

**REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, NOVEMBER 6, 2012
7:30 P.M. – COMMISSION CHAMBER – 2nd FLOOR
201 WEST WATER STREET
PIQUA, OHIO 45356**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION

Eagle Scout Presentation-Robby Bloom

REGULAR CITY COMMISSION MEETING

CONSENT AGENDA

1. **APPROVAL OF MINUTES**

Approval of the minutes from the April 12, 2012, May 10, 2012, September 13, 2012 and the October 2, 2012 Worksessions, the October 16 2012 Regular City Commission Meeting and the minutes from the Special Piqua City Commission of October 19, 2012

OLD BUSINESS

2. **ORD. NO. 19-12 (3rd Reading)**

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

NEW BUSINESS

3. **ORD. NO. 23-12 (1st Reading)**

An Ordinance amending Chapter 34 of the Piqua Municipal Code to reflect City procedure and changes in the Ohio Revised Code

4. **ORD. NO. 24-12 (1st Reading)**

An Ordinance authorizing an amendment to Ordinance No. 42-96 and the zoning map attached thereto to change the zoning designation of 437 Kitt Street, Parcel N44-028630, to R-1 (One-Family Residential)

5. **RES. NO. R-141-12**

A Resolution authorizing the City Manager to contract with the Miami County Public Defender Commission

6. **RES. NO. R-142-12**

A Resolution establishing a City Commission 2013 Calendar of Meetings

PUBLIC COMMENT

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

CITY MANAGER'S REPORT

COMMISSIONERS COMMENT

ADJOURNMENT

MINUTES
PIQUA CITY COMMISSION WORK SESSION
April 12, 2012
7:30 P.M.
201 WEST WATER STREET
PIQUA, OHIO 45356

Piqua City Commission met in a Work Session at 7:30 P.M. in the Commission Chambers in the Municipal Government Complex, 201 W. Water Street. Mayor Fess called the meeting to order at 7:30 P.M. Also present were Commissioners Vogt, Wilson, and Martin. Absent: Terry. Also present Directors and Managers, Dave Burtner, Amy Havenar, Amy Welker, Cynthia Holtzapple, Bill Murphy, Stacy Wall, Chris Schmiesing, and City Manager Gary Huff. Ruth Koon and Lorna Swisher. Numerous citizens were also in attendance.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to excuse Commissioner Terry from the April 12, 2012 Piqua City Commission Work Session. Voice vote, Aye: Martin, fess, Vogt, and Wilson. Nay: None. Motion carried unanimously.

Work Session Discussion

Canal Place Master Plan

City Planner Chris Schmiesing stated the area in the rear of the 300 Block of Main Street from Ash Street to W. High Street will be the focus of the Canal Place improvements. There are several places in the area that the concrete is raising up and causing some potential hazards. MainStreet has stepped up to the plate and is spearheading the project to replace Mr. Schmiesing introduced Ruth Koon and Lorna Swisher of MainStreet Piqua.

This is a combined project of Mainstreet Piqua, the Canal Place property owners, the Stormwater Utility Department, and the City Electric Department for a projected cost of \$21,000.

Ruth Koon and Lorna Swisher of MainStreet Piqua presented a brief overview of the Canal Place Master Plan. Canal Place was established in 1971 and consists of concrete blocks and cement planters. Over the years the Canal Place cement blocks have started to rise up causing a potential tripping hazard.

Mainstreet Piqua is seeking private contributions to help offset the costs, plus have also submitted several grant applications. The project has been sent out for bids and is expecting quotes back by May 11.

The plan includes rain gardens that will collect the water coming off the buildings on the east side of the 300 block and will be directed into the planting areas that will be filled with native plants and a tree. The look will mirror the rain gardens on Water Street between main and Wayne streets.

There was discussion of the plantings that would be installed and the stormwater plan that will use the rain gardens.

City Manager Huff stated they would continue to search for grants.

It was stated this is Phase I of the Canal Place Master Plan project and Phase II will be to raise funds to purchase new furniture for the area.

Transportation Committee Action

City Planner Chris Schmiesing explained the Transportation Committee was formed about three months ago, and involves a number of city staff. The purpose of the Transportation Committee is review citizens concerns with respect to public transportation infrastructure, including but not limited to streets, highways, sidewalks, bike trails, etc. Make committee findings; propose plans and recommendations to the City Manager, the City Commission, and other public parties of interest regarding public transportation facilities, and to assist in informing the public of transportation issues within the City. Mr. Schmiesing gave a few examples of the some issues the Transportation Committee has recommended. Some of the issues include concern about traffic signalizations at certain streets, parking spaces interfering with crosswalks, and eliminations of certain turning lanes to make traffic flow better. It was noted that if citizens brought concerns to the city the Transportation Committee would review and make their findings available to the citizens who brought the concern to the Committee.

A question regarding the change in the speed limit on Park Avenue was raised. City Engineer Amy Havenar stated the signs are up and there will be flags on them to draw attention to the lower 25 MPH speed limit on Park Avenue, and would go into effect on April 16, 2012.

Brad Boehringer, Mound Street voiced his concern on why he believes Mound Street should be changed to a one-way street. There was discussion of the number of accidents at the corner of Main and Mound Street. Ms. Havenar explained a traffic study was conducted for a short period of time at that location, and stated they found a lot of people were using Mound Street as a shortcut to avoid the traffic light. Ms. Havenar further explained the criteria for making a street one-way.

Chadwick Estates Sewer Service

City Manager Gary Huff stated the City of Piqua received a request from the owner of the Chadwick Estates, located on State Route 66 to provide sanitary sewer to the property.

Law Director Stacy Wall gave a brief history of the property, noting some of the problems associated with the property over the years.

Health and Sanitation Director Amy Welker provided background information on the property citing some the health and sanitation problems that have occurred at the Chadwick Estates.

Utilities Director Dave Burtner also provided information received from the Environmental Protection Agency, explaining the reason they are requesting Chadwick Estates install sewer on their property. It was stated that the property owner has received several notices over the last eight years to comply with the request to install a sewer system. At this time the EPA has given notice to the property owner that they only have two options. Install a complete Water Treatment Plant, or close the property down. It was stated the cost to install a Water Treatment Plant on their property would be very costly.

Mayor Fess stated that the property owner is agreeable to annex into the city at this time, but the city has the option to deny the annexation. With the numerous problems at the location, the city does not want to burden city services with more problems by annexing the property.

Law Director Stacy Wall explained the legal issues if the property is annexed, and or if the city chooses not to annex them into the City at this time.

Cemetery Superintendent Jim Roth stated there is a lot of litter and debris and miscellaneous cars and parts of vehicles around the property, and along State Route 66. A lot of the debris ends up blowing into the Cemetery. Mr. Roth stated he has contacted Miami County Health Department regarding the problems but nothing seems to get taken care of.

Jim Cruse, Co Rd, 25-A voiced his opinion about the situation and what he feels should be done concerning the annexing of the Chadwick Estates.

Mayor Fess asked if the City Commission could voice their concern to the Miami County Health Department concerning the problems at Chadwick Estates in an official letter. Ms. Welker stated that Miami County Health Department has different interpretations on the level of code enforcement than what the City of Piqua Health Department has.

Mayor Fess stated she would like to get some direction from the Commissioners on what they would like to do. After discussion Mayor Fess further stated she is hearing from the Commissioners that they are not in favor of extending the sanitary sewer to Chadwick Estates at this time. The Commission asked City Manager Huff to send a letter to the property owner stating the City of Piqua does not desire to annex the Chadwick Estates, and therefore, the connection to the city's sanitary sewer system is denied.

City Manager Huff stated he would send a letter to the owner stating the City of Piqua has no interest in providing connection to the sanitary sewer system to Chadwick Estates.

City Manager Huff stated he would like to set a special City Commission Work Session to be held on Thursday April 26, 2012 at 7:30 P.M. to discuss and review the Joint Water Study before the regularly scheduled Work Session of May 10, 2012.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the City Commission Work Session at 8:45 P.M. Voice vote, Aye: Fess, Wilson, Martin, and Vogt. Nay, None.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

**MINUTES
PIQUA CITY COMMISSION
WORK SESSION
Thursday, May 10, 2012
7:30 P.M.**

Piqua City Commission met in a Work Session at 7:30 P.M. in the Municipal Government Complex Administrative Conference Room located at 201 W. Water Street. Mayor Fess called the meeting to order. Also present were Commissioners Vogt, Martin, Terry, and Wilson. Absent: Terry.

Moved by Commissioner Wilson, seconded by Commissioner Vogt to excuse Commissioner Terry from the May 10, 2012 City Commission Work Session. Voice vote, Aye; Martin, Wilson, Fess, and Vogt. Nay. None.

Organization Development & Strategic Planning Retreat Introduction

City Manager Huff stated the City of Piqua would be having a Strategic Planning Retreat on May 12 in the Piqua City Commission Chambers. City Manager Huff introduced Mike Herline of Mike Herline and Associates out of Dayton, Ohio who will be the facilitator for the Strategic Planning Retreat.

Commissioner Terry arrived at 7:40 P.M.

Mr. Herline gave a brief background on his qualifications, citing several projects he has worked on in and around the area over the years.

City Manager Huff stated he believes it is important that the Commission participate in this type of session so that everyone is on the same page, and they all understand the priorities that the Commission and staff want to accomplish in the future. It is important that we work together as a team to accomplish these goals, stated City Manager Huff.

Mr. Herline stated it is important that the elected officials and management are on the same page as they move forward.

Mayor Fess stated she is looking forward to working with Mr. Herline, stating the strategic plan is very important to the Commission.

National Citizens Survey Results Review (Survey is located on city web site at: www.piquaoh.org)

City Manager Huff gave a brief overview of the results from the National Citizens Survey.

Survey Overview

The survey was conducted by the National Research Center out of Boulder, Colorado with about 1200 citizens sampled randomly selected in the 45356 area selected the research center. We had about a 33% return on the survey with about a 5% margin of error, stated City Manager Huff.

City Manager Huff explained the rating scale from Excellent to Poor giving several examples of how the City was rated. Some of the areas that were included were: Overall Community Quality; Community Transportation Services, Housing Characteristics; Built Environment; Population Growth; Nuisance & Problems; Planning & Community Code Enforcement Services; Economic Sustainability & Opportunities; Economic Development Services; Public Safety Services; Utility Services; Public Transit; Overall Services provided by Government; and City of Piqua Employees of which we are very proud of stated City Manager Huff.

Mr. Huff explained how the survey would be used in the future to provide better services to the Citizens of the Piqua. Mayor Fess presented Mr. Herline with a copy of the survey for his information.

Commissioner Martin asked how often would a survey like this need to be done. City Manager Huff stated a survey should be done about every three years.

Brad Boehringer, Mound Street came forward stating he attended the Piqua Citizens Government Academy and has seen the passion the city employees have for their jobs, further stating they should be commended.

Mayor Fess stated the Citizens Government Academy would be offered again in the fall if anyone is interested, further stating she appreciates everything the staff is doing.

Commissioner Wilson stated he is looking forward to the Strategic Planning Retreat on Saturday.

City Manager stated this study provided a lot of very helpful information, and is a comparison to other communities in our area. We have several responses in the study that we would like to work on and could do better on in the future.

Joint Water Feasibility Study Review (Study is located on city web site at: www.piquaoh.org)

Mayor Fess stated the City Commissioner's toured the Troy Water Plant on May 5, 2012, stating this is not an easy decision that we are faced with citing the impact on the water rates. Mayor Fess stated there would not be any discussion at this meeting as it was an informational meeting only.

City Manager Huff gave a brief background on the study stating the City Commission approved Resolution No. 117-11 for the professional services agreement with RA Consultants, and Resolution No. R-151-11 amending the contract and total payment to RA Consultants for professional services to continue with the study.

City Manager Huff went over the objectives of the study and the infrastructure requirements. A lengthy discussion proceeded with many questions from both the Commissioners and residents in attendance regarding the quality of the Troy water, including the contamination of some of the wells, the number of years of debt service, and the amount the City of Piqua would have to pay to buy into the Troy Water Plant, and numerous other questions. Bob Yoxthimer of RA Consultants gave a brief explanation on what would be required if the City should chose to join with Troy. Questions were raised concerning the size of the water lines that would be needed, and where they would be located.

Mayor Fess asked Economic Development Director Bill Murphy if he felt it would be better for the City of Piqua to build their own water plant verses going in with the City of Troy economically. Mr. Murphy provided a brief explanation on the pros and cons of both of the options. Mayor Fess continued by stating the contamination of the wells is still a major concern at this time.

Several citizens voiced their concerns and opinions on the joint venture, the increase in water rates, and the cost to build or join with Troy at this time. Mayor Fess stated the Commission needs all the help they can get while they are weighing the pros and cons of the joint venture with the City of Troy. Several of the residents noted they were concerned about who would have control over the water and the water rates, and felt the City of Piqua should have the control over their own destiny.

Scott Phillips, a member of the Miami River Watershed and the CAS, voiced his opinion stating the City should go after grant money and build a water plant in the City of Piqua as the water rates are going up everywhere. It makes more sense to have our own water plant, as it would be a very valuable asset to the community, stated Mr. Phillips.

Mayor Fess stated the community needs to have a better understanding on what the Commission is faced with, and what they are trying to accomplish. Law Director Stacy Wall explained what the process would be for the city if they choose to build their own water plant.

Jim Cruse, Co Rd 25-A voiced his concern over the age of the Wastewater Treatment Plant also, as this would be a major concern in the near future possibly.

Mr. Yoxthimer stated there were other ways to cut back on costs and explained.

City Manager Huff stated he wanted to give the projections on the Joint Venture so the Commission would be better informed to make a decision on what direction they would like to proceed so they can move forward. Mayor Fess stated she felt there were not enough pros to going with the City of Troy at this time, and would like to move forward and have our own water plant and the asset it would provide to the City of Piqua.

Commissioner Wilson stated he was concerned about the price comparison with Troy at this time. Finance Director Cynthia Holtzapple explained the debt service, stating these are all estimates at this time.

City Manager Huff stated no matter which way we go there will be changes to deal with, and water rates would go up regardless.

Commissioner Terry stated it makes more sense to have our own water plant if the numbers stated are correct. Commissioner Martin agreed with Commissioner Terry. Commissioner Wilson stated if Troy is not going to be cheaper than he feels there is no reason to consider the joint venture. It was noted there was concern about the lines and reversal. Mr. Yoxthimer explained.

Bob Dougherty, voiced his concern over the deadline for the EPA mandate. Don Freisthler Water Plant Superintendent stated October 2013 is the current deadline at this time under the EPA Mandate, but believes as long as we are moving forward with a plan the EPA will work with us.

Law Director Stacy Wall explained the City needs to move forward with some type of plan as the City has been given plenty of notice concerning this issue by the EPA. The Commissioners asked for additional information, and City Manager Huff stated he would provide the information to them by Tuesday.

City Manager Huff stated we need to have some direction from the Commission on how they would like to proceed.

Brad Boehringer came forward stating if the City of Piqua were to build their own water plant could we ask Troy to come in with us?

Mayor Fess stated we trust Mr. Yoxthimer and the information he has provided the Commission.

Commissioner Vogt thanked all the citizens in attendance for coming and offering their input and sharing their concerns over this difficult decision.

Stu Shear, Piqua resident commented he believes the City of Piqua would be better off to build their own water plant, and have control over the water and the rates in the future.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Work Session at 9:35 P.M. Voice vote, Aye. Martin, Fess, Wilson, Vogt, and Terry. Nay: None.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

**MINUTES
PIQUA CITY COMMISSION
WORK SESSION
Thursday, September 13, 2012
7:30 P.M.**

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

Detached Sign Regulations

City Manager Huff stated this originated as a Sign Permit request, and the sign code would need to be revised or altered to allow this new sign. The Commissioners stated they would like to have more information regarding the reason for the requested changes in the code with the new sign.

City Planner Chris Schmiesing provided a brief background on the damaged sign and what the current Code regulations are regarding the new requested sign. The damaged sign was considered a nonconforming use since the adoption of the sign code updates in 2007. There are provisions in the Piqua zoning code that require a nonconforming sign to be brought into conformance with the current standards whenever the existing sign structure is to be altered or rebuilt, or as in this case damaged. The current adopted standards do not include provisions to allow a high rise pole sign up to 80 feet in height with a display area up to 200 square feet when the sign is located on the same lot as the use to which the sign is accessory, and when the lot is located within 1500 feet of the centerline of Interstate 75. The proposed Paul Sherry sign alterations as presented to do conform to the reference standards. The proposed sign structure is considered a billboard, and the Piqua Zoning Code prohibits billboards. The proposed Paul Sherry sign alterations, as presented, do not conform to the referenced standards, stated Mr. Schmiesing.

Mr. Schmiesing provided pictures of the current signage and the proposed sign, along with other large signs in the area such as Red Lobster, the Marathon Station, and Cracker Barrel. Mr. Schmiesing compared the sign regulations in the surrounding communities of Troy, Sidney, and Tipp City to the City of Piqua's sign regulations.

There was discussion regarding the previous sign, and the type of sign the current sign code would allow Mr. Sherry to replace the damaged sign with. Several questions were raised concerning the possibility of grandfathering the sign in, the use of LED lights, and using the same size and style as the damaged sign was.

Jim Sherry, Applicant explained he would like to go with a smaller sign as the current damaged sign is 1260 sq. ft. and the new proposed sign is less than half the current size at 601 sq. ft. However, the City Sign Code stated this is considered a billboard sign and is prohibited.

Law Director Stacy Wall gave a brief explanation on the reason for the current sign code regulations and stated the language would need to be revised to include the new sign.

City Manager Huff stated this would have to go back to the Planning Commission for their recommendation and then would come back to the City Commission for review. Mr. Schmiesing stated new language would have to be drafted for this type of sign to be considered as a Special Use. Mayor Fess stated the Commissioners are in agreement that they would like to see the sign installed but needs some direction on the language should be at this time. City Manager Huff stated that after the language is drafted it will be taken to the Planning Commission for recommendation and will start that process as soon as possible.

Mr. Sherry inquired if it would be possible for him to start work on the new sign, or to even order the new sign? Law Director Wall stated there has been a Stop Work Order issued at this time, and further stated she was not going to advise Mr. Sherry on this legal matter.

Mr. Schmiesing noted Sign Companies have completed studies on how large signs need to be to be seen from the interstate to be effective.

Mayor Fess stated the Commissioners all agreed to have new language written to be able to approve the new sign requested by Paul Sherry Chrysler Dodge Jeep Ram & RV's at this time.

Code Enforcement (Presentation)

City Manager Huff explained he wanted to present the Commissioners with some of the new tools the City would be using with Code Enforcement issues.

Health & Sanitation Director Amy Welker gave a brief overview of the changes they are planning on implementing in code enforcement areas. Ms. Welker explained they have made a change in the philosophy and the goal is to assist the community in problem solving. Some of the problem areas are; Owner-Occupied Properties, Rental Properties, and Vacant or Abandoned Properties with over 100 properties in the city this summer. Nuisance and Property Maintenance issues are very important and the city is working to reduce these. The City is taking a holistic approach to this, with the long-term goal of getting to the root of the problem not just putting Band-Aids on the problem. Ms. Welker explained the City should not be involved with these types of issues property owners need to be responsible for their own properties. The plan is to cooperate with property owners, utilize Grants/Assistance programs such as Moving Ohio Forward, work with Partners (Safeguard) Land Banks, Housing Roundtables, Community Development programs such as ADOPT-A-Program, by supporting neighborhood Associations and by Stricter Enforcement. By working together on all of these areas the City hopes to improve the Community.

Ms. Welker went on to explain the Safeguard process, presenting a power point illustration on how it this information is being reviewed and the information is being shared by various organizations. This has been a very useful tool and they are receiving very good feedback on several of the properties they have listed so far.

Future tools will consist of possible Renter Education Programs, Tax Foreclosure Issues, Enhanced Communication Strategies, and Nuisance Animal/Pest Programs in the future, explained Ms. Welker. Pest problems are an issue, but the City does not have the resources to deal with pest problems at this time, but would like to include money in the 2013 Budget for this, stated Ms. Welker.

Mayor Fess stated she would like Ms. Welker to present her presentation to the Chamber of Commerce and other groups and service organizations if possible in the future to let them know what we are doing and what our limitations are.

City Manager Huff stated communication is very important in so many ways, and by taking pride in the Community and in the neighborhoods is a very good first step in the right direction.

Commissioner Wilson stated he does not think the City is being strict enough when property owners do not respond in a timely manner. Mr. Wilson asked Ms. Welker to outline the steps for requesting work to be completed and when the nice letters stop and we proceed with legal action. Ms. Welker gave a brief timeframe on this. At this time there are about 1000 houses in the community that are in need of paint at this time, but do not have the staff to enforce this.

Brad Boehringer, Mound Street inquired if it would be possible to make the renter/tenant responsible for some of the issues. Ms. Welker explained ultimately it is the property owner's responsibility according to the City code.

City Manager Huff explained he just wanted to share with the Commission some of what is being done and to show we are trying to make positive steps.

US 36 Corridor Beautification Project (Presentation)

City Manager Huff stated they would like to give a little more information on the Rt 36 Beautification Project.

City Planner Chris Schmiesing gave a brief overview of the project stating a Stakeholders meeting was held, operating with a \$437,000 budget, with construction beginning in 2013.

City Engineer Amy Havenar introduced John Edsell of Edsell & Associates.

John Edsell stated this has been a really good team effort on this project and are very pleased to be a part of this program.

Mr. Edsell gave a brief power point presentation showing the possible concept designs to be considered. Improvements to the slopes along Rt. 36 are one of the top priorities with the possibility of reducing the slopes for safety reasons, and to enhance the visual appearance of the businesses located along the corridor. Installing approximately 750 foot of lineal walls with plantings along the terraced walls. Pedestrian crossings at Center Court, Rt.36, and Scott Drive, with the development of rain gardens and swales in the medians, and increase the width of the sidewalks along Rt. 36.

There was a lengthy discussion of the proposed designs and the cost to complete the Phase I portion of the project. Commissioner Wilson stated as he understands this Phase I does not include the walls at this time. Commissioner Martin inquired to the type of trees that would be used. Mayor Fess voiced her concern about the maintenance of the slopes. Mr. Edsell explained.

Mayor Fess thanked Mr. Edsell for his very informative presentation.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Work Session at 9:00 P.M. Voice vote, Aye: Wilson, Fess, Vogt, and Terry. Nay: None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

**MINUTES
PIQUA CITY COMMISSION
WORK SESSION
Tuesday, October 2, 2012
6:00 P.M.**

Piqua City Commission met in a Work Session at 6:00 P.M. in the Municipal Government Complex Administrative Conference Room located at 201 W. Water Street. Mayor Fess called the meeting to order. Also present were Commissioners Vogt, Martin, Terry, and Wilson. Absent: None.

US 36 Corridor Landscaping Project

Mr. Edsell gave a brief presentation showing the proposed landscaping improvements to the Rt. 36 Project.

Commissioner Vogt stated it is a beautiful plan with the tired walls but he would like to find an alternative option to mowing the hills at this time due to safety reasons. Mr. Edsell explained how the 6ft. walls would be tapered down to a 4ft. wall by the Mall entrance with the possibility of a serpentine wall being used and further explained the reason for designing the two tiers at this time. The total cost would be close to \$700,000 for just the walls stated Mr. Edsell. Thus the reason for not including it in Phase I, which only has a \$437,000 budget.

Commissioner Wilson stated he would like to see a less expensive option and to be able to do something now, as this is a visible part of the corridor. Mayor Fess expressed her concerns about just doing "something" at this time.

Mr. Edsell stated there is the possibility of putting plantings in there at this time to keep the costs down. City Manager Huff stated he was not a fan of the Crown Veg plantings that were suggested.

Mayor Fess asked if it would be possible to revise Phase I at this time. Mr. Edsell explained what was included in the Phase I project.

There was a lengthy discussion of the various other options to be used on the slopes along with the cost that would be involved with each. One of the top priorities is the possibility of reducing the slopes for safety reasons, and to enhance the visual appearance of the businesses located along the corridor. Installing approximately 750 foot of lineal walls with plantings along the terraced walls. Pedestrian crossings at Center Court, Rt.36, and Scott Drive, with the development of rain gardens and swales in the medians, and increase the width of the sidewalks along Rt. 36.

Mayor Fess thanked Mr. Edsell for his very informative presentation.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Work Session at 7:05 P.M. Voice vote, Aye: Wilson, Fess, Vogt, and Terry. Nay: None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION

**MINUTES
PIQUA CITY COMMISSION
Tuesday October 16, 2012
7:30 P.M.**

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

PROCLAMATION

National Planning Month in the City of Piqua

Mayor Fess read the proclamation and presented it to City Planner Chris Schmiesing.

Mr. Schmiesing read the names and years of service of the various Board Members from the Planning Commission, Board of Zoning Appeals, and The Downtown District Design Review Board and asked if they were present to come forward. Mr. Schmiesing presented each of Board Members present a Certificate of Appreciation and thanked them for their continued service to the community.

Mr. Schmiesing also thanked Lorna Swisher who administers the Downtown District Design Review Board, Becky Cool who serves as Clerk for both the Board of Zoning Appeals and Planning Commission, the members of the boards and committees who serve in the best interest of the community and provide their support and encouragement for the betterment of the Piqua, the citizens of Piqua who take the time to attend our public hearings and workshops and provide their input and ideas, and the elected officials who have the difficult task sometimes of making choices for the betterment of the community.

Mayor Fess thanked all of the board members on behalf of the City Commission, stating we could not what we do in this City without the support of our board members.

PROCLAMATION

Manufacturing Month in the City of Piqua

Mayor Fess read the proclamation. City Manager Huff announced the Dayton Business Journal recently recognized two Piqua businesses October 11, 2012. French Oil Mill Machinery 2nd Place in the Exporting Category, and Industry Products 3rd Place in the Safety Category congratulating both of them on their awards.

REGULAR CITY COMMISSION MEETING

Consent Agenda

Approval of the minutes from the October 2, 2012 Regular Piqua City Commission Meeting.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to approve the Minutes from the October 2, 2012 City Commission Meeting. Voice vote, Aye: Wilson, Vogt, Terry, Martin, and Fess. Nay: None. Motion carried unanimously.

Mayor Fess asked that Resolution No. R-137-12 be moved to the front of the agenda at this time.

RES. NO. 137-12

A Resolution of Appreciation for the public service of James R. Taylor as a City Employee

Chief Jamison stated he would like to extend his appreciation along with the citizens of the City of Piqua for Mr. Taylor's 32 years of service to the community as a Police Officer.

Mayor Fess read the Resolution of Appreciation and presented it to Mr. Taylor thanking him for his 32 years of dedicated service to the Piqua Police Department and the citizens of Piqua.

Mr. Taylor stated between his father's Police Service and his own they have dedicated over 58 years of service to the City of Piqua and its citizens.

Public Comment

No one came forward to speak for or against Resolution No. R-137-12.

Moved by Commissioner Martin, seconded by Commissioner Vogt, that Resolution R- 137-12 be adopted. . Roll call, Aye: Vogt, Martin, Wilson, Fess, and Terry. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-137-12 adopted

ORD. NO. 18-12 (3rd Reading)

An Ordinance amending Sections 154.020 and 154.021 of the City of Piqua Code of Ordinances to list a Bed and Breakfast use type as a Special Use in the R-11 and R-1A One-Family Residential Zoning District

City Planner Chris Schmiesing explained this item was presented to the Planning Commission in response to a request to amend the zoning code to include a Bed and Breakfast use type as a special use option in the R1AA and R1A One –Family Residential Zoning District. The Planning Commission held a public hearing and no objections were received. The Planning Commission unanimously recommended approval of this item and advanced it to the City Commission for adoption.

Moved by Commissioner Vogt, seconded by Commissioner Terry, that Ordinance No. 18-12 be adopted. Roll call, Aye: Fess, Terry, Vogt, Martin, and Wilson. Nay: None. Mayor Fess then declared Ordinance No. 18-12 adopted.

ORD. NO. 19-12 (1ST READING)

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

City Planner Chris Schmiesing stated this item was presented to the Planning Commission in response from the City Commission to amend the sign standards in regards to high rise/highway oriented signage in regards to a request by a local business Paul Sherry RV Jeep Chrysler Dodge to maintain a 600 square foot 90 foot tall high-rise/highway sign. The high rise/highway oriented sign amendments proposed will affect on-premises signs located in business and industrial zoning districts along I-75. The Planning Commission held a public hearing concerning this item on October 9, 2012. There was a lengthy discussion concerning the public input that went into the rewriting of the sign code provision that were adopted in 2006, was noted that the current sign standards are consistent with the stated goals and objectives of the community as adopted in the Plan It Piqua 2007 Comprehensive Plan Update.

The Planning Commission reviewed each of the proposed amendments item by items and carefully considered the consequences of each of the proposed change. The Planning Commission members in attendance unanimously supported all but one of the proposed changes to the code language, stated Mr. Schmiesing. Concerning the proposed maximum sign area allowance the Planning Commission found that the existing 200 square foot area allowance is consistent with most of the existing high-rise/highway oriented signs in the community and suggested that this be the base allowance for this sign type. The Planning Commission also

recommended an amended escalator provision that would allow the sign area of a high-rise rise/highway oriented signs on exceptionally large lots to increase by 10 square feet in area per acre of lot area in excess of 10 acres, with a maximum sign area allowance of 400 square feet. It was noted that the 400 square foot allowance is twice the size that is currently allowed, and the Paul Sherry site is 30 acres, which would allow for the increase in size.

Mayor Fess asked what size the current damaged sign is. Mr. Schmiesing stated it was 1250 square foot and is 90 foot tall. Commissioner Vogt voiced his concern about the sign size and stated he feels the sign should be grandfathered in stating they are putting up a smaller sign in the same box not replacing the larger sign.

Commissioner Wilson stated he would like to amend the Ordinance under **Section 154.101 Permanent; Detached Signs- Section C-1 under Minimum Sign Area** to amend the ~~40 sq. feet~~ to **20 sq. feet**, and in the last line to amend the ~~400 sq. feet~~ to **600 sq. feet** to accommodate the sign that Paul Sherry is proposing. City Manager Huff reiterated for clarification the section Commissioner Wilson was referencing.

Public Comment

Brad Bubb, Park Avenue came forward stating he was on the Planning Commission when the original request was altered and was based on the other communities with Sidney being the largest with 400 sq. ft. and felt that was a fair adjustment.

Steve Reindel, Wilshire came forward stating is currently a member of the Board of Zoning Appeals that hears many cases regarding the sign code. In 2006 a group of citizens came together putting a lot to time and effort into revising the sign code, and unless there is a peculiar exception to the property it is very difficult to grant variances to the sign code. Mr. Reindel further stated he was in attendance at the Planning Commission and there was a lot of thoughtful discussion concerning this issue and feels the proposal is fair in terms of square footage based on the neighboring communities. Mr. Reindel asked the City Commission to consider when granting the 600 sq. ft. sign in question we would have to allow other businesses that would want to come in with a sign that size, and is that what we want in our community. The Planning Commission recommends 400 sq. feet. And believes that is what the community wants, stated Mr. Reindel.

Jim Cruse, Co. Rd. 25-A, came forward and asked if it would be possible to state signs along the I-75 corridor be considered at the discession of the City Commission? City Manager Huff stated he would not be able to answer that question as it was a legal question and would not be qualified to answer that, but would look into it legally.

Mayor Fess asked Jim Sherry, Orchard Drive, if it would be possible to put up a 400 sq. ft. sign? Mr. Sherry stated the LED sign is only 400 sq. ft. the additional 200 sq. ft. is for the name of the business. Mr. Sherry provided a drawing of the proposed sign for Commission to view.

Commissioner Terry stated she would like to make everyone happy but is unable to do that. The current sign is 1200 sq. ft. and the Commission may have to decide it case by case in the future.

Commissioner Vogt stated we as Commissioners have a responsibility to other businesses and the citizens of Piqua. We know times are hard and they need all the customers they can get, regardless of what they are selling. This is not Centerville or Beavercreek, and we are working people in this town, and it is our responsibility to help them stay alive. Commissioner Vogt stated he voted no in 2006 for the changes in the sign code at that time. When you are out in the community you hear complaints about our sign ordinance that our signs are very small and hard to see. Commissioner Vogt stated Commissioner Wilson has a motion on the table to amend Ordinance No. 19-12 at this time, and he would like to second the amendment.

Mayor Fess stated she received a letter from Mark Spoltman, Chairman of the Planning Commission supporting the 400 sq. ft. and explaining how the Planning Commission arrived at that particular size.

City Manager Huff stated if the Commission chooses to amend the Ordinance at this time it can only be given a first reading, and can possibly take action at the second reading on November 6, 2012 unless a Special Meeting is held and they must have at least 24 hours notice for the meeting. Mayor Fess stated she has a motion and a second to amend the Ordinance and she would like to look into a one to one basis for approving signs in the future. Opening the sign code can possibly be a problem in the future. Mayor Fess stated she would like to call a vote for the amendment and would like to have the Commission's approval to look into the legality of looking at the signs on a one to one basis. Commissioner Wilson voiced his concern about going case to case in the signs.

Mayor Fess stated she would like to take action on the amendment on the floor at this time. Moved by Commissioner Wilson, seconded by Commissioner Vogt to make the amendments to Ordinance No. 19-12 as previously stated. Roll call; Aye: Terry, Wilson, Fess, Vogt, and Martin. Nay: None. Motion to amend Ordinance No. 19-12 was approved.

Amended Ordinance No. 19-12 was given a first reading.

Commissioner Martin made a motion to hold a Special City Commission Meeting on Friday, October 19, 2012 at 9:00 A.M. in the Commission Chambers to discuss Ordinance No. 19-12. All Commissioners were in agreement to the time and place for the special meeting.

ORD. NO. 20-12 (1ST READING)

An Ordinance amending Chapter 53 of the Piqua Municipal Code, Sections 53.03 Rates Outside City, 53.07 New Service, 53.40 Definitions, 53.42 Emergency Limitations and 53.49 Water Main Extensions

City Manager Huff explained this is a housekeeping ordinance to clean up several items. One it provides for the Piqua School District to receive in city water rates for Springcreek School, and corrects an error that was transposed in the 2 inch water tape rates effective January 1, 2013, removes the Public Works Director from the Water Systems responsibilities, and provide for a pro-rate of the reimbursement program for developers and owners to hook up to water main lines at their expense and be reimbursed, which is a new program.

Commissioner Martin asked if a resident/homeowner would like to connect to the city water would they have to pay the full price. City Manager explained the process they would follow.

Public Comment

No one came forward to speak for or against Ordinance No. 20-12.

City Manager asked if it would be possible to suspend the three reading rule on Ordinance No. 20-12, Ordinance No. 21-12 and Ordinance No. 22-12.

Moved by Commissioner Wilson, seconded by Commissioner Martin, to suspend the three reading rule that requires Ordinance No. 20-12 to be read fully and distinctly on three separate days. Roll call, Aye: Fess, Terry, Wilson, Martin, and Vogt. Nay: None. Motion carried unanimously.

Moved by Commissioner Wilson, seconded by Commissioner Terry, to adopt Ordinance No. 20-12. Roll call, Aye: Vogt, Terry, Fess, Martin, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 20-12 adopted.

ORD. NO. 21-12 (1ST READING)

An Ordinance amending Chapter 51 of the Piqua Municipal Code, Sections 51.02 Definitions, 51.81 Wastewater Service Fees, 51.47 Responsibility for Cost and 51.87 Review of Rates

City Manager Huff explained this is also a housekeeping ordinance. This ordinance removes the Public Works Department and Public Works Director from Wastewater System responsibilities. It also provides a prorated reimbursement for developers and owners who construct sewer mains, and allows customers meeting specific criteria in the water ordinance for wastewater rates to be a city customer.

Public Comment

No one came forward to speak for or against Ordinance No. 21-12.

Moved by Commissioner Terry, seconded by Commissioner Wilson, to suspend the three reading rule that requires Ordinance No. 21-12 to be read fully and distinctly on three separate days. Roll call, Aye: Wilson, Fess, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously.

Moved by Commissioner Martin, seconded by Commissioner Terry, to adopt Ordinance No. 21-12. Roll call, Aye: Vogt, Wilson, Martin, Terry, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 21-12 adopted.

ORD. NO. 22-12 (1ST READING)

An Ordinance amending Chapter 30 Commission; City Officials of the Piqua Municipal Code

City Manager Huff explained this is also a housekeeping ordinance and is just redefining the job responsibilities of the Director of Public Works.

Public Comment

No one came forward to speak for or against Ordinance No. 22-12.

Moved by Commissioner Wilson, seconded by Commissioner Martin, to suspend the three reading rule that requires Ordinance No. 22-12 to be read fully and distinctly on three separate days. Roll call, Aye: Martin, Fess, Terry, Wilson, and Vogt. Nay: None. Motion carried unanimously.

Moved by Commissioner Terry, seconded by Commissioner Wilson, to adopt Ordinance No. 22-12. Roll call, Aye: Wilson, Terry, Martin, Fess, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Ordinance No. 22-12 adopted

RES. NO. R-136-12

A Resolution approving the purchase of excess liability insurance

City Manager Huff stated the City has had excess liability coverage for over 20 years for its dams and waterways, and recommends continuation of coverage at this time.

Public Comment

No one came forward to speak for or against Resolution No. R-136-12.

Moved by Commissioner Martin, seconded by Commissioner Vogt that Resolution No. R-136-12 be adopted. Roll call, Aye: Terry, Vogt, Martin, Wilson, and Fess. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-136-12 adopted.

RES. NO. R-138-12

A Resolution acquiring the services of SSOE Group to provide Engineering Services associated with the Power Plant Clean Ohio Revitalization Fund Grant

Power System Director Ed Krieger this would allow the power plant to move forward with the project to do a partial demolition of retired power plant. The city was awarded a \$1.4 million dollar grant to remove the structures in the back of the plant on the east side that are deteriorating which is part of the coal conveying system, the environmental controls, and also the water intake structures along the river. Throughout the process, SSOE has developed engineering and demolition cost estimates for completion of this project. Staff is also recommending that SSOE be commissioned to provide the engineering service for the completion of the project. The required matching funds for the \$1,876,263 project is \$471,900 with the cost of the engineering services to be provided by SSOE Group and will be a part of the match requirement for the project, stated Mr. Krieger.

Public Comment

No one came forward to speak for or against Resolution No. R-138-12.

Commissioner Martin asked about the rate schedule, specifically where it states at the bottom of the schedule “ *The above rates are valid for services provided through October 1, 2012*” does that mean that all of the rates go up since it is past the October 1, 2012 date? Mr. Krieger explained that all services were covered and they would be able to get an extension with the existing rates.

Commissioner Martin stated he would like to have the resolution amended to include the rates stay the same. City Manager Huff stated the Commission could move for approval based on the prices that are on the bid document. Mr. Krieger explained how they would keep the rates the same. Commissioner Wilson asked if language could be added to the resolution to make the rates concrete. City Manager Huff stated it would be appropriate to add the language changes at the time when making the motion.

Public Comment

No one came forward to speak for or against Resolution No. R-138-12.

Moved by Commissioner Martin, seconded by Commissioner Wilson to approve Resolution No.138-12 to include the rates that are specified in the document. Roll call, Aye: Martin, Wilson, Fess, Terry, and Vogt. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution R-138-12 adopted as stated.

RES. NO. R-139-12

A Resolution of authorization to submit applications for Federal Map-21 Funds through the Miami Valley Regional Planning Commission

City Engineer, Amy Havenar explained the resolution would allow the City of Piqua to apply for two separate grants through the Miami Valley Regional Planning Commission. One is the resurfacing of County Road 25-A from Statler Avenue to Riverside Drive and would become available in fiscal year 2014 with a 75% Federal and 25% Local funding. The second one is for the development of a Multi-Use Recreational Trail, which is a ten-foot trail along U.S. Rt. 36 from the Piqua Lumber driveway to Looney Road and would be available in 2018 with 70% Federal and 30% Local funding.

Commissioner Wilson asked why are they asking for the 10-foot wide trail? Ms. Havenar explained this is the result of the Comprehensive Plan talking about connectivity, and more recently the U.S. 36 enhancement project. The biggest thing they are hearing is there is no connectivity for the workers on the east side of river who work at the fast food restaurants and the mall that are walking along E. Ash Street over the bridge which is very dangerous at this time.

Questions were asked if there is room on the bridge for a 10 ft bike path, how the area would be separated from traffic, and how is it any safer than it is now, and how did we get by with the current size of the sidewalk on the bridge now. Ms. Havenar explained. Commissioner Wilson voiced concern over the need for the 10ft wide trail, and moved to amend Resolution 139-12 to remove the “U.S. 36 Multi-Use Recreational Trail Development, Local match of \$171,398.” Ms. Havenar stated they would have to withdraw for the CMAQ Grant Funds.

Commissioner Martin asked if there is anyway we could petition for a grant to work on the section from the railroad bridge to Center Street to start the process, to make it safer for the employees to mow the hills along Rt. 36? Ms. Havenar explained what the CMAQ Funds could be used for. There was discussion on how much the sidewalks are used along Ash Street, and how taking 10 ft off of the roadway on the bridge area would affect the traffic on Rt 36, the merging of the lanes coming into the bridge area as the traffic is not slowing down, it was stated the signage stating the lane is merging should be moved out further. Ms. Havenar further explained how the 10 ft sidewalk would fit in. Commissioner Wilson stated he believes this is a waste of money at this time and voiced his concern. Ms. Havenar explained. Commissioner Martin also voiced his concern on the spending the money for this. Commissioner Vogt, stated he agrees with the other Commissioners that it is a lot of money to spend, and would like to see the city take the money and find a grant that would erase the grade on both sides of Rt. 36 so the businesses can be seen. City Manager Huff explained what the CMAQ Funds could be used for. Commissioner Terry asked if the City’s match would come from the Street Department Funds and if there is a time constraint for the grant. Ms. Havenar stated yes and explained. Commissioner Wilson asked if it would be possible to get these types of request in a more timely basis, and not so close to the deadline so they would have more time to make alterations. Commissioner Martin agreed with Commissioner Wilson’s comment. Commissioner Vogt stated he would like to see the grants separated on the Resolution so they can be voted on separately. Commissioner Wilson stated he already has a motion on the table to remove the US 36 Multi-Use Recreational Trail Development, Local match of \$171,398. Commissioner Vogt seconded the motion to amend Resolution No. R-139-12 under the 4th WHEREAS, to remove Item #2. U.S. 36 Multi Use Recreational Trail Development, Local match of \$171,398. Roll call vote, Aye: Wilson, Martin, and Vogt. Nay; Fess and Terry. Motion carried on a 3-2 vote.

Public Comment

No one came forward to speak for or against Resolution No. R-139-12.

Moved by Commissioner Wilson, seconded by Commissioner Martin, to approve amended Resolution No. R-139-12. Roll call, Aye: Wilson, Fess, Terry, Vogt, and Martin. Nay, None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-139-12 adopted, as amended.

RES NO. R-140-12

A Resolution authorizing and supporting an application to the Clean Ohio Conservation Fund for a project at Forest Hill Cemetery

Development Program Manager Bill Lutz stated the city received a request from the Superintendent of Forest Hill Cemetery with a request to apply for funds on the Cemetery’s behalf for funding through the Clean Ohio Conservation Fund to install a fishing dock and to make other natural improvements to the canal at Forest Hill Cemetery. The Cemetery is not legally permitted to apply for funds thus the request for help through the city. This particular program requires matching funds and the Cemetery is fiscally able and willing to meet this financial requirement at this time. There are no city funds being applied to this project, strictly coming from Forest Hill Cemetery Budget.

Applications are due by October 22, 2012 and the award announcements are expected by February 1, 2013, stated Mr. Lutz.

Public Comment

No one came forward to speak for or against Resolution No. R-140-12.

Moved by Commissioner Terry, seconded by Commissioner Wilson, to approve Resolution No. R-140-12. Roll call, Aye: Fess, Terry, Vogt, Martin, and Wilson. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. R-140-12 adopted.

Monthly Reports

Monthly Reports for August 2012 were accepted.

Public Comment

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

Ruth Koon, Park Avenue came forward and expressed her opinion on the use of grant money for the bike path, getting information out for consideration in a timely manner, and several other concerns regarding mowing along the Rt. 36 banks, and the lack of entrance signs coming into Piqua. Mayor Fess stated the city has purchased equipment to make mowing the hills along Rt. 36 safer, and believes that Ms. Havenar has done a great job of getting information out in a timely manner.

Brad Boehringer, Mound Street came forward stating he would like to see the Special Meeting held on Friday, October 19, 2012 at 5:00 P.M. instead of 9:00 A.M.

Commissioner Wilson stated the City Commission have held a lot meetings including work sessions for citizen input, and asked citizens to call their Commissioner or send letters and emails to voice their concerns or opinions.

Jean Franz, Parkridge Place, voiced her concern on the sign code. Mrs. Franz asked citizens to drive by Mote Park and check out the new playground equipment. Mayor Fess thanked Mrs. Franz and the Neighborhood Association for all their hard work at Mote Park.

Mike Taylor, W. High Street, came forward stating he hopes the citizens of Piqua appreciate the amount of time the City employees spend finding and apply for grant money for city projects.

Mayor Fess stated thanks goes to Bill Lutz, Amy Havenar and all of the City staff for finding and applying for the grant money and we are very grateful for all they do for the City.

City Manager's Report

City Manager Huff stated he did not have anything to report.

Commissioner Vogt congratulated Jim Taylor on his 32 years of service to the citizens and the City of Piqua, stating he will be hard to replace. Commissioner Vogt voiced his opinion on the reason for removing the Grant Money from Resolution No. R-139-12. Commissioner Vogt stated he feel the Commission is responsible for bringing business into the City of Piqua and will do all he can do to bring business to Piqua.

Commissioner Martin stated he would like to see the \$171,398 they were going to use for the Grant match to pave city streets. Commissioner Martin provided his home phone number and his cell phone number so citizen can contact him and voice their opinions and concerns before the meetings.

Commissioner Terry announced the Meet the Candidate Night is scheduled for October 30, 2012 at 7:30 at the YWCA with State and Local issues being discussed. City Manager Huff will be present-to-present information on the Safety Levy on the November 6 ballot, stated Commissioner Terry,

Commissioner Terry stated how ironic it was that we celebrated Community Planning Month and the Planning Board submitted a plan and the City Commission changed it. Commissioner Terry went on to state the members of all of the boards are appreciated for all the work they do and is just government in action. Commissioner Terry voiced her own opinion on the 10 ft. wide Bike Path and the need for the extension.

Commissioner Wilson stated there has not been an update recently on recycling. Mayor Fess stated they just received an email that day. Commissioner Wilson commented that we are ahead already this year on recycling figures. Commissioner Wilson reminded citizens about the leaf pickup and stated there is a hot line number to call to find out when they will be in their neighborhood. The hot line telephone number is 778-2047 to call and see where they are working.

Mayor Fess also invited citizens to attend Meet the Candidate Night to hear information regarding the issues on the November 6 ballot, further stating it would only last about an hour.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Regular Piqua City Commission Meeting at 9:10 P.M. Voice vote, Aye: Wilson, Fess, Martin, Vogt, and Terry. Nay: None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

MINUTES
SPECIAL PIQUA CITY COMMISSION SESSION
Friday, October 19, 2012
9:00 A.M.

Piqua City Commission met in a Special City Commission Session at 9:00 A.M. in the Municipal Government Complex Commission Chambers located at 201 W. Water Street. Mayor Fess called the meeting to order. Also present were Commissioners Vogt, Martin, and Wilson. Absent: Terry.

Moved by Commissioner Martin, seconded by Commissioner Vogt, to excuse Commissioner Terry from the Special City Commission Meeting of October 19, 2012. Voice vote, Aye: Martin, Vogt, Wilson, and Fess. Nay: None. Motion carried unanimously,

ORD. NO. 19-12 (2ND 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

City Manager Huff summarized the Ordinance stating this Ordinance was initiated by request of the City Commission to deal with the pole sign square footage. The Planning Commission made their recommendation, and at the Piqua City Commission Meeting of October 16, 2012 the Ordinance was amended. This is the second reading of Ordinance No. 19-12 to take action on this item.

Mayor Fess stated that the Commissioners all received an email dated October 18, 2012 and asked the Law Director to respond. Ms. Wall stated the question posed to her was whether the three reading rule could be waived on the amended ordinance. Ms. Wall recommended the three reading rule not be waived at this time for several reasons and explained the reasons.

Commissioner Vogt stated he would like to make a motion to give Ordinance No. 19-12 a second reading, and hold another Special Commission meeting on Tuesday, October 23, 2012 at 9:00 A.M., it was seconded by Commissioner Martin. Commissioner Wilson stated it would be fine with him. Mayor Fess asked if it would be constituted as another emergency meeting?

Law Director Wall explained it would be a Special Meeting, but does not constitute an emergency meeting at this time, as it is just a special meeting outside the regular commission time. There could be challenges to the time, but there is no reason to rush it through, it could be put on the next regular Commission agenda and not have any problems.

Public Comment

Brad Boehringer Mound Street, voice his concern about having another 9:00 A.M. meeting, stating if you want to receive public comment he feels it would be better to have the third reading at the November 6, 2012 regular Piqua City Commission Meeting. Commissioner Vogt commented the Dayton City Commission holds their meetings at 11:00 A.M. and stated we should hold ours then to, further stating his motion is still on the floor for the Special Commission meeting on October 23, 2012 at 9:00 A.M. Ms. Wall explained why the morning meeting was not appropriate at this time, stating it is not a scheduled meeting.

Commissioner Martin stated whenever they have had Special Meetings they have always been scheduled at 9:00 A.M. to accommodate his and Commissioner Wilson's schedules. Ms Wall explained you have to state a reason and establish on the record the reason for holding a Special Meeting such as a Grant application deadline. There is no special reason concerning this Ordinance that it would need to be pushed through on an emergency basis at this time stated Ms. Wall. Commissioner Vogt stated he remembers a previous time with another Ordinance that they needed to have a special meeting to get something passed due to a deadline on timing.

Commissioner Wilson also commented on a reason he feels the need to have a Special Meeting, stating the sign in question looks very bad and the longer the Commission takes on making a decision it is hurting the companies business and feels this is a good reason to have the Special Meeting to expedite the process. We held a Work Session on this; the Planning Commission held their meeting, a City Commission Meeting was held on October 16 all in the evening, and finally this meeting, stated Commissioner Wilson. If a meeting were to be held on October 23 it would be five meetings that were held for public discussion on this item. The Commissioner's were available by telephone, letters, and emails and none were received except from Mr. Boehringer, stated Commissioner Wilson.

Commissioner Vogt stated he wanted it noted that he only received public comment from one person, Brad Boehringer. Commissioner Vogt further stated he received emails from the other City Commissioners, and the City Manager only, nothing else from the public. I understand Ms. Wall's hesitation, further stating his motion was still on the floor, stated Commissioner Vogt. Commissioner Martin stated he has given his telephone numbers out at various times and has not received any telephone calls.

Ms. Wall stated for clarification they are not delaying this, they are just going through the normal process. To say you are delaying implies you are doing something wrong, and you are not. Ms. Wall further explaining the process to be followed.

Commissioner Martin asked if it changes anything if the meeting were to be held in the evening at 7:30 P.M. instead of 9:00 A.M. on Tuesday.

Mayor Fess stated it would not be the normal process and there could be ramifications from doing so citing some one might think special treatment was given in this matter. We need to follow the normal process on this stated Mayor Fess.

Commissioner Terry joined the meeting at this time (9:15 A.M.)

Mayor Fess explained to Commissioner Terry what has been discussed prior to her arrival.

Mayor Fess stated this is the second reading on Ordinance No. 19-12 and feels it should go for a third reading at the regular City Commission meeting on November 6, 2012.

Ms. Wall stated there was already a motion and a second on the floor for a Special Meeting on Tuesday October 23, 2012 at 9:00 A.M. Mayor Fess asked for a roll call. Aye: Wilson and Vogt. Nay: Terry, Martin, and Fess. The motion was denied 3-2.

Commissioner Vogt asked if he could request an Executive Session after the October 19, 2012 9:00 A.M. meeting. Ms. Wall stated no, and further explained the reasons for not holding an Executive Session after the meeting.

Mayor Fess stated this would stand as the second reading for Ordinance No. 19-12.

Moved by Commissioner Vogt, seconded by Commissioner Martin, to adjourn from the Piqua City Commission Special Meeting at 9:20 A.M. Voice vote, Aye: Wilson, Fess, Vogt, and Terry. Nay: None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

ORDINANCE NO. 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.

1st Reading as amended in Exhibit A 10-16-12

2nd Reading as amended in Exhibit "A" 10-19-2012

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	November 6, 2012		
REPORT TITLE (Match resolution/ordinance title)	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		
SUBMITTED BY	Chris Schmiesing, City Planner		
	Development Department		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input checked="" type="checkbox"/> Asst. City Manager/Development		<input checked="" type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director		<input checked="" type="checkbox"/> Planning Commission
BACKGROUND (Description, background, justification)	<p>This item was presented to the Planning Commission in response to a request from the City Commission to amend the sign standards to allow Paul Sherry RV Jeep Chrysler Dodge to construct and maintain a 600 square foot 90 foot tall high rise/highway oriented sign. The high-rise/highway oriented sign amendments proposed will affect on-premises signs located in business and industrial zoning districts along interstate 75. The amendments as presented to the Planning Commission define a high-rise/highway sign as a specific sign type and modify the standards to allow for a the sign type, size, and location proposed by the Paul Sherry automobile and RV dealership. Additional housekeeping amendments reducing appearance and electronic changeable copy message standards, and height and area computation provisions, were also included.</p> <p>The Planning Commission held a public hearing concerning this item on October 9, 2012. At the hearing there was much discussion about the public input that went into the rewrite of the sign code provisions adopted in 2006. It was also noted that the current sign standards are consistent with the stated goals and objectives of the community as adopted in the <i>Plan It Piqua 2007 Comprehensive Plan Update</i>. Testimony was provided by the chairman of the Board of Zoning Appeals indicating that since 2007 several variance requests by applicants asking for a larger sign area than what is permissible by the adopted standards have been denied because no peculiar or unusual circumstances that would provide justification for the exception were found to exist. The petitioner requesting the changes to the current code provisions also spoke at the meeting stating that he wants to install the 600 square foot sign because that is what he</p>		

	<p>believes his business needs to effectively market the products he has available.</p> <p>The Planning Commission reviewed each of the proposed amendments item by item and carefully considered the consequences of each proposed change. Ultimately the four members of the Planning Commission present at the meeting unanimously supported all but one of the proposed changes to the code language. Concerning the proposed maximum sign area allowance the Planning Commission found that the existing 200 square foot area allowance is consistent with most of the existing high rise/highway oriented signs in the community and suggested that this be the base allowance for this sign type. The Planning Commission went on to recommend an amended escalator provision that would allow the sign area of a high rise/highway oriented signs on exceptionally large lots to increase by 10 square feet in area per acre of lot area in excess of 10 acres, with a maximum sign area allowance of 400 square feet. It was noted that the 400 square foot allowance is twice the size that is currently allowed.</p>	
BUDGET/FINANCIAL IMPACT (Project costs and funding sources)	Budgeted \$:	0
	Expenditure \$:	0
	Source of Funds:	N/A
	Narrative:	The proposed amendment will allow highway oriented businesses to erect larger high-rise signage along interstate 75 on lots located in business and industrial zoning districts.
OPTIONS (Include deny /approval option)	1.	Adopt the ordinance and approve the proposed amendments to modify the sign standards to allow larger high-rise/highway oriented signs in business and industrial districts.
	2.	Amend and adopt the ordinance and approve the proposed amendments to modify the sign standards to allow larger high-rise/highway oriented signs in business and industrial districts.
	3.	Defeat the ordinance and deny the proposed amendments to modify the sign standards to allow larger high-rise/highway oriented signs in business and industrial districts.
PROJECT TIMELINE	<p>October 9, 2012 – Planning Commission</p> <p>October 16, 2012 – City Commission – 1st Reading</p> <p>November 6, 2012 – City Commission – 2nd Reading</p> <p>November 20, 2012 – City Commission – 3rd Reading</p>	
STAFF RECOMMENDATION	Approve the proposed amendment.	
ATTACHMENTS	Ordinance, Exhibit A	

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

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§ 154.005 DEFINITIONS.

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

ACCESSORY BUILDING. 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.

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

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

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

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

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

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

(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

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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.

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

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

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

SIGN. See § 154.096.

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

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

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

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

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

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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.

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(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.

EXHIBIT A

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.

EXHIBIT A

(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
<u>High Rise/Highway Oriented Sign</u>	<u>90 feet</u>	<u>300 sq. feet</u>	<u>Less than 10 acres</u>	<u>20 feet</u>	<u>20 feet</u>
<u>High Rise/Highway Oriented Sign</u>	<u>90 feet</u>	<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>	<u>10 acres or more</u> <u>N/A</u>	<u>20 feet</u>	<u>20 feet</u>

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.

EXHIBIT A

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.

ORDINANCE NO. 23-12

AN ORDINANCE AMENDING CHAPTER 34 OF THE PIQUA MUNICIPAL CODE TO REFLECT CITY PROCEDURE AND CHANGES IN THE OHIO REVISED CODE

WHEREAS, the City of Piqua Municipal Code Chapter 34 regulates the purchase of supplies and disposal of property and references the Ohio Revised Code, which has been amended; and

WHEREAS, currently the City of Piqua requires advertisement for bids for any purchase of goods, supplies or services in excess of \$25,000 at least once, not less than 48 hours before the opening of bids, in a newspaper of general circulation in the city; and

WHEREAS, HB 509 became effective June 26, 2012, amending the contractual requirement for public services from \$25,000 to \$50,000.

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

SECTION 1. That the City of Piqua hereby amends Chapter 34, Section 34.19 of the Piqua Municipal Code as set forth below: (proposed language is underlined and language to be deleted is struck)

§ 34.01 CONTRACTS FOR PUBLIC WORKS AND IMPROVEMENTS.

(A) Contracts for public works and improvements shall be awarded to the lowest responsible bidder within a reasonable time after advertisement for bids has been published at least once in a newspaper of general circulation in the city containing a reservation that the City Manager shall have the power to reject all bids and advertise again. The City Manager may reject all bids and advertise again, but shall not be required to do so, even when the lowest bid exceeds the engineer's estimate by 10% or more.

(B) The City Manager shall determine the appropriate specifications and bidding requirements not otherwise provided in the city code. Such determination shall be to the exclusion and preemption of R.C. Chapters 9 and 153, which are hereby rendered inapplicable to all public works and improvements in the city except for R.C. 5719.042 and where otherwise specified within Chapter 34 of the Municipal Code.

PURCHASE OF SUPPLIES

§ 34.15 PAYMENT FOR SUPPLIES AND EQUIPMENT.

Whenever articles, commodities, supplies, materials, or equipment are purchased and delivered to the storerooms or warehouses of the city in anticipation of requisitions from the several departments, divisions, and it is impracticable at the time of delivery to apportion the cost thereof or any part of the cost to the several departments, divisions, and offices, payment shall be made from the city storeroom fund of the Department of Purchases and Supplies, to be

repaid by the several departments, divisions, and offices as they receive the supplies upon a requisition.

§ 34.16 ESTIMATES AND SUMMARY; AVAILABLE EQUIPMENT.

At the beginning of each year, and at such other times as contracts for supplies are to be let, the director of each administrative office shall submit to the Director of Finance an estimate of all articles, commodities, supplies, equipment, and materials anticipated to be needed by that department or office for its regular operation during the year. This estimate shall specify the quantity and character of each item needed. All estimates shall be transmitted to the Purchasing Agent, who shall prepare a summary statement which shows the total quantity estimates required by all departments and offices of each item of such articles, commodities, supplies, equipment, and materials. The estimates and the summary shall also show the amount of all articles, commodities, supplies, equipment, and materials estimated to be on hand or in stock in the departments and offices or in the city storerooms or warehouses, and the net quantity which it will be necessary or advisable to purchase during the ensuing year. The estimates and the summary shall also show the quantity, character, and estimated value of all articles, commodities, supplies, equipment, and materials or other property on hand in the several departments or in the storerooms and warehouses of the city, which are no longer usable or needed and which may be disposed of by the City as specified herein in Chapter 34 of the Municipal Code.

§ 34.17 PURCHASING CONTRACTS; BIDS.

At such times after the passage of the annual appropriation ordinance or after any preliminary appropriation ordinance has passed in accordance with sections 49 or 50 of the Charter, bids for purchase contracts covering all or any part of the requirements of such articles, commodities, supplies, materials, services, and equipment as the city may need during the year shall be received with or without advertising or otherwise as will permit which most benefit the city.

§ 34.19 PUBLICATION OF BIDS; EXCEPTIONS.

No purchase of goods, supplies, or services, or a contract for providing labor for any work under the supervision of streets or public service in excess of ~~\$50,000~~ \$25,000 shall be made until and unless a written contract authorized by the City Commission with the lowest and best bidder has been established after advertisement for not less than two nor more than four consecutive weeks ~~advertisement for bids has been published at least once, not less than 48 hours before the opening of bids in a newspaper of general circulation in the city or as provided in Section 7.16 of the Revised Code,~~ all subject to section 46 of the Charter. However, advertisement shall not be required when:

- (A) Purchases are made by contract established pursuant to § 34.17;
- (B) In unforeseen emergencies, delay would result in the interruption of or detriment to the delivery of public services, as determined by the City Manager;
- (C) The purchase consists of supplies or a replacement or supplemental part or parts for a product or equipment owned or leased by the city and the only source of supply is limited to a single supplier;

(D) The purchase is from the federal or state government or agency thereof, or from any political subdivision;

(E) In the sound judgment of the Purchasing Agent, subject to approval of the City Manager, advertisement for bids for any specific purchase would not be of any material benefit to the city.

(F) The purchase consists of professional services for which no possible specifications for bids can be drawn, subject to approval by the City Commission.

(G) The purchase is from a joint purchasing program where the equipment, material, supply or service being purchased was obtained through a competitive sealed bidding process or a competitive sealed proposal process.

§ 34.20 EQUIPMENT HAVING STANDARD SPECIFICATIONS.

In advertising for bids for the furnishing of articles, commodities, supplies, materials, or equipment for which standard specifications have been adopted, it shall be sufficient to refer thereto by the general trade name and by citing the appropriate standard specification or specifications, and by stating that standard specifications may be examined at the office of the Purchasing Agent. The Purchasing Agent may require bidders to submit samples with their bids in cases in which it is practicable to do so.

§ 34.21 REQUISITIONS; FURNISHING ITEMS.

(A) Requisitions for articles, commodities, supplies, materials, or equipment by any department or office shall be addressed to the Purchasing Agent, approved by the director of the department or the head of the office, and if the department or office has available a sufficient appropriation balance in excess of all unpaid obligations sufficient to pay for the supply the Purchasing Agent shall either furnish the items requisitioned from the storerooms or warehouses of the city, procure them by purchase under a purchase contract previously made, or procure them by purchases in the market.

(B) Whenever any office or division of the city requires supplies or equipment which another office or division of the city is able to furnish, suitable requisition may be made, and the supplies or equipment may be furnished. In such cases bids need not be obtained. Apportionate charges and credits shall be made to accounts affected by this transaction.

§ 34.22 LOCAL PREFERENCE PURCHASING PROGRAM.

(A) *Definitions.*

(1) **COMMODITIES.** Goods that can be purchased from a manufacturer or their representative and which are purchased by the city in amounts greater than the amounts required to be bid in the Charter.

(2) **NON-PROFESSIONAL SERVICES.** Janitorial and general maintenance service orders including those for fleet management, buildings, and mowing. In addition, city printing

services would be included in this category. Any prevailing wage project would not be considered part of this definition.

(3) **CITY BIDDER/SUPPLIER.** A corporation, sole proprietorship, partnership, or joint venture who maintains a place of business within the corporate limits of the city as now established, or as hereafter established in the manner provided by law, and has filed or paid a payroll or earnings tax to the city in the most recent tax quarter. When proof of situs is required, the city bidder/supplier shall authorize the Department of Income Tax to release the necessary information.

(B) *Local preference.* In awarding purchase orders for commodities and non-professional services, the city may grant a local preference to city bidder/supplier within the city. In determining the lowest responsible bidder or supplier, a 5% local preference on all local bids exceeding the lowest, responsible, non-city bidder/supplier bids may be computed on the amount of the low bid meeting specifications by a non-city bidder/supplier. The preference may be applied up to a maximum of 5%, but not to exceed \$10,000.

(C) *Ties.*

(1) Ties between city bidder/supplier and one or more non-city bidder/supplier(s) meeting specifications shall be broken in favor of the city bidder/supplier.

(2) Ties between two or more city bidder/suppliers(s) meeting specifications will be broken through a coin toss method until the winner remains.

(D) *City Manager authorization.* The City Manager or his or her designee may promulgate rules and regulations to implement this section provided they are not inconsistent with the expressed provisions of this section.

(E) *Savings.* This section may be subject to the application of the laws of the state or the United States of America which may preempt all or a portion of this section.

(F) *Local preference certification and waiver form.*

(1) This section provides for a local preference in the purchase of commodities and non-professional services by the city.

(2) The rules and regulations adopted by the city of the administration of this section require that bidders claiming local preference complete the following form for each bid. Failure to properly complete and return this form may result in not being qualified to receive preference under this section.

PREFERENCE CLAIMED – City Bidder/Supplier

BUSINESS NAME: _____

STREET ADDRESS: _____

COUNTY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE NO.: _____ FAX NO.: _____

FEDERAL I.D. NO.: _____

If incorporated. If a sole proprietorship, use Social Security Number of owner.

TESTIMONY AND AUTHORIZATION

The undersigned, on behalf of the aforementioned business concern, hereby authorizes the City of Piqua Department of Income Tax to provide proof of status pursuant to the Ordinance to the City of Piqua Department of Purchasing. In so doing, I authorize the Department of Income Tax to disclose such records as may be necessary to establish qualifications for local preference as required by the Ordinance or any subsequent rules and regulations adopted in the administration of the Ordinance. I, on behalf of the aforementioned business concern, hereby release the City of Piqua and its officers, employees, or agents from any and all liability for the disclosure of any information establishing these qualifications. I further attest to the fact that the business concern is physically located within the Corporate limits and boundaries of the City of Piqua, Ohio. By affixing my signature to this form, I also attest that I am a duly authorized agent of the aforementioned business concern.

Type or Print Agent Name

Agent Signature

Date

§ 34.23 JOINT PURCHASING PROGRAM.

(A) The City Manager is hereby authorized to participate in any joint purchasing program operated by or through a national or state association of political subdivisions in which the city is eligible for membership.

(B) Acquisitions of equipment, material, supplies, or services, through participation in joint purchasing program under division (A) of this section, is exempt from any advertisement and competitive bidding requirements otherwise required by law, if the contract in question was awarded pursuant to a publicly solicited request for a proposal or a competitive selection procedure of another political subdivision within this state or in another state.

(C) The City Manager is hereby authorized to agree in the name of the City of Piqua to directly pay the vendor, under each such joint purchasing program contract in which it participates, for items it receives pursuant to the contract, and that the City Manager does hereby agree to directly pay the vendor.

(D) If the expenditure of funds for the purchase of equipment, material, supplies, or services under the proposal available through participation in a joint purchasing program exceeds the amount specified by ordinance for which such purchases or services may be

accomplished without advertisement and competitive bidding, such expenditure shall first be authorized and directed by ordinance.

SALE OF PROPERTY

§ 34.31 SALE AND DISPOSAL OF PROPERTY.

Under the power of local self-government conferred upon cities by Article IV of the Ohio Constitution and as a charter municipality under Article XVII of that Constitution, the City of Piqua has established the procedures described in this chapter for disposal of real and/or personal property interests, including money, in its possession. The custodial care of any such property interest and its disposal under this chapter shall be deemed to constitute a governmental function.

§ 34.32 PERISHABLE FOOD, FLAMMABLES, EXPLOSIVES, AND OTHER HAZARDOUS MATERIALS.

(A) If personal property which has been lost, mislaid, abandoned or stolen comes into the possession of the city, and if it is solid food or is a beverage (collectively referred to as "food") of such a nature that it will spoil if not used almost immediately ("perishable food"), the procedures of this section shall be followed instead of any other procedures described elsewhere in this chapter.

(B) If the city does not know the name or address of the owner of the perishable food, the city may proceed at once to use that food itself or may dispose of it by gift or other transfer to any person or entity, including but not limited to any non-profit organization, or may dispose of it as worthless rubbish.

(C) If the name or address of the owner of the perishable food is known, the city shall make an attempt to give telephone notification to the owner that the perishable food has been left in the possession of the city. If the city is not successful in giving such notice after three attempts within 24 hours or if the property is not taken away by the owners within 24 hours after the notice attempt concluded (or whatever lesser number of hours may be reasonable for notice and/or removal, based on the perishable nature of the food), the city may use that food itself or may dispose of it by gift or other transfer to any person or entity, including but not limited to any non-profit organization, or may dispose of it as worthless rubbish.

(D) The procedures listed in § 34.32 (A), (B), and (C) shall apply to flammables, explosives and/or other hazardous materials coming into the possession of the city.

§ 34.33 OPTIONAL PROCEDURE UNDER STATE STATUTE.

Personal property which has been lost, mislaid, abandoned or stolen and which has come into the possession of this city may be disposed by the city on the basis of an application for disposal of property filed with the municipal court of this county under R.C. Section 2981.11-.13, as those statutes may be revised and/or renumbered from time to time. In the alternative, this charter city may dispose of such property under other sections of this chapter, and/or such written internal control policy adopted relative to property approved by the Chief of Police without necessity of any court order or judicial proceeding.

§ 34.34 PROPERTY FOUND BY EMPLOYEES BELONGS TO THE CITY.

If personal property is found by an employee of this city during the course of his or her employment, that employee shall have a duty to deliver the property into the custody of this city; and any rights which might otherwise accrue to the finder of such property shall thereafter be deemed to belong exclusively to this city.

§ 34.35 SALE OR DISPOSAL OF SCRAP AND PERSONAL PROPERTY.

(A) **PERSONAL PROPERTY NOT NEEDED FOR PUBLIC PURPOSES.** Personal property, other than scrap, which is not needed for any of the departments of the city, may be disposed of as follows:

(1) By sale by sealed bid to the highest and best bidder, following notice on the city website and the public access station at least ten business days prior to the opening of bids.

(2) By live public auction.

(3) By internet auction. Notice of internet auction will be posted on the city website at least five calendar days prior to commencement of bidding.

(4) By sale, donation or agreement to another government jurisdiction without the requirement of competitive bidding.

(5) By trade-in for credit at the time of the purchase of replacement property, provided that trade-in value is established separately from the purchase price of the replacement property, and can be verified to represent fair market value for the traded property.

(6) By destruction upon the determination by the City Manager that the surplus property must be destroyed for public safety reasons.

(7) By donation to an appropriate charitable organization with the approval of the City Manager. No property shall be donated to the benefit of any private individual, private company or for-profit organization.

(B) **COMPUTER EQUIPMENT.** If the personal property is computer equipment which, in the judgment of the IT Director with approval of the City Manager, has no market value because of its age and/or obsolescence, the Purchasing Agent may dispose of such equipment as most beneficial to the City, including donation to a non-profit organization or by discarding such equipment.

(C) **SCRAP.** Personal property that has become unsuitable for use or personal property that has been condemned as useless by the City Manager or his or her designee shall be sold by the purchasing agent for the best price obtainable without advertising for bids.

(D) Any property donated shall be done so by written agreement that includes the proper release language as approved by the Law Director and the acceptance of the property in an “as is” condition.

§ 34.36 SALE OR LEASE OF CITY REAL ESTATE.

No real estate belonging to the city shall be sold or leased except in pursuance of a resolution passed by a majority vote of all members of the City Commission. This resolution shall contain the following.

- (A) The reason for selling or leasing the real estate;
- (B) Description of the real estate to be sold or leased;

(C) When real estate is to be leased or sold by the city to the United States Government; the State of Ohio (including any department or agency thereof) any political subdivision of the state; any nonprofit corporation, association, or organization; or any specific person or persons, firm or corporation if, in the sound judgment of the City Manager, the sale or lease would be in the best interest of the city, no advertising for bids shall be required, if the resolution provided for in this section so states.

§ 34.37 ADVERTISEMENT; REPORTING OF BIDS.

(A) Except for sales or leases provided for in division (C) of this section, when real estate is to be leased or sold by the city, the resolution provided for in § 34.36 shall be advertised, together with all pertinent matters, as in the case of other purchases and sales.

(B) The City Manager shall report to the Commission all bids received in the matter of the lease or sale of real estate, and shall take such action thereon as may be directed and authorized by ordinances of the City Commission. The City Manager shall sign all conveyances for the sale or leasing of real estate of the city.

(C) When real estate is to be leased or sold by the city to the United States Government, the state (including any department or agency thereof), any political subdivision of the state or to any nonprofit corporation, association, or organization, no advertising for bids shall be required if the resolution provided for in § 34.36 so states.

§ 34.38 DISPOSITION OF UNCLAIMED PROPERTY.

(A) Property that is abandoned and unclaimed for 90 days after being taken into custody by the city may be sold by the Chief of Police at public auction after giving due notice thereof by advertisement published weekly for three consecutive weeks. The Chief of Police may have the proceeds from this auction, in full or part, deposited into the Law Enforcement Trust Fund.

(B) In the alternative, the city may keep the property, or the Chief of Police may contribute proceeds, in full or part, from the auction (see division (A)) to a recognized citizens reward program for use exclusively for the payment of rewards or the Chief of Police may contribute the property to one or more public or nonprofit agencies (provided no part of the net income inures to the benefit of any private agency's shareholder or individual and no substantial part of the

agency's activities consist of promulgating propaganda or otherwise attempting to influence legislation or to one or more organizations satisfying IRC 501(c)(3) or (c)(19).

(C) This section shall not apply to property required for disposition pursuant to R.C. §2981.01 et seq. or other similar sections of the *Revised Code*, except as provided otherwise in this chapter.

(D) Bicycles that are abandoned and unclaimed for 60 days and have no value may be destroyed or otherwise disposed of by the Chief of Police without public sale.

(E) The Chief of Police or his/her designee shall determine any claimant's rights to possession of the abandoned or unclaimed property. If the claimant is dissatisfied with the decision of the Chief of Police or his or her designee, he or she may appeal the decision to the City Manager or his designee within 7 days of the decision. The City Manager and/or his or her designee shall hold a hearing within 14 days of receipt of the notice of appeal. The decision of the City Manager shall be final.

§ 34.39 DISPOSITION OF REAL AND PERSONAL PROPERTY WHICH HAS BEEN SEIZED BY AND/OR FORFEITED TO THE CITY.

(A) A person loses any right he or she may have to possession of property, which was the subject of an offense, was used in a conspiracy or attempt to commit an offense, or was used in the commission of an offense (other than a traffic violation) if the person was a conspirator, accomplice, or offender with regard to the particular offense. In addition, a person loses any right he or she may have had to possession of property when, on the basis of the nature of the property or the circumstances involved, it is unlawful for him or her to acquire or possess it. Any such property shall be deemed to have been forfeited to the city.

(B) Forfeited property in the custody of the city may be disposed of on the basis of an Application for Disposal of Property filed with the Municipal Court of this county under R.C. Section 2981.11-.12. In the alternative, this charter city may use any of the following procedures of disposal of such forfeited property, without necessity of any court order or judicial proceedings:

(1) Drugs of abuse, as defined in Ohio statutes, shall be destroyed, or placed in the custody of the Secretary of the Treasury of the United States for disposal or use for medical or scientific purposes under applicable federal law.

(2) Alcoholic beverages, as defined in Ohio statutes, shall be destroyed, or placed in the custody of the Ohio Department of Liquor Control for disposal.

(3) Firearms and dangerous ordnance suitable for police work may be retained by the city as its property for law enforcement purposes. All other firearms shall be disposed of under §34.33 and §34.38 above.

(4) Obscene materials shall be destroyed.

(5) Any other item of personal or real property forfeited under any law of the United States or the State of Ohio or ordinance of this city may be retained by the city for its own use.

If not so retained and if the optional procedure of disposal under state statute is not used (see division (B) of this section) the property shall be disposed of under § 34.33 or § 34.38 above.

§ 34.40 REIMBURSEMENT OF CITY EXPENSES.

The right of any owner or finder to claim possession of property pursuant to this chapter shall be conditioned upon reimbursement to the city by that person of all direct expenses incurred by the city for advertising, mailing of notices and for any transportation and storage fees paid to third persons in connection with the property involved.

LAND REUTILIZATION PROGRAM

§ 34.50 LAND REUTILIZATION PROGRAM ESTABLISHED.

(A) The City of Piqua hereby adopts the procedures set forth in R.C. Chapter 5722.

(B) The proper city officials are hereby authorized to take all necessary and proper actions to adopt and implement the procedures set forth in R.C. Chapter 5722 and the City Manager is directed to promulgate rules to set up a selection review committee, to delineate property selection and documentation criteria, to establish maintenance and reporting requirements, and to determine the length of time the city may own property for the program.

(C) The Clerk of Commission is hereby directed to transmit certified copies of this section to the County Auditor, the County Treasurer and the County Prosecutor, as provided in R.C. § 5722.02.

SECTION 2. All other sections of Chapter 34 of the Piqua Municipal Code not amended herein shall remain in effect as is.

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CITY COMMISSION CLERK



Commission Agenda Staff Report

MEETING DATE	November 6, 2012		
REPORT TITLE (Should match resolution/ordinance title)	AN ORDINANCE AMENDING CHAPTER 34 OF THE PIQUA MUNICIPAL CODE TO REFLECT CITY PROCEDURE AND CHANGES IN THE OHIO REVISED CODE		
SUBMITTED BY	Name & Title: Stacy Wall, Law Director		
	Department: Law		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
BACKGROUND (Includes description, background, and justification)	<p>Chapter 34 of the Piqua Municipal Code governs bidding and contractual requirements. House Bill 509 became effective June 26, 2012, which amended Ohio Revised Code §735.05 to require contracts or expenditures in excess of \$50,000 to be authorized by municipal authority. Section 735.05 states in part:</p> <p>“The director of public service may make any contract, purchase supplies or material, or provide labor for any work under the supervision of the department of public service involving not more than fifty thousand dollars. When an expenditure within the department, other than the compensation of persons employed in the department, exceeds <i>fifty thousand</i> dollars, the expenditure shall first be authorized and directed by ordinance of the city legislative authority.” (Emphasis added)</p> <p>HB 509 amended the statutory amount from \$25,000 to \$50,000 for cities, townships, counties and the State government. This amendment makes the City’s ordinance with current statutory authority.</p>		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	N/A	
	Expenditure \$:	N/A	
	Source of Funds:		
	Narrative:		
OPTIONS (Include Deny /Approval Option)	1.	Approve the Ordinance after three readings	
	2.	Reject the Ordinance and leave the approval amount at \$25,000	
	3.		
	4.		
PROJECT TIMELINE	Staff recommends three readings of the ordinance, which would make the Ordinance effective in line with a new budget year.		

STAFF RECOMMENDATION	Staff recommends approval of the Ordinance to make the City authority consistent with contractual authority throughout the State for all levels of government.
ATTACHMENTS	

ORDINANCE NO. 24-12

AN ORDINANCE AUTHORIZING AN AMENDMENT TO ORDINANCE NO. 42-96 AND THE ZONING MAP ATTACHED THERETO TO CHANGE THE ZONING DESIGNATION OF 437 KITT STREET, PARCEL N44-028630, TO R-1 (ONE-FAMILY RESIDENTIAL)

WHEREAS, the Planning Commission has studied a proposed amendment to the zoning map to change the zoning designation of 437 Kitt Street, parcel N44-028630, to R-1 (One-family Residential); 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;

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

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

SEC. 1: The zoning designation of R-1 (One-family Residential) to 437 Kitt Street, parcel N44-028630, is hereby approved.

SEC. 2: The zoning map attached to Ordinance No. 42-96 as subsequently amended is hereby revised and amended to assign a zoning designation of R-1 (One-family Residential) to 437 Kitt Street, parcel N44-028630, and the City Planner is hereby authorized to make said change on the original zoning map.

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION



Commission Agenda Staff Report

MEETING DATE	October 31, 2012		
REPORT TITLE (Match resolution/ordinance title)	AN ORDINANCE AUTHORIZING AN AMENDMENT TO ORDINANCE NO. 42-96 AND THE ZONING MAP ATTACHED THERETO TO CHANGE THE ZONING DESIGNATION OF 437 KITT STREET, PARCEL N44-028630, TO R-1 (ONE-FAMILY RESIDENTIAL)		
SUBMITTED BY	Chris Schmiesing, City Planner		
	Development Department		
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
APPROVALS/REVIEWS	<input type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director		<input checked="" type="checkbox"/> Planning Commission
BACKGROUND (Description, background, justification)	<p>This item was presented to the Planning Commission in response to a request from the property owner to change the zoning designation of the subject property from B General Business to R-1 One-Family Residential.</p> <p>The Planning Commission held a public hearing concerning this item on October 9, 2012. At the hearing the property owner requesting the change spoke in favor of the request. It was explained that a prospective buyer is having difficulty obtaining financing to purchase the property because of the current business zoning designation of the lot. No other persons from the public spoke concerning this matter.</p> <p>The improvements at this location include a one-family dwelling unit and a storage shed accessory building. The lot is located along Grant Street and extends from Kitt Street to College Street. While there is alley access in the rear of the property the improvements found at this location are orientated towards Kitt Street. The improvements found along Kitt Street are primarily one-family dwelling units and the lots they occupy are located within an R-1 zoning designation.</p> <p>The four Planning Commission members present reviewed proposed zoning change and unanimously recommended approval of the proposed change to the zoning designation of this property.</p>		
BUDGET/FINANCIAL IMPACT (Project costs and funding sources)	Budgeted \$:	0	
	Expenditure \$:	0	

	Source of Funds:	N/A
	Narrative:	The proposed amendment will allow the prospective buyer to secure financing to purchase the property.
OPTIONS (Include deny /approval option)	1.	Adopt the ordinance and approve the proposed change the zoning designation of the subject lot.
	2.	Defeat the ordinance and deny the proposed to change the zoning designation of the subject lot.
PROJECT TIMELINE	<p>October 9, 2012 – Planning Commission November 6, 2012 – City Commission – 1st Reading November 20, 2012 – City Commission – 2nd Reading December 4, 2012 – City Commission – 3rd reading</p> <p>NOTE - The applicant has requested this item be considered/approved in as timely a manner with reference to the sale of the property currently being on hold pending the final action taken on this request.</p>	
STAFF RECOMMENDATION	Approve the proposed amendment.	
ATTACHMENTS	Ordinance, Zoning Map (snapshot of subject neighborhood), Planning Commission Supporting Documents	

RESOLUTION No. PC 20-12

WHEREAS, Amber Crumrine, owner of 437 Kitt Street, in the City of Piqua, Ohio, has submitted a request to amend the zoning map to change the zoning designation of the subject property from B General Business to R1 One-family Residential; and,

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

WHEREAS, the Planning Commission has studied the request, included herein as exhibit 'A', and conducted a public hearing concerning this matter;

NOW THEREFORE BE IT RESOLVED, board member Mr. Oda hereby moves to recommend (approval or denial) of the request made, as described by this resolution, the testimony provided, and the documents attached hereto as Exhibit 'A', and the motion is seconded by board member Mrs. Franz, and the voting record on this motion is hereby recorded as follows.

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

CITY OF PIQUA, OHIO

Application for Zoning Change

- 1. Applicant's Name Amber Crumrine Phone 937-689-0278
Applicant's Address 437 Kitt St.
- 2. Owner's Name Amber Crumrine Phone 937-689-0278
Owner's Address 437 Kitt St.
- 3. Type of legal interest held by applicant Owner
- 4. Location of Rezoning request
A. Legal description (Inlot No. or attach legal description) 2097 40
B. Address _____
- 5. Existing zoning _____
- 6. Existing usage _____
- 7. Proposed zoning Residential
- 8. Proposed usage Single family Residential
- 9. Is this "Request for Zoning" contingent upon annexation? Y ___ N X
- 10. Describe the reason for the requested rezoning: Business zoning not
needed
- 11. Has a Rezoning Request for this location been made before? Y ___ N X
If yes, give date of previous application _____
- 12. No. of site plans submitted (16 required UNLESS waived) _____

I hereby certify that the proposed request is authorized by the "Owner of Record" and agree to conform to all applicable laws of the City of Piqua, Ohio.

Signature of Applicant Amber Crumrine Date 9-10-12

Signature of Owner Amber Crumrine Date 9-10-12

Note: Both the owner and the applicant shall sign when application is made by someone other than the owner.

***** OFFICE USE ONLY *****

~~\$50.00~~ Fee paid 100.00 Date fee paid 9-10-12

Receipt no. 206647 P.C. Res. no. 20-12



437 Kitt Street

KITT ST

GRANT ST

COLLEGE ST

YOUNG ST

R1

B

B

B

B

B

R1

R1

R1

U

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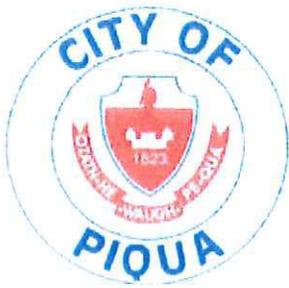
U

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R1

PLANNING COMMISSION
OCTOBER 9,, 2012
MAILING LIST

RESOLUTION	NAME	MAILING ADDRESS	CITY STATE ZIP
MEETING NOTICE AND AGENDA TO:			
	MUNICIPAL GOVERNMENT COMPLEX PUBLIC BULLETIN BOARD		
PC 19-12	JIM SHERRY	8645 N. CO. RD. 25-A	PIQUA, OH 45356
PC 20-12	AMBER CRUMRINE	437 KITT STREET	PIQUA, OH 45356
PC 20-12	SUE HICKS	435 KITT STREET	PIQUA, OH 45356
PC 20-12	RESIDENT/ RAM RENTALS	501 KITT STREET	PIQUA, OH 45356
PC 20-12	RAM RENTALS	10750 ST. RT. 66	PIQUA, OH 45356
PC 20-12	LIETTE REALTY IV LLC	9300 COUNTRY CLUB RD.	PIQUA, OH 45356
PC 20-12	RICKEY SEIPEL	341 ELLERMAN	PIQUA, OH 45356
			PIQUA, OH 45356
ENTIRE PACKET TO:			
	GARY HUFF	INTER-OFFICE MAIL	
	CHRIS SCHMIESING	INTER-OFFICE MAIL	
	PLANNING COMMISSION	REGULAR MAIL	
E-MEETING NOTICE TO:			
	AMY WELKER	EMAIL	
	CHRIS BOEKE	EMAIL	
	CITY COMISSION	EMAIL	
	DEAN BURCH	EMAIL	
	DEBBIE STEIN	EMAIL	
	GARY HUFF	EMAIL	
	BILL MURPHY	EMAIL	
	LORNA SWISHER	EMAIL	
	MARTIN KIM	EMAIL	
	STACY WALL	EMAIL	
	AMY HAVENAR	EMAIL	
	BRUCE JAMISON	EMAIL	
	PIQUA DAILY CALL	EMAIL	
	DAYTON DAILY NEWS	EMAIL	
	WPTW	EMAIL	
	PIQUA CHANNEL 5	EMAIL	
	MIAMI COUNTY HOME BUILDERS ASSOCIAT	EMAIL	



DEVELOPMENT OFFICE

Christopher W. Schmiesing – City Planner
201 West Water Street • Piqua, Ohio 45356
(937) 778-2049 • FAX (937) 778-0809
E-Mail: cschmiesing@piquaoh.org

September 28, 2012

***** MEETING NOTICE *****

Please be advised that the City of Piqua Planning Commission will conduct a meeting at the time and location stated below.

TIME: **6:00PM**
DATE: **Tuesday, October 9, 2012**
LOCATION: **Commission Chambers – 2nd Floor
Municipal Government Complex
201 W. Water Street**

To view the Planning Commission packet in its entirety, visit http://www.piquaoh.org/agenda_plan_comm.htm, or stop by the Development Office.

Please contact me if you have any questions pertaining to this notice.

Chris Schmiesing

Christopher W. Schmiesing
City Planner

RESOLUTION NO. R-141-12

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO CONTRACT WITH THE MIAMI COUNTY PUBLIC
DEFENDER COMMISSION**

WHEREAS, the City recognizes its responsibility to provide legal services to indigents charged with loss-of-liberty offenses under the Piqua Code; and

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

SEC. 1: The proposed contract by and between the City of Piqua and the Miami County Public Defender Commission commencing January 1, 2013 and shall terminate on December 31, 2013 is hereby approved;

SEC. 2: The Finance Director is hereby authorized and directed to draw three warrants on the appropriate account of the city treasury in the total amount of \$20, 341.13 consisting of three installments according to Section 2 of said contract;

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

MIAMI COUNTY PUBLIC DEFENDER ASSOCIATION

MIAMI COUNTY COURTHOUSE
201 WEST MAIN STREET
TROY, OHIO 45373
(937) 440-3950

October 2, 2012

City of Piqua, OH
Attn: Debbie Stein
201 W. Water St.
Piqua, OH 45356

Re: 2013 Public Defender Contract

Dear Ms. Stein:

Enclosed please find the proposed 2013 Public Defender Contract for Miami County Public Defender services for representing indigent defendants. Please note that there has been no increase; so if you have no other questions, I would ask that you please have the contract approved and signed and return it to me at the above address as soon as possible. The contract will then be forwarded to the State Public Defender for approval once all contracts are returned.

Very truly yours,



Steven R. Layman

SRL:tlm

Enclosure

**CONTRACT FOR COUNTY PUBLIC DEFENDER SERVICES
TO MUNICIPAL CORPORATIONS**

AGREEMENT

THIS AGREEMENT entered into between the Miami County Public Defender Commission hereinafter called the "Commission" and the City of Piqua, Ohio, hereinafter called the "City".

WHEREAS, the City recognizes its responsibilities under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with loss of liberty offense in its Municipal Court, and

WHEREAS, the city in furtherance of the execution of its legal responsibilities, desires that the legal services of the Commission be delivered to the City's indigent citizens and others so situated;

NOW THEREFORE, the parties do mutually agree to bind themselves as follows:

1. Scope of Work.

The Commission shall in a satisfactory and proper manner under the terms and conditions contained herein, perform the following services:

Provide legal counsel to indigent persons charged with loss of liberty offenses under, by or through, the Codified Ordinances of the City of Piqua, Ohio. The within representation shall include such cases filed in the Miami County Municipal Court, and/or Miami County Common Pleas Court, and Miami County Juvenile Court.

2. Compensation.

The City shall pay to the Commission a sum not to exceed Twenty Thousand Three Hundred Forty One Dollars and Thirteen Cents (\$20,341.13) which shall constitute full and complete payment for all the Commissions services during the term of this contract. Said sum shall be paid in the following manner: One Third of this contract, to wit, Six Thousand Seven Hundred Eighty Dollars and Thirty Seven Cents (\$6,780.37) shall be paid upon the execution of this contract; thereafter Commission shall be paid the balance in two equal payments of one third of the contract price, the first of said payments at the expiration of the first four (4) months of the term of this contract in the amount of Six Thousand Seven Hundred Eighty Dollars and Thirty Eight Cents (\$6,780.38), and the second at the expiration of the first eight (8) months of this contract in the same amount of Six Thousand Seven Hundred Eighty Dollars and Thirty Eight Cents (\$6,780.38).

3. Term of Service.

The duration of this contract shall be for one (1) year commencing January 1, 2013, and shall terminate on December 31, 2013.

4. Non-Assignment.

The Commission shall not assign all or any part of this Agreement without the prior written consent of the city, which consent shall not be unreasonably withheld.

5. Termination.

If the Commission shall fail to fulfill in a reasonable timely and proper manner its obligations under this Agreement, or if the Commission shall substantially violate any of the covenants, agreements or stipulations of this Agreement, the City shall thereupon have the right to terminate this Agreement by giving written notice to the Commission of such termination and specifying an effective date thereof at least sixty (60) days before the effective date of said termination. Termination by the City shall not constitute a waiver of any other right or remedy it may have at law or in equity for breach of this Agreement by the Commission.

6. Amendments.

All Amendments to this Agreement agreed upon by the parties shall be in writing and made a part of this Agreement.

7. Anti-Discrimination.

There shall be no discrimination against any employee who is employed in the work covered by this Agreement or against any application for such employment because of race, color, religion, sex or national origin. This provision shall apply to but not be limited to, employment, upgrading, demotion or transfer, recruitment or recruitment advertising, lay-off or termination, raises of pay or other forms of compensation, and selection for training including apprenticeship. The Commission shall insert a similar provision in any sub-contract for services covered by this Agreement.

8. Conflicts.

Commission covenants that it presently has no interest and shall not acquire any interest direct or indirect, which would conflict in any manner with the performance of services required under this Agreement. No members of, nor delegates to, the Congress of the United States of America, and no resident Commissioner shall share in any part hereof or any benefits to arise herefrom.

9. Indigent Eligibility Standards.

In determining the indigent status of all individuals receiving representation pursuant to this agreement, all applicable standards of indigency and other rules and standards established by the Ohio Public Defender Commission and the Ohio Public Defender will be followed.

10. Verification of Contract Amount.

Payment by the municipality, whether by contractual amount or a fee schedule, does not exceed the fee schedule in effect and adopted by the county commissioners of the said herein county wherein the municipal corporation is located.

IN WITNESS WHEREOF, the parties have hereunto set their hands this _____ day of _____, 20_____.

APPROVED AS TO FORM:

MIAMI COUNTY PUBLIC
DEFENDER ASSOCIATION

BY _____
OHIO PUBLIC DEFENDER
COMMISSION

BY _____
JOHN CONTER
CHAIRMAN

CITY OF PIQUA, OHIO

BY _____

RESOLUTION NO. R-142-12

**A RESOLUTION ESTABLISHING A CITY COMMISSION
2013 CALENDAR OF MEETINGS**

WHEREAS, Section 4 of the City of Piqua Charter (*Meetings of Commission*) states that Commission Meetings shall be held on the first Tuesday in January following a regular municipal election beginning at 7:30 P.M.; and

WHEREAS, thereafter the Commission shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month; and

WHEREAS, the first Tuesday of January 2013 falls on New Year's Day; therefore request is made to forego the January 1, 2013 Regular City Commission meeting; and

WHEREAS, it is in the best interest of the Piqua City Commission to adopt a 2013 calendar of meetings attached hereto as Exhibit "A."

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

SEC. 1: The 2013 Calendar of Meetings for the Piqua City Commission is hereby approved.

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

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____
REBECCA J. COOL
CLERK OF COMMISSION

EXHIBIT "A"
COMMISSION MEETING DATES
JANUARY – DECEMBER 2013

Tuesday	January 15, 2013
Tuesday	February 5, 2013
Tuesday	February 19, 2013
Tuesday	March 5, 2013
Tuesday	March 19, 2013
Tuesday	April 2, 2013
Tuesday	April 16, 2013
Tuesday	May 7, 2013
Tuesday	May 21, 2013
Tuesday	June 4, 2013
Tuesday	June 18, 2013
Tuesday	July 2, 2013
Tuesday	July 16, 2013
Tuesday	August 6, 2013
Tuesday	August 20, 2013
Tuesday	September 3, 2013
Tuesday	September 17, 2013
Tuesday	October 1, 2013
Tuesday	October 15, 2013
Tuesday	November 5, 2013
Tuesday	November 19, 2013
Tuesday	December 3, 2013
Tuesday	December 17, 2013