August 28th, 2020

*** MEETING NOTICE ***

Please be advised that the Planning Commission meeting will be conducted on Tuesday, September 8th, 2020 at 6:00 PM both in person and using a video conferencing application called Zoom. This application can be downloaded from your app store or be accessed through your browser at Zoom.us

Board members and staff members will attend the meeting in person, agenda item applicants are invited to attend the meeting in person or attend the meeting using Zoom.

All others wishing to attend may do so via Zoom. Those who wish to attend must submit a request for meeting access information via email by noon on the date of the meeting. Request for meeting access may be submitted via email to Bethany Harp at bharp@piquaoh.org

Residents and others with interest in the agenda topics may also submit public comment on an item until noon on the day of the meeting by emailing Bethany Harp at bharp@piquaoh.org. Public comments submitted by the date/time noted will be presented to the Planning Commission at the public hearing proceedings.

The full agenda packet may be accessed at http://piquaoh.org/city-government/boards-and-committees/planning-commission/

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

Kyrsten French
City Planner

Enc.
CALL TO ORDER
1. Chair Comments Opening Remarks
2. Roll Call Clerk Calls the Roll

OLD BUSINESS
3. Meeting Minutes August 11th, 2020 PC Meeting Minutes

NEW BUSINESS
4. Resolution PC 27-20 A Resolution to recommend a code amendment to the City Commission to allow medical marijuana dispensaries within the B-General Business and CBD-Central Business District

OTHER BUSINESS
Code Piqua Update – Source Water Protection

ADJOURNMENT
CALL TO ORDER
At 6:00pm Chairman Oda called the meeting to order and welcomed all in attendance. Mr. Oda outlined the order of business and procedures that will be followed by the Planning Commission.

ROLL CALL
Members Present: Jim Oda, Joe Wilson, Gary Koenig, Eddie Harvey, Brad Bubp

MEETING MINUTES
The minutes of July 14, 2020 Planning Commission Meeting were approved 5-0 by voice vote.

NEW BUSINESS
Resolution PC 24-20
A Resolution to consider an automobile washing facility Special Use at the address 1292 East Ash Street

Kyrsten French, City Planner, offered the staff report. She noted that with the redevelopment of this site, this business has proposed 5’ sidewalk that connects to the E. Ash St. crossing, as well as pedestrian access to the Dairy Queen location next door. This pedestrian/paved connectivity through the site will help alleviate a major problem that pedestrians and elderly residents on scooters who live in the independent/assisted living facilities along Kienle have been experiencing at this intersection.

Along with this increased connectivity, generous landscaping has been integrated into the design. The developer appears to be making an effort to balance the interests of pedestrians traveling to the site and their future auto-oriented customer base in their redevelopment of this vacant site. Staff recommends approval of this request.

Andrew Crum, owner, explained the reason for the special use request. He noted that the car wash plans to open in spring of 2021.

Troy Niese, Choice One Engineering, noted that he created the plans submitted to the city Development office.

The board members deliberated and agreed that the proposed special use will meet code requirements and that there will be no issue moving forward.

No one else came forward to speak on this resolution.

No additional comments were offered by the Planning Commission.

Jim Oda motioned to approve Resolution PC 24-20 and Eddie Harvey seconded. Resolution PC 24-20 was approved by a 5-0 roll call vote.
Resolution PC 25-20

A Resolution to consider a zoning change of parcel number N44-095820 from Open Space (OS) to Residential (R1)

Kyrsten French, City Planner, offered the staff report. The Piqua Code of Ordinance states that the Planning Commission should take action on rezoning requests by reference to the Comprehensive Plan and other adopted policy goals of the city. The 2007 Comprehensive Plan labels this as an area ready for strategic growth.

The proposal brought forth by the applicant is a modest one of just one home planned to be developed. The site looks as if it could be carved into lots that match the dimensions of anticipated.

The new development would not require any expenditure on the part of the City in the form of acceptance of road dedication. Staff recommends that the City grants the applicant’s request for rezoning to R1.

Jim Hiegel, Owner, explained the purpose for the rezoning. He plans to build one home on the parcel. He noted that he has no intention of further developing or subdividing at this time.

The board members deliberated and agreed that the proposed zoning designation is appropriate.

No one else came forward to speak on this resolution.

No additional comments were offered by the Planning Commission.

Joe Wilson motioned to approve Resolution PC 25-20 and Brad Bubp seconded. Resolution PC 25-20 was approved by a 5-0 roll call vote.

Resolution PC 26-20

A Resolution to consider a Certificate of Appropriateness for a new sign at 529 N Main St.

Kyrsten French, City Planner, noted that the proposed signage will be 19.79 square feet in vinyl sign. She explained the neutral color scheme and how it fits within the Historic District.

Jim Oda noted that the building was previously modified and there is likely no historical fabric on the ground floor.

The board members deliberated and agreed that the proposed signage is appropriate within the district.

No one else came forward to speak on this resolution.

No additional comments were offered by the Planning Commission.

Jim Oda motioned to approve Resolution PC 26-20 and Brad Bubp seconded. Resolution PC 26-20 was approved by a 5-0 roll call vote.
OTHER BUSINESS

Code Piqua Update

ADJOURNMENT

With no other questions, comments or business before the Planning Commission, a motion was made by Jim Oda and seconded by Joe Wilson to adjourn the meeting. With all those present in support of the motion the meeting was adjourned at approximately 7:26 P.M.

Attending the meeting to prepare the meeting minutes provided herein was Bethany Harp, City of Piqua Development Department. Comments requesting corrections, additions or deletions to the content of this record should be directed to Ms. Harp at bharp@piquaoh.org.
RESOLUTION No. PC 27-20

WHEREAS, medical marijuana dispensaries are defined in the Ohio Revised Code Chapter 3796 and regulated by the State of Ohio; and,

WHEREAS, the City Commission previously approved Ord. 4-17, an amendment to Chapter 154 (Zoning) of the Piqua Code of Ordinances that prohibited medical marijuana dispensaries within the municipal corporation limits of Piqua; and,

WHEREAS, the City Commission has requested the Planning Commission form a recommendation on a code amendment that would allow medical marijuana dispensaries within the municipal corporation limits of Piqua; and,

WHEREAS, a proposal to amend Chapter 154 (Zoning) has been presented for consideration, as shown in Exhibit A, attached hereto; and,

WHEREAS, the amendment to Chapter 154 (Zoning) will allow medical marijuana dispensaries in the B-General Business and CBD-Central Business Districts; and,

WHEREAS, the Planning Commission has studied the request and conducted a public hearing on the matter;

NOW THEREFORE BE IT RESOLVED, board member _____________ hereby moves to approve the request made, as described by this resolution, the testimony provided, and the documents attached hereto, the motion is seconded by board member ________________, and the voting record on this motion is hereby recorded as follows.

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REQUEST

The City Commission has directed the Planning Commission to form a recommendation on zoning changes to allow medical marijuana dispensaries in Piqua.

STAFF CONSIDERATIONS

In 2017, upon passage of Ohio's Medical Marijuana Control Program, the Piqua City Commission, at the recommendation of the Planning Commission, amended the zoning code to prohibit all medical marijuana uses within the city. At the time, not much was understood about how marijuana facilities would be regulated by the state.

In 2020, a new City Commission has renewed the discussion of allowing medical marijuana dispensaries in Piqua. It has been argued that a dispensary is an economic development opportunity and a means for Piqua residents who hold medical licenses to more easily access their prescribed medication.

Dispensaries are heavily regulated by the State of Ohio's Pharmacy Board. On June 17th, the Planning and City Commission participated in a joint meeting to learn about the control program from two State of Ohio Pharmacy Board representatives. As explained by the representatives, there are many layers of regulation over dispensaries, including:

- Dispensaries may not be located within 500 feet of an existing school, church, public library, public playground or public park.
- Dispensaries may not use marketing with a cannabis leaf or content that is designed to attract children.
- Medical marijuana is not permitted to be vaporized or smoked in Ohio.
- Only patients or caregivers are allowed to enter a dispensary.

The City of Piqua conducted a poll on Facebook that drew a lot of attention from the community. While it was recognized that the vote did not stay contained to the residents of Piqua and is therefore not exclusively representative of the views of only Piqua residents, 4,600 responses were received, and 86% of the respondents were in favor of a dispensary being located in Piqua. The City Commission has requested the Planning Commission discuss and recommend an amendment that would allow dispensaries in Piqua.

Staff has included new ordinance language for discussion.
§ 154.005 DEFINITIONS.

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

ACCESSORY BUILDING. An open or enclosed accessory structure with a roof system supported by columns or walls.

ACCESSORY STRUCTURE. Any structure detached from the principal building on the same lot and serving a purpose incidental and subordinate to the principle building or use. See Exhibit C at the end of this section.

ACCESSORY USE. Any use of land or of a building or portion thereof serving a purpose incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

AGRICULTURE. The use of land for the purpose of raising and harvesting crops; or for raising, breeding or management of livestock, poultry or honeybees; or for dairying, truck farming, forestry, nurseries or orchards; for the noncommercial, on-farm storage or processing of agricultural products or for any other similar agricultural or horticultural use.

ALLEY. Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

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

ANIMAL GROOMING. An activity where the principal business is domestic pet hygiene, including washing, brushing, shearing and nail cutting.

ANIMAL HOSPITAL. Any building or structure used for treatment and care of injured or ailing animals administered by a Doctor of Veterinary Medicine licensed to practice in the state.

ARCHITECTURAL PROJECTION. A building facade feature that is not intended for occupancy and extends beyond the face of the exterior wall of a building.

AUTO SERVICE STATION. A place where gasoline or any other automobile engine fuel, stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of motor vehicles, are retailed directly to the public on the premises, including the sale of minor accessories and the servicing of and minor repair of automobiles, not including storage of inoperable vehicles.

AUTOMOBILE REPAIR, PAINTING AND BODY SHOPS. The repair or maintenance of automobiles or any part thereof, including engine or transmission rebuilding or overhauls, rebuilding or reconditioning of parts, body, frame or fender straightening, painting or undercoating, and the minor repair or maintenance of automobiles or any part thereof, including the changing of oil, adding fluids, replacing wiper blades, and any other activities similar in nature to those described which can be performed by the average automobile owner in his or her own driveway, and be completed on the same calendar day as the calendar date upon which the work commenced. This shall not include the storage of any junk or abandoned vehicles as defined in § 91.01 through § 91.10 of the City of Piqua Ohio Code of Ordinances.
AUTOMOBILE WASHING FACILITIES. Area of land and/or a structure with machine or hand-operated facilities used principally for cleaning, washing, polishing, or waxing of automobiles.

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

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

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

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

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

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

1. Maximum number of guests per day shall be ten.
2. Only breakfast shall be served, and the kitchen shall not be remodeled into a commercial kitchen.
3. Only one non-illuminated sign of four square feet may be erected on the property.
4. Parking shall be in conformance with §§ 154.080 through 154.083, Parking and Off-Street Loading Regulations.
5. Guests shall not stay longer than 15 consecutive days.
6. Facility shall be located in an existing structure and a structure cannot be built for this purpose.
7. Tandem parking is permitted, but the area shall be screened from adjacent uses.
8. The operator of the inn shall live on the premises or in adjacent premises.

BLOCK. Property abutting one side of a street and lying between the two nearest intersecting streets, crossing or terminating, or between the nearest street and railroad right-of-way, unsubdivided acreage, river or live stream, or between any of the foregoing and any other barrier to the continuity of development or corporate lines of the municipality.
**BOARDING OR LODGING HOUSES.** A building other than a hotel, not exceeding ten sleeping rooms, where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided.

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

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

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

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

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

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

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

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

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

1. Cemeteries shall be permitted only if they are adjoining or an extension of existing cemeteries and if they have access to an arterial street.
2. All structures shall be located no closer than 25 feet away from any property line.

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

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

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

3. Access, loading and unloading requirements shall be as follows.
   a. The Public Works Director may require an on-site drop-off area be provided sufficient to accommodate automobiles for facilities.
   b. The Public Works Director may require sites adjoin and have access from an arterial or collector street.

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

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

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

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

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

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

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

**COMMERCIAL 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, INDOOR.** A building or portion of a building designed and equipped for the conduct of sports, exercise, athletic training or other similar activities, operated for profit or not-for-profit, open only to bona fide members and guests of the organization or open to the public for a fee.
COMMUNITY-ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITY or GROUP HOME. A state licensed or authorized home for children or adults which is operated by the state or a political subdivision, or pursuant to a license issued by or to a contract with the state or a political subdivision. COMMUNITY-ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITIES include agency group homes for children or adults; residential homes for children or adults; residential homes for children or adolescents 18 years of age or under, dependent or neglected, who have not been adjudged delinquent, and who for various reasons cannot reside with their natural family.

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

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

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

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

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

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

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

DISPENSARY. A medical marijuana retail facility as defined and regulated by the Ohio Revised Code Chapter 3796.

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.

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

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

(1) Dwelling types shall be as follows.

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

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

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

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

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

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

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

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

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

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

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

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

(b) Minimum lot frontage: None.

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

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

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

(f) Maximum height: 35 feet.

**DWELLING UNIT.** A building, or a portion thereof, designed for occupancy of one family for residential purposes and having living, cooking, sleeping and sanitation facilities.
**ELDERLY HOUSING FACILITIES.** Residential developments specially designed to house retired and elderly persons, and which may include a mixture of living options, including apartments, group quarters and nursing care facilities.

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

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

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

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

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

**ESTABLISHED includes any of the following:**

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

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

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

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

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

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

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

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

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

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

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

**FUNERAL HOME.** A building or part thereof used for human funeral services. The building may contain space and facilities for embalming, refrigeration, cremation, and the performance of other services used in preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted.
**GARAGE, PRIVATE.** An accessory building or portion of a main building with a connecting driveway providing access to or from a street or alley improvement, designed or used for the storage or minor repair or maintenance of motor driven vehicles, boats, and similar vehicles or other personal property owned by, licensed to, or used by the owner of the lot or the occupants of the building to which it is accessory.

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

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

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

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

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

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

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

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

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

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

**HOME OCCUPATION.** A lawful activity carried out for gain by a resident conducted as an accessory use in the resident’s dwelling provided the development standards are adhered to as follows.
(1) No person other than members of the family residing on the premises shall be engaged in the occupation.

(2) The use of the dwelling unit for the **HOME OCCUPATION** shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the **HOME OCCUPATION**.

(3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation other than one sign, not exceeding one foot in area, non-illuminated and mounted flat against the wall of the principal building.

(4) There shall be no alteration or construction except that which is customarily found in a dwelling.

(5) There shall be no home occupation conducted in any accessory building.

(6) No traffic shall be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood.

(7) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

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

(1) Parking requirements in addition to those stated in §§ 154.080 through 154.083, Parking and Off-Street Loading Regulations, may be imposed. Traffic may be required to discharge onto an arterial or collector street.

(2) Whenever a facility abuts a Residential District, the yard requirements shall be ten feet greater than those of the abutting Residential District, plus an additional one foot for each foot of building height over 20 feet.

(3) Buildings shall not occupy over 35% of the total land area upon which they are located.

**HOTEL.** A building occupied as the temporary abode of individuals who are lodged with or without meals, in which there are ten or more sleeping rooms, and which shall have no provision made for cooking in any individual room or apartment. A **HOTEL** may include a restaurant or cocktail lounge, public banquet halls, ballrooms, meeting rooms, or other commercial uses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**LOT LINE.** Shall be as follows:

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

(2) **REAR LOT LINE.** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the **REAR LOT LINE** shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying furthest from the front lot line and wholly within the lot. In the case of a corner lot, the **REAR LOT LINE** is established based upon the orientation of the house. See Exhibit C at the end of this section.

(3) **SIDE LOT LINE.** Any lot line other than the front lot line or rear lot line. A **SIDE LOT LINE** separating a lot from a street is a side street lot line. A **SIDE LOT LINE** separating a lot from another lot or lots is an interior **SIDE LOT LINE.** See Exhibit C at the end of this section.

**LOT OF RECORD.** A parcel of land, the dimensions of which are shown on a document or map on file with the County Recorder or in common use by city or county officials, and which actually exists as so shown, or any part of that parcel held in a record ownership separate from that of the remainder thereof.

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

**LUMBERYARDS** and **BUILDING MATERIALS SALE AND STORAGE.** Buildings or premises used for the storage and sale of lumber and building materials.

**MEDICAL OFFICES AND CLINICS.** Include the offices of physicians, dentists and other health practitioners and medical and dental laboratories. Establishments primarily engaged in out-patient care with permanent facilities and with medical staff to provide diagnosis and/or treatment for patients who are ambulatory and do not require in-patient care.
MEMBERSHIP SPORTS AND RECREATION USES. Country clubs and neighborhood swim clubs, but not including health spas, fraternal associations, or commercial recreation facilities as specified elsewhere. Development standards shall be as follows.

1. The principal recreational building or use is a minimum of 200 feet from any land in residential use.

2. The recreational use shall have a minimum lot area of one acre.

3. The recreational use shall be used only for the enjoyment of members and their families and guests of members of the association or club under whose ownership or jurisdiction the facility is operated.

4. Accessory facilities such as snack bars, restaurants and bars may be permitted only if they occupy integral parts of the principal building, and there is no display of goods or advertising visible, off the premises.

5. Loudspeakers, public address systems and electric amplifiers may be permitted in recreation areas only if their use is solely for the members of the facility and does not create a public nuisance for nearby persons or properties.

6. Any outdoor pool area, including the area used by bathers, shall be walled or fenced with a security fence or wall at least six feet in height and maintained in good condition to prevent uncontrolled access by children.

7. Exterior lighting shall be shaded whenever necessary to avoid casting direct light upon any adjacent property or upon any adjacent public street.

8. Access to the recreation use shall be only from an arterial or collector street.

MEZZANINE. An intermediate floor in any story occupying not more than two-thirds of the floor area of the story.

MINI-WAREHOUSE. See SELF-SERVICE STORAGE FACILITY as defined in this section.

MOBILE HOME. Any detached single-family living quarters to be located on foundation supports, designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems, and designed to be transported after fabrication on its own wheels, or detachable wheels.

MOBILE HOME COURT. Any plot of ground upon which two or more trailer coaches or mobile homes occupied for dwelling or sleeping purposes may be located. Development standards shall be as follows.

1. The mobile home court shall have a minimum site area of five acres.

2. The average area per mobile home space within the court shall not be less than the lot area per dwelling unit in the district in which the mobile home court is located.

3. No mobile home shall be located closer than 50 feet to any exterior lot line, except when the mobile home is adjacent to another mobile home court. A distance of 25 feet shall be maintained between mobile home and buildings, in all horizontal directions.
(4) A detailed landscaping and screening plan shall be approved by the Planning Commission.

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

**MOTEL.** A building or group of buildings for the accommodation of transient guests, chiefly motorists, containing guest rooms for rent. It may include all facilities specified under the definition of hotel.

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

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

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

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

(a) A solid masonry wall.

(b) A solidly constructed decorative fence.

(c) Louvered fence.

(d) Dense evergreen plantings.

(e) Deciduous trees and shrubs.

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

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

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

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

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

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

(1) Parking requirements in addition to those stated in §§ 154.080 through 154.083, Parking and Off-street Loading Regulations, may be imposed. Traffic may be required to discharge onto an arterial or collector street.

(2) Whenever a facility abuts a residential district, the yard requirements shall be ten feet greater than those of the abutting residential district, plus an additional one foot for each foot of building height over 20 feet.

(3) Buildings shall not occupy over 35% of the total land area upon which they are located.

**OFF-STREET PARKING.** The provision of parking facilities for a specified use, to be provided on the same lot or lots as the use they are intended to serve, and not on any public street or public right-of-way.
OFFICES OF BUSINESS AND PROFESSIONAL ASSOCIATIONS. These uses include labor unions and civic, political, religious and social service organizations, but not including social and fraternal associations.

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

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

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

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

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

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

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

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

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

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

2. Access is provided by primary collector streets.

3. Side yard requirements shall be 20 feet.

4. The minimum lot area shall be one acre.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REAR YARD. See YARD as defined in this section.

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

RECREATION VEHICLE. Includes travel trailers, campers, camp car, truck campers, boats, and boat trailers.
**RESIDENTIAL DISTRICT OR USE.** Any zoning district set forth in Chapter 154 that contains the word "residential" in its title, or any individual residential dwelling located within the city.

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

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

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

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

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

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

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

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

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

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

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

1. **ADULT ARCADE.** An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, or other visual representations, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
(2) **ADULT BOOKSTORE, ADULT NOVELTY STORE or ADULT VIDEO STORE.** A commercial establishment which has as a significant or substantial (such as 50% or more) portion of its stock-in-trade or derives a significant or substantial (such as 50% or more) portion of revenues or devotes a significant or substantial (such as 50% or more) portion of its interior business or advertising to the sale or rental for any form of consideration, of any one or more of the following:

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

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

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

(3) **ADULT CABARET.** A nightclub, bar, restaurant, private club, bottle club, juice bar or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (a) persons who appear nude or semi-nude or in a state of nudity or semi-nudity; (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities;" or, (c) films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas." "Private club" means an establishment where patrons may bring in their own bottle or other container of alcohol (including beer, wine or liquor) and purchase a mixture for the same or use of a glass from the club or business.

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

(5) **ADULT MOTION PICTURE THEATER.** A commercial establishment where films, motion pictures, video cassettes, digital video discs, slides or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.
(6) **ADULT THEATER.** A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities" which is not customarily open to the general public during such features because it excludes minors by reason of age.

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

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

(9) **SEMI-NUDE MODEL STUDIO.** Any place where a person regularly appears in a state of nudity or semi-nudity or displays "specified anatomical areas" for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. Reference above to nudity should not be construed or interpreted to permit nudity or a state of nudity in a **SEMI-NUDE MODEL STUDIO**. **SEMI-NUDE MODEL STUDIO** shall not include any school, college, or university licensed by the state.

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

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

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

**SIGN.** See § 154.096.
SIMULATED. To assume the mere appearance of something, without the reality; to imitate or pretend.

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

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

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

SPECIALTY RETAIL COMMERCIAL ESTABLISHMENTS and BOUTIQUES. These include antique stores; apparel stores; art galleries; art supplies; book and magazine stores; card and stationery shops; cosmetics stores; craft and hobby shops; camera and photo supply stores; florists; gift shops; interior decorating accessories; leather goods stores; jewelry stores; kitchen, bath and bedroom accessory stores; office supply stores; picture framing shops; tobacco shops and toy stores. These uses do not include stores with drive-in or drive-through facilities or general merchandise stores.

SPECIFIED ANATOMICAL AREAS. Includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, anus, or areolas or nipple of female breasts; or

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Includes any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, anus, or female breast;

2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

3. Masturbation, actual or simulated;

4. Human genitals in a state of sexual stimulations, arousal or tumescence; or

5. Excretory functions as part of or in connection with any of the following activities set forth in subsections (1) through (4).

STORY. That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. If the floor level directly above a basement is more than six feet above grade, the basement shall be considered a story.
**STORY, HALF.** An uppermost story lying under a sloping roof, having an area of at least 190 square feet with a clear height of seven feet, six inches. For the purposes of this chapter, the usable floor area is only that area having at least four feet clear height between floor and ceiling.

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

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

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

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

**STRUCTURE HEIGHT.** The vertical dimension measured from the average grade to the highest point of the structure, or in the case of a building, the mid-point of the roof system (see § 154.005 Exhibit A). The height of a stepped or terraced structure shall be the maximum height of any segment of the structure.

**STRUCTURE LINE.** The perimeter of that portion of a structure nearest a property line, but excluding open steps, terraces, cornices, and other ornamental feature projecting from the structure face of the structure.

**STRUCTURE WIDTH.** The dimension measured along an exterior structure elevation, or structure face, from the outermost exterior surfaces that are opposite and parallel to one another, and perpendicular to the structure face being measured.

**SWIMMING POOLS, SPAS, AND HOT TUBS.** 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.

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

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

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

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

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

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

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

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

**VARIANCE.** The relaxation of strict and literal enforcement of any of the provisions of this chapter to allow the reasonable use of property and land, provided the use is in the best public interest and does not jeopardize the general health, safety, and welfare of the city, as set forth in § 154.142(D)(2).
**VEHICLE SALES, RENTAL AND SERVICE.** The sales, service and rental of new and used cars, trucks, trailers, motorcycles, mobile homes, recreational vehicles, snowmobiles and boats. This does not include semi-tractor trailers, farm equipment and construction equipment.

**VETERINARY CLINIC.** See **ANIMAL HOSPITAL** as defined in this section.

**WAREHOUSE.** A building used principally for the storage of goods and materials.

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

**YARD.** An open space on the same lot with a main building, unoccupied, and unobstructed by structures from the ground upward, except as otherwise provided in this chapter. See Exhibit C at the end of this section.

(1) **FRONT YARD.** An open space extending in full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

(2) **REAR YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. See Exhibit C at the end of this section.

(3) **SIDE YARD.** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building. See Exhibit C at the end of this section.

(‘97 Code, § 150.103) (Ord. 42-96, passed 9-17-96; Am. Ord. 3-99, passed 2-1-99; Am. Ord. 17-99, passed 7-6-99; Am. Ord. 14-01, passed 7-23-01; Am. Ord. 7-02, passed 4-1-02; Am. Ord. 8-03, passed 6-2-03; Am. Ord. 9-05, passed 7-5-05; Am. Ord. 25-06, passed 10-17-06; Am. Ord. 05-07, passed 3-19-07; Am. Ord. 14-07, passed 10-1-07; Am. Ord. 24-07, passed 11-19-07; Am. Ord. 17-08, passed 7-21-08; Am. Ord. 31-08, passed 12-1-08; Am. Ord. 05-09, passed 5-18-09; Am. Ord. 2-10, passed 2-16-10; Am. Ord. 17-12, passed 10-2-12; Am. Ord. 19-12, passed 11-6-12)

§ 154.025  **B GENERAL BUSINESS DISTRICT.**

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

(‘97 Code, § 150.361)

(B) **Principal permitted uses.**

(1) **Institutional and public recreation uses.**

(a) Places of worship.

(b) Public recreation facilities.

(c) Private clubs.
Exhibit A. Amendments to Chapter 154 Zoning of the Piqua Code of Ordinances

(d) Libraries.
(e) Hospitals.

(2) Business and professional office uses.
(a) Business, professional and administrative offices.
(b) Offices of business and professional associations.
(c) Medical offices and clinics.
(d) Dispensaries.

(3) Retail commercial and service uses.
(a) Specialty retail commercial establishments and boutiques.
(b) Specialty food stores.
(c) Home furnishings, home improvements and miscellaneous materials and equipment stores.
(d) General merchandise stores and supermarkets.
(e) Personal services.
(f) Restaurants, standard.
(g) Financial establishments.
(h) Pet shops.

(4) Road service and commercial entertainment uses.
(a) Automobile service stations.
(b) Fraternal and social association facility.
(c) Convenience store.
(d) Automotive appearance and rust protection services.
(e) Motels and hotels.
(f) Printing, publishing, lithographing and binding establishments, provided the gross floor area does not exceed 5,000 square feet.
(g) Self-service storage facility.
(h) Fire station.

(‘97 Code, § 150.362)

(C) Accessory permitted uses.
(1) Accessory structures.
(2) Essential services.

('97 Code, § 150.363)

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

(1) Residential uses.
   (a) Dwellings.
   (b) Elderly housing facilities.
   (c) Child day care center.

(2) Retail commercial and service uses.
   (a) Nurseries and garden supply stores.
   (b) Funeral homes.
   (c) Animal hospitals, veterinary clinics and kennels, animal grooming.

(3) Road service and commercial entertainment uses.
   (a) Automobile repair, painting and body shops.
   (b) Automobile washing facilities.
   (c) Bars, taverns and nightclubs.
   (d) Commercial entertainment, outdoor.
   (e) Vehicle sales, rental and service.
   (f) Carry-outs, mini-markets, drive-through and drive-in stores.
   (g) Restaurants, fast food.
   (h) Commercial recreation, indoor.
   (i) Commercial entertainment, indoor.

(4) Light industrial uses.
   (a) Farm implement sales.
   (b) Construction trades and contractor offices.
   (c) Tin and sheet metal shops.
   (d) Building services and supplies.
   (e) Plumbing and heating shops.
   (f) Wholesale distributors.
(g) Commercial radio and television studios and transmitting equipment.

(h) Cellular/communication towers.

(‘97 Code, § 150.364)

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

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

(‘97 Code, § 150.365)

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

(‘97 Code, § 150.366)

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

(1) General requirements for all permitted uses.

<table>
<thead>
<tr>
<th>Minimum lot area</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot frontage</td>
<td>None</td>
</tr>
<tr>
<td>Minimum front yard setback</td>
<td>None (See division (G)(2) of this section)</td>
</tr>
<tr>
<td>Minimum side yard setback</td>
<td>None or 10 feet if abutting a residential district</td>
</tr>
<tr>
<td>Minimum rear yard setback</td>
<td>Less of 30 feet or 20% of lot depth if abutting a residential district</td>
</tr>
<tr>
<td>Maximum height</td>
<td>35 feet</td>
</tr>
</tbody>
</table>

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

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

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

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

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

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

3. Provide for the containment of litter and debris.
(c) Screening may be one or more of the following or other similar materials.

1. A solid masonry wall.
2. A solidly constructed decorative fence.
3. Louvered fence.
4. Dense evergreen plantings.
5. Deciduous trees and shrubs.

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

('97 Code, § 150.367) (Ord. 42-96, passed 9-17-96; Am. Ord. 5-06, passed 3-20-06; Am. Ord. 17-08, passed 7-21-08; Am. Ord. 17-12, passed 10-2-12; Am. Ord. 20-18, passed 12-18-18) Penalty, see § 154.999

§ 154.026 CBD CENTRAL BUSINESS DISTRICT.

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

('97 Code, § 150.371)

(B) Principal permitted uses.

(1) Institutional and public recreation uses.
   (a) Places of worship.
   (b) Public offices and buildings.
   (c) Public recreation facilities.
   (d) Private clubs.
   (e) Libraries.

(2) Business and professional office uses.
   (a) Business, professional and administrative offices.
   (b) Offices of business and professional associations.
(c) Medical offices and clinics.

(d) **Dispensaries.**

(3) **Retail commercial and service uses.**

(a) Specialty retail commercial establishments and boutiques.

(b) Specialty food stores.

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

(d) General merchandise stores and supermarkets.

(e) Personal services.

(f) Financial establishments.

(g) Restaurants, standard.

(h) Pet shops.

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

(a) Fraternal and social association facility.

(b) Motels and hotels.

(c) Commercial recreation, indoor.

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

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

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

(b) Do not create any significant objectionable influences.

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

(‘97 Code, § 150.372)

(C) **Accessory permitted uses.**

(1) Accessory structures.

(2) Essential services.

(‘97 Code, § 150.373)
(D) Special uses. A building or premises may be used for the following purposes in the CBD Central Business District if a special use permit for the use has been obtained in conformance with the provisions of § 154.140.

(1) Parking lots.

(2) Residential uses.
   (a) Dwellings.
   (b) Residential planned unit developments.
   (c) Elderly housing facilities.

(3) Retail commercial and service uses.
   (a) Commercial planned unit developments.
   (b) Animal grooming.

(4) Road service and commercial entertainment uses.
   (a) Carry-outs, mini-markets and drive through and drive-in stores.
   (b) Restaurants, fast food.
   (c) Bars, taverns, and nightclubs.
   (d) Automobile service stations.
   (e) Vehicle sales, rental and service, provided service access be available from a side street or alley.
   (f) Convenience stores.

('97 Code, § 150.374)

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

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

('97 Code, § 150.375)

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

('97 Code, § 150.376)

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

(1) General requirements for all permitted uses.
Exhibit A. Amendments to Chapter 154 Zoning of the Piqua Code of Ordinances

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</table>

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

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

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

(‘97 Code, § 150.377) (Ord. 42-96, passed 9-17-96; Am. Ord. 5-06, passed 3-20-06; Am. Ord. 17-08, passed 7-21-08; Ord. 1-12, passed 1-3-12; Am. Ord. 17-12, passed 10-2-12) Penalty, see § 154.999

§ 154.029 prohibited uses. § 154.029 marihuana cultivators and processors prohibited

(A) **Purpose and intent.** It is the purpose and intent to prohibit licensed cultivators, processors, or retail dispensaries within the municipal corporation in any zoning district to promote the health, safety, morals, and general welfare of the citizens residents of the city.

(B) **Definitions.** The following terms are defined by the Ohio Revised Code chapters 3719 and 3796 and shall hold the same meaning in this code: “cultivator,” “marijuana,” “medical marijuana” and “processor.” definitions enumerated below shall hold the same meaning and be as used and referenced throughout Chapter 3796 of the Ohio Revised Code.

(1) **CULTIVATOR** means the holder of a valid cultivator license as described in R.C. § 3796.18.

(2) **DISPENSARY** means the holder of a valid dispensary license as described in R.C. § 3796.20.

(3) **MARIJUANA** means marihuana as defined in R.C. § 3719.01.
(4) **MEDICAL MARIJUANA** means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

(5) **PROCESSOR** means the holder of a valid processor license as described in R.C. § 3796.19.

(C) **Prohibition of cultivators, and processors, and dispensaries.** Cultivators, and processors, and retail dispensaries licensed by the State of Ohio Medical Marijuana Control Program shall be prohibited within the municipal corporation limits of Piqua, Ohio.

(Ord. 4-17, passed 5-16-17)
### Chapter 154: Zoning, Appendix B: Permitted Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>F Floodplain</th>
<th>O-S Open Space</th>
<th>R1-AA One-Family Residential</th>
<th>R1-A One-Family Residential</th>
<th>R1 One-Family Residential</th>
<th>R2 Two-Family Residential</th>
<th>R3 Multifamily Residential</th>
<th>B General Business</th>
<th>CBD Central Business District</th>
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<th>I2 Heavy Industrial</th>
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<td>Use</td>
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<td>Heavy equipment rental, sales, services and storage</td>
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<td>Public service yards and garages</td>
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<td>Planned industrial development</td>
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<td>Acetylene or oxygen manufacture</td>
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<td>Ammonia, chlorine of bleaching powder manufacture</td>
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<td>Animal black, lamp black or graphite manufacture</td>
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<td>Auto wrecking junk or salvage yard</td>
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<td>Celluloid or proxylene products manufacture or storage</td>
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<td>Cement, lime gypsum or plaster manufacture</td>
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<td>Coke ovens</td>
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<td>Creosote manufacture or treatment</td>
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<td>Distillation of coal Petroleum, refuse, grain, wood or bones</td>
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<td>Explosive manufacture</td>
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<td>Fertilizer, compost manufacture or storage</td>
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<td>Fish curing, smoking or packing</td>
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<td>Fish oil manufacture or refining</td>
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<td>Forging plants and drop hammers</td>
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<td>Garbage, offal, dead animals, refuse, rancid fats, incineration, reduction or storage</td>
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<td>Landfill or incinerator</td>
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<td>Livestock feeding yards or market</td>
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<td>Petroleum or inflammable liquids production, refining</td>
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<td>Rock crushing</td>
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<td>Slaughtering of animals</td>
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"blank" = Not Permitted   P = Permitted   S = Special Use Required
REQUEST
Discussion on a source water protection ordinance as part of the Code Piqua development code update.

DISCUSSION
The City of Piqua’s Water System Superintendent, Don Freisthler, and Stormwater Coordinator, Sky Schelle, have been working to bring to the attention of property owners who live near Piqua’s drinking water sources, Franz Pond, Echo Lake, and Swift Run Lake, that erosion control and nutrient filtering are vitally important to the health of our community’s drinking water. Communities all around Ohio have experienced the threat of algae blooms and increased contamination and sedimentation of drinking water sources, and Piqua is no exception. Their experience with direct discussions with property owners has largely been positive, where property owners are able to recognize the issue and are open to change to address it.

During the stakeholder discussions which initiated the Code Piqua development code update, source water protection measures were discussed. Code Studio also agreed that source water protection is a community value that fits the context of development and should be included as part of the development code update.

As this source water protection overlay and associated mitigation/protection measures will have effects on existing property owners, we are looking to initiate a broad discussion with those who live within the overlay to build consensus and trust, and make sure we are crafting an ordinance solution which will have maximum benefits to the community while imposing as little burden of change to owners as possible. A web application has been published where residents can see whether their property may fall within the new overlay (and look up any other zoning changes related to Code Piqua).

The solution to preventing this type of water contamination consists mainly of not siting any new major polluting uses within the overlay, and introducing a landscaping buffer around water sources where erosion is occurring.

City work to address these contamination issues will also include funding aid to reduce expenses for individual owners out of the Stormwater budget for as long as funds are available. This approach will help improve drinking water safety and quality for the public at large, while reducing the burden of making landscaping changes for property owners adjacent to drinking water sources.
The ordinance language proposed will include a Source Water Protection Overlay, which would limit certain highly contaminating uses in the areas around Franz Pond, Echo Lake, and Swift Run Lake.

It would also create a new standard of development and maintenance of land within 50 feet of a riparian area (streams and lakes) called the “Riparian Buffer,” where vegetation will need to be maintained, construction activity limited, and any active erosion mitigated with a landscaping plan. The City's Stormwater Coordinator will have a fund available to assist with the cost of improving landscaping where active erosion is occurring.

A “Setback Buffer” would extend an additional 50 feet beyond the Riparian Buffer, and would be more flexible than the Riparian buffer in terms of the types of landscaping, maintenance and use activities allowed, but would prevent the construction large amounts of impervious surfaces.

The purpose of the two buffers is to slow water down, and reduce the overall volume of water that runs off into water bodies without being filtered through the vegetation of the Riparian Buffer. This prevents contaminants, debris, and fertilizers from running off into drinking water sources, and prevents the rapid erosion of soil. These buffers would be established for all new developments around riparian areas in the city. Enforcement of any retroactive mitigation of already developed areas would be limited to the overlay area which is drawn around areas that affect Piqua’s drinking water directly.