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

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

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

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

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

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

*MESSAGE.* The meaning of the sign copy.

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

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

*MONUMENT SIGN.* See *GROUND SIGN.*

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

*OBSCENE SIGN.* A sign including obscene or indecent copy.

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

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

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

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

*OUTDOOR ADVERTISING SIGN.* See *BILLBOARD*.

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

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

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

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

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

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

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

## EXHIBIT A

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

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

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

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

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

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

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

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

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

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

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

## EXHIBIT A

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

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

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

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

*TEMPORARY SIGN.* A sign that is not permanently embedded in the ground, or permanently affixed to a building or a sign structure that is permanently embedded in the ground.

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

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

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

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

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

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

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

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

*WINDOW SURFACE.* A pane of glass.

### § 154.097 GENERAL REQUIREMENTS.

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

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

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

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

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

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

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

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

## EXHIBIT A

(2) *Construction materials.* Internally illuminated exterior signs shall be constructed entirely of noncombustible materials, except that faces may be made of approved combustible plastic if the remainder of the sign and supporting structure are made of noncombustible materials. All sign face display areas encased by a sign frame, shall extend to the frame of the sign. In no case shall a sign hang inside of a frame with a visible separation between the sign frame and the sign face.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### § 154.101 PERMANENT; DETACHED SIGNS.

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

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

(1) *Noncommercial message.*

(a) *On-premise.*

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

(2) *Commercial message.*

(a) *On-premise.*

1. Canopy (freestanding) sign.
2. Ground sign.

**EXHIBIT A**

3. Monument sign.

4. Pole sign.

(b) *Off/on-premise.*

1. Ground sign.

2. Monument sign.

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

(1) General requirements for primary permanent detached signs.

Sign Type	Maximum Height	Maximum Sign Area	Minimum Lot Area	Minimum Setback from Front Lot Line	Minimum Setback from Side and Rear Lot Lines
Canopy (detached) sign	20 feet	1 sq. foot per lineal foot of the width of the canopy face to which the sign will be attached, not to exceed 50 sq. feet	N/A	10 feet	5 feet
Ground sign; monument sign	8 feet	25 sq. feet	< 1 acre	2 feet	5 feet
Ground sign; monument sign	12 feet	50 sq. feet	1 acre or more	10 feet	5 feet
Pole sign	8 feet	25 sq. feet	< 1 acre	2 feet	5 feet
Pole sign	20 feet	50 sq. feet	1 acre or more	10 feet	5 feet
<b><u>High Rise/Highway Oriented Sign</u></b>	<b><u>90 feet</u></b>	<b><u>300 sq. feet</u></b>	<b><u>Less than 10 acres</u></b>	<b><u>20 feet</u></b>	<b><u>20 feet</u></b>
<b><u>High Rise/Highway Oriented Sign</u></b>	<b><u>90 feet</u></b>	<b><u>300 200 sq. feet plus 10 20 sq. feet for each acre of lot area greater than 10 acres, not to exceed 600 400 600 sq. feet</u></b>	<b><u>10 acres or more</u></b> <b><u>N/A</u></b>	<b><u>20 feet</u></b>	<b><u>20 feet</u></b>

## EXHIBIT A

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

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

(D) *Other regulations.*

(1) *Location.*

(a) Primary and secondary permanent detached signs shall be permitted in any yard fronting a street, or a parking lot, drive through lane, or service drive on the same lot, subject to the general requirements established by this section of the code and provided the sign face is oriented towards the same street, parking lot, drive through lane, or service drive to which it is adjacent.

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

(2) *Number of signs.*

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

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

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

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

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

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

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

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

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

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

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

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

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

### § 154.104 COMPUTATION OF HEIGHT AND AREA.

(A) *Computation of Area.* The sign area shall be calculated as follows:

## EXHIBIT A

(1) The total area of a sign shall be computed by calculating the area of the smallest single rectangle that will encompass all of the letters, and/or symbols, and/or the sign display face, to their outermost limits. The area of a sphere is computed as the area of a circle.

~~(2) All sign faces shall display as the primary image no more than two components. Any additional text, graphic, or image, displayed on the sign face will be considered secondary image and shall not exceed 25% of the maximum permitted area of the sign face. The area of the secondary image shall be calculated in accordance with § 154.104(A)(1).~~

(B) *Computation of Height.* The height of all signs shall be measured from the established grade line to the top of the sign.