CITY COMMISSION MEETING AGENDA

CITY COMMISSION
DAYTON, OHIO
JULY 5, 2017
6:00 P.M.

I. AGENDA SCHEDULE

Please register to speak on items 9, 11 and 13 with the Clerk of the Commission.
(Sign-up sheets at entrance of Commission Chambers.)

1. Call Meeting to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Approval of Minutes
6. Communications and Petitions Distribution (if any)
7. Special Awards/Recognition
8. Discussion of City Manager's Recommendations (See Section II)
9. Citizen Comments on City Manager's Recommendations
10. City Commission Action on City Manager's Recommendations
11. Public Hearings: (See Section V)
12. Discussion Item: N/A
13. Comments by Citizens - Please register to speak with the Clerk of Commission -
(Non - Calendar items) sign-up sheets at entrance of Commission Chambers
14. Comments by City Manager
15. Comments by City Commission
16. Work Sessions: Finance Committee Briefing – (B. LaBrier) 4:30 p.m., and
Water Rates Update – (T. Clements)
City Manager's Large Conference Room
17. Miscellaneous (See Section VI)

II. CITY MANAGER RECOMMENDATIONS (Item #8 above)
The following recommendations are offered for City Commission approval.

A. Purchase Orders, Agreements and Contracts:
(All contracts are valid until delivery is complete or through December 31st of the current year).

1. Purchase Orders:

   AVIATION
   A1. Celco Ptnshp dba Verizon Wireless (additional wireless data communications devices) $31,200.00
1. (Cont’d):

   A2. Saturn Electric, Inc. (trenching, underground boring and related services) $32,741.00

   **CENTRAL SERVICES**
   B1. Greater Dayton Construction LTD dba Oberer Thompson Company (building repair services to repair or replace wood building lintel of load-bearing masonry wall at the Dayton Cultural and RTA Transit Center) 125,000.00
   B2. CDW Government, Inc. (Barracuda Web Security Gateway 810 appliance, software, including maintenance and support agreement) 34,997.30

   **RECREATION & YOUTH SERVICES**
   C1. BSN Sports, Inc. (twenty portable aluminum bleachers) 43,997.00

   **WATER**
   D1. Rotork Controls, Inc. (Rotork brand actuator repair parts and services as needed through 12-31-19) 60,000.00
   -Depts. of Aviation, Central Services, Recreation & Youth Services and Water.  
   **Total:** $327,935.30

2. **Conduent Government Systems, LLC – Service Agreement** – to provide Remote Database Administration services and support of the Oracle Relational Database Management System – Dept. of Central Services/Information Technology. $25,200.00
   (Thru 03/31/18)

3. **Montgomery County Engineer – Service Agreement** – Cost Participation Agreement for Keowee Street Bridge Water Main Improvements – Dept. of Water/Water Engineering. $76,667.00
   (Thru 12/2019)

4. **Montgomery County Land Reutilization Corporation – Service Agreement** – to temporarily hold title to the real property commonly known as 40, 225, and 219 South Main Street and 22 West Fifth Street – Dept. of Planning & Community Development. $200,000.00
   (Thru 12/21)

5. **Radio Satellite Integrators, Inc. – Service Agreement** – to provide Global Position System and Automated Vehicle Tracking services – Dept. of Public Works. $69,624.00
   (Thru 6/30/18)
IV. LEGISLATION:

Ordinance – First Reading:

6. No. 31573-17 Supplementing Section 53.01(C) of the Revised Code of General Ordinances to Add a Definition for the City’s Risk Screening Process.

Ordinance – Second Reading:

7. No. 31572-17 Enacting Sections 135.03 through 135.05 of the Revised Code of General Ordinances Regarding Conversion Therapy.

V. PLANNING ACTION

A. PUBLIC HEARINGS:

8. To amend various sections of the Zoning Code to correct omissions in the code, clarify terminology and provisions, make certain regulations consistent from one zoning district to another, and update regulations to reflect experience to date and emerging best practices. The proposed amendments will improve the administration and enforcement of the code – Case No. Z-002-2017.


VI. MISCELLANEOUS:

ORDINANCE NO. 31574-17

RESOLUTION NO. 6262-17

IMPROVEMENT RESOLUTION NO. 3598-17

INFORMAL RESOLUTION NO. 936-17
City Manager’s Report

From 5530 - CS/Purchasing

Supervisor, Vendor, Company, Individual

Name See Below

Address See Below

Date July 5, 2017

Expense Type Purchase Order

Total Amount $327,935.30

Fund Source(s) Fund Code(s) Fund Amount(s)
See below See below See below

Includes Revenue to the City Yes No Affirmative Action Program Yes No N/A

Description

AVIATION

(A1) P1700433 - CELLCO PRTNSHP dba VERIZON WIRELESS, CINCINNATI, OH
- Additional wireless data communications devices.
- These goods and services are required for added runway temperature sensors.
- Rates are in accordance with the City of Dayton’s existing price agreement RFP 14005N with pricing through 12/31/2019.
- This amendment increases the previously authorized amount of $7,500.00 by $5,200.00 for a total not to exceed $12,700.00 and, therefore requires City Commission approval.
- The Department of Aviation requests additional authority of $26,000.00 through 12/31/2019.
- The Department of Aviation recommends approval of this order.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Fund Source(s)</th>
<th>Fund Code(s)</th>
<th>Fund Amount(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>Telephone</td>
<td>51000-3210-1131-43</td>
<td>$5,200.00</td>
</tr>
<tr>
<td>2018</td>
<td>Telephone</td>
<td>51000-3210-1131-43</td>
<td>$13,000.00</td>
</tr>
<tr>
<td>2019</td>
<td>Telephone</td>
<td>51000-3210-1131-43</td>
<td>$13,000.00</td>
</tr>
</tbody>
</table>

Signatures/Approval

Approved by City Commission

Clerk

Date

Updated 06/2016

FORM NO. MS-16
AVIATION (CONTINUED)

(A2) P1701035 – SATURN ELECTRIC, INC., HARRISON TOWNSHIP, OH
- Trenching, underground boring and related services.
- These goods and services are required to create a redundant service to enhance electric service reliability at the Dayton International Airport campus.
- Three possible bidders were solicited and three responses were received.
- The Department of Aviation recommends acceptance of the low bid.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Fund Source(s)</th>
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<td>2017</td>
<td>Infrastructure</td>
<td>51136-3210-1424-43</td>
<td>$32,741.00</td>
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</table>

CENTRAL SERVICES – FACILITIES MANAGEMENT

(B1) P1701038 – GREATER DAYTON CONSTRUCTION LTD dba Oberer Thompson Company, BEAVERCREEK, OH
- Building repair services to repair, or replace wood building lintel of load-bearing masonry wall at the Dayton Cultural and RTA Transit Center.
- These services are required to repair and stabilize the building structure.
- Pursuant to Section 86 of the City of Dayton Charter, the Department of Central Services has declared an emergency, the necessary funds have been encumbered, and the supplier has been notified to proceed.
- Greater Dayton Construction LTD dba Oberer Thompson Company is recommended because it is a qualified contractor that has performed similar restoration work.
- The Department of Central Services requests additional authority of $12,450.00 through 12/31/2017.
- The Department of Central Services recommends approval of this order.

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<th>Fund Source(s)</th>
<th>Fund Code(s)</th>
<th>Fund Amount(s)</th>
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<td>2017</td>
<td>Building Improvements</td>
<td>40003-5540-1425-54</td>
<td>$112,550.00</td>
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<tr>
<td>2017</td>
<td>Building Improvements</td>
<td>40003-5540-1425-54</td>
<td>$12,450.00</td>
</tr>
</tbody>
</table>

CENTRAL SERVICES – INFORMATION TECHNOLOGY

(B2) P1701043 – CDW GOVERNMENT, INC., VERNON HILLS, IL
- Barracuda Web Security Gateway 810 appliance, software, including maintenance and support agreement.
- These goods and services are required to maintain and upgrade the City's Enterprise System web filtering services to protect against malicious and inappropriate content.
- Rates are in accordance with State of Ohio Term Schedule contract #534530 index #STS033.
- The Department of Central Services recommends approval of this order.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Fund Source(s)</th>
<th>Fund Code(s)</th>
<th>Fund Amount(s)</th>
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<tbody>
<tr>
<td>2017</td>
<td>Computer Hardware</td>
<td>10000-5560-1413-65</td>
<td>$34,997.30</td>
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</table>
RECREATION AND YOUTH SERVICES

(C1) P1701039 – BSN SPORTS, INC., JENKINTOWN, PA

- Twenty (20) portable aluminum bleachers.
- These goods will be used for seating at Kettering Fields.
- Nine possible bidders were solicited and one response was received. This order establishes a firm price agreement through 6/30/2018.
- The Department of Recreation and Youth Services recommends acceptance of the sole bid.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Fund Source(s)</th>
<th>Fund Code(s)</th>
<th>Fund Amount(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>Furniture, Fixtures &amp; Equip Assets</td>
<td>10000-6530-1411-56</td>
<td>$43,997.00</td>
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</table>

WATER – WATER RECLAMATION

(D1) P1701042 – ROTORK CONTROLS, INC., MILWAUKEE, WI

- Rotork brand actuator repair parts and services, as needed through 12/31/2017.
- These goods and services are required to maintain, repair or replace Rotork brand actuators.
- Rotork Controls, Inc. is recommended as the Original Equipment Manufacturer (OEM) and sole source, therefore this purchase was negotiated.
- The Department of Water requests additional authority of $40,000.00 through 12/31/2019.
- The Department of Water recommends approval of this order.

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<th>Fund Amount(s)</th>
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<td>55000-3460-1167-54</td>
<td>$20,000.00</td>
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<td>2018</td>
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<td>$20,000.00</td>
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<td>2019</td>
<td>Other Equipment Maintenance</td>
<td>55000-3460-1167-54</td>
<td>$20,000.00</td>
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The aforementioned departments recommend approval of these orders.
CITY OF DAYTON, OHIO - PURCHASING DIVISION - BID TABULATION
For: TRENCHING AND UNDERGROUND BORING SERVICES
Dept./Div.: AVIATION - OPERATIONS - TERMINAL MAINTENANCE
Requisition Nos.: 090AOOF7

<table>
<thead>
<tr>
<th>No.</th>
<th>BIDDER NAME &amp; STREET ADDRESS</th>
<th>CITY</th>
<th>STATE &amp; ZIP</th>
<th>QUALIFIES FOR LOCAL PREFERENCE?</th>
<th>QUALIFIES FOR CERTIFIED PREFERENCE?</th>
<th>LOCAL / CERTIFIED PREFERENCE A FACTOR IN AWARD?</th>
<th>ITEM DESCRIPTION</th>
<th>U/M</th>
<th>UNIT COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>DOUBLE JAY CONSTRUCTION</td>
<td>ENGLEWOOD</td>
<td>OH 45322</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>Trenching and underground boring services</td>
<td>Lot</td>
<td>$77,400.00</td>
</tr>
<tr>
<td>2</td>
<td>R. B. JERGENS CONTRACTORS INC.</td>
<td>VANDALIA</td>
<td>OH 45377</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td></td>
<td></td>
<td>$92,540.00</td>
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<tr>
<td>3</td>
<td>SATURN ELECTRIC INC</td>
<td>HARRISON TOWNSHIP</td>
<td>OH 45414</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>$32,741.00</td>
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</tbody>
</table>

PLEASE READ ALL BID/PROPOSAL RESPONSES TO ENSURE THAT ALL INFORMATION RECEIVED FROM VENDOR IS REVIEWED AND USED IN EVALUATION PROCESS

- = lowest bid  X = vendor selected for award
CITY OF DAYTON, OHIO - PURCHASING DIVISION - BID TABULATION

For: Portable Aluminum Bleachers

Dept./Div.: Recreation and Youth Services

Requisition No.: 032RYSR7

<table>
<thead>
<tr>
<th>No.</th>
<th>BIDDER NAME &amp; STREET ADDRESS</th>
<th>CITY:</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>BSN Sports</td>
<td>Jenkintown PA, 19046</td>
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</tbody>
</table>

Recommended for Award: X

| QUALIFIES FOR LOCAL PREFERENCE? | NO |
| QUALIFIES FOR CERTIFIED PREFERENCE? | NO |
| LOCAL / CERTIFIED PREFERENCE A FACTOR IN AWARD? | NO |

<table>
<thead>
<tr>
<th>Item No.</th>
<th>ITEM DESCRIPTION</th>
<th>QTY</th>
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<th>UNIT</th>
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<tr>
<td>1</td>
<td>Aluminum Bleachers</td>
<td>1-2</td>
<td>EA</td>
<td>$2,809.34</td>
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<td>3-5</td>
<td>EA</td>
<td>$2,606.63</td>
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<td></td>
<td>11-15</td>
<td>EA</td>
<td>$2,268.88</td>
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<tr>
<td></td>
<td></td>
<td>16-20</td>
<td>EA</td>
<td>$2,199.85</td>
</tr>
</tbody>
</table>

PLEASE READ ALL BID/PROPOSAL RESPONSES TO ENSURE THAT ALL INFORMATION RECEIVED FROM VENDOR IS REVIEWED AND USED IN EVALUATION PROCESS.

Portable Aluminum Bleachers

1. Flaghouse, Inc.
   Hasbrouck Heights, NJ

2. Central Business Group
   Cincinnati, OH

3. EMM Black’s Distributor (DL, SBE)
   Dayton, OH

4. The Park Catalog
   Boca Raton, FL

5. Belson.com
   North Aurora, IL

6. Anthem-sports.com
   Pawcatuck, CT

7. Aluminiumbleachers.com
   Boca Raton, FL

8. Bleachers.net
   Fort Wayne, IN

* = lowest bid   X = vendor selected for award

THE FOLLOWING VENDORS WERE SOLICITED BUT DID NOT BID:

1. Flaghouse, Inc.
   Hasbrouck Heights, NJ

2. Central Business Group
   Cincinnati, OH

3. EMM Black’s Distributor (DL, SBE)
   Dayton, OH

4. The Park Catalog
   Boca Raton, FL

5. Belson.com
   North Aurora, IL

6. Anthem-sports.com
   Pawcatuck, CT

7. Aluminiumbleachers.com
   Boca Raton, FL

8. Bleachers.net
   Fort Wayne, IN
From: 5560 - CS/Information Technology
Supplier, Vendor, Company, Individual: Conduent Government Systems, LLC
Address: 130 Division Street
Waite Park, MN 56387

Date: July 5, 2017
Expense Type: Service Agreement
Total Amount: $25,200.00 (Thru 3/31/18)

Fund Source(s): General Fund
Fund Code(s): 10000-5560-1166-65
Fund Amount(s): $25,200

Includes Revenue to the City: Yes  
Affirmative Action Program: Yes

Description:

The Department of Central Services Information Technology Division requests permission to enter into a service agreement with Conduent Government Systems, LLC. Conduent will provide Remote Database Administration services and support of the Oracle Relational Database Management System platform that supports Banner Finance, Human Resources, General Ledger and Purchasing application modules. Additionally, Conduent will assist Information Technology staff with annual Banner application upgrades and minor software corrections and fixes. The total amount of this agreement is $25,200.00.

Conduent Government Systems, LLC is the contract owner for the Banner® software products, is currently, and will continue to be, the sole source provider of sales, support and services, for all Banner products available to the local government market.

The agreement has been reviewed by the Department of Law as to form and correctness.

The Certificate of Funds is attached.

Signatures/Approval

Approved by City Commission

City Manager
FORM NO. MS-16

Updated 8/2016
CERTIFICATE OF FUNDS

SECTION I - to be completed by User Department

X New Contract

Renewal Contract

Contract Start Date: 04/01/17
Expiration Date: 03/31/18
Original Commission Approval: $25,200.00
Initial Encumbrance: $25,200.00
 Remaining Commission Approval: 

Required Documentation
X Initial City Manager's Report
X Initial Certificate of Funds
X Initial Agreement/Contract

Copy of City Manager's Report
Copy of Original Certificate of Funds

Original CT/CF
Increase Encumbrance
Decrease Encumbrance: 
Remaining Commission Approval:

Amount: $25,200.00

Fund Code: 10000 - 5590 - 1166 - 65 - XXX - XXX

Fund Code XXXXX - XXXX - XXXX - XXXX - XXXX - XXXX

Attach additional pages for more FOAPALS

Vendor Name: Conduent Government Systems, LLC
Vendor Address: 130 Division Street Waite Park MN 56387
Street City State Zipcode + 4

Federal ID: 232154345
Commodity Code: 94620
Purpose: Conduent Government Systems, LLC will provide remote database administration services and support for the Banner database. Additionally, the vendor will assist with the annual Banner application upgrade and minor software fixes for the period starting April 1, 2017 through March 31, 2018

Contact Person: Dena Foster
Central Services/Information Technology 6/19/2017
Department/Division Date

Originating Department Director's Signature: 19/June/2017

SECTION II - to be completed by the Finance Department

I hereby certify that the amount of money required to meet the payment(s) called for in the aforesaid request have been lawfully appropriated for such purpose and is in the Treasury, or in the process of collection, to the credit of the fund from which it is to be drawn free and clear from any previous encumbrance.

Finance Director Signature: 
Date: 6/29/17

CF Prepared by: 
Date: 6/12/17

CF/CT Number: CT17-1734

SA 6-19-17
June 19, 2017

TO: Shelley Dickstein, City Manager

FROM: Desa Foster, Manager
Division of Information Technology

SUBJECT: Service Agreement for Conduent Government Systems, LLC

Attached please find the service agreement between the City of Dayton and Conduent Government Systems, LLC for remote database administrative, consulting, and Banner upgrade support and services through March 31, 2018.

The annual services agreement has been formerly with ACS Government Systems and Xerox Government Systems. In April, 2017 Conduent Government Systems, LLC acquired Xerox Government Systems. This is to establish an agreement with the new company.

If you have any questions, please feel free to call me at extension 6349.

APPROVED:

[Signature]
Pete Hager, Director
Department of Central Services

19 June 2017
SERVICE AGREEMENT

THIS AGREEMENT for information technology services (hereafter the "Agreement") is entered into this 1st day April, 2017 of (hereafter the "Effective Date") by and between the CITY OF DAYTON, a municipal corporation in and of the State of Ohio (hereafter referred to as the "Client") with offices located at 101 W. Third Street, Dayton, OH 45402, and CONDUENT GOVERNMENT SYSTEMS, LLC, a Delaware limited liability company, with its principal place of business located at 130 Division Street, Waite Park, MN 56387 (hereafter "Conduent"), referred to individually as Party and collectively as Parties.

In consideration of the mutual promises and covenants contained herein the Parties hereto agree as follows:

1.0 Scope of Services

In consideration for the payments described in Section 2.0 hereof, Conduent will provide Client with the services described in the Statement of Work annexed hereto as Exhibit "A."

2.0 Compensation and Payment Provisions

Client shall make payments to Conduent for the services provided in the amount and at such times as are set forth in the payment schedule attached hereto as Exhibit "B" - Payment Provisions. Client shall pay invoices within thirty (30) days of their receipt.

3.0 Term

The services specified in Exhibit “A” will be provided beginning on April 1, 2017 assuming that both Parties have signed this Agreement prior to that date, and will end TWELVE months from such date (the "Expiration Date"). If the Client does not utilize the entire amount of services during the service period, then notwithstanding such fact, the services described within this Agreement will nonetheless be deemed to have been completed and Client will be responsible for payment of the full amount of fees for the service period. Unused service hours may not be carried forward beyond the Expiration Date set forth herein.

4.0 Termination

4.1 Default by Conduent: If Conduent defaults in the performance of any of its material default obligations under this Agreement for a period of thirty (30) days after the sending of notice to the address on this Agreement that it is in default, Client may, at its option, terminate the Agreement by delivering written notice to Conduent at the address in this document, and paying Conduent all sums due under this Agreement to the initial date of the default. Upon termination or cancellation of this Agreement, all software, and other Conduent-owned material will promptly be returned to Conduent.
4.2 Default by Client: If Client defaults in the performance of any of its material default obligations under this Agreement for a period of thirty (30) days after receiving notice of default from Conduent, Conduent may, at its option, terminate the Agreement at the end of that period. Conduent may terminate this Agreement by delivering written notice of termination to Client. Upon termination of this Agreement, all equipment, software, and other Conduent-owned material will promptly be returned to Conduent.

4.3 Payment by Client: In the event of termination pursuant to this section, Client shall compensate Conduent at the rate set forth in Exhibit "B" for all services performed in accordance with the Agreement up to the effective termination date.

5.0 Warranty

Conduent warrants the services provided hereunder will be performed in a professional and workmanlike manner. EXCEPT AS SPECIFICALLY PROVIDED HEREIN, THERE ARE NO WARRANTIES EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO, ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

6.0 Assignment

The rights and obligations of each Party under this Agreement will not be assignable without the prior written consent of the other Party to this Agreement, and any attempt to assign them without such consent will be void. Notwithstanding the foregoing, Conduent may assign this Agreement to its successors by merger or consolidation or to any person or entity that acquires all or substantially all of its capital stock or assets.

7.0 Applicable Law

This Agreement shall be governed by and construed in accordance with the applicable laws of the State of Ohio, and venue for any legal action shall be in the State of Ohio.

8.0 Modification

This Agreement may only be modified by a written documentation signed by both Parties.

9.0 Limitation of Liability

EXCEPT FOR SERVICE FEES AND AMOUNTS EXPRESSLY DUE AND PAYABLE TO CONTRACTOR HEREUNDER, IN NO EVENT SHALL EITHER PARTY TO THIS AGREEMENT BE LIABLE TO THE OTHER PARTY HEREUNDER FOR ANY CLAIMS, PENALTIES OR DAMAGES, WHETHER IN CONTRACT, TORT, OR BY WAY OF INDEMNIFICATION, IN AN AMOUNT EXCEEDING ONE HUNDRED PERCENT (100%) OF THE FEES AND CHARGES PAID TO CONTRACTOR DURING THE PRECEDING TWELVE MONTH PERIOD. UNDER NO CIRCUMSTANCES WILL EITHER PARTY TO THIS AGREEMENT BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL, INDIRECT, PUNITIVE OR SPECIAL DAMAGES ARISING OUT OF OR IN
CONNECTION WITH THIS AGREEMENT, HOWEVER CAUSED AND BASED ON ANY THEORY OF LIABILITY EXCEPT THEORIES OF WILLFULNESS OR GROSS NEGLIGENCE. THIS LIMITATION SHALL APPLY EVEN IF SUCH A PARTY HAS BEEN NOTIFIED OF THE POSSIBILITY OF SUCH DAMAGES.

THE PARTIES AGREE AND ACKNOWLEDGE THAT THE CLIENT HAS NOT WAIVED ITS SOVEREIGN IMMUNITIES BY ENTERING INTO OR PERFORMING UNDER THIS AGREEMENT.

10.0 Indemnification

Conduent shall indemnify Client and its elected officials, officers, employees and agents (collectively, "Indemnitees") from and against all third-party claims, losses, damages, and expenses of whatsoever kind and nature, to the extent that such claims, losses, damages, or expenses are caused by or arise out of the negligent acts, omissions, or willful misconduct or fraud of Conduent and its agents, employees, consultants, sub-consultants and representatives in undertaking and performing the Services; however, no indemnification will be required for any claims, losses, damages or expenses resulting from any negligence or willful misconduct of Client or any of the other Indemnitees. This Article shall survive early termination or expiration of this Agreement.

11.0 Notices

All notices, requests for payment, or other communications arising hereunder shall be sent to the following:

**Notices to Client:**
City of Dayton  
Attn: Desa Armstrong-Foster  
130 West 2nd Street  
Dayton, OH 45402

**Notices to Conduent:**
Conduent Government Systems,  
LLC  
130 Division Street  
Waite Park, MN 56387  
Attn.: Jay McDaniel

12.0 Integration

This Agreement, the attached exhibits, and any Software License Agreement executed by and between the Parties with respect to the subject matter described herein, constitute the entire agreement between the Parties. No agreements, representations, or warranties other than those specifically included in this Agreement and the attached exhibits shall be binding on either of the Parties. In case of a conflict between the terms of this Agreement and any attached exhibit, the terms of this Agreement shall prevail.

13.0 Non-Discrimination

Conduent shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, ancestry, national origin, place of
birth, age, marital status, or handicap with respect to employment, upgrading, demotion, transfer, recruitment or recruitment advertising, lay-off determination, rates of pay, or other forms of compensation, or selection for training, including apprenticeship.

It is expressly agreed and understood that section 35.14 of the Revised Code of General Ordinances of the City of Dayton, Ohio, constitutes a material condition of this Agreement as fully and as if specifically rewritten herein and that failure of Conduent to comply therewith shall constitute a breach of this Agreement entitling City, at its option, to terminate this Agreement.

14.0 Independent Contractor

By executing this Agreement, Conduent acknowledges and agrees that it will be providing services to the City as an “independent contractor”. As an independent contractor for the City, the Conduent shall be prohibited from representing or allowing others to construe the parties’ relationship in a manner inconsistent with this Section. The Conduent shall have no authority to assume or create any obligation on behalf of, or in the name of the City, without the express prior written approval of a duly authorized representative of the City.

Conduent understands and agrees that none of its employees, agents or contractors are City of Dayton employees, and, therefore, none shall be entitled to, nor will any make a claim for, any of the emoluments of employment with the City of Dayton. Conduent further understands and agrees that none of its employees, as a result of performing services under this Agreement, are “public employees” for the purpose of membership in the Ohio Public Employees Retirement System (OPERS). Conduent shall be solely responsible to withhold and pay all applicable local, state and federal taxes.

15.0 Political Contributions

Conduent affirms and certifies that it complies with Ohio Revised Code § 3517.13 limiting political contributions.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]
IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

<table>
<thead>
<tr>
<th>City of Dayton, OH</th>
<th>Conduent Government Systems, LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>By:</td>
<td>By:</td>
</tr>
<tr>
<td>Name:</td>
<td>Name: Louis Schiavone Jr.</td>
</tr>
<tr>
<td>Title:</td>
<td>Title: Vice-President</td>
</tr>
<tr>
<td>Date:</td>
<td>Date: 5/8/17</td>
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</tbody>
</table>

City of Dayton, OH RDBA Service Agreement
APPROVED BY THE COMMISSION OF
THE CITY OF DAYTON, OHIO:

___________________________, 2017

Min. / Bk._________ Pg. _______

___________________________
Clerk of the Commission

APPROVED AS TO FORM AND
CORRECTNESS:

__________________________
City Attorney

City of Dayton, OH RDBA Service Agreement Page 6
EXHIBIT A
STATEMENT OF WORK

As more specifically described in this Exhibit “A”, Conuent will provide Remote Database Administration Services for the Client. The services and/or support will be provided for the Conuent system(s), as specified below under Remote DBA Deliverables.

Conuent will, on a shared resource basis, provide up to 144 service hours, over the twelve-month period. Use of service hours in excess of 12 hours per month may result in all service hours being expended prior to the end date of March 31, 2018.

Conuent will use the hours enumerated in this Scope of Work to provide any or all of the following services to the Client. A Conuent Project Manager will be responsible for coordinating the resources and schedules for the mutually agreed upon services.

Remote DBA Deliverables

Conuent will speak with representatives of the Client to review and document the existing computing environment and discuss the goals and direction of Client. Conuent will periodically connect into the Client computer system to review and monitor the Oracle environment and operating characteristics of the Conuent System(s), and propose needed changes, upgrades, and tuning adjustments as necessary. Conuent staff will coordinate with data processing and administrative staff to assist in or implement the needed changes. The Client Information Systems Manager and Conuent consultant will mutually agree upon the monthly hours expended to monitor and support the system.

Conuent agrees to perform the following support activities, as requested and agreed to by Client:

- Conuent will assist in developing the policies regarding the administration of the Conuent System(s) and work towards devising a mutually agreeable plan for performing database maintenance that will minimize impact to the Client’s production computer environment.
- Perform periodic Conuent System and Oracle upgrades delivered by Conuent for the following Conuent systems: Banner Finance, Human Resources, Oracle RDBMS and Oracle Application Server.
- Upgrades must be scheduled in coordination with Information Systems staff and are typically performed in a test environment, then placed into the production environment after end users approve changes.
- Install minor software corrections and fixes for the previously named Conuent systems when received from Conuent.
- After hours work should be scheduled at least two weeks in advance. Conuent realizes that certain emergency situations may arise that will dictate off hours work be performed immediately, but work efforts such as upgrades or maintenance that need to be performed should be scheduled in advance. Services provided after hours will be charged at a double-time rate, i.e., each hour of service will be charged at a rate equivalent to two service hours.
- Periodically, dial-in to monitor database activities, tune the database and work with the system and network manager(s) to improve overall performance.
- Develop and implement security and backup/recovery plans.
- Create new accounts and grant and revoke database privileges.
- Identify and resolve data and application-oriented problems. Help system and network managers identify problems in their areas.
- Propose changes, upgrades or tuning adjustments as necessary. Coordinate with the Information Systems staff to assist in or implement recommended changes, including on-site visits as necessary.
- If requested, Conduent will send personnel on-site to perform any of the previously mentioned tasks. The client will be charged for all travel and living expenses related to such on-site assistance. Additionally, preparation, actual travel time, and follow-up time required for such on-site assistance will be charged against the available hours covered by this Scope of Services.
EXHIBIT B
PAYMENT PROVISIONS

Fees

Conduent will invoice Client on a fixed fee basis as follows: $2,100.00 per month for a total contract amount of $25,200.00.

Key Assumptions Concerning the Fees

- The fees assume RDBA support provided by Conduent staff on a best effort shared bases.
- Conduent will provide up to 144 hours of Remote Database Administration support services during the TWELVE month period.
- Services rendered above and beyond the 144 hours during the twelve-month service period covered by this Scope of Work will be charged $175.00.
- The Client will be billed TWELVE monthly installments of $2,100.00.
- Invoices are payable by Client within 30 days of the invoice date.
- Reimbursable expenses are not included in the fees outlined herein, and will be additional and shall be invoiced monthly, as such expenses are rendered.
- Time is charged for all activities related to the provision of Remote Database Administration services for the Client, including preparation time, actual travel time, identification of follow-up tasks via a formal trip report, telephone consultation, and management follow-up. In addition, the Client will reimburse Conduent for reasonable travel and living expenses (amounts must conform to City travel policies for employees) incurred by Conduent personnel in the performance of the services covered by this Agreement.

Key Assumptions

Client hereby agrees to permit Conduent' authorized personnel (and third party consultants) access, on a “need to know” basis, to the systems for which Conduent has operational responsibility under this Agreement, and information, data, data communication services, and communication lines, at such times and for such purposes as reasonably necessary or appropriate to permit Conduent to perform its obligations hereunder.
April 19, 2017

To Whom It May Concern:

Conduent Government Systems, LLC is the contract owner for the Banner® software products, is currently, and will continue to be, the sole source provider of sales, support and services, for all Banner products available to the local government market.

If you should have any questions, or wish to discuss this matter further, please feel free to contact me at (225) 937-8133.

Sincerely,

Jay McDaniel

Jay McDaniel
Director, Banner/RDBA Services
Conduent Government Systems, LLC
COST PARTICIPATION AGREEMENT FOR KEOWEE STREET BRIDGE WATER MAIN IMPROVEMENTS

The Department of Water requests permission to enter into a Cost Participation Agreement with Montgomery County Engineer in the amount of $76,667.00 for the water main improvements at the Keowee Street Bridge. The project consists of replacing the existing 10" water main within the current bridge with a new 12" water main installed under the Great Miami River by horizontal directional drilling as a part of Montgomery County’s replacement of the entire Keowee Street Bridge. Montgomery County has secured external funding that requires local matching funds.

The City’s participation amount, which is based on estimated costs for the water main installation, is required to be paid to Montgomery County prior to the award of the construction contract (by August 15, 2017) in order to secure the external funding for the project. At the completion of the construction contract the County will calculate the actual costs for the Water Main Improvements and a final settlement payment will be made. The Department of Water is responsible to pay the design costs, the water main installation portion of the local matching funds and the cost to increase the water main from 10" to 12".

Bids will be solicited by Montgomery County and a construction contract will be awarded using Montgomery County’s bidding process.

The Department of Water’s portion of the project is being funded using 2017 Water Capital Funds.

The Agreement shall commence upon execution by the City and it shall expire 90 days after Montgomery County’s final payment to the construction contractor. The expiration date identified on the Certificate of Funds is December 31, 2019.

The Agreement has been reviewed by the Law Department as to form and correctness. A Certificate of Funds and a copy of the Agreement are attached.
CERTIFICATE OF FUNDS

SECTION I - to be completed by User Department

X New Contract

Renewal Contract

Change Order

Contract Start Date 7/5/2017
Expiration Date 12/31/2019

Original Commission Approval $ 76,667.00
Initial Encumbrance $ 76,667.00
Remaining Commission Approval $ -

Original CT/CF
Increase Encumbrance
Decrease Encumbrance $ -
Remaining Commission Approval $ -

Required Documentation

X Initial City Manager's Report
X Initial Certificate of Funds
X Initial Agreement/Contract

Copy of City Manager's Report
Copy of Original Certificate of Funds

Amount: $ 76,667.00

Fund Code 53005 - 3445 - 1424 - 54 - WF1718 -

Fund Org Act Prog Act Loc

Amount: ___________

Fund Code - - - - - - - -

Fund Org Act Prog Act Loc

Attach additional pages for more FOAPALS

Vendor Name: Montgomery County Engineer
Vendor Address: 451 West Third Street Dayton Ohio 45422 Street City State Zipcode + 4
Federal ID: 31-6000172
Commodity Code: 99996
Purpose: Cost Participation Agreement for Keowee Street Bridge Water Main Improvements

Contact Person: Lisa Burton-Yettes Water/Water Engineering 6/22/2017

Originating Department Director's Signature: ____________________________

SECTION II - to be completed by the Finance Department

I hereby certify that the amount of money required to meet the payment(s) called for in the aforesaid request have been lawfully appropriated for such purpose and is in the Treasury, or in the process of collection, to the credit of the fund from which it is to be drawn free and clear from any previous encumbrance.

Finance Director Signature: ____________________________ Date: 6/22/17

CF Prepared by: ____________________________ Date: 6/22/17

Finance Department

October 18, 2011
COOPERATIVE AGREEMENT
Keowee Street Bridge Replacement Project

THIS AGREEMENT entered into this ______ day of __________________, 2017, between the City of Dayton, and its Water Department, 320 W. Monument Ave., Dayton, Ohio 45402, and the Board of County Commissioners of Montgomery County, Ohio, 451 W. Third Street, Dayton, Ohio 45422, and the Montgomery County Engineer.

WITNESSETH:

WHEREAS, on December 13, 2016, pursuant to Resolution No. 16-1626, the Board of County Commissioners of Montgomery County, Ohio, approved the Keowee Street Bridge Replacement Project, JOB #2012-033, and determined that said project is needed for the safety, convenience, and welfare for the traveling public; and

WHEREAS, the Keowee Street Bridge was constructed in 1931 and is now structurally deficient. The Keowee Street Bridge is situated within the City of Dayton, and the City is responsible for routine maintenance of the bridge; and

WHEREAS, the Keowee Street Replacement Project (the “Project”) will involve the demolition of the 1931 bridge, as well as the construction of a new five lane bridge with associated approach improvements to connect the existing five lane roadway north and south of the bridge; and

WHEREAS, the City of Dayton, Water Department, currently has a 10-inch water main attached to the 1931 Keowee Street Bridge; and

WHEREAS, the City of Dayton, Water Department, has reviewed and approved all plans and specifications for the Project as it relates to the water line replacement necessitated by the Project; and

WHEREAS, the existing 10-inch water main will need to be removed from the bridge and replaced by the County’s construction contractor before the 1931 Keowee Street Bridge is demolished; and
WHEREAS, the City of Dayton desires to upgrade said water main to a 12-inch water main; and

WHEREAS, the City of Dayton and Montgomery County each have current policies that forbid the attachment of utilities under bridges within their jurisdictional control, thereby mandating the relocation of the City of Dayton’s waterline by placing same underneath the Great Miami River, east of the bridge; and

WHEREAS, the City of Dayton and Montgomery County recognize that a joint effort to make the desired improvements to the Project will benefit the public welfare at a cost savings to both jurisdictions compared to undertaking the improvements separately;

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements hereinafter set forth, and with the execution of this Agreement, the City of Dayton, and its Water Department, and the Board of County Commissioners of Montgomery County, Ohio, by and through the Board’s project agent, the Montgomery County Engineer (the “Engineer”), agree as follows:

ARTICLE ONE: SCOPE

Montgomery County and the Engineer have contracted with a qualified, competent consulting engineering firm to produce all engineering work and documents required to complete the Project. The City of Dayton, Water Department, at all times relevant hereto, has reviewed and approved all plans and specifications related to the disconnection of the 10-inch water main and the purchase, relocation and construction of the new 12-inch water main.

Montgomery County will contract for the construction of the Keowee Street Bridge Replacement Project, and all work related to the City of Dayton’s heretofore described water main, will be performed by the County’s contractor, according to the City of Dayton’s specifications and inspection as specifically set forth in the construction plans for the Project.

ARTICLE TWO: PAYMENT

Montgomery County will contract for construction of the Project and will secure or provide all funding necessary to complete the Project, except as described under the City’s responsibilities below.

County Responsibility: Montgomery County agrees to pay the cost of construction for the Project and will apply secured federal funds and Ohio Public Works Commission (“OPWC”) funds to eligible items of work related to the City of Dayton’s water main. Montgomery County has secured federal STP funds that can be applied to federally eligible project construction costs at the rate of 58%. The increase in size from existing 10” water main to the proposed 12” water main requested by the City of Dayton, is considered a “betterment”, and is not eligible for federal funding. Montgomery County has also secured funding from the Ohio Public Works Commission that can be applied to project construction costs at the rate of 13%.
City Responsibility: The City of Dayton acknowledges and agrees that the current estimate for the construction of the City of Dayton's water main work is $172,513.00, and the cost for design of the City of Dayton's water main work is $19,779.00. The "betterment" from afore-mentioned 10" water main to the 12" water main is recognized by the Ohio Department of Transportation at 8.5% of the cost of the applicable water main items, and comes to $11,827.00 ineligible for federal funding. The application of federal funds at 58% amounts to $93,198.00 and the application of OPWC funds at 13% amounts to $22,427.00. The cost of design is not eligible for either federal funds or OPWC funds. After Montgomery County applies the reduction of federal and OPWC funds to said work, the City of Dayton's share of the cost of design and construction of said water main work is $76,667.00. The City agrees to pay the cost of the work for said water main in the amount of $76,667.00.

The City of Dayton also agrees that said payment must be made in advance of the bidding for the construction of the Project. The City agrees it shall remit payment to the County Engineer in the amount of $76,667.00, upon invoice, no later than August 15, 2017.

Upon the completion of all work, Montgomery County shall submit to the City of Dayton satisfactory documentation regarding actual costs and expenses for said water main work. A final adjustment of the City's funding responsibility for the Project (either credit or debit) will be calculated, and a final settlement payment shall be made between the City and the County within 90 days of the final payment to the Project construction contractor.

ARTICLE THREE: TERM

The term of this Agreement shall commence on the date of the execution by all parties and shall terminate 90 days after Montgomery County's final payment to the Project construction contractor.

ARTICLE FOUR: MODIFICATION AND SEVERABILITY

This Agreement constitutes a total integration of the entire understanding between the parties and shall not be modified in any manner except by an instrument in writing executed by the parties.

If any term of provision of this Agreement, or the application thereof to any person or circumstances, shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstance other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.
IN WITNESS WHEREOF, the parties hereto set their hands this ______ day of ________________________, 2017.

WITNESS:

________________________________________
Signature

________________________________________
Signature

________________________________________
Signature

BOARD OF COUNTY COMMISSIONERS
MONTGOMERY COUNTY, OHIO

By _________________________________
   Dan Foley, President

By _________________________________
   Judy Dodge

By _________________________________
   Deborah A. Lieberman

OR

By _________________________________
   Joseph P. Tuss, Administrator

APPROVED AS TO FORM:
MATHIAS H. HECK, JR.
Prosecuting Attorney for Montgomery County, Ohio

By _________________________________
   Assistant Prosecuting Attorney

Date: _________________________________
CITY OF DAYTON

City Manager
Dayton, Ohio

APPROVED AS TO FORM AND: CORRECTNESS

By
City Attorney

Date: 6-14-17

APPROVED BY THE COMMISSION OF THE CITY OF DAYTON, OHIO

_______________, 2017

Min/Bk_______ Page__________

Clerk of Commission
Approval is requested to enter into a Land Banking Agreement with the Montgomery County Land Reutilization Corporation (Landbank) to temporarily hold title to the real property commonly known as 225 South Main Street (Empty Parking Structure).

The overall strategy with the use of "The Nine's," project is to stabilize underutilized land and attract new development and regrowth around the revitalization of Dave Hall Plaza.

The program will commence upon execution through December 31, 2021.

The Department of Law has reviewed and approved the Agreement as to form and correctness

A map and Certificate of Funds for $90,000.00 is attached.
CERTIFICATE OF FUNDS

SECTION I - to be completed by User Department

<table>
<thead>
<tr>
<th>X</th>
<th>New Contract</th>
<th>_______</th>
<th>Renewal Contract</th>
<th>_______</th>
<th>Change Order</th>
<th>_______</th>
</tr>
</thead>
</table>

**Contract Start Date:** Upon Execution
**Expiration Date:** 12/31/21

**Original Commission Approval:** $200,000.00
**Initial Encumbrance:** $90,000.00
**Remaining Commission Approval:** $110,000.00

**Original CT/CF:** $-
**Increase Encumbrance:** $-
**Decrease Encumbrance:** $-
**Remaining Commission Approval:** $-

**Required Documentation**

- Initial City Manager's Report
- Initial Certificate of Funds
- Agreement/Contract/Invoice
- Copy of City Manager's Report
- Copy of Original Certificate of Funds

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</tr>
</tbody>
</table>

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**Vendor Name:** Montgomery County Land Reutilization Corporation
**Vendor Address:** 130 West Second Street, Suite 1425 Dayton Ohio 45422
**Federal ID:** 45-3258410
**Commodity Code:** 971-60

**Purpose:** To enter into a Land Banking Agreement with the Montgomery County Land Reutilization Corporation (Landbank) to temporarily hold title to the real property commonly known as 40, 225, and 219 South Main Street and 22 West Fifth Street.

**Contact Person:** Tony Kroeger x3673
**Planning & Community Development Department:** 6/20/2017
**Date:** 6/20/17

**Originating Department Director's Signature:**

---

**SECTION II - to be completed by the Finance Department**

I hereby certify that the amount of money required to meet the payment(s) called for in the aforesaid request have been lawfully appropriated for such purpose and is in the Treasury, or in the process of collection, to the credit of the fund from which it is to be drawn free and clear from any previous encumbrance.

**Finance Director Signature:**

**CF Prepared by:**

**Date:** 6-26-17
**CF/CT Number:** CT17-1739

**Date:** 6-23-17

October 18, 2011
MONTGOMERY COUNTY LAND REUTILIZATION CORPORATION
LAND BANKING AGREEMENT
"THE NINE PROJECT"

THIS LAND BANKING AGREEMENT ("Agreement") is entered into as of the _____
day of ________________, 20___, between MONTGOMERY COUNTY LAND
REUTILIZATION CORPORATION, an Ohio corporation for non-profit, having an address of
130 W. Second Street, Suite 1425, Dayton, Ohio 45402 (the “Land Bank”), and the CITY OF
DAYTON, MONTGOMERY COUNTY, OHIO, an Ohio political subdivision (the
“Participant”), under the following circumstances:

A. In August of 1961, O.R.C. Section 1724.01 became effective and provided for the
establishment of county land reutilization corporations for the purpose of facilitating the
reclamation, rehabilitation and reutilization of vacant, abandoned, tax-foreclosed or other real
property within the county for whose benefit the corporation is organized and the purpose of
promoting economic and housing development in the county.

B. Pursuant to O.R.C. Section 1724.02, the Land Bank has, among other powers, the
power to do all acts and things necessary or convenient to carry out the purposes of O.R.C.
Section 1724.01.

C. Participant has requested that the Land Bank temporarily hold title to the real
property commonly known as 225 South Main Street as described on Exhibit A to this
Agreement (the “Property”) in connection with the Land Bank’s Land Banking Program.

D. The Property will be held by the Land Bank pursuant to the terms and conditions
in this Agreement and will be conveyed from the Land Bank to Participant as provided in this
Agreement.

For and in consideration of the mutual promises, covenants and agreements in this
Agreement, the parties agree as follows:

1. Conveyance to Land Bank. Participant has requested that the Land Bank acquire fee
simple title to the Property, by foreclosure, which is owned by owners identified in Exhibit A,
and the Land Bank has agreed to acquire the Property, subject to the terms and conditions of this
Agreement. The Land Bank’s obligation to acquire the Property will be conditioned upon
Participant’s full compliance with this Agreement. Upon the Land Bank’s acquisition of the
Property, Participant will pay the Land Bank the Property Acquisition Fee in the amount stated
on the Fee Schedule to this Agreement.

2. Use of Property and Right of Entry. During the period that the Land Bank holds title to
the Property, the Property will not be used or occupied by Participant or any of its directors,
officers, managers, members, employees, contractors or agents or any third parties for any
purpose, and no business or other operations may be conducted from or at the Property.
Notwithstanding the foregoing, the Land Bank grants to Participant and its employees, agents,
architects, engineers, surveyors, contractors and other professionals a license to enter the Property for the purpose of undertaking inspections, surveys, sampling and/or testing of any structure on the Property and/or soil on the Property as Participant deems appropriate and for the purpose of assessing possible redevelopment or demolition of some or all of the structures on the Property. In addition, if Participant is obligated by this Agreement to maintain or repair or make replacements to the Property, the Land Bank grants to Participant a license to enter the Property for the purpose of completing such maintenance, repairs and replacements. Participant may undertake any other investigations with respect to the zoning and use of the Property as Participant deems appropriate. Before entering the Property for purposes of any inspections, surveys, sampling or testing, Participant will give the Land Bank prior notice of the planned date of entry and details regarding the inspections, sampling or testing to be done. The Land Bank will have the right to be present during any such inspections, surveys, sampling or testing.

3. **Conveyance to Participant.**

   (a) **Timing of Conveyance.** The Land Bank will convey fee simple title to the Property to Participant on a date five (5) years after the date of delivery of the general warranty deed to the Land Bank (the “First Conveyance Date”). The date that is five (5) years after the First Conveyance Date will be the “Conveyance Deadline.” The period from the First Conveyance Date to the Conveyance Deadline is called the “Land Banking Period.” If, before the Conveyance Deadline, litigation or any other legal proceeding is commenced or threatened with respect to the Property, or if any violation of legal requirements is asserted by any governmental authority or agency, and regardless of whether or not the foregoing results from Participant’s acts or breach of this Agreement, the Land Bank has the right to convey the Property to Participant before the Conveyance Deadline and without direction by Participant, and Participant will accept title to the Property.

   (b) **Deed.** The Land Bank’s conveyance of the Property to Participant will be by limited warranty deed, unless, at the time of the Land Bank’s acquisition of the Property, Participant obtained an owner’s title insurance policy from a title company satisfactory to the Land Bank and insuring the Land Bank’s fee simple interest in the Property in an amount equal to the purchase price or other amount agreed to by the Land Bank and Participant (the “Owner’s Title Policy”). If Participant provides an Owner’s Title Policy, the Land Bank will convey the Property to Participant by a general warranty deed. Notwithstanding anything to the contrary in this Agreement or otherwise, the Land Bank’s liability under a general warranty deed will be limited to title insurance proceeds actually received by the Land Bank under the Owner’s Title Policy. The terms and conditions of this Section 3 will survive the transfer of the Property to Participant without limitation. [OR IF PROPERTY WAS ACQUIRED THROUGH FORECLOSURE: The Land Bank’s conveyance of the Property to Participant will be by quit claim deed].

   (c) **Reimbursement of Expenses.** Land Bank funds expended on the acquisition, maintenance, administration, and disposition of the Property (individually or in total) pursuant to this Agreement that are not reimbursed by Participant are considered
an investment, and will be recovered from Participant upon the conveyance of the Property to Participant. If the Participant is unable to dispose of the Property within the Land Banking Period, the Land Bank will have the right at its sole discretion of returning the Property to Participant while retaining its investment interest associated with its acquisition, maintenance, administration, and disposition of the Property. Upon the transfer of the Property, Participant will give the Land Bank a promissory note in an amount equal to the Land Bank’s investment, and Participant will grant to the Land Bank a mortgage on the Property to secure the note. The Land Bank will account for all of its costs. The promissory note and mortgage may be released if it is found to be in the best interest of the community to accelerate the redevelopment of the Property.

4. Participant Representations and Warranties. Participant makes the below representations and warranties to the Land Bank, and these representations and warranties will survive the conveyance of the Property from the Land Bank to Participant without limitation. Participant acknowledges that the Land Bank is entering into this Agreement based on the truth and completeness of Participant’s representations and warranties. As used in this Agreement, the “Property” includes all buildings, structures and improvements situated on the real estate, if applicable. Participant acknowledges, represents, warrants and covenants to Land Bank as follows:

(a) Legal Status and Authority. Participant is an Ohio municipal corporation, duly organized, validly existing and in good standing under the laws of the State of Ohio and has full power and authority to execute, deliver and carry out this Agreement and has taken all necessary action to authorize the execution, delivery and performance of this Agreement. The individual executing this Agreement on Participant’s behalf has the authority to bind Participant to this Agreement. The execution and delivery of, and consummation of the transactions contemplated by, this Agreement are not prohibited by, and will not conflict with, constitute grounds for termination of, or result in the breach of, any agreement or instrument to which Participant is now a party or subject or otherwise affecting the Property.

(b) Litigation and Legal Proceedings. There is no pending or, to the best of Participant’s knowledge, threatened (1) condemnation or eminent domain proceeding affecting the Property, and Participant has no knowledge that any such action is presently contemplated, or (2) litigation or governmental proceeding affecting the Property, and there is no basis for assertion of any claim, suit or action against Participant or the Property based on the use of the Property or the occurrence of any action or event thereon or associated therewith. If any such legal or administrative actions, suits or proceedings or any unresolved arbitrations directly or indirectly concerning the Property, or any portion of the Property or interest in the Property are commenced, Participant will immediately provide the Land Bank with written notice of the action, suit or proceeding.

(c) Environmental Matters. The Participant has no knowledge that the Property is in violation of any Environmental Law (as defined below), Hazardous Materials (as defined below) have been used, generated, stored, or disposed of on, under
or about the Property in violation of Environmental Laws or transported to or from the Property in violation of Environmental Laws, and Participant has not received any notice from any governmental agency or authority of any investigation or proceeding by such agency or authority concerning the presence or alleged presence of Hazardous Materials on the Property or any notice from any party related to the presence or alleged presence of Hazardous Materials on the Property or migrating from or onto the Property. The term “Environmental Law” includes any federal, state or local law, ordinance, regulation, directive or order pertaining to health, industrial hygiene, waste disposal, or the environment, including, without limitation, the Comprehensive Environmental Response, Liability and Compensation Act, 42 U.S.C. § 9601 et seq., the federal Superfund Amendments and Reauthorization Act, the Federal Resource Conservation and Recovery Act, and any other federal, state or local statute, law, ordinance, code, rule, regulation, order or decree regulating, relating to or imposing liability for Hazardous Materials. The term “Hazardous Materials” includes, without limitation, all hazardous, toxic or dangerous substances, wastes and materials, pollutants and contaminants classified as such under any Environmental Law.

(d) **As-Is Condition.** Participant represents, warrants and acknowledges that neither the Land Bank nor its directors, officers, employees, agents, contractors or representatives (collectively, the “Land Bank Parties”) have made any representations or warranties to Participant or its directors, officers, managers, members, partners, principals, employees, agents, contractors or representatives (collectively, “Participant Parties”) about any matters concerning the Property, verbally or in writing, and the Land Bank Parties disclaim any and all representations and warranties. Subject to the Land Bank’s obligations in Section 5, Participant will accept the Property in its as-is condition and subject to all defects, patent or latent and whether known or unknown at the time of the Land Bank’s acceptance of the Property.

(e) **Park Area Renovation.** The Land Bank is acquiring Property as a part of a larger Participant effort to revitalize its downtown. This effort also includes the renovation of Dave Hall Plaza Park. As a part of this Agreement, Participant represents to make its best efforts to complete the park renovation and entertainment programming in year 2018.

5. **Maintenance and Repairs; Demolition.** Participant will be responsible for those capital items, repairs and replacements that are designated as its responsibility pursuant to the Maintenance and Repair Schedule to this Agreement. Participant will undertake this obligation in a good and workmanlike manner and in compliance with all applicable legal requirements. The Land Bank will be responsible only for the maintenance that is designated as its responsibility pursuant to the Maintenance and Repair Schedule. The Land Bank will undertake its obligations in a good and workmanlike manner and in compliance with all applicable legal requirements. Other than as expressly stated in the Maintenance and Repair Schedule or as otherwise agreed to by the Land Bank, the Land Bank will have no responsibility or liability for capital repairs or replacements or for any break-ins, vandalism of, or damage to, the Property. With respect to capital repairs and replacements that are the responsibility of the Participant
under the terms of this Agreement and which the Land Bank agrees to manage on Participants’ behalf, Participant will pay all costs of materials and labor and an administrative fee to the Land Bank of 10% of such costs (the “Administrative Fee”) plus the set fee stated on the Maintenance and Repair Schedule (the “Maintenance Fee”). For each calendar year or other twelve-month period during which the Land Bank holds title to the Property, the parties will prepare and agree to a budget of costs and expenses related to the operation and maintenance of the Property and anticipated repairs and replacements, and the Maintenance Fee will be based on this budget.

If Participant desires to undertake demolition of any improvements at the Property, Participant will provide to the Land Bank a detailed description of the demolition plans, information about the demolition contractor and proof of insurance covering the demolition activities. The Land Bank will have the right to approve the plans, contractor and insurance, and such approval will not be unreasonably withheld. Participant will be responsible for obtaining all permits and approvals required in connection with the demolition, will comply with all legal requirements applicable to the demolition work and ensure that the work is done in a safe manner.

6. Utilities and Property Services. All accounts for utilities, trash and other services to the Property will remain in the name of Land Bank, and Participant will reimburse the Land Bank on a monthly basis. Participant and Land Bank will mutually determine the necessary utility services to the Property. All damages, risks, losses, costs and liabilities of all kind related to the termination of utility services at the Property will be Participant’s sole responsibility.

7. Property Contracts. The service contracts and agreements listed in the Property Contracts Schedule to this Agreement are in effect with respect to the Property (collectively, the “Property Contracts”), and Participant intends to continue the Property Contracts in effect during the period the Land Bank holds title to the Property. Notwithstanding the transfer of the Property to the Land Bank, Participant agrees that the Land Bank will not assume any obligations or liability under the Property Contracts. If Participant elects to continue the Property Contracts, then until the Land Bank conveys the Property to Participant, Participant will make all payments and perform all obligations pursuant to the Property Contracts, and Participant will indemnify, defend and hold harmless the Land Bank from and against all claims, liabilities, causes of action, damages, costs and expenses arising from or related to, whether directly or indirectly, the Property Contracts.

8. Taxes and Assessments. Participant understands that while title to the Property is held by the Land Bank, the Property is exempt from real estate taxes but not assessments. Participant further understands that upon the transfer of the Property to Participant, the Property will no longer be exempt from real estate taxes (unless Participant otherwise obtains an exemption), and Participant will receive bills for real estate taxes and assessments, including those charges that may have accumulated before the Land Bank took title.

9. Land Bank Covenants. During the period the Land Bank holds title to the Property, the Land Bank will not initiate any change in the zoning of the Property or voluntarily convey the Property or any interest in the Property to any third party without Participant’s prior written consent. Notwithstanding the foregoing, the Land Bank will not be in breach of this Agreement,
or liable to Participant in any manner, as the result of any actions or omissions that are initiated or taken by third parties, and the Land Bank will not be required to take any actions in response to the same. The Land Bank will be excused from performance of any of its obligations if performance is not reasonably possible or practical as the result of any circumstance or event outside of the Land Bank’s reasonable control, including without limitation, the enactment or enforcement of any legal requirements, inability to reasonably obtain labor, materials, equipment or supplies, explosions, fire, wind damage or other casualty, acts of God.


(a) **Land Banking Fee.** Participant will not be charged a Land Banking Fee.

(b) **Other Costs and Fees.** In addition to the Land Banking Fee, Participant will pay those costs, expenses, fees and charges that are designated as Participant’s responsibility on the attached Fee Schedule, which may include (a) those arising from or associated with the Land Bank’s acquisition of the Property and the conveyance of the Property to Participant, such as closing and escrow charges, title examination, commitment and policy charges and premiums, conveyance fees and transfer taxes owed to Montgomery County, if any, (b) the cost of insurance maintained by the Land Bank with respect to the Property, (c) charges owed to third parties for maintenance, repairs or replacements, (d) real estate assessments, and (d) other Land Bank fees provided for in this Agreement. Participant will deliver to the Land Bank within five days of the Land Bank’s request proof of payment of any costs, expenses, fees or charges that are to be paid directly to vendors, contractors and service providers. The Land Bank will pay those costs, expenses, fees and charges, if any, that are designated as its responsibility on the attached Fee Schedule.

11. Events of Default. There will be an Event of Default under this Agreement if any one or more of the following occur:

(a) Any representation or warranty by Participant is untrue or misleading.

(b) Participant fails to pay any amount owed pursuant to this Agreement within five days of the due date stated in this Agreement, or if there is no due date stated in this Agreement, within fifteen days following written notice from Land Bank of the amount due.

(c) Participant fails to maintain the insurance Participant is required by this Agreement to maintain.

(d) Except as provided in (c) above, and unless a shorter performance or cure period is elsewhere provided in this Agreement for a particular obligation, Participant fails to perform or observe any other term, condition or obligation in this Agreement for a period of thirty days after written notice from the Land Bank provided, however, that if the nature of the cure is such that more than thirty days are reasonably required to
complete the cure, then Participant will have additional time as reasonably needed so long as Participant promptly commences and diligently completes the cure within a reasonable time.

(e) All or substantially all of Participant’s assets are attached or levied under execution (and Participant does not discharge the same within thirty days thereafter), or a petition in bankruptcy, insolvency or for reorganization or arrangement is filed by or against Participant (and Participant fails to secure a stay or discharge thereof within thirty days thereafter), or Participant is insolvent and unable to pay its debts as they become due, or Participant makes a general assignment for the benefit of creditors, or Participant takes the benefit of any insolvency action or law, or the appointment of a receiver or trustee in bankruptcy for Participant or its assets if such receivership has not been vacated or set aside within thirty days thereafter.

12. Remedies. Upon the occurrence of any Event of Default, the Land Bank will have the following rights and remedies, in addition to those available at law or in equity, any one or more of which may be exercised without notice:

(a) The Land Bank may terminate this Agreement and immediately convey the Property to Participant, which Participant will unconditionally accept, and the Land Bank will be relieved of all obligations pursuant to this Agreement.

(b) The Land Bank may institute an action, suit or proceeding in equity for the specific performance of any provisions in this Agreement or for injunctive relief.

(c) After the occurrence of an Event of Default, and until Participant accepts the conveyance of title to the Property, the Land Bank may, but will not be obligated to, perform any of Participant’s obligations under this Agreement and use, operate, manage, preserve, control and otherwise deal with the Property, without interference from Participant.

(d) The Land Bank may collect, receive, sue for and recover in its own name and without interference from Participant, all rents, profits and proceeds derived from the Property and may deduct therefrom all costs, expenses and liabilities incurred by the Land Bank in controlling the same and in using, operating, managing, preserving and controlling the Property. The foregoing remedy will include the right of the Land Bank to sell the Property and retain all proceeds from the sale, provided that the Land Bank will not exercise the right of sale unless it has notified Participant in writing of its default pursuant to Section 11, and thereafter, Participant fails to accept the conveyance of the Property within fifteen days after notice from the Land Bank of the Land Bank’s intent to sell the Property.

(e) The Land Bank may charge interest in the amount of five percent (5%) per annum on all costs, expenses, fees and charges incurred by the Land Bank in connection with Participant’s default or an Event of Default, which interest will accrue from the date
the cost, expense, charge or fee is incurred until paid by Participant. The Land Bank may sue Participant to recover all costs, expenses, charges, fees and damages and interest thereon and court costs and reasonable attorneys’ fees.

13. **Rights Cumulative.** The Land Bank’s rights and remedies will be separate, distinct and cumulative, and none of them will be exclusive of the others. The Land Bank will have all rights and remedies now or hereafter existing at law or in equity or by statute, in addition to those stated in this Agreement, and the Land Bank may pursue its rights and remedies concurrently or in any sequence. If Participant does not comply with this Agreement, no remedy of law will provide adequate relief to the Land Bank, and the Land Bank will be entitled to temporary and permanent injunctive relief without the necessity of proving actual damages.

14. **Indemnity.** To the extent permitted by law, the Land Bank and Participant will each be responsible for any claim or cause of action made against it arising out of the performance of its duties under this Agreement, and neither party will be required or responsible to indemnify, defend, or hold harmless the other for any such claim or cause of action. Each party will obtain for itself insurance or other security for the performance of this Agreement. Nothing in this Agreement will be construed to waive any immunity of Participant or the Land Bank. Further, with respect to the Land Bank specifically, except as expressly stated in this Agreement, the Land Bank will have no duty, obligation, liability or responsibility for the control, care, operation, management, repair, replacement or restoration of the Property, or any waste committed on the Property or any dangerous or defective condition of the Property or any vandalism or break-ins at the Property. In addition, except for the Land Bank’s own negligence, the Land Bank will have no liability or responsibility for any negligence in the management, upkeep, or repair of the Property. The terms and conditions of this Section will survive the conveyance of the Property from the Land Bank to Participant or any termination or expiration of this Agreement without limitation.

15. **Insurance.**

   (a) **Liability Coverage.** During the period the Land Bank holds title to the Property, the Land Bank will maintain commercial general liability insurance against claims for bodily injury, personal injury, death or property damage, occurring in, on, under or about the Property in amounts and in form and substance satisfactory to the Land Bank. Participant will ensure that any contractors and other third parties performing any work at the Property will maintain commercial general liability insurance including broad form coverage against claims for personal injury, bodily injury, death, property damage and contractual damage occurring on, in or about the Property in amounts not less than $1,000,000.00 per occurrence and $2,000,000.00.

   (b) **Property Damage Coverage.** During the period the Land Bank holds title to the Property, Land Bank will maintain insurance against loss or damage to the Property, including all buildings, structures and improvements to the Property (collectively, the “Improvements”) by fire, windstorm and against loss and damage by such other, further and additional risks and with such deductibles as directed by Participant.
(c) **Flood Insurance.** If the Improvements or any part of the Improvements are situated in an area now or subsequently designated by FEMA as a special flood hazard area, the Land Bank will maintain flood insurance in an amount directed by Participant, or a higher minimum amount as required by FEMA or other applicable law.

(d) **Builder’s Risk.** During the period of any construction, renovation or alteration of the Improvements, at the Participant’s request, the Land Bank will maintain a builder’s risk form or “course of construction” insurance policy in an amount and upon terms as directed by Participant.

(e) **Other Insurance.** Participant may require such other insurance on the Property and Improvements against other insurable hazards, casualties or matters.

(f) **Insurance Carriers.** All insurance required by Participant will be provided for under valid and enforceable policies issued by financially responsible insurers authorized to do business in Ohio, with deductibles designated by Participant. All deductibles will be reasonably acceptable to the Land Bank, and all coverages and policies will be in form and substance reasonably acceptable to the Land Bank. Except as required by this Agreement, Participant will be solely responsible for determining the types of insurance coverage to be maintained and the policy limits and deductible amounts. The Land Bank will have no liability or responsibility whatsoever with respect to such matters.

(g) **Payment: Failure to Furnish.** All insurance costs and expenses paid by the Land Bank will be reimbursed by Participant at times as provided in the **Fee Schedule.**

16. **Damage or Destruction.** In the event of any damage or destruction to the Property, the Land Bank or Participant may elect to terminate this Agreement by written notice to the other. Upon termination, the Land Bank will be relieved of all obligations under this Agreement. The Land Bank will have no liability or responsibility for any damage or destruction or for the repair or restoration of the Property; provided that, if this Agreement is terminated and Participant is not in breach or default of this Agreement and there is no Event of Default, then the Land Bank will reasonably cooperate with Participant with respect to making claims on any applicable insurance to the extent the Land Bank is deemed to hold any rights to such insurance, and any proceeds payable to the Land Bank will be assigned to Participant less the Land Bank’s costs incurred in making the claim. If neither the Land Bank nor Participant terminates this Agreement, they will work together to develop and plan for the restoration and repair of the Property or the demolition of one or more improvements at the Property, which will be put in writing, and all repairs and restorations will be undertaken in compliance with the plan and applicable legal requirements.

17. **No Assignment or Liens.** Neither the Land Bank nor Participant will assign this Agreement or encumber or transfer any interest in this Agreement or the Property without the other’s prior written approval, which may be given or withheld in such party’s sole discretion. Notwithstanding any assignment of Participant’s interest in this Agreement, Participant will remain fully and primarily liable for the performance of all Participant obligations under this Agreement. If any liens are placed on the Property or any interest in the Property as the result of
either party’s acts or omissions, the responsible party will promptly take all actions necessary to remove the lien. The Land Bank’s conveyance of the Property to Participant will be subject to all liens and encumbrances, if any, arising from the acts or omissions of Participant or any Participant Parties.

18. **Notices.** All notices and other communications given under this Agreement will be in writing, and will be deemed sufficiently given when personally delivered or when deposited in the United States Mail, postage prepaid, certified or registered, or when delivered by a nationally recognized overnight delivery service and addressed as follows (or to such person, or to such other address, of which the Land Bank or Participant has given written notice as provided in this Section):

   If to Land Bank: Montgomery County Land Reutilization Corporation  
                  130 West Second Street, Suite 1425  
                  Dayton, OH 45402  
                  Attention: Susie Crabill  
                  Scrabill@MCLandbank.com  
                  (937)-531-7034

   If to Participant: City of Dayton  
                     101 West Third Street, Sixth Floor  
                     Dayton, OH 45401  
                     Attention: Brian Inderrieden  
                     Brian.Inderrieden@daytonohio.gov  
                     (937)-333-3681

Any notice or other communication mailed as provided above will be deemed effectively given on the date of delivery, if delivered by hand, or on the date received or refused if sent by overnight express delivery or if sent by U.S. Mail.

19. **Interpretation.** The titles to the sections and paragraphs in this Agreement are for reference only and do not limit in any way the contents of this Agreement and will not be considered in the interpretation of the sections or paragraphs. Any words in this Agreement that are used in one gender will be read and construed to mean or include the other gender wherever they would so apply. Any words in this Agreement that are used in the singular will be read and construed to mean and to include the plural wherever they would so apply, and vice versa.

20. **Time.** Time is of the essence with respect to Participant’s obligations under this Agreement.

21. **Survival.** The terms, conditions and covenants of this Agreement will not be merged with either the deed by which the Land Bank acquires title to the Property or the deed by which Participant acquires title to the Property, and all terms, conditions and covenants will survive any termination of this Agreement.
22. **Severability.** If any term or provision of this Agreement is held invalid or unenforceable by any court of competent jurisdiction, the other provisions of this Agreement will remain in full force and effect. Any term or provision of this Agreement that is held invalid or unenforceable by a court of competent jurisdiction only in part or degree will remain in full force and effect to the extent not held invalid or unenforceable.

23. **Binding Effect.** This Agreement will be binding upon and inure to the benefit of the Land Bank, Participant, their respective successors and assigns.

24. **Complete Agreement.** This Agreement supersedes all other agreements and understandings between the parties, oral or written, and constitutes the entire agreement between the parties with respect to the subject matter covered by this Agreement. No amendment or modification will be effective unless it is in writing and signed by the Land Bank and Participant and dated subsequent to the date of this Agreement. This Agreement will be governed by the laws of the State of Ohio.

Executed effective as of the date first stated in this Agreement.

---

**CITY OF DAYTON, OHIO**

_________________________________
City Manager

**MONTGOMERY COUNTY**

**LAND REUTILIZATION CORPORATION**

_________________________________
By: ________________________________
Michael Grauwelman
Executive Director

---

**APPROVED AS TO FORM**

**AND CORRECTNESS:**

_________________________________
City Attorney

**APPROVED BY THE COMMISSION**

**OF THE CITY OF DAYTON, OHIO:**

__________________________, 2017

Min./Bk._______ Page_________

_________________________________
Clerk of the Commission
EXHIBIT A

Legal Description of Property

1. 225 South Main Street, Dayton / Owner: Monterey Holdings, LLC
   a. Parcel ID Numbers:
      i. R72 00506 0022
      ii. R72 00506 0035
FEE SCHEDULE

<table>
<thead>
<tr>
<th>Check if applicable</th>
<th>Fee Name</th>
<th>Amount of Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>Property Acquisition Fee</td>
<td>See Note 1 Below</td>
</tr>
<tr>
<td>N/A</td>
<td>Annual Land Banking Fee</td>
<td>N/A</td>
</tr>
<tr>
<td>X</td>
<td>Closing and escrow charges</td>
<td>Actual</td>
</tr>
<tr>
<td>X</td>
<td>Title examination and commitment</td>
<td>See Note 1 Below</td>
</tr>
<tr>
<td>X</td>
<td>Title policy charges and premiums</td>
<td>Actual</td>
</tr>
<tr>
<td>X</td>
<td>Conveyance fees and transfer taxes</td>
<td>Actual</td>
</tr>
<tr>
<td>X</td>
<td>Insurances Costs</td>
<td>Actual</td>
</tr>
<tr>
<td>X</td>
<td>Recording costs</td>
<td>Actual</td>
</tr>
<tr>
<td>X</td>
<td>Maintenance, repair, replacement, etc. –</td>
<td>See Note 2 Below</td>
</tr>
<tr>
<td></td>
<td>Administrative Fee/Maintenance Fee</td>
<td></td>
</tr>
</tbody>
</table>

NOTES:

1. The Land Bank shall conduct an initial investigation (title search, ownership, liens, etc.) of the Property to determine project feasibility. This investigation, review and the costs shall be at the expense of the Land Bank. However, if during the foreclosure process additional legal and/or other expenses are identified in excess of $2,000.00, these will be paid by the Participant.

2. Should the Land Bank be successful in acquiring the subject Property through the foreclosure process, then the Land Bank agrees to pay up to $90,000.00 per year for the maintenance of the Property. In no event will the Land Bank’s expenses for the Property exceed $90,000.00. If these expenses exceed the $90,000.00, then the Participant will be solely responsible for the additional costs.

3. All administrative expenses such as assessments, insurance, etc., shall be paid for by the Participant.

4. If during the Land Banking Period capital repairs and replacements are required that are beyond normal maintenance that are not Participant’s responsibility pursuant to the Agreement, the parties will jointly determine: if the item is a capital repair and replacement or maintenance; with whom the financial responsibility resides; and the steps necessary to correct the issue(s). In no case, whether maintenance or otherwise, shall the Land Bank be responsible for more than $90,000.00 per year in costs associated with the Property.
# MAINTENANCE AND REPAIR SCHEDULE

<table>
<thead>
<tr>
<th>Item of Work</th>
<th>Participant Responsible</th>
<th>Land Bank Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mowing and landscaping</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Snow removal</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>HVAC</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Fire Suppression, Security systems</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Elevator</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Roof and roof membrane</td>
<td>Capital Repair</td>
<td>Maintenance</td>
</tr>
<tr>
<td>Building security</td>
<td>Capital Repair</td>
<td>Maintenance</td>
</tr>
<tr>
<td>Building Structural</td>
<td>Capital Repair</td>
<td>Maintenance</td>
</tr>
</tbody>
</table>

1. The Property buildings will be maintained cold and dark (without utility service, heat, light, or conditioning) and in “as is where is condition”. These terms are intended to indicate that the Property buildings:
   a. will not be occupied during the time they are banked;
   b. Property building systems (electrical, plumbing, lighting, fire suppression, mechanical and utility etc.) will be shut down, and are not intended to be reused in the future;
   c. Security, structural integrity, and safe exterior finishes are the maintenance priority.

In order to establish a maintenance plan acceptable to the parties an *assessment of the buildings on the Property has been undertaken to determine, as can be reasonably accomplished, what capital repairs and maintenance the Participant will need to address to protect the public safety, and the integrity / condition of the buildings. The Participant and Land Bank will share equally in the cost of the assessment, which shall be billed to the Participant upon its completion. The assessment will be procured and managed by the Land Bank, and the Participant will provide access to the Property whenever possible.

2. All capital repairs and maintenance identified in the assessments as “Immediate Concern”, “Potential Concern within 5 years”, and “Future Concerns”, and all other capital maintenance and repairs identified in future investigations will be paid for and made by the Participant at its sole expense upon the acquisition of the parcels comprising the Property by Land Bank unless mutually agreed to by the parties.

3. Upon completion of the Participant’s capital repairs and replacements, the Land Bank will maintain the structure to keep it in stable condition and from further degradation.

*This assessment has been completed, but was not comprehensive due to building access limitations. Upon the acquisition of the parcels comprising the Property, the parties agree to undertake those investigations listed in the building assessments as “further investigation needed”. These investigations will be undertaken and paid for equally by the parties.
From 6410 - Public Works Director

Supplier, Vendor, Company, Individual

Name Radio Satellite Integrators, Inc.

Address 19144 Van Ness Ave
Torrance, CA 90501

Date July 5, 2017

Expense Type Service Agreement

Total Amount $69,624.00 (Thru 6/30/18)

<table>
<thead>
<tr>
<th>Fund Source(s)</th>
<th>Fund Code(s)</th>
<th>Fund Amount(s)</th>
</tr>
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<tbody>
<tr>
<td>General Fund</td>
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<td>$12,994.00</td>
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<tr>
<td>Street Maintenance Fund</td>
<td>21000-6430-1159-64</td>
<td>$21,840.00</td>
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<tr>
<td>Water Fund</td>
<td>53000-3445-1164-54</td>
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<tr>
<td>Sanitation Fund</td>
<td>55000-3445-1184-54</td>
<td>$11,700.00</td>
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<tr>
<td>Storm Fund</td>
<td>58000-3445-1184-54</td>
<td>$2,100.00</td>
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<td>Planning-Housing Inspection</td>
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<tr>
<td>Finance-Water Revenue</td>
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<td>$4,500.00</td>
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</table>

Includes Revenue to the City ☑ Yes ☐ No ☐ N/A

Affirmative Action Program ☑ Yes ☐ No ☐ N/A

Description

The Department of Public Works, Water, Finance and Planning request approval to enter into an agreement with Radio Satellite Integrators (RSI) to provide Global Position System (GPS) and Automated Vehicle Tracking (AVT) tracking services. RSI was selected based on their extensive municipal experience, the system’s compatibility with the City’s GIS software and the ability to work with the City’s current employee identification system.

This technology will be used to improve the operational efficiencies for waste collection, snow/ice control, leaf collection, street sweeping, water and sewer service crews, water revenue and housing inspection GPS/AVT data will be available in real-time communicating the vehicles’ data and locations. Software is a configurable Web-browser application based on the ESRI ArcGIS Server hosted offsite by CalAmp. The software also interfaces with the City’s ESRI GIS mapping database. Vehicle data is transmitted through a wireless data network.

Some of the features currently used are: Driver ID, Map Viewing, GeoFencing, Real-Time Alerts, Route Reply and the generation of various standard and customized reports. The number of vehicles equipped with this technology are: (42) Waste Collection, (70) Street Maintenance, (34) Water, (39) Water-Sanitation, (7) Storm Water, (21) Housing, (15) Water Revenue – Total vehicles 228. The wireless service fee per month per vehicle is $25 for 1 minute update rate (126 units) and $26 for 30 second update rate (102 vehicles). Terms for this agreement will cover July 1, 2017 through June 30, 2018.

We are requesting total spending authority in the amount of $69,624.00. The funds will be encumbered from the accounts identified above.

A Certificate of Funds is attached.
# CERTIFICATE OF FUNDS

## SECTION I - to be completed by User Department

<table>
<thead>
<tr>
<th></th>
<th>New Contract</th>
<th>Renewal Contract</th>
<th>Change Order</th>
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<tbody>
<tr>
<td>Contract Start Date</td>
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<td>Expiration Date</td>
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<tr>
<td>Commission Approval</td>
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<td>Initial Encumbrance</td>
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<td>Remaining Commission Approval</td>
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<td>$ -</td>
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<tr>
<td>Original CT/CF</td>
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<tr>
<td>Increase Encumbrance</td>
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<td>Decrease Encumbrance</td>
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<tr>
<td>Remaining Commission Approval</td>
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<td>$ -</td>
<td></td>
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</tbody>
</table>

### Required Documentation
- [x] Initial City Manager’s Report
- [x] Initial Certificate of Funds
- [ ] Initial Agreement/Contract
- [ ] Copy of City Manager’s Report
- [ ] Copy of Original Certificate of Funds

### Amounts

<table>
<thead>
<tr>
<th>Fund Code</th>
<th>Amount</th>
<th>Seq #</th>
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<tbody>
<tr>
<td>10000 - 6440 - 1164 - 32 -</td>
<td>$12,984.00</td>
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<tr>
<td>55000 - 3445 - 1164 - 54 -</td>
<td>$11,700.00</td>
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</tr>
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</table>

### Vendor Information
- **Vendor Name:** Radio Satellite Integrators, Inc. / CalAmp
- **Vendor Address:** 19144 Van Ness Ave, Torrance, CA 90501
- **Federal ID:** 330477102
- **Commodity Code:** 72549
- **Purpose:** AVL Web Browser Based ESRI ArcGIS Server Mapping and Reporting service provider for real-time communication of the vehicles data and locations

### Contact Person
- **Angela C. Coleman**
- **Department/Division:** Public Works
- **Date:** 6/20/2017

### Originating Department Director’s Signature
- **J.M.**
- **6-21-17**

## SECTION II - to be completed by the Finance Department

I hereby certify that the amount of money required to meet the payment(s) called for in the aforesaid request have been lawfully appropriated for such purpose and is in the Treasury, or in the process of collection, to the credit of the fund from which it is to be drawn free and clear from any previous encumbrance.

**Finance Director Signature:**

**Date:** 6-27-17

**CF Prepared by:**

**Date:** 6-23-17

**CF/CT Number:** CT17 - 1738

Finance Department

October 16, 2011
CERTIFICATE OF FUNDS

SECTION I - to be completed by User Department

- New Contract
- Renewal Contract
- Change Order

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Required Documentation

- Initial City Manager's Report
- Initial Certificate of Funds
- Initial Agreement/Contract
- Copy of City Manager's Report
- Copy of Original Certificate of Funds

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Attach additional pages for more FOAPALS

Vendor Name: Radio Satellite Integrators, Inc. / CelAmp
Vendor Address: 19144 Van Ness Ave, Torrance, CA 90501
Street City State Zipcode + 4
Federal ID: 330477102
Commodity Code: 72543
Purpose: AVL Web Browser Based ESRI ArcGIS Server Mapping and Reporting service provider for real-time communication of the vehicles data and locations

Contact Person: Angela C. Coleman
Contact Information: Public Works Department/Division 6/20/2017
Originating Department Director's Signature: [Signature]
Date: 6/22/17

SECTION II - to be completed by the Finance Department

I hereby certify that the amount of money required to meet the payment(s) called for in the aforesaid request have been lawfully appropriated for such purpose and in the Treasury, or in the process of collection, to the credit of the fund from which it is to be drawn free and clear from any previous encumbrance.

Finance Director Signature: [Signature]
Date: 10-26-17

CF Prepared by: [Signature]
Date: 6-23-17
CF/CT Number: CT17-1738

Finance Department
October 18, 2011
**INVOICE**

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**BILL TO:**
Matt Newton/Dan Alley  
Dayton, City of - Fleet Management  
1010 Ottawa St.  
Dayton, OH 45402

**SHIP TO:**
FRED STOVALL  
Dayton, City of  
1738 E. MONUMENT AVE  
DAYTON OH 45402

**F.O.B. POINT**  
**SHIP VIA**
Electronic Delivery

**ORDER DATE**
6/9/2017

**TERMS**
Net 30 Days

**SALES PERSON**
1113

**SITE**
RSI

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|             | CALAMP GOVOUTLOOK TRACKING SERVICE FEES  
AVL Web Browser Based ESRI ArcGIS Server Mapping & Reporting  
includes wireless data plan and unlimited Web software access.  
Service fees are calculated per vehicle per month. Assumes 30 second update rate, plus stops, starts, turns, and events.  
126         | EA         | 126   | 0           | 300.00 | 37,600.00 |
| Notes:      | CALAMP GOVOUTLOOK TRACKING SERVICE FEES  
AVL Web Browser Based ESRI ArcGIS Server Mapping & Reporting  
includes wireless data plan and unlimited Web software access.  
Service fees are calculated per vehicle per month. Assumes 1 minute update rate, plus stops, starts, turns, and events.  |       |        |        |        |        |            |

**Remit to:**
CalAmp Radio Satellite Integrators, Inc.  
1401 N. Rice Avenue  
Oxnard, CA 93030

**Wire/ACH:**
Receiver: Square 1 Bank  
ABA/Routing #: 053112015  
Beneficiary: 7702007921  
Radio Satellite Integrators, Inc.  
406 Blackwell St., Suite 240  
Durham, NC 27701

**Sales Total**
69,624.00

**Shipping & Handling**
0.00

**Misc. Charges**
0.00

**Tax Total**
0.00

**Less Paid Amount**
69,624.00

**TOTAL**
69,624.00 USD
AN ORDINANCE

Supplementing Section 53.01(C) of the Revised Code of General Ordinances to Add a Definition for the City’s Risk Screening Process.

WHEREAS, The City of Dayton has developed a new risk screening tool to assist in protecting the region’s drinking water supply from future contamination and to ensure the long-term availability of an abundant supply of safe drinking water; and

WHEREAS, The City desires to include a definition for “Risk Screening” within Chapter 53 of the Revised Code of General Ordinances; and

WHEREAS, It is determined that the risk assessment tool and the definition are consistent with the City's policy of protecting the region’s water resources; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. That Section 53.01(C) of the Revised Code of General Ordinances (“R.C.G.O.”) be supplemented to add the following definition:

Risk Screening. A determination that reflects quantifiable risk based on potential adverse impacts to drinking water determined by evaluating information including, but not limited to, chemical Handling practices, toxicity, hydrogeology, and location of a Zoning Lot.

Section 2. That with the exception of the supplementation set forth in Section 1, above, the remainder of R.C.G.O. Section 53.01(C) shall remain in effect.

PASSED BY THE COMMISSION ........................................................................2017

SIGNED BY THE MAYOR .............................................................................2017

Attest:

MAYOR OF THE CITY OF DAYTON, OHIO

Clerk of the Commission

Approved as to form:

City Attorney
AN ORDINANCE

Enacting Sections 135.03 through 135.05 of the Revised Code of General Ordinances Regarding Conversion Therapy.

WHEREAS, The American Psychiatric Association in December 1998 published a position statement opposing any psychiatric treatment, including reparative or conversion therapy, which therapy regime is based upon the assumption that homosexuality per se is a mental disorder or upon an assumption that a patient should change his or her homosexual orientation; and

WHEREAS, The American Psychological Association's Task Force on Appropriate Therapeutic Responses to Sexual Orientation ("APA Task Force") concluded that sexual orientation change efforts can pose critical health risks to lesbian, gay and bisexual people, including, among other things, confusion, depression, social withdrawal, suicidality, substance abuse, self-hatred, high-risk sexual behaviors, and a feeling of being dehumanized; and

WHEREAS, Following the report issued by the APA Task Force, the American Psychological Association issued a resolution in 2009 on Appropriate Affirmative Responses to Sexual Orientation Distress and Change Efforts, advising parents, guardians, young people and their families to avoid sexual orientation change efforts that portray homosexuality as a mental illness or developmental disorder, and encouraging psychotherapy, social support, and education services that provide accurate information on sexual orientation and sexuality, increase family and school report, and reduce rejection or sexual minority youth; and

WHEREAS, The American Academy of Child Adolescent Psychiatry in 2012 published a statement in its journal that, "[g]iven that there is no evidence that efforts to alter sexual orientation are effective, beneficial or necessary, and the possibility that they carry the risk of significant harm, such interventions are contraindicated"; and

WHEREAS, The American Academy of Pediatrics, the American Medical Association Council on Scientific Affairs, the National Association of Social Workers, the American Counseling Association Governing Council, and the American Psychoanalytic Association each have asserted in reports or position statements that sexual orientation change efforts, including reparative therapy or conversion therapy, are not recommended and may be harmful; and

WHEREAS, The Pan American Health Organization issued a statement in 2012 that "[t]hese supposed conversion therapies constitute a violation of the ethical principles of health care and violate human rights that are protected by international and regional agreements"; and
WHEREAS, The City of Dayton has a compelling interest in protecting the physical and psychological well-being of minors, including lesbian, gay, bisexual and transgender youth and in protecting its minors against exposure to serious harms caused by conversion therapy; and

WHEREAS, It is the desire of the Commission to prohibit within the geographical boundaries of the City of Dayton the use of conversion therapy with minors, which has been demonstrated to be harmful to the physical and psychological well-being of lesbian, gay, bisexual and transgender persons; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. That the Commission finds that being lesbian, gay, bisexual or transgender is not a disease, disorder, illness, deficiency, or shortcoming, and that research has demonstrated conversion therapy can pose critical health risks to lesbian, gay, bisexual or transgender persons.

Section 2. That the Revised Code of General Ordinances be, and hereby is, supplemented by the enactment of Sections 135.03 through 135.05, inclusive, which shall read as follows:

Section 135.03. Definitions.

(A) For the purpose of Sections 135.04, the terms, words and phrases defined herein shall have the meanings respectively ascribed to them, unless a different meaning is clearly indicated by the context.

(B) “Conversion therapy” means any practices or treatments that seek to change an individual’s sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. Conversion therapy shall not include counseling that provides assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person’s coping, social support, and identity exploration and development, including sexual-orientation-neutral intervention to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual’s sexual orientation or gender identity.

(C) "Mental health professional" means an individual who is licensed, certified or registered under the laws of the State of Ohio to provide, to an individual or group, mental health services, including but not limited to, the assessment or improvement of mental emotional, psychiatric, psychological, or psychosocial adjustment or functioning, regardless of whether there is a diagnosable, pre-existing disorder or disease. Mental health professions include, but are not
limited to, physicians specializing in the practice of psychiatry, psychologists, marriage and family therapists, licensed clinical social workers, professions clinical counselors, behavioral clinicians or therapists, nurses, or any other persons offering such mental health services.

(D) "Minor" means a person less than eighteen (18) years of age.

Section 135.04. Conversion Therapy Prohibited.

No mental health professional shall engage, within the geographic boundaries of the City of Dayton, in conversion therapy with a minor, without regard to whether the mental health professional is compensated or receives any form of remuneration for his or her services. If the Executive Director of the Human Relations Council, or a designee of the City Manager, receives a report of a violation of this provision, the Executive Director or the designee shall mail to the mental health professional written notice to immediately cease and desist offering to provide or engaging in conversion therapy. The failure of the mental health professional to immediately cease and desist shall subject the mental health professional to the civil fine provided in Section 135.05.

Section 135.05. Penalties.

Whoever violates Section 135.04 shall be subject to a civil fine of $200.00. Each day in violation constitutes a separate offense.

Passed by the Commission................................., 2017

Signed by the Mayor.............................................., 2017

Mayor of the City of Dayton, Ohio

Attest:

Clerk of the Commission

Approved as to form

City Attorney
June 2, 2017

TO: Members of the City Commission

FROM: Greg Scott, President
City Plan Board

SUBJECT: Transmittal of Report for City Plan Board Case Z-002-2017
Amend Various Sections of the Zoning Code

Applicant: Mr. Brian Inderrieden for City Plan Board
Department of Planning and Community Development
City of Dayton
101 West Third Street
Dayton, OH 45402

Description: Amend various sections of the Zoning Code to correct omissions in the code, clarify terminology and provisions, make certain regulations consistent from one zoning district to another, and update regulations to reflect experience to date and emerging best practices. The proposed amendments will improve the administration and enforcement of the code.

Board Action: Date: April 11, 2017 Decision: Recommended Approval

Attachments: 1. Plan Board Minute Record
2. Plan Board Case Report
3. Copy of Ordinance

If you have any questions, please contact Ann Schenking at 333-3699.

GS/ams

c: Ms. Shelley Dickstein, Mr. Joe Parlette, Ms. Tammi Clements, Mr. Brian Inderrieden,
Mr. Carl Daugherty, Ms. Ann Schenking, Case File
May 26, 2017

TO:        Rashella Lavender, Clerk of Commission  
Office of the City Commission

FROM:      Ann Schenking, Secretary  
City Plan Board

SUBJECT:   Advertise Public Hearing for City Plan Board Case Z-002-2017  
Amend Various Sections of the Zoning Code

Applicant: Mr. Brian Inderrieden for City Plan Board  
Department of Planning and Community Development  
City of Dayton  
101 West Third Street  
Dayton, OH  45402

Description: Amend various sections of the Zoning Code to correct omissions in the code, clarify terminology and provisions, make certain regulations consistent from one zoning district to another, and update regulations to reflect experience to date and emerging best practices. The proposed amendments will improve the administration and enforcement of the code.

Board Action: Date: April 11, 2017  
Decision: Recommended Approval

Request: The Clerk is authorized by the R.C.G.O. to set the public hearing and provide the appropriate notice. It is requested that a public hearing be set for Wednesday, July 5, 2017, at 6:00 P.M.

Advertising: Advertise Public Hearing on Friday, June 2, 2017  
Advertise in the Dayton Daily News and mail a notice to mailing list when the notice is published

Attachments: Legal Notice  
Mailing List

If you have any questions, please contact me at 333-3699.

c: Case File, w/ attachment
City of Dayton
Office of the City Commission
City Hall • 101 West Third Street
Dayton, Ohio 45402
(937) 333-3636

Legal Notice

Notice is hereby given that the Dayton City Commission will hold a Public Hearing on Wednesday, July 5, 2017, at 6:00 P.M., or as soon thereafter as the hearing can begin, in the City Commission Chambers on the Second Floor of City Hall, 101 West Third Street, Dayton, Ohio on the following:


Amend various sections of the Zoning Code to correct omissions in the code, clarify terminology and provisions, make certain regulations consistent from one zoning district to another, and update regulations to reflect experience to date and emerging best practices. The proposed amendments will improve the administration and enforcement of the code.

The proposed Zoning Code Text Amendments are available for public inspection in the Office of the City Commission and with the Secretary to the City Plan Board. Please direct inquiries on this subject to Ann Schenking in the Department of Planning and Community Development, (937) 333-3699 or ann.schenking@daytonohio.gov.

By order of the City Commission of the City of Dayton, Ohio.

RASHELLA LAVENDER, CLERK
OFFICE OF THE CITY COMMISSION
City of Dayton  
City Plan Board  
Summary Minute Record  
April 11, 2017

2. Z-002-2017 — Zoning Text Amendment Public Hearing – Amend Various Sections of the Zoning Code to Clarify Sections, Make Updates, Correct References

Applicant: Mr. Aaron Sorrell for City Plan Board  
City of Dayton  
101 West Third Street  
Dayton, OH 45402

Priority Land Use Board: All  
Neighborhood Planning District: All  
Decision: Recommended Approval

Staff Comments

Ann Schenking presented the case and said staff recommended approval because staff believes the determinations and findings necessary for approval can be made.

The current zoning code took effect August 1, 2006. Since then the code has been amended every year or so to increase its ability to effectively regulate land uses in the City of Dayton, improve its administration and enforcement, and allow it to more effectively support the current and future needs of Dayton’s residents, neighborhoods, and businesses. Staff reviews the code to determine if changes are needed to fix oversights, correct references, make provisions consistent, eliminate unnecessary regulation, and reflect current and emerging best practices. The attached package of text amendments is the result of staff’s most recent review.

On March 1, 2017, the package was reviewed by the Priority Land Use Boards at an all Land Use Boards meeting. Thirty members from our five Land Use Boards attended and every board was represented (West – 5 members; Southeast – 7 members; Northeast – 7 members; Downtown – 3 members; Northcentral – 5 members; and 3 others not on the sign-in sheet). The group supported the amendments proposed in this package.

On March 14, 2017, staff presented this package of proposed 2017 zoning code text amendments to the Plan Board. At that meeting, the Plan Board provided direction and asked staff to initiate the amendments on behalf of the Plan Board.

Many of the items on the list are routine. For example, some amendments clarify and update terminology, some add definitions where necessary, and some add uses to zoning district Permitted Use Schedules that have been permitted in those districts for some time (like bee keeping and household composting) but were not listed in the schedule tables.

One proposed text amendment incorporates a new best management practice in our Source Water Protection Area (SWPA). Recently, the Water Department’s Division of Environmental Management developed a risk assessment methodology to determine potential risk to drinking water if Regulated Substances would be released from a business/site. Text amendment #2 states that any variance request to increase TMDI (Total Maximum Daily Inventory) and/or FHPR (Facility Hazard Potential Rating) in the WP Water Protection Overlay zoning district will be evaluated using this risk screening methodology. The results of the screening will be presented to the Board of Zoning Appeals (BZA) to use in evaluating and reviewing the request for the variance. Staff believes this information will be helpful to the BZA during variance review and evaluation.
As a result of direction provided at the March 14th Plan Board meeting, staff also included a provision that allows for a reduction in required motor vehicle parking if a bike sharing station, that is part of a bike sharing network, is provided.

In general, the proposed text amendments fall into the following categories:

Administrative changes:
- Fix incorrect references (#8, and 25 on summary chart);
- Make provisions consistent (#27, 33, and 35 on summary chart);
- Correct oversights (#3 on summary chart);
- Add definitions (#7, 9, 10, 12, 16, 22, and 23 on summary chart);
- Clarify/update regulations and terminology/spell out procedures (#1, 6, 11, 14, 15, 17, 18, 19, 20, 21, 24, 28, 29, 31, 32, 34, 36, 37, 41, 42, 43, 44, 45, 46, 47, and 50 on summary chart);
- Simplify administration (#5).

Incorporate best practices, recent U.S. Supreme Court decisions, and/or emerging trends: (#2, 4, 13, 26, 27, 28, 29, 32, 34, 35, 37, 38, 39, 40, 48, 49, 51, and 52 on summary chart).

Public Comments
Laura Estandia, Executive Director, Bike Miami Valley, 10 North Ludlow Street, Dayton, OH, spoke in support of the text amendments that would reduce required motor vehicle parking requirements if bicycle parking and/or bike sharing stations are provided. She also recommended that motor vehicle parking requirements be reduced for uses at RTA bus stops.

Board Discussion
The Plan Board discussed the case. Mr. Sauer said the text amendment that allows for a reduction in required motor vehicle parking if a bike sharing station is provided was a good start. He recommended that when developing the next group of text amendments, staff and Bike Miami Valley look at whether it is feasible to allow motor vehicle parking requirements to be reduced if a bike sharing station is nearby a use as opposed to on the site or the adjacent sidewalk.

Board Action
A motion was made by Mr. Sauer, seconded by Mr. Bohardt and carried to recommend City Commission approval of Case Z-002-2017 based on the Plan Board’s ability to make the determinations specified in R.C.G.O. Section 150.125.6 as outlined in the staff report.

Ms. Beverly Pendergast Yes Mr. Jeff Payne Yes
Mr. David Bohardt Yes Mr. Matt Sauer Yes
Mr. Richard Wright Yes Mr. Greg Scott Yes
Ms. Geraldine Pegues Absent

Minutes approved by the City Plan Board on May 9, 2017.

Ann Schenking, Secretary
City Plan Board
BACKGROUND:
Applicant:
Aaron Sorrell for City Plan Board
City of Dayton
Department of Planning and Community Development
101 West Third Street
Dayton, OH 45402

Interest: Applicant

REQUEST/DESCRIPTION:
Zoning Code Text Amendments – Make changes to various sections of the zoning code (R.C.G.O. Section 150) to clarify sections, make updates, and correct references.

The current zoning code took effect August 1, 2006. Since then the code has been amended every year or so to increase its ability to effectively regulate land uses in the City of Dayton, improve its administration and enforcement, and allow it to more effectively support the current and future needs of Dayton’s residents, neighborhoods, and businesses. Staff reviews the code to determine if changes are needed to fix oversights, correct references, make provisions consistent, eliminate unnecessary regulation, and reflect current and emerging best practices. The attached package of text amendments is the result of staff’s most recent review.

On March 1, 2017, the package was reviewed by the Priority Land Use Boards at an all Land Use Boards meeting. Thirty members from our five Land Use Boards attended and every board was represented (West – 5 members; Southeast – 7 members; Northeast – 7 members; Downtown – 3 members; Northcentral – 5 members; and 3 others not on the sign-in sheet). The group supported the amendments proposed in this package.

On March 14, 2017, staff presented this package of proposed 2017 zoning code text amendments to the Plan Board. At that meeting, the Plan Board provided direction and asked staff to initiate the amendments on behalf of the Plan Board.

Attached are a summary explanatory chart and the draft text amendment language. Numbers in the left margins of the draft text amendment language packet correspond to numbers in the summary chart. Proposed deletions are in strikethrough and proposed additions are in bold font.

Many of the items on the list are routine. For example, some amendments clarify and update terminology, some add definitions where necessary, and some add uses to zoning district Permitted Use Schedules that have been permitted in those districts for some time (like bee keeping and household composting) but were not listed in the schedule tables.

One proposed text amendment incorporates a new best management practice in our Source Water Protection Area (SWPA). Recently, the Water Department’s Division of Environmental Management developed a risk assessment methodology to determine potential risk to drinking
water if Regulated Substances would be released from a business/site. Text amendment #2 states that any variance request to increase TMDI (Total Maximum Daily Inventory) and/or FHPR (Facility Hazard Potential Rating) in the WP Water Protection Overlay zoning district will be evaluated using this risk screening methodology. The results of the screening will be presented to the Board of Zoning Appeals (BZA) to use in evaluating and reviewing the request for the variance. Staff believes this information will be helpful to the BZA during variance review and evaluation.

As a result of direction provided at the March 14th Plan Board meeting, staff also included a provision that allows for a reduction in required motor vehicle parking if a bike sharing station, that is part of a bike sharing network, is provided (see #51).

In general, the proposed text amendments fall into the following categories:

Administrative changes:
- Fix incorrect references (#8, and 25 on summary chart);
- Make provisions consistent (#27, 33, and 35 on summary chart);
- Correct oversights (#3 on summary chart);
- Add definitions (#7, 9, 10, 12, 16, 22, and 23 on summary chart);
- Clarify/update regulations and terminology/spell out procedures (#1, 6, 11, 14, 15, 17, 18, 19, 20, 21, 24, 28, 29, 31, 32, 34, 36, 37, 41, 42, 43, 44, 45, 46, 47, and 50 on summary chart);
- Simplify administration (#5).

Incorporate best practices, recent U.S. Supreme Court decisions, and/or emerging trends: (#2, 4, 13, 26, 27, 28, 29, 32, 34, 35, 37, 38, 39, 40, 48, 49, 51, and 52 on summary chart).

Planning staff believes the determinations outlined in Section 150.125.6 (Amendments to Text) can be made and recommends Plan Board approval of the amendments.

BOARD AUTHORITY:
150.125.1 Authority for Amendments
The regulations imposed and the districts created under this Zoning Code may be amended from time to time by ordinance duly enacted by the City Commission. No such amendment shall be adopted except in accordance with the procedure specified in sub-sections 150.125.2 to 150.125.11, inclusive, of this Zoning Code.

APPLICABLE PLANS AND POLICIES:
150.100.3 Purpose
The purpose of this Zoning Code is to promote and uphold the public health, safety, and general welfare of the City through regulation of land and of the type, size, and use of structures. More specific purposes are to:

(A) Establish districts of such classification and number to implement any applicable plans, including the City's Comprehensive Plan that encourages the most appropriate uses of the land and guides the future development of the City.

(B) Stabilize, preserve, and increase property values, to protect against congested and unsafe traffic conditions, to provide safety from hazards such as fire, flood, water
and air contamination, and to guarantee adequate light and air and open space to all residents of the City.

(C) Encourage compatibility between different land uses and protect the scale and character of existing development from the encroachment of incompatible uses and structures.

(D) Preserve unique historical and/or natural features of structures or land within the City.

(E) Regulate and restrict the location, bulk, height, design and land coverage of buildings to protect the character and value of the City’s residential, business, industrial, institutional and recreational areas.

(F) Regulate the area and dimension of lots, yards and other open spaces.

(G) Regulate and limit the density of population to prevent overcrowding of the land and excessive concentration of the population.

(H) Ensure efficient traffic circulation, manage congestion on the streets and improve public safety by locating buildings and uses adjacent to streets in such a manner that they will cause the least interference with, and be damaged least by, traffic movements.

(I) Facilitate development of land uses according to a comprehensive design that ensures the availability of, and provision for, adequate traffic capacity, water and sewer service, schools, public parklands and other such public facilities.

(J) Provide regulations, standards and procedures for the administration, amendment and enforcement of this Zoning Code.

Relevant CitiPlan principle:

- Update the City’s Zoning Code so it more effectively supports the current and future needs of Dayton’s residents, neighborhoods, and businesses.

Staff believes the proposed text amendments are consistent with the general intent and purpose of the zoning code and with CitiPlan: The 20/20 Vision, which is the City’s comprehensive plan.

AGENCIES AND GROUPS CONTACTED:
Priority Land Use Board Members

DETERMINATIONS:
150.125.6, Amendments to Text

(A) When a proposed amendment would result in a change in the text of this Zoning Code but would not result in a change of zoning classification of any property on the zoning map, the Plan Board and City Commission shall consider the following items when formulating its recommendations:

(1) Whether such change is consistent with the intent and purposes of this Zoning Code.

The current zoning code took effect August 1, 2006. Since then the code has been amended as needed to correct omissions, clarify terminology and provisions, make regulations consistent from one zoning district to another, and update regulations to reflect experience to date and emerging best practices. Staff believes the proposed amendments are consistent with the intent and purpose of the Zoning Code, in particular Section 150.100.3, (B),
(C), (E), and (J). The full language for these sections can be found on page 3 of this staff report.

(2) Which areas are most likely to be directly affected by such change and in what way they will be affected.

The summary chart attached to this staff report lists the zoning districts affected by the proposed text amendments and the reasons the amendments are proposed. Staff believes the amendments are consistent with the intent and purpose of each zoning district.

(3) Whether the proposed amendment is made necessary because of changed or changing conditions in the areas of zoning districts affected or in the city generally, and, if so, the nature of such changed or changing conditions.

The Zoning Code is a living document that requires periodic amendments to correct omissions, clarify terminology and provisions, make regulations consistent from one zoning district to another, address changing land use conditions and challenges, and update regulations to reflect experience to date and emerging best practices. It is good planning practice to keep the code up-to-date with periodic amendments so it can most effectively support the current and future needs of Dayton’s residents, neighborhoods, and businesses. Staff believes the proposed amendments accomplish this objective.

ALTERNATIVES AND CONDITIONS:
1. Recommend City Commission approval of the text amendments based on the Board’s ability to make the determinations outlined in R.C.G.O. Section 150.126.6 (Amendments to Text).

2. Recommend City Commission approval of a modified version of the text amendments based on the Board’s ability to make the determinations outlined in R.C.G.O. Section 150.126.6 (Amendments to Text).

3. Disapprove the text amendments based on the Board’s inability to make the determinations outlined in R.C.G.O. Section 150.126.6 (Amendments to Text), and the case will die.

FUTURE ACTIONS:
City Commission public hearing and approval of an ordinance to adopt the changes.

Prepared by: Ann Schenking

ATTACHMENTS:
Summary Chart
Proposed Text Amendment Language
<table>
<thead>
<tr>
<th>Number</th>
<th>Zoning Code Section</th>
<th>Zoning Code Section Number</th>
<th>Proposed Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Appeals and Variances; Variances by the Board of Zoning Appeals</td>
<td>150.120.10(D)(3)</td>
<td>In the first paragraph, change the word &quot;substantial&quot; to &quot;significant.&quot;</td>
</tr>
<tr>
<td>2</td>
<td>Appeals and Variances; Variances by the Board of Zoning Appeals</td>
<td>150.130.10(E)</td>
<td>Add a new (E) that says any variance request to increase TMDI (Total Maximum Daily Inventory) and/or FHPR (Facility Hazard Potential Rating) in the WP Water Protection Overlay zoning district will be evaluated using the Department of Water’s risk screening methodology and the results of the screening will be presented to the BZA to use in evaluating and reviewing the request for the variance. This risk screening methodology was developed as part of the update to the city’s Source Water Protection Program. It provides another tool to determine potential risk to drinking water if Regulated Substances are released from a site; it will be helpful to the BZA during variance review and evaluation. Items in this section will be re-lettered as necessary to accommodate the new (E). Section references in re-lettered (H) and (I) will be changed to reflect the re-lettered sections.</td>
</tr>
<tr>
<td>3</td>
<td>Fees, Penalties and Enforcement; Misdemeanor Offenses</td>
<td>150.130.6(C)</td>
<td>Add items to ticketable offenses: parking /storing vehicles on the lawn in the Commercial Districts and the Mixed-Use/Transitional Districts.</td>
</tr>
<tr>
<td>4</td>
<td>Fees, Penalties and Enforcement; Misdemeanor Offenses</td>
<td>150.130.6(D)</td>
<td>A paragraph will be added to (D) to make offenses (violations of the Zoning Code) less than an enhanced; i.e., they carry a more severe penalty the second or subsequent time one is charged.</td>
</tr>
<tr>
<td>5</td>
<td>Definitions; Definitions</td>
<td>150.200.2</td>
<td>Remove numbers before definitions. The numbers make it cumbersome to add and delete definitions and increase the chances that definitions will be numbered incorrectly.</td>
</tr>
<tr>
<td>6</td>
<td>Definitions; Definitions</td>
<td>150.200.2</td>
<td>Amend &quot;Adult care facility&quot; definition to make terms within definition consistent and clarify what is considered an Adult care facility.</td>
</tr>
<tr>
<td>7</td>
<td>Definitions; Definitions</td>
<td>150.200.2</td>
<td>Add definitions for &quot;Bike sharing organization&quot; and &quot;Bike sharing station&quot; because, as part of this package of text amendments, these terms are used in regulations that would allow motor vehicle parking requirements to be slightly reduced if bike sharing arrangements are used.</td>
</tr>
<tr>
<td>8</td>
<td>Definitions; Definitions</td>
<td>150.200.2</td>
<td>Remove incorrect OAC (Ohio Administrative Code) citation in &quot;Bulk fuels facility&quot; definition.</td>
</tr>
<tr>
<td>9</td>
<td>Definitions; Definitions</td>
<td>150.200.2</td>
<td>Add a definition for &quot;compost.&quot;</td>
</tr>
<tr>
<td>10</td>
<td>Definitions; Definitions</td>
<td>150.200.2</td>
<td>Add a definition for &quot;Composting, incidental.&quot; This is a permitted use and should be defined.</td>
</tr>
<tr>
<td>11</td>
<td>Definitions; Definitions</td>
<td>150.200.2</td>
<td>Update terms in the &quot;Congregate care&quot; definition to reflect current nomenclature.</td>
</tr>
<tr>
<td>12</td>
<td>Definitions; Definitions</td>
<td>150.200.2</td>
<td>Add a definition for &quot;Driveway approach.&quot; Currently there isn't one and the term is referenced in conceptual design standards for single-family districts.</td>
</tr>
<tr>
<td>Number</td>
<td>Zoning Code Section</td>
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</tr>
<tr>
<td>13</td>
<td>Definitions; Definitions</td>
<td>150.200.2</td>
<td>To the definition of &quot;Manufacturing, heavy,&quot; add a prohibition for Class I, II and III solid waste composting facilities. Due to the materials these facilities compost (such as animal excreta and waste, animal carcasses, agricultural waste, and food waste), and the volumes at which they can be composted, these types of facilities are better suited to agricultural areas. No such facilities are located in the city now.</td>
</tr>
<tr>
<td>14</td>
<td>Definitions; Definitions</td>
<td>150.200.2</td>
<td>Clarify citation to applicable R.C.G.O. section in &quot;Motor vehicle, lawfully operable&quot; definition.</td>
</tr>
<tr>
<td>15</td>
<td>Definitions; Definitions</td>
<td>150.200.2</td>
<td>Refine the definition of &quot;Perfluorinated compounds&quot; to reflect current EPA nomenclature and substances that can contaminate drinking water.</td>
</tr>
<tr>
<td>16</td>
<td>Definitions; Definitions</td>
<td>150.200.2</td>
<td>Add definitions for &quot;Permeable&quot; and &quot;Pervious&quot; paving systems because, as part of this package of text amendments, these systems would be allowed as parking surfaces in our Single-Family Residential zoning districts.</td>
</tr>
<tr>
<td>17</td>
<td>Definitions; Definitions</td>
<td>150.200.2</td>
<td>In the definition of &quot;Recycling collection facility,&quot; clarify that these facilities are not solid waste composting facilities.</td>
</tr>
<tr>
<td>18</td>
<td>Definitions; Definitions</td>
<td>150.200.2</td>
<td>In the definition of &quot;Recycling processing facility, indoor,&quot; clarify that these facilities are not solid waste composting facilities.</td>
</tr>
<tr>
<td>19</td>
<td>Definitions; Definitions</td>
<td>150.200.2</td>
<td>In the definition of &quot;Recycling processing facility, outdoor,&quot; clarify that these facilities are not solid waste composting facilities.</td>
</tr>
<tr>
<td>20</td>
<td>Definitions; Definitions</td>
<td>150.200.2</td>
<td>Update definition of &quot;Residential facility&quot; to make terms consistent throughout definition, use current nomenclature, and clarify what is considered a Residential facility.</td>
</tr>
<tr>
<td>21</td>
<td>Definitions; Definitions</td>
<td>150.200.2</td>
<td>Clarify that the definition of &quot;Significant&quot; is used to mean &quot;significant structures&quot; in the context of the Historic Overlay Districts section of the Zoning Code.</td>
</tr>
<tr>
<td>22</td>
<td>Definitions; Definitions</td>
<td>150.200.2</td>
<td>Add definition for &quot;Solid waste composting facility, Class I, II, and IV.&quot; because this group of amendments addresses these facilities.</td>
</tr>
<tr>
<td>23</td>
<td>Definitions; Definitions</td>
<td>150.200.2</td>
<td>Add definition for &quot;Solid waste composting facility, Class IV.&quot; because this group of amendments allows this type of facility as a P* use (permitted with conditions).</td>
</tr>
<tr>
<td>24</td>
<td>Definitions; Definitions</td>
<td>150.200.2</td>
<td>Update terminology in the definition of &quot;Supported living home.&quot;</td>
</tr>
<tr>
<td>25</td>
<td>Definitions; Definitions</td>
<td>150.200.2</td>
<td>In definition of &quot;Waste facility, construction and demolition,&quot; correct R.C.G.O reference.</td>
</tr>
<tr>
<td>26</td>
<td>Single-Family Residential Districts; Permitted Uses</td>
<td>Schedule 150.305.2, Permitted Uses</td>
<td>Add &quot;Wall murals&quot; as a Conditional Use on non-residential buildings. Currently we are using the Use Variance process to allow murals on non-residential structures and it is more appropriate land use policy wise to allow them as Conditional Uses since they are uses we wish to encourage and support. In 2018, household composting (&quot;Composting, incidental&quot;) was permitted in this zoning district subject to certain regulations. Add &quot;Composting, incidental&quot; as an Accessory use so this permission is made clear. Make Footnote 14, related to Bee keeping, consistent in form with the other footnotes in this Schedule.</td>
</tr>
<tr>
<td>Number</td>
<td>Zoning Code Section</td>
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</tr>
<tr>
<td>27</td>
<td>Single-Family Residential Districts; Accessory Use Regulations</td>
<td>150.305.5(D), (F)(4) &amp; (5)</td>
<td>Make size limitations for attached and detached garages consistent and include attached garages in the maximum area allowed for all accessory structures. Allow the use of permeable and pervious paving systems for vehicle parking. These systems allow water to infiltrate through or around them and can be better for the environment than traditional impervious paving methods. Limit the number of recreational vehicles and utility trailers that can be parked at single-family and two-family residential uses to no more than one (i.e., one utility trailer or one recreational vehicle). Reduce the number of vehicles that can be parked at two-family uses to three, rather than four, due to the small lots that are typical of Dayton's two-family dwellings.</td>
</tr>
<tr>
<td>28</td>
<td>Single-Family Residential Districts; Residential Contextual Standards</td>
<td>Schedule 150.305.6</td>
<td>Clarify when new driveway approaches (driveway aprons) off a public street can be constructed in the MR-5 district. Add contextual standards for additions (garages, rooms) attached to single-family and two-family homes; currently there are none.</td>
</tr>
<tr>
<td>29</td>
<td>Multi-Family Residential Districts; Permitted Uses</td>
<td>Schedule 150.310.2, Permitted Uses</td>
<td>In 2009 and 2010, respectively, &quot;Bee keeping&quot; and &quot;Composting, incidental&quot; were permitted in this zoning district subject to certain regulations. Add &quot;Bee keeping&quot; and &quot;Composting, incidental&quot; as uses to the Schedule of Permitted Uses so these permissions are made clear. Add &quot;Solar energy structures&quot; as a stand-alone (i.e., principal) Conditional use. Add &quot;Wall murals&quot; as a Conditional Use on non-residential buildings. Currently we are using the Use Variance process to allow murals on non-residential structures and it is more appropriate land use policy wise to allow them as Conditional Uses since they are uses we wish to encourage and support.</td>
</tr>
<tr>
<td>30</td>
<td>Manufactured Home District; Permitted Uses</td>
<td>Schedule 150.315.2, Permitted Uses</td>
<td>In 2009 and 2010, respectively, &quot;Bee keeping&quot; and &quot;Composting, incidental&quot; were permitted in this zoning district subject to certain regulations. Add &quot;Bee keeping&quot; and &quot;Composting, incidental&quot; as uses to the Schedule of Permitted Uses so these permissions are made clear. Also add &quot;Wall murals&quot; as a Conditional Use on non-residential buildings. Currently we are using the Use Variance process to allow murals on non-residential structures and it is more appropriate land use policy wise to allow them as Conditional Uses since they are uses we wish to encourage and support.</td>
</tr>
<tr>
<td>31</td>
<td>Downtown Districts; Permitted Uses</td>
<td>Schedule 150.320.2</td>
<td>In 2010, &quot;Composting, incidental&quot; was permitted in this zoning district subject to certain regulations. Add &quot;Composting, incidental&quot; as uses to the Schedule of Permitted Uses so this permission is made clear. Allow &quot;Solar energy structures&quot; as an accessory use. They are currently allowed as a principal, stand-alone use and it makes sense to also allow them as an accessory use subject to certain requirements. Make Footnote 9, related to Bee keeping, consistent in form with the other footnotes in this Schedule.</td>
</tr>
<tr>
<td>32</td>
<td>Commercial Districts; Permitted Uses</td>
<td>Schedule 150.325.2</td>
<td>Allow &quot;Membership Clubs&quot; (e.g., VFWs, Racquet Club, the Masons) as Permitted Uses in the MNC, ENC, and SNC; they are already allowed in the MGC, EGC, and SGC. These clubs also function as restaurants/bars. Restaurants/bars are allowed in all of our commercial districts, and it makes sense to allow Membership Clubs in the same districts. In 2016, Composting, incidental was permitted in this zoning district subject to certain regulations. Add &quot;Composting, incidental&quot; as uses to the Schedule of Permitted Uses so this permission is made clear. Allow &quot;Solar energy structures&quot; as an accessory use. They are currently allowed as a principal, stand-alone use and it makes sense to also allow them as an accessory use subject to certain requirements. Make Footnote 5, related to Bee keeping, consistent in form with the other footnotes in this Schedule.</td>
</tr>
<tr>
<td>33</td>
<td>Commercial Districts; Off-Street Parking Regulations</td>
<td>150.325.5(F)</td>
<td>Make terminology consistent with other districts of the Zoning Code.</td>
</tr>
<tr>
<td>34</td>
<td>Mixed-Use and Transitional Districts; Permitted Uses</td>
<td>Schedule 150.330.2</td>
<td>Remove &quot;Membership Clubs&quot; as Permitted Uses in the T district. These clubs also function as restaurants/bars which are not allowed in the T district. Proposed text amendment #32 on this chart would expand the commercial districts in which Membership Clubs are allowed. Restaurants/bars are allowed in all of our commercial districts, and it makes sense to allow Membership Clubs in the same districts. In 2010, &quot;Composting, incidental&quot; was permitted in this zoning district subject to certain regulations. Add &quot;Composting, incidental&quot; as uses to the Schedule of Permitted Uses so this permission is made clear. Allow &quot;Solar energy structures&quot; as an accessory use. They are currently allowed as a principal, stand-alone use and it makes sense to also allow them as an accessory use subject to certain requirements. Make Footnote 6, related to Bee keeping, consistent in form with the other footnotes in this Schedule.</td>
</tr>
<tr>
<td>Number</td>
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</tr>
<tr>
<td>35</td>
<td>Mixed-Use and Transitional Districts; Off-Street Parking Regulations</td>
<td>150.330.5(C)</td>
<td>Consistent with the change proposed in Single-Family districts, limit the number of recreational vehicles and utility trailers that can be parked at single-family and two-family residential uses to no more than one (i.e., one utility trailer OR one recreational vehicle). Reduce the number of vehicles that can be parked at two-family uses to three, rather than four due to the small lots that are typical of Dayton’s two-family dwellings.</td>
</tr>
<tr>
<td>36</td>
<td>Campus-Institutional District; Permitted Uses</td>
<td>Schedule 150.335.2</td>
<td>In 2010, “Composting, incidental” was permitted in this zoning district subject to certain regulations. Add “Composting, incidental” to the Schedule of Permitted Uses so this permission is made clear. Allow “Solar energy structures” as an accessory use. They are currently allowed as a principal, stand-alone use and it makes sense to also allow them as an accessory use subject to certain requirements. Make Footnote 9, related to Bee keeping, consistent in form with the other footnotes in this Schedule.</td>
</tr>
<tr>
<td>37</td>
<td>Industrial Districts; Permitted Uses</td>
<td>Schedule 150.340.2</td>
<td>In the I-2 zoning district, where there is WP Water Protection Overlay zoning, further regulate Trucking/Motor Freight terminals with the requirements proposed in Section 105.565.70(D). These requirements will assist in the protection of our drinking water. In the I-1 and I-2 districts, allow Class IV solid waste composting facilities (source-separated yard waste -- green debris composting facilities). In 2010, “Composting, incidental” was permitted in this zoning district subject to certain regulations. Add “Composting, incidental” as uses to the Schedule of Permitted Uses so this permission is made clear. Allow “Solar energy structures” as a P (permits with conditions); they are currently allowed as Conditional uses. Allow “Solar energy structures” as an accessory use. They are currently allowed as a principal, stand-alone use and it makes sense to also allow them as an accessory use subject to certain requirements. Make Footnote 7, related to Bee keeping, consistent in form with the other footnotes in this Schedule.</td>
</tr>
<tr>
<td>38</td>
<td>Planned Developments; Amendments to Planned Developments</td>
<td>150.350.29</td>
<td>Currently, when minor adjustments are made to Planned Developments, the Planning Director and Chief Building Official must sign off on them. Change the Chief Building Official sign-off to Zoning Administrator sign-off. The Chief Building Official does not have as much knowledge of the Zoning Code or the Planned Development as the Zoning Administrator.</td>
</tr>
<tr>
<td>39</td>
<td>Source Water Protection Districts; Permitted and Prohibited Uses</td>
<td>Schedule 150.383.2</td>
<td>Allow “Bee keeping” as a Permitted Use in the WO district. Allow “Solar energy structures” as Permitted and Accessory uses in the WO district. List Accessory uses in this table as A uses (i.e., Accessory) rather than P uses so this table is consistent in form with other use tables in the Zoning Code.</td>
</tr>
<tr>
<td>40</td>
<td>Source Water Protection Districts; Permitted and Prohibited Uses</td>
<td>150.363.2(E) &amp; new (G)</td>
<td>In (E)(1), update the description of the chemical compounds/substances that are prohibited in the Source Water Protection Districts to reflect current EPA nomenclature and substances that can contaminate drinking water. Change the word “structures” to “building” when describing how salt piles shall be stored. As used in the Zoning Code, a structure isn’t always a building. Prohibit Class I, II, and III solid waste composting facilities. These facilities could contaminate drinking water. Add (G), a requirement that all vehicle maintenance, servicing, and/or cleaning shall be conducted indoors on an impervious surface that drains to working floor drains that are connected to the sanitary sewer system to further protect our drinking water.</td>
</tr>
<tr>
<td>41</td>
<td>Park/Open Space District; Permitted Uses</td>
<td>Schedule 150.385.2</td>
<td>In 2010, “Composting, incidental” was permitted in this zoning district subject to certain regulations. Add “Composting, incidental” as uses to the Schedule of Permitted Uses so this permission is made clear. Allow “Solar energy structures” as a Conditional and Accessory uses. Make Footnote 1 (related to Bee keeping) consistent in form with the other footnotes in this Schedule.</td>
</tr>
<tr>
<td>42</td>
<td>Supplemental District Regulations; Composting, Incidental</td>
<td>150.420.1.5</td>
<td>Update the “Composting, incidental” regulations so the terminology is consistent, it is easier to calculate the acceptable size of a composting structure, and acceptable compostable materials are better defined.</td>
</tr>
<tr>
<td>43</td>
<td>Supplemental District Regulations; Performance Standards</td>
<td>150.420.2(G)</td>
<td>Amend the odor standards so any type of animal is covered and structures that shelter animals are also included as things that cannot generate noxious odors or offensive smells.</td>
</tr>
<tr>
<td>Number</td>
<td>Zoning Code Section</td>
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</tr>
<tr>
<td>44</td>
<td>Conditional Use and Specific Use Regulations; Adult Care Facility for Six to Sixteen Persons</td>
<td>150.565.1</td>
<td>Make terms consistent throughout section. Remove obsolete nomenclature. Remove requirements that are not within the purview of the city or are covered by other city codes. Remove reference to signs in light of decision of U.S. Supreme Court in Reed v. Gilbert case.</td>
</tr>
<tr>
<td>45</td>
<td>Conditional Use and Specific Use Regulations; Composting</td>
<td>150.565.12.7</td>
<td>Update cross-reference for &quot;Composting, incidental.&quot;</td>
</tr>
<tr>
<td>46</td>
<td>Conditional Use and Specific Use Regulations; Residential Facility for Nine to Sixteen Persons</td>
<td>150.565.52</td>
<td>Make terms consistent throughout section. Remove obsolete nomenclature. Remove requirements that are not within the purview of the city or are covered by other city codes. Remove reference to signs in light of decision of U.S. Supreme Court in Reed v. Gilbert case.</td>
</tr>
<tr>
<td>47</td>
<td>Conditional Use and Specific Use Regulations; Solar Energy Structure</td>
<td>150.565.67</td>
<td>Update solar energy structure requirements.</td>
</tr>
<tr>
<td>48</td>
<td>Conditional Use and Specific Use Regulations; Solid Waste Composting Facility, Class IV</td>
<td>150.565.68.5</td>
<td>Add requirements for Class IV solid waste composting facilities. These facilities compost source-separated yard debris.</td>
</tr>
<tr>
<td>49</td>
<td>Conditional Use and Specific Use Regulations; Truck/Motor Freight Terminal</td>
<td>150.565.76(D)</td>
<td>Add requirements for &quot;Truck/Motor Freight Terminal&quot; uses when they are located in the Water Protection (WP) Overlay zoning district to further protect our drinking water supply.</td>
</tr>
<tr>
<td>50</td>
<td>Conditional Use and Specific Use Regulations; Wall Mural</td>
<td>150.565.80.5</td>
<td>Update wall mural requirements.</td>
</tr>
<tr>
<td>51</td>
<td>Off-Street Parking &amp; Loading Regulations: Parking and Loading Facilities Required</td>
<td>150.700.2(G) &amp; (H)</td>
<td>Add new (G) to allow bicycle parking to be substituted for up to 10% of required motor vehicle parking — providing five non-required parking spaces reduces the off-street vehicle parking requirement by one space. Add a new (H) that allows off-street parking requirements to be reduced by three spaces (up to 25% of required parking) if a bike sharing station is provided. The bike sharing station must be part of our bike sharing network.</td>
</tr>
<tr>
<td>52</td>
<td>Sign Regulations; Temporary Signs</td>
<td>150.800.14</td>
<td>Update provisions in response to decision in U.S. Supreme Court sign case, Reed v. Gilbert.</td>
</tr>
</tbody>
</table>
2017 Proposed Zoning Code Text Amendment Language
Z-002-2017

Numbers in margins correspond to numbers in the summary chart.
Proposed deletions are in strikethrough and proposed additions are in bold font.
Section 150.120
Appeals and Variances

150.120.10 Variances by the Board of Zoning Appeals

The Board of Zoning Appeals may authorize variances from the terms of this Zoning Code only when the BZA has made findings of fact, based upon the standards set out in sub-section 150.120.10(D), Standards for Variance.

(D) Standards for Variance. The BZA shall not grant a variance unless it shall, in each case, make specific findings of fact directly based upon the particular evidence presented to it from the factors below.

(3) Variances to Increase Established Total Maximum Daily Inventory (TMDI). Variances to increase established TMDI and/or the established Facility Hazard Potential Rating (FHPR) within the Well Head Operation (WO) District and/or the Miami Well Field shall be prohibited. Variances to increase TMDI in connection with a prohibited use as enumerated in Section 150.363.2 (E) or a use explicitly prohibited in the definition of Manufacturing, heavy shall be prohibited. No variance to increase established TMDI within the WP Overlay District shall be granted unless the BZA determines that the variance will not pose a substantial significant risk to the contamination of groundwater. In order to obtain such a variance, the applicant must prove all of the following by clear and convincing evidence:

(a) The granting of the variance will not adversely affect the City’s well fields or the ability of government water services to be safely delivered and thereby adversely affect the public health, safety or general welfare;

(b) Risk to the Source Water Protection Area posed by the requested variance is negated through proper engineering controls and a Spill Prevention and Response Plan;

(c) The granting of the variance will not adversely affect the rights of adjacent property owners or residents;

(d) The variance will be consistent with the general spirit and intent of the Zoning Code and the Source Water Protection Program; and

(e) The variance sought is the minimum that will afford relief to the applicant.

(E) Risk Screening. For a variance request to increase Total Maximum Daily Inventory (TMDI) and/or Facility Hazard Potential Rating (FHPR), the Department of Water shall evaluate the request using its risk screening methodology. The results of the screening will be presented to the BZA to use in reviewing and evaluating the request for a variance.

(H) Action by the BZA. The BZA shall approve, approve with supplementary conditions as specified in sub-section 150.120.10(F) (G) above, or disapprove the request for a
variance according to the procedures established for appeals in sub-sections 150.120.1 through 150.120.9 within 30 days from the close of the hearing.

(II)(I) **Term and Extension of Variance.** Variances, except those to increase established TMDI, shall expire one (1) year from the date of their being granted unless, prior thereto, the applicant commences actual construction in accordance with the granted variance or an extension of time has been granted by the Board of Zoning Appeals. There shall be no modification of variances except by further action of the BZA. Once the time limit pursuant to this sub-section has expired, a request for a variance shall be considered to be a new application for a variance and shall meet all requirements for application and review pursuant to this Section.

(1) **Variances to Increase Established TMDI.** Any increase in TMDI shall not be effective until an occupancy certificate has been issued by the Zoning Administrator. An occupancy certificate for an increase in TMDI shall not be issued unless all conditions imposed by the Board of Appeals as a condition of approval have been met to the satisfaction of the Zoning Administrator, Director of Water, and Director/Chief of Fire.

If an occupancy certificate is not issued within 12 months of the decision by the Board of Zoning Appeals, the variance to increase TMDI shall expire unless an extension of time has been granted by the BZA. There shall be no modification of variances to increase TMDI except by further action of the BZA.

Once the time limit pursuant to sub-section (II)(I) has expired, a request for a variance to increase TMDI shall be considered to be a new application for a variance and shall meet all requirements for application and review pursuant to this Section.
Section 150.130
Fees, Penalties and Enforcement

150.130.6 Misdemeanor Offenses

(C) Any person who violates sections 150.305.5 (E) (1), (2), (4), or (5), (F) (1), (2), (4), or (G); 150.310.7 (F), or (G); 150.315.6 (H); 150.315.9 (A), or (B); 150.320.5 (G); 150.320.6 (C) (1), (2) or (5); 150.325.5 (F); 150.325.7 (B) (1), (C) (1), or (C) (2); 150.325.10 (A); 150.330.5 (C); 150.330.6 (F); 150.330.10 (A), or (G); 150.335.5 (B); 150.335.11 (A), or (C); 150.340.5 (C); 150.340.7 (D); 150.345.16 (A) or (B); 150.410 (A), or (B); 150.420.1; 150.420.1.5; 150.430.2; 150.565.12.5; 150.565.24.5; 150.900.4 (B); 150.900.5 (B); 150.900.8 (D); 150.900.13 (B) or (C); 150.900.14 (A), (B), or (C) (1); 150.900.17; or 150.900.19 (A) or (B) of this Zoning Code is guilty of a minor misdemeanor. No culpable mental state is required to violate sections 150.305.5 (E) (1), (2), (4), or (5), (F) (1), (2), (4), or (G); 150.310.7 (F), or (G); 150.315.6 (H); 150.315.9 (A), or (B); 150.320.5 (G); 150.320.6 (C) (1), (2) or (5); 150.325.5 (F); 150.325.7 (B) (1), (C) (1), or (C) (2); 150.325.10 (A); 150.330.5 (C); 150.330.6 (F); 150.330.10 (A), or (G); 150.335.5 (B); 150.335.11 (A), or (C); 150.340.5 (C); 150.340.7 (D); 150.345.16 (A) or (B); 150.410 (A), or (B); 150.420.1; 150.420.1.5; 150.430.2; 150.565.12.5; 150.565.24.5; 150.900.4 (B); 150.900.5 (B); 150.900.8 (D); 150.900.13 (B) or (C); 150.900.14 (A), (B), or (C) (1); 150.900.17; or 150.900.19 (A) or (B) of this Zoning Code; it being the express intent of this section to impose strict criminal liability for each violation. Each day a violation continues is a separate offense.

(D) The penalty for any person convicted pursuant to this section is set forth in section 130.99 of the Revised Code of General Ordinances. In addition, a court may order a person convicted pursuant to this section to correct the violation, if possible, and to make restitution for any property damage caused by the violation.

Whenever the offender has previously been convicted of a violation of 150.130.6(C), then a subsequent violation shall constitute a fourth degree misdemeanor, punishable by up to thirty days in jail and a fine up to $250.00. Whenever the offender has been previously convicted of two or more violations of 150.130.6(C), the subsequent violation shall constitute a third degree misdemeanor, punishable by up to sixty days in jail and a fine up to $500.00.
Section 150.200
Definitions

150.200.2 Definitions.

(A) Words used in this Code are used in their ordinary English usage.

(B) For the purpose of this Zoning Code, the following terms shall have the meaning herein indicated:

Adult care facility. A facility providing personal care services to adults (typically elderly). Such services may include assistance in daily living activities and self-administration of medicine, and preparation of special diets. These facilities shall be licensed by a state or federal agency. Facilities providing the services and functions of Emergency Housing, Protective Care Facilities, or Transitional Housing as defined in this code shall not be considered Adult Care Facilities. There are two categories of adult care facilities: licensed by the Ohio Department of Health.

(a) An adult family home care facility that provides accommodations for 3 to 5 unrelated adults; and,

(b) An adult group home care facility that provides accommodations for 6 to 16 unrelated adults.

Bike sharing organization. A service approved by the Zoning Administrator in which bicycles are made available for shared use to individuals on a short term basis. The service allows a user to check out a bicycle at a bike sharing station operated by Link and return it to another Link bike sharing station located within Link’s service area.

Bike sharing station. A facility where bicycles are checked out and returned that is part of a network of other bike sharing stations operated by a bike sharing organization.

Bulk fuels storage facility. Includes but is not limited to bulk chemical plants, oil terminals, refineries, vapor recovery and vapor-processing systems and as further defined in OAC Chapter 1304.

Compost. A humus-like material resulting from the controlled biological decomposition of organic waste material.

Composting, incidental. The controlled biological decomposition of organic garden, yard, and kitchen waste materials under aerobic conditions to produce compost that may be used without producing any adverse impact on the environment or to public health. This term shall not include solid waste composting facilities.

Congregate care facility. A residential facility that provides for the needs of individuals who are elderly or handicapped disabled. The facility shall consist of residential dwelling units or rooms designed specifically for the elderly or handicapped disabled, and may have common social, recreational, dining and/or food preparation facilities. The facility may be for independent living and/or may provide the residents with a range of personal and medical assistance including nursing care.
**Driveway approach.** The area from the street pavement to a zoning lot that provides vehicular access to a driveway or the area from the alley pavement that provides vehicular access to a garage that opens to an alley.

**Manufacturing, heavy.** An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials, or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line.

(a) For the purposes of clarifying the definition of heavy manufacturing, heavy manufacturing does not include the following, which are examples of those uses that are prohibited in all Industrial Districts:

(i) The manufacturing of acetylene, cement, gypsum or plaster of Paris, chlorine, corrosive acid or fertilizer, insecticides, poisons, explosives, paper and pulp, paint, lacquer, petroleum products except the molding of plastic into goods, coal products, and radioactive materials.

(ii) Smelting, animal slaughtering, and oil refining.

(iii) **Solid waste composting facilities, Class I, II, and III.**

**Motor vehicle, lawfully operable.** A lawfully operable motor vehicle with a current license and registration whose engine can be started and the vehicle can be driven under its own power at least 100 yards immediately upon request, and which does not have disabling damage as defined by R.C.G.O. Section 76.01(B)(2), as amended.

**Perfluorinated compounds.** Per- and Polyfluoroalkyl substances (PFAS). Manufactured (organofluorine) chemicals used to make everyday products more resistant to stains, grease and water, and substances such as Perfluorooctanesulfonate Acid (PFOS).

**Permeable.** In the context of parking surfaces, a paving system that allows the movement of water and air around the paving material through the void spaces between the pavers. Permeable paving is not pervious paving.

**Pervious.** In the context of parking surfaces, a paving system that allows water and air to filter through the paving material. Pervious paving is not permeable paving.

**Recycling collection facility.**

(a) **Large collection facility.** A center for the acceptance by donation, redemption, or purchase of recyclable materials from the public occupying an area of more than 1000 square feet, which may or may not include permanent structures.

(b) **Small collection facility.** A center or facility for the acceptance by donation, redemption, or purchase of recyclable materials from the public occupying an area of not more than 1000 square feet.

This facility shall not include solid waste composting facilities.
Recycling processing facility, indoor. A facility where recyclable materials are sorted and temporarily stored prior to shipment for remanufacture into new materials. All activities related to this facility shall take place in principal or accessory buildings. This facility shall not include salvage yards, or solid waste composting facilities.

Recycling processing facility, outdoor. A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products. This facility shall not include salvage yards, or solid waste composting facilities.

Residential facility. A facility licensed by the Ohio Department of Mental Health that provides room, board, personal care, supervision, habilitation services and mental health services to developmentally disabled persons in a family setting—to one or more persons with mental illness or severe mental disabilities. These facilities shall be licensed by a state or federal agency. Facilities providing the services and functions of Emergency Housing, Protective Care Facilities, or Transitional Housing as defined in this code shall not be considered Residential Facilities. There are three size categories of residential facilities:

(a) Foster family home. A residential facility that provides the services listed above for five (5) or fewer mentally retarded or developmentally disabled persons.

(b) Family home. A residential facility that provides the services listed above for six (6) to eight (8) mentally retarded or developmentally disabled persons.

(c) Group home. A residential facility that provides the services listed above for nine (9) to sixteen (16) mentally retarded or developmentally disabled persons.

Significant. In the context of Section 150.345 Historic Overlay Districts, a property, structure, or site that is associated with events that have made a significant contribution to the broad patterns of our history. Principal or accessory structure with unique historic and architectural features.

Solid waste composting facility. A Class I, II, III, or IV solid waste composting facility licensed by the State of Ohio and as further defined under OAC 3745.

Solid waste composting facility, Class IV. A facility licensed by the State of Ohio where the owner or operator may accept only yard waste, bulking agents, and additives limited to urea and bacterial or fungal inoculum.

Supported living home. A dwelling housing up to four developmentally disabled individuals not more than five persons with developmental, intellectual, physical, and/or mental, disabilities and/or illnesses who may or may not be related and who share living, dining, cooking, and common space. Within the dwelling, the individuals shall function as a single housekeeping unit in a family-like setting. Bedrooms shall not be shared; each individual shall have his or her own bedroom. A license to operate the home shall not be required. "Developmentally disabled" shall be as defined by the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000.

Waste facility, construction and demolition. An engineered facility for the disposal of those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure including, but not limited to, houses, buildings, industrial or commercial facilities, or roadways. Excluded from said facility shall be...
materials identified or listed as solid waste and hazardous waste in Chapter 3734 of the Ohio Revised Code and rules adopted under it; exceptions granted by the Chief Building Official pursuant Section 1307.2.4 of Article 13 of the Unified Building Code as adopted by Section 153.01 of the Revised Code of General Ordinances; and any construction site where a building permit has been issued or final subdivision plat has been approved and where construction debris, trees and brush removed in clearing the site are used as fill material on the site where the materials are generated or removed and does not include any site where materials composed exclusively of concrete, asphalt, clay tile, building or paving brick, or building or paving stone are used as fill, either alone or in conjunction with clean soil, sand, gravel, or other clean aggregates, in legitimate fill operations for construction purposes.
Section 150.305
Single-Family Residential Districts

<table>
<thead>
<tr>
<th>Schedule 150.305.2</th>
<th>Permitted Uses in Single-Family Residential Districts</th>
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<tr>
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<td>Accessory Uses</td>
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<tr>
<td>Composting, incidental</td>
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</tbody>
</table>

Notes to Schedule 150.305.2:
\textsuperscript{14} As further regulated by Section 150.420.1, Bee keeping
\textsuperscript{15} Shall only be permitted on non-residential buildings
\textsuperscript{16} As further regulated by Section 150.420.1.5, Composting, incidental

P = Use permitted by right; PD = Permitted as part of a Planned Development; P\textsuperscript{*} = Use permitted by right as further regulated by Section 120.500, Conditional Uses and Specific Use Regulations; C = Conditional use; A = Accessory use; Blank cell = Use not permitted in district

150.305.5 Accessory Use Regulations

(D) Area Requirements for Accessory Structures.

(1) For single family detached dwelling units, the area of an attached or detached garage shall not exceed 900 square feet.

(3) For single-family detached dwelling units, the maximum area of all accessory structures, including attached garages, shall not exceed 950 square feet, except agricultural uses in the SR-1 District are permitted a maximum total area for all accessory structures of 4000 square feet if the area of the zoning lot is ten (10) acres or more.

(F) Additional Regulations for Vehicles.

(4) If a vehicle and/or utility trailer is parked or stored outside, it shall be parked on permeable or pervious concrete or brick paving, or on an impervious surface, such as asphalt or concrete, or on a combination thereof. The area surrounding the parked or stored vehicle and/or utility trailer shall be maintained pursuant to all applicable City ordinances, codes, standards, and regulations.

(5) For single-family detached dwellings, no more than five (5) vehicles, including recreational vehicles/equipment and/or utility trailers, shall be parked or stored outside. Of the five (5) vehicles, no more than one (1) shall be a recreational vehicle/equipment or utility trailer.
For two-family dwellings, each dwelling unit shall have no more than four (4) three (3) vehicles, including recreational vehicles/equipment and/or utility trailers, parked or stored outside. Of the three (3) vehicles, no more than one (1) shall be a recreational vehicle/equipment or utility trailer.

### Schedule 150.305.6
Residential Contextual Standards

<table>
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<tr>
<th>SR-1, SR-2</th>
<th>ER-3, ER-4</th>
<th>MR-5</th>
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<td><strong>X</strong></td>
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</table>

**Garage Access:** All garages, whether detached or attached to the principal dwelling unit, shall be accessed from the alley, if an alley exists. In no case shall the overhead door(s) of any garage face the street, unless the garage is located on a corner lot. In this case, the overhead door(s) shall not face the street that has been designated, at the time a Zoning Certificate was requested or approved, as the front of the principal dwelling.

Driveway approaches from a public street that lead to legal accessory off-street parking spaces in the rear yard shall only be permitted in the absence of an alley.

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<th><strong>X</strong></th>
<th><strong>X</strong></th>
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</table>

**Additions Along Public Street Frontages to Single-Family Detached Dwellings, Including Attached Garage Additions.** For walls eight (8) feet or more in length, a minimum of fifteen (15) percent of the wall surface shall include windows and/or doors, and/or simulated windows and/or simulated doors. To calculate the area of the wall, all vertical surfaces of the wall shall be included, excluding exposed foundations and unfinished attic space.

For every continuous eight (8) feet of wall length uninterrupted by windows and/or doors, including simulated windows and/or doors, landscaping shall be installed along the wall that shall reach three (3) feet within three (3) years. The landscaping materials shall be compatible with the existing and proposed land use and development character of the surrounding land and structures as determined by the Zoning Administrator. At all times, the landscaping shall be maintained in good and healthy condition.
Section 150.310
Multi-Family Residential Districts

<table>
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<tr>
<th>Schedule 150.310.2</th>
<th>PERMITTED USES IN MULTI-FAMILY RESIDENTIAL DISTRICTS</th>
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Notes to Schedule 150.310.2:

10 As further regulated by Section 150.420.1, Bee keeping
11 Shall only be permitted on non-residential buildings
12 As further regulated by Section 150.420.1.5, Composting, incidental

P = Use permitted by right;  P* = Use permitted by right as further regulated by Section 150.300, Conditional Use and Specific Use Regulations;  C = Conditional use;  A = Accessory use;  Blank cell = Use is prohibited

10 11 12
## Schedule 150.315.2
PERMITTED USES IN MANUFACTURED HOME DISTRICT

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<tr>
<td>Composting, incidental</td>
<td>A&lt;sup&gt;14&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

<sup>12</sup> As further regulated by Section 150.420.1, Bee keeping
<sup>13</sup> Shall only be permitted on non-residential buildings
<sup>14</sup> As further regulated by Section 150.420.1.5, Composting, incidental

P = Use permitted by right; P* = Use permitted by right as further regulated by Section 150.500, Conditional Uses and Specific Use Regulations; C = Conditional use; A = Accessory use; Blank cell = Use not permitted
### Section 150.320
**Downtown Districts**

<table>
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<tr>
<th>Schedule 150.320.2</th>
<th>PERMITTED USES IN DOWNTOWN DISTRICTS</th>
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<tr>
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Notes to Schedule 150.320.2:

\(^9\) As further regulated by Section 150.420.1, Bee keeping

\(^{10}\) As further regulated by Section 150.420.1.5, Composting, incidental

\(^{11}\) As further regulated by Section 150.568, Solar energy structure

P = Use permitted by right; P* = Use permitted by right as further regulated by Section 150.500, Conditional Use and Specific Use Regulations; C = Conditional use; A = Accessory use; Blank cell = Use not permitted in district.
Section 150.325
Commercial Districts

### Schedule 150.325.2
PERMITTED USES IN COMMERCIAL DISTRICTS

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**Notes to Schedule 150.325.2:**
- As further regulated by Section 150.420.1, Bee keeping
- As further regulated by Section 150.420.1.5, Composting, incidental
- As further regulated by Section 150.565, Solar energy structure
- P = Use permitted by right; P* = Use permitted by right as further regulated by Section 150.500, Conditional Use and Specific Use Regulations;
- C = Conditional Use; A = Accessory Use; Blank Cell = Use not permitted

### 150.325.5 Off-Street Parking Regulations

**(F)** Off Street Parking Spaces. Parking spaces shall be provided in compliance with Section 150.700, Off-Street Parking & Loading Regulations. The parking or storing of vehicles is prohibited in the established lawn areas. Vehicle parking and/or storage spaces shall be made of an impervious surface, such as asphalt or concrete. The area surrounding parked or stored vehicles shall be maintained pursuant to all applicable City ordinances, codes, standards, and regulations.
Section 150.330
Mixed-Use and Transitional Districts

Schedule 150.330.2
PERMITTED USES IN THE MIXED-USE AND TRANSITIONAL DISTRICTS

<table>
<thead>
<tr>
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<td>Accessory Uses and Structures</td>
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Notes to Schedule 150.330.2:

- As further regulated by Section 150.420.1, Bee keeping
- As further regulated by Section 150.420.1.5, Composting, incidental
- As further regulated by Section 150.565, Solar energy structure

P=Use permitted by right;  P*= Use permitted by right as further regulated by Section 150.500, Conditional Use and Specific Use Regulations;  C= Conditional Use;  A=Accessory Use;
Blank Cell = Use not permitted

150.330.5  Off-Street Parking Requirements

Off-street parking and loading areas shall comply with the regulations in Section 150.700, Off-Street Parking and Loading Regulations, and to the parking regulations set forth below.

(C) Off-Street Parking Areas. Off-street parking areas shall conform to the regulations in Section 150.800.9, Screening and Landscaping of Parking Lots. For single-family detached dwellings, no more than five (5) vehicles, including recreational vehicles/equipment and/or utility trailers, shall be parked or stored outside. Of the five (5) vehicles, no more than one (1) shall be a recreational vehicle/equipment or utility trailer. For two-family dwellings, each dwelling unit shall have no more than four (4) three (3) vehicles, including recreational vehicles/equipment and/or utility trailers, parked or stored outside. Of the three (3) vehicles, no more than one (1) shall be a recreational vehicle/equipment or utility trailer.
Section 150.335
Campus-Institutional District

Schedule 150.335.2
Permitted Uses in Campus–Institutional District

<table>
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Notes to Schedule 150.335.2:
4 As further regulated by Section 150.440, Home Occupation Regulations
9 As further regulated by Section 150.420.1, Bee keeping
10 As further regulated by Section 150.420.1.5, Composting, incidental
11 As further regulated by Section 150.565, Solar energy structure

P = Use permitted by right;  P* = Use permitted by right as further regulated by Section 150.500, Conditional Use and Specific Use Regulations;  C = Conditional Use;  A = Accessory Use;  Blank Cell = Use not permitted
### Section 150.340
Industrial Districts

#### Schedule 150.340.2
PERMITTED USES IN INDUSTRIAL DISTRICTS

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<tr>
<td>Composting, incidental</td>
<td>A&lt;sup&gt;§&lt;/sup&gt;</td>
<td>A&lt;sup&gt;§&lt;/sup&gt;</td>
<td>A&lt;sup&gt;§&lt;/sup&gt;</td>
</tr>
<tr>
<td>Solar energy structure</td>
<td>A&lt;sup&gt;10&lt;/sup&gt;</td>
<td>A&lt;sup&gt;10&lt;/sup&gt;</td>
<td>A&lt;sup&gt;10&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

**Notes to Schedule 150.340.2:**
- <sup>7</sup> As further regulated by Section 150.420.1, Bee keeping
- <sup>8</sup> In the WP Overlay zoning district this use shall be further regulated by Section 105.565.76(D), Trucking/Motor Freight Terminal. Requirement in the WP Overlay District.
- <sup>9</sup> As further regulated by Section 150.420.1.5, Composting, incidental
- <sup>10</sup> As further regulated by Section 150.565, Solar energy structure

P = Use permitted by right; P<sup>*</sup> = Use permitted by right as further regulated by Section 150.500, Conditional Use and Specific Use Regulations; C = Conditional use; A = Accessory use
Blank cell = Use not permitted in district
Section 150.350
Planned Developments

150.350.29 Amendments to Planned Developments

After the City Commission has approved a Planned Development, it may be amended only by the use of the same procedures as are applicable for the original adoption of a Planned Development. However, minor adjustments in the final plan, resulting from field conditions, detailed engineering data, topography, or critical design criteria pertaining to drives, curb data, retaining walls, swimming pools, tennis courts, fences, building locations, and building configuration, parking area locations, or other similar project particulars, may be authorized in writing with the concurrence of the Planning Director, the City Chief Building Official, and the Zoning Administrator. These minor adjustments may be permitted provided they do not increase density, decrease the number of parking spaces, or allow buildings closer to perimeter property lines. Further, such adjustment requests shall be supported by documentation, reviewed by the Planning Director and the City Chief Building Official Zoning Administrator and determined by them to conform to the original purpose and intent of the Planned Development approval. If both the Planning Director and the City Chief Building Official Zoning Administrator do not agree, such adjustments shall not be allowed except by amendment. The Plan Board shall be advised of all minor adjustments authorized.
Section 150.363
Source Water Protection Districts

Schedule 150.363.2
PERMITTED USES IN WELL HEAD OPERATION DISTRICT

<table>
<thead>
<tr>
<th></th>
<th>WO</th>
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<tbody>
<tr>
<td></td>
<td>Well Head Operation</td>
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<tr>
<td>Other</td>
<td></td>
</tr>
<tr>
<td>Bee keeping</td>
<td>P1</td>
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<tr>
<td>Solar energy structure</td>
<td>P1</td>
</tr>
<tr>
<td>Accessory Uses</td>
<td></td>
</tr>
<tr>
<td>Outdoor storage, equipment/vehicles</td>
<td>RA1</td>
</tr>
<tr>
<td>Outdoor storage, general materials</td>
<td>RA1</td>
</tr>
<tr>
<td>Solar energy structure</td>
<td>A1</td>
</tr>
</tbody>
</table>

Notes to Schedule 150.363.2:
1 Uses in the WO District also require approval from the Director of the Water Department or his/her designee to insure conformance with the Water Department's standards.

P = Use permitted by right; C = Conditional use; A = Accessory use; Blank cell = Use is prohibited

(E) Prohibited Uses. The following uses are prohibited in the Source Water Protection Districts:

(1) Any use of chlorinated compounds and/or perfluorinated compounds the Per- and Polyfluoroalkyl substances (PFAS) of Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonate (PFOS).

(17) Salt piles unless stored inside a building with an impermeable floor.

(20) Solid waste composting facilities, Class I, II, and III.

(G) Requirement for All Uses in the Source Water Protection Districts. All vehicle maintenance, servicing, and/or cleaning shall be conducted indoors on an impervious surface that drains to working floor drains that are connected to the sanitary sewer system.
Section 150.365
Park/Open Space District

Schedule 150.365.2
PERMITTED USES IN THE PARK/OPEN SPACE DISTRICT

<table>
<thead>
<tr>
<th></th>
<th>OS</th>
<th>Park/Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solar energy structure</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Accessory Uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Composting, incidental</td>
<td>A²</td>
<td></td>
</tr>
<tr>
<td>Solar energy structure</td>
<td>A⁴</td>
<td></td>
</tr>
</tbody>
</table>

Notes to Schedule 150.365.2:

1. As further regulated by Section 150.420.1, Bee keeping
2. As further regulated by Section 150.420.1.5, Composting, incidental
3. As further regulated by Section 150.565, Solar energy structure.

P = Use permitted by right; P* = Use permitted by right as further regulated by Section 150.500; C = Conditional Use, A = Accessory Use
Blank cell = Use not permitted
PD = Shall be permitted only as part of a Planned Development
Section 150.400
Supplemental District Regulations

150.420.1.5 Composting, Incidental

(A) Compost materials shall be contained in a defined area or bin through the use of a structure constructed of brick or cement block, wood and/or wire mesh, or bins or drums made of plastic or metal.

(E) The composting area structure shall not exceed 250 cubic feet in volume or 300 square feet.

(F) Prohibited materials. Composting may not include woody yard waste (limbs or branches 1/3 inch diameter or greater), logs, Christmas trees, meat, bones, fat, oil, whole eggs, dairy products, weeds heavily laden with seeds, plastics, lumber, synthetic fibers, human or pet animal wastes and/or excreta, carcasses, or diseased plants, or similar materials.

(H) Solid waste composting facilities as defined in this Zoning Code shall not be considered Composting, incidental. (Amend Ord. 31028-10, passed 10-20-10)

150.420.2 Performance Standards

No land or structure in any zoning district shall be used or occupied in any manner to create a dangerous or objectionable condition, substance or element, in such a manner or in such amount to adversely affect the adjoining premises or surrounding area. All users, except those in Industrial Districts that must comply with the performance standards in sub-section 150.340.9, shall comply with the following performance standards:

(G) Odors. No use shall emit malodorous gas or matter that is discernible on any adjoining lot or property. No use shall allow for the bedding, fur, feathers, feces, and/or urine of domestic animals to collect or remain on the premises whereby noxious odors or offensive smells are generated and discernible on any adjoining lot or property. No use shall allow any structure that shelters or houses animals to collect or generate noxious odors or offensive smells that are discernable on any adjoining lot or property.
Section 150.500
Conditional Use and Specific Use Regulations

150.565.1 Adult Care Facility for Six (6) to Sixteen (16) Persons
The specific regulations for adult care facilities for six (6) to sixteen (16) persons shall be as follows:

(B) The architectural design and site layout of the adult care facility and the height of any walls, screens, or fences connected with any said group home care facility shall be compatible with adjoining land uses and the residential character of the neighborhood.

(C) The applicant shall demonstrate that adequate qualified supervision will exist in the home on a 24-hour per day basis.

(E) Signs or other means of identifying an adult care facility for handicapped persons shall not be permitted.

(G) The adult care facility shall meet local fire safety and building code requirements for the proposed use and level of occupancy. (Ord. 30515-05, passed 12-28-05; amend Ord. 30893-09, passed 7-15-09; amend Ord. 31142-11, passed 12-21-11)

150.565.12.7 Composting, Incidental
See Supplemental District Regulations, Section 150.420.1.5. (Amend Ord. 31028-10, passed 10-20-10)

150.565.52 Residential Facility for Nine (9) to Sixteen (16) Persons
The specific regulations for a residential facility for nine (9) to sixteen (16) persons shall be as follows:

(A) Prior to a handicapped person commencing residence in the home, either the applicant or the placement agency shall certify that the resident is handicapped as defined in 42 U.S.C. §3602(h) of the federal regulations. In addition, such homes shall be licensed according to the state regulations in ORC §5123.19 and evidence shall be presented indicating that the facility meets the certification, licensing, or approval requirements of the appropriate state agency.

(C) No such facility shall be located within a one thousand (1,000) feet of another residential facility for the developmentally disabled licensed under ORC §5123.19. Separation distances are measured from property line to property line by the shortest distance.

(D) The architectural design and site layout of a residential facility group home licensed under ORC §5123.19 and the height of any walls, screens, or fences connected with any said group home residential facility shall be compatible with adjoining land uses and the residential character of the neighborhood.

(E) The applicant shall demonstrate that adequate qualified supervision will exist in the home on a 24-hour per day basis.

(G) Signs or other means of identifying a residential care facility for handicapped persons shall be limited to two (2) square feet.

(I) The residential care facility shall meet local fire safety and building code requirements for the proposed use and level of occupancy. (Ord. 30515-05, passed 12-28-05; amend Ord. 30893-09, passed 7-15-09)
150.565.67 Solar Energy Structure
The specific regulations for a solar energy structure shall be as follows:

(A) General Requirements

(1) Solar energy structures proposed in a historic district shall require a Certificate of Appropriateness.

(2) In the event a solar energy structure ceases useful intended operation for a period of six months, the structure shall be considered abandoned. The owner/operator shall agree to remove the nonfunctioning structure within 180 days after receipt of a notice from the Zoning Administrator to do so.

(3) Setbacks for a freestanding solar energy structure shall be farther from the nearest property line than two times the height of the structure. In all cases, solar energy structures shall be at least ten (10) feet from the property line.

(4) The area of a solar energy structure shall not count as lot coverage if the ground below the structure is permeable or substantially pervious to water.

(B) Requirements in Residential Districts

(1) Freestanding solar energy structures shall have a maximum height of fifteen (15) feet.

(2) Freestanding solar energy structures shall be permitted in rear yards only.

(3) Solar energy structures attached to a building shall be located on the back half of the structure.

(4) Solar energy structures attached to a building shall not extend above the highest point of the building onto which it is attached.

(C) Requirement in Non-Residential Districts. Solar energy structures shall have the same minimum setbacks for side and rear property lines as other accessory structures.

(D) Requirement When a Conditional Use in the CBD, UBD, BP, CI, T, MX, WO, Commercial and Industrial Districts. The Board of Zoning Appeals may limit the size and/or height of proposed solar energy structures as a part of the Conditional Use process to ensure harmonious and orderly development in the general vicinity. (Amend Ord. 30893-09, passed 7-15-09)

150.565.68.5 Solid Waste Composting Facility, Class IV.
The specific regulations for a Class IV solid waste composting facility shall be as follows:

(A) The minimum lot size shall be 5 acres and the minimum lot width shall be 150 feet.

(B) The facility shall be located on a collector or higher street classification.
(C) All sites, procedures, and processes shall be subject to the approval of the Ohio EPA and any other appropriate federal, state, or local agencies. No Zoning or Occupancy Certificate shall be issued until all necessary approvals are obtained.

(D) The owner and/or operator applying for a conditional use permit or a zoning or occupancy certificate shall provide an operational plan that will be kept on site and readily available for use by on-site staff and the Zoning Administrator. The plan shall include the general operational and maintenance policies and procedures of the facility, including, but not limited to, procedures relating to odor and dust control, traffic flow, public access, fire prevention, staffing, the acceptance of material to be composted, and the prevention of unauthorized depositing of materials.

(E) There shall be no burning of any material at the facility.

(F) The facility shall only compost materials permitted by its Class IV permit issued by the State of Ohio and is prohibited from composting any prohibited materials.

(G) All materials used in the composting operation, including materials composting and materials to be composted, shall be setback 150 feet from property lines.

(H) A buffer yard, with a minimum width of fifty (50) feet, shall be planted with evergreen trees that create a continuous visual screen within three (3) years of the initial installation around all sides of the property excluding facility entrances and exits. The evergreen trees shall be at least six (6) feet in height when planted and allowed to grow to a minimum of twenty (20) feet.

(I) Sufficient space shall be maintained around piles of material to allow access for emergency fire-fighting equipment and procedures, as described in the operational plan and approved by the Fire Department.

(J) In the WP Overlay District, the facility shall meet all requirements of the Department of Water and no Zoning Occupancy Certificate shall be issued until such requirements are met to the satisfaction of the Department of Water.

(K) All activities shall be conducted in a manner that minimizes hazards, litter, noise, nuisances and vector impacts; and minimizes human contact with, ingestion, inhalation, and transportation of dust, particulates and pathogenic organisms.

(L) Traffic flow into, on, and out of the facility shall be controlled in a safe manner at all times.

(M) If open to the public, public business hours shall begin no earlier than 7:30 AM and end at sunset. Legible directional signs shall be posted at all public entrances.

(N) An attendant shall be on duty during public business hours to staff the facility and ensure that no prohibited materials are brought on site.

(O) If open to the public, the facility shall be designed to prevent public access to the facility outside of public business hours and to prevent materials from being deposited outside the facility or on its grounds outside of public business hours.

(P) Upon completion of operations and/or termination of the facility's operation for any reason:
(1) The operator and/or owner shall provide written notice to the Zoning Administrator of such completion and/or termination. Such notice shall include a notice of the intent to perform site restoration, a description of the site restoration work to be performed and a timetable for the work to be completed. Such written notice shall be provided to the Zoning Administrator at least 30 days prior to beginning site restoration.

(2) The operator and/or owner(s) shall provide site restoration necessary to protect public health, safety, and the environment and comply with applicable local, state, and federal regulations.

(3) The operator and/or owner shall ensure that all of the following site restoration procedures are performed upon completion of operations and/or termination of service:

(a) The operation and all facility grounds, including, but not limited to, ponds and drainage areas, shall be cleaned of all residues including, but not limited to, compost materials, scraps, and other materials related to the operations, and these residues legally recycled, reused, or disposed of.

(b) All machinery shall be cleaned and removed or stored securely.

(c) All remaining structures shall be cleaned of compost materials, dust, particulates, or other residues related to the composting and site restoration operations.

150.565.76 Truck/Motor Freight Terminal
The specific regulations for a truck/motor freight terminal shall be as follows:

(D) Requirement in the WP Overlay District:

The property owner and/or lessee shall allow and provide access to all onsite storage areas, containers, storage pods, rooms, lockers, vehicles, and/or trailers, whether owned by the property owner, a legal tenant, or other third party, during Source Water Protection and/or Fire Department inspections, whether announced or unannounced.

150.565.80.5 Wall Mural
The specific regulations for a wall mural shall be as follows:

(E) The application for a wall mural shall include:

(3) Written permission from the owner of the building or structure on which the wall mural will be placed.

In lieu of written permission from the owner of the building or structure on which the wall mural will be placed, notice of intent to create the wall mural shall be mailed by certified mail and regular mail at least thirty days (30) days prior to the date of the creation of the mural to the owner of record of the property as it appears on the County Auditor's current list. The owner of record shall have 30 days from
the issuance of the certified mail and regular mail to contact the Zoning Administrator and grant permission for the wall mural or deny permission for the wall mural. Should the owner of record not contact the Zoning Administrator during the thirty (30) day period, the Zoning Administrator may consider permission granted.
Section 150.700
Off-Street Parking & Loading Regulations

150.700.2 Parking and Loading Facilities Required

(G) Bicycle parking may be substituted for up to 10 percent of required off-street vehicle parking spaces. For every five (5) non-required bicycle parking spaces that meet the bicycle parking requirements found in Section 150.700.13, the off-street vehicle parking requirement is reduced by one (1) space. Existing off-street parking spaces may be converted to take advantage of this provision.

(H) A bike sharing station may be substituted for required off-street vehicle parking spaces if all of the following requirements are met:

1. The bike sharing station shall have a minimum of eleven (11) docks. A station of this size shall reduce the off-street vehicle parking space requirement by three (3) spaces. The provision of each additional four (4) docks and two (2) shared bicycles shall reduce the off-street vehicle parking space requirement by one (1) additional space. A maximum of 25 percent of required off-street vehicle parking spaces may be reduced through the provision of a bike sharing station.

2. The bike sharing station shall be visible and accessible to the public.

3. The bike sharing station shall be within a distance of another bike sharing station that is part of the same bike sharing system that is approved by the bike share operator.

4. The bike sharing station shall be located on the site or adjacent sidewalk of the use for which the off-street vehicle parking spaces are required or on the site of a restricted parking lot that serves the use.

5. The bike sharing station shall be shown on the site design plans submitted to the Zoning Administrator for the use.

6. The property owner shall have an agreement for its bike sharing station with a bike sharing organization which serves the City of Dayton geography. The bike sharing station shall be part of the bike sharing system controlled by the bike sharing organization.

The property owner shall maintain the agreement with the bike sharing organization for as long as it wishes to substitute a bike sharing station for required off-street vehicle parking spaces. Should the bike sharing organization no longer wish to include the bike sharing station in its system or the bike sharing system is no longer in operation, the Zoning Administrator may require the property owner to meet the off-street vehicle parking space requirement.

Should the property owner no longer wish to include the bike sharing station in the bike sharing system, the Zoning Administrator may require the property owner to meet the off-street vehicle parking space requirement.
Section 150.900
Sign Regulations

Schedule 150.900.14
Temporary Signs for Non-Residential Districts

<table>
<thead>
<tr>
<th>For Each Parcel</th>
<th>Temporary Signs for Non-Residential Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Area</strong></td>
<td>40 square feet per acre of land (or fraction thereof) up to a maximum of 160 square feet</td>
</tr>
<tr>
<td><strong>Maximum Size of Any One Sign</strong></td>
<td>60 square feet</td>
</tr>
<tr>
<td><strong>Maximum Number of Days per Year</strong></td>
<td>30</td>
</tr>
<tr>
<td><strong>Maximum Number of Consecutive Days</strong></td>
<td>15</td>
</tr>
<tr>
<td><strong>Maximum Number of Signs</strong></td>
<td>3 per acre of land (or fraction thereof) up to a maximum of 6 signs</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>For Each Tenant in a Multiple-Tenant Building or Use</th>
<th>Temporary Signs for Non-Residential Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Area per Tenant</strong></td>
<td>1 square feet per lineal foot of primary building frontage up to a maximum of 25 square feet</td>
</tr>
<tr>
<td><strong>Maximum Number of Days per Tenant per Year</strong></td>
<td>14</td>
</tr>
<tr>
<td><strong>Maximum Number of Signs per Tenant</strong></td>
<td>1</td>
</tr>
<tr>
<td><strong>Maximum Distance of Sign from Building Front</strong></td>
<td>5 feet</td>
</tr>
</tbody>
</table>

1 One of the permitted temporary signs, with a maximum area of sixteen (16) square feet, may be displayed for an unlimited period of time.

(3) **Vacant Parcels.** The following regulations for temporary signs on vacant parcels in non-residential districts apply for an unspecified period of time:

(a) One (1) temporary sign is permitted up to a maximum of thirty-two (32) square feet.

(b) A parcel that also has frontage on a second public street is entitled to a second sign, not to exceed thirty-two (32) square feet, provided that the length of the frontage along the second public street is a minimum of 300 feet.

(c) One (1) construction sign, up to thirty-two (32) square feet, is permitted at each construction entrance to the parcel.

(4) **Temporary Signs in Residential Districts.**

(1) For attached or detached single-family dwellings, two-family dwellings, and multi-unit buildings, two (2) four (4) temporary signs are permitted at any given time on any one zoning lot. One (1) Two (2) of the four (4) signs may be displayed for an unspecified unlimited amount of time, provided the sign does not contain any commercial messages except for the sale or leasing of the property on which the sign is located. The second third and fourth signs is are limited to a maximum of three (3) consecutive days and a maximum of ten (10) days per calendar year. No temporary sign shall exceed six (6) square feet.

(2) For nonresidential uses, two (2) temporary freestanding signs, that do not exceed sixteen (16) square feet each, may be erected. One of the two signs may be
displayed for an unlimited amount of time. The second sign shall be limited for up to fifteen (15) days per calendar month.

(3) **Vacant Parcels.** The following regulations for temporary signs on vacant parcels in residential districts apply for an unspecified period of time:

(c) One (1) construction sign, up to thirty-two (32) square feet, is permitted at each construction entrance to the parcel.

(4) Such signs may not be used to display commercial messages referring to products or services that are unrelated to current or pending activities on, or uses of, the property. (Ord. 30515-05, passed 12-28-05; amend Ord. 30762-08, passed 7-16-08)
AN ORDINANCE

Amending, Enacting, or Repealing Various Sections of the Revised Code of General Ordinances Relating to the Zoning Code, and Declaring an Emergency.

WHEREAS, Effective, expeditious, and responsible regulation of land requires that the City Commission review and amend certain sections of the Revised Code of General Ordinances relating to the Zoning Code to correct omissions, clarify terminology and provisions, make certain regulations consistent from one zoning district to another, and update regulations to reflect experience to date and emerging best practices; and

WHEREAS, The City Plan Board, at its April 11, 2017, meeting, in Case Z-002-2017, recommended approval of amendments to various sections of the Revised Code of General Ordinances relating to the Zoning Code; and

WHEREAS, It is necessary for the immediate preservation of the public peace, property, health and safety that this ordinance take effect immediately upon passage; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. That Section 150.120.10(D)(3), Variances by the Board of Zoning Appeals, Standards for Variance, Variances to Increase Established Total Maximum Daily Inventory (TMDI), of the Revised Code of General Ordinances, is amended as follows:

(3) Variances to Increase Established Total Maximum Daily Inventory (TMDI), Variances to increase established TMDI and/or the established Facility Hazard Potential Rating (FHP) within the Well Head Operation (WO) District and/or the Miami Well Field shall be prohibited. Variances to increase TMDI in connection with a prohibited use as enumerated in Section 150.363.2 (E) or a use explicitly prohibited in the definition of Manufacturing, heavy shall be prohibited. No variance to increase established TMDI within the WP Overlay District shall be granted unless the BZA determines that the variance will not pose a significant risk to the contamination of groundwater. In order to obtain such a variance, the applicant must prove all of the following by clear and convincing evidence:

(a) The granting of the variance will not adversely affect the City’s well fields or the ability of government water services to be safely delivered and thereby adversely affect the public health, safety or general welfare;

(b) Risk to the Source Water Protection Area posed by the requested variance is negated through proper engineering controls and a Spill Prevention and Response Plan;

(c) The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
(d) The variance will be consistent with the general spirit and intent of the Zoning Code and the Source Water Protection Program; and

(e) The variance sought is the minimum that will afford relief to the applicant.

Section 2. That Sections 150.120.10(E), (F), (G), (H), and (I), Variances by the Board of Zoning Appeals, Standards for Variance, of the Revised Code of General Ordinances, are amended as follows:

(E) **Risk Screening.** For a variance request to increase Total Maximum Daily Inventory (TMDI) and/or Facility Hazard Potential Rating (FHPR), the Department of Water shall evaluate the request using its risk screening methodology. The results of the screening will be presented to the BZA to use in reviewing and evaluating the request for a variance.

(F) **Requests for Additional Information.** The Board of Zoning Appeals may request that the applicant supply additional information that the BZA deems necessary to review and evaluate the request for a variance.

(G) **Supplemental Conditions and Safeguards.** The BZA may further prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation of this Zoning Code.

(H) **Action by the BZA.** The BZA shall approve, approve with supplementary conditions as specified in sub-section 150.120.10(G) above, or disapprove the request for a variance according to the procedures established for appeals in sub-sections 150.120.1 through 150.120.9 within 30 days from the close of the hearing.

(I) **Term and Extension of Variance.** Variances, except those to increase established TMDI, shall expire one (1) year from the date of their being granted unless, prior thereto, the applicant commences actual construction in accordance with the granted variance or an extension of time has been granted by the Board of Zoning Appeals. There shall be no modification of variances except by further action of the BZA. Once the time limit pursuant to this sub-section has expired, a request for a variance shall be considered to be a new application for a variance and shall meet all requirements for application and review pursuant to this Section.

(1) **Variances to Increase Established TMDI.** Any increase in TMDI shall not be effective until an occupancy certificate has been issued by the Zoning Administrator. An occupancy certificate for an increase in TMDI shall not be issued unless all conditions imposed by the Board of Appeals as a condition of approval have been met to the satisfaction of the Zoning Administrator, Director of Water, and Director/Chief of Fire.
If an occupancy certificate is not issued within 12 months of the decision by the Board of Zoning Appeals, the variance to increase TMDI shall expire unless an extension of time has been granted by the BZA. There shall be no modification of variances to increase TMDI except by further action of the BZA.

Once the time limit pursuant to sub-section (I)(1) has expired, a request for a variance to increase TMDI shall be considered to be a new application for a variance and shall meet all requirements for application and review pursuant to this Section.

Section 3. That Sections 150.130.6(C) and (D), Fees, Penalties and Enforcement, Misdemeanor Offenses, of the Revised Code of General Ordinances, are amended as follows:

(C) Any person who violates Sections 150.305.5 (E) (1), (2), (4), or (5); 150.310.7 (F), or (G); 150.315.6 (H); 150.315.9 (A), or (B); 150.320.5 (G); 150.320.6 (C) (1), (2) or (5); 150.320.5 (F); 150.325.7 (B) (1), (C) (1), or (C) (2); 150.325.10 (A); 150.330.5 (C); 150.330.6 (F); 150.330.10 (A), or (G); 150.335.5 (B); 150.335.11 (A), or (C); 150.340.5 (C); 150.340.7 (D); 150.345.16 (A) or (B); 150.410 (A), or (B); 150.420.1; 150.420.1.5; 150.430.2; 150.565.12.5; 150.565.24.5; 150.900.4 (B); 150.900.5 (B); 150.900.8 (D); 150.900.10 (B) or (C); 150.900.14 (A), (B), or (C) (1); 150.900.17; or 150.900.19 (A) or (B) of this Zoning Code is guilty of a minor misdemeanor. No culpable mental state is required to violate Sections 150.305.5 (E) (1), (2), (4), or (5); (F) (1), (2), (4), or (G); 150.310.7 (F), or (G); 150.315.6 (H); 150.315.9 (A), or (B); 150.320.5 (G); 150.320.6 (C) (1), (2) or (5); 150.325.5 (F); 150.325.7 (B) (1), (C) (1), or (C) (2); 150.325.10 (A); 150.330.5 (C); 150.330.6 (F); 150.330.10 (A), or (G); 150.335.5 (B); 150.335.11 (A), or (C); 150.340.5 (C); 150.340.7 (D); 150.345.16 (A) or (B); 150.410 (A), or (B); 150.420.1; 150.420.1.5; 150.430.2; 150.565.12.5; 150.565.24.5; 150.900.4 (B); 150.900.5 (B); 150.900.8 (D); 150.900.10 (B) or (C); 150.900.14 (A), (B), or (C) (1); 150.900.17; or 150.900.19 (A) or (B) of this Zoning Code; it being the express intent of this section to impose strict criminal liability for each violation. Each day a violation continues is a separate offense.

(D) The penalty for any person convicted pursuant to this section is set forth in Section 130.99 of the Revised Code of General Ordinances. In addition, a court may order a person convicted pursuant to this section to correct the violation, if possible, and to make restitution for any property damage caused by the violation.

Whenever the offender has previously been convicted of a violation of 150.130.6(C), then a subsequent violation shall constitute a fourth degree misdemeanor, punishable by up to thirty days in jail and a fine up to $250.00. Whenever the offender has been previously convicted of two or more violations of 150.130.6(C), the subsequent violation shall constitute a third degree misdemeanor, punishable by up to sixty days in jail and a fine up to $500.00.

Section 4. That Section 150.200.2, Definitions, of the Revised Code of General Ordinances, is amended as shown in Exhibit A, attached hereto and incorporated herein.
Section 5. That Schedule 150.305.2, Single-Family Residential Districts, Use Regulations, Permitted Uses in Single-Family Residential Districts, of the Revised Code of General Ordinances, is amended as shown in Exhibit B, attached hereto and incorporated herein.

Section 6. That Sections 150.305.5(D) and (F), Single Family Residential Districts, Accessory Use Regulations, of the Revised Code of General Ordinances, are amended as follows:

(D) Area Requirements for Accessory Structures,

(1) For single family detached dwelling units, the area of an attached or detached garage shall not exceed 900 square feet.

(2) The area of an accessory structure, which is used for a permitted accessory use, shall not exceed 200 square feet.

(3) For single-family detached dwelling units, the maximum area of all accessory structures, including attached garages, shall not exceed 950 square feet, except agricultural uses in the SR-1 District are permitted a maximum total area for all accessory structures of 4000 square feet if the area of the zoning lot is ten (10) acres or more.

(F) Additional Regulations for Vehicles,

(1) The repainting, rebuilding, overhauling or dismantling of a vehicle or the storage of tires, motor, body or other parts is prohibited.

(2) The overnight parking or the outdoor storage of commercial motor vehicles over one (1) ton rated capacity and/or buses is prohibited.

(3) Accessory off-street parking spaces located in the front yard shall only adjoin the driveway between the driveway and the nearest side lot line, provided parking spaces shall not be located directly in front of the dwelling. In no case shall accessory off-street parking spaces be separated from the driveway and located in the required front setback.

(4) If a vehicle and/or utility trailer is parked or stored outside, it shall be parked on permeable or pervious concrete or brick paving, or on an impervious surface, such as asphalt or concrete, or on a combination thereof. The area surrounding the parked or stored vehicle and/or utility trailer shall be maintained pursuant to all applicable City ordinances, codes, standards, and regulations.

(5) For single-family detached dwellings, no more than five (5) vehicles, including recreational vehicles/equipment and/or utility trailers, shall be parked or stored outside. Of the five (5) vehicles, no more than one (1) shall be a recreational vehicle/equipment or utility trailer.

For two-family dwellings, each dwelling unit shall have no more than three (3) vehicles, including recreational vehicles/equipment and/or utility trailers, parked or stored outside. Of the three (3) vehicles, no more than one (1) shall be a recreational vehicle/equipment or utility trailer.
Section 7. That Schedule 150.305.6, Single-Family Residential Districts, Residential Contextual Standards, of the Revised Code of General Ordinances, is amended as shown in Exhibit C, attached hereto and incorporated herein.

Section 8. That Schedule 150.310.2, Multi-Family Residential Districts, Use Regulations, Permitted Uses in Multi-Family Residential Districts, of the Revised Code of General Ordinances, is amended as shown in Exhibit D, attached hereto and incorporated herein.

Section 9. That Schedule 150.315.2, Manufactured Home District, Permitted Uses, Permitted Uses in Manufactured Home District, of the Revised Code of General Ordinances, is amended as shown in Exhibit E, attached hereto and incorporated herein.

Section 10. That Schedule 150.320.2, Downtown Districts, Permitted Uses, Permitted Uses in Downtown Districts, of the Revised Code of General Ordinances, is amended as shown in Exhibit F, attached hereto and incorporated herein.

Section 11. That Schedule 150.325.2, Commercial Districts, Permitted Uses, Permitted Uses in Commercial Districts, of the Revised Code of General Ordinances, is amended as shown in Exhibit G, attached hereto and incorporated herein.

Section 12. That Section 150.325.5(F), Commercial Districts, Off-Street Parking Regulations, Off-Street Parking Spaces, of the Revised Code of General Ordinances, is amended as follows:

(F) Off Street Parking Spaces. Parking spaces shall be provided in compliance with Section 150.700, Off-Street Parking & Loading Regulations. Vehicle parking and/or storage spaces shall be made of an impervious surface, such as asphalt or concrete. The area surrounding parked or stored vehicles shall be maintained pursuant to all applicable City ordinances, codes, standards, and regulations.


Section 14. That Section 150.330.5(C), Mixed Use and Transitional Districts, Off-Street Parking Requirements, of the Revised Code of General Ordinances, is amended as follows:

(C) Off-Street Parking Areas. Off-street parking areas shall conform to the regulations in Section 150.800.9, Screening and Landscaping of Parking Lots. For single-family detached dwellings, no more than five (5) vehicles, including recreational vehicles/equipment and/or utility trailers, shall be parked or stored outside. Of the five (5) vehicles, no more than one (1) shall be a recreational vehicle/equipment or utility trailer. For two-family dwellings, each dwelling unit shall have no more than three (3) vehicles, including recreational vehicles/equipment and/or utility trailers, parked or stored outside. Of the three (3) vehicles, no more than one (1) shall be a recreational vehicle/equipment or utility trailer.
Section 15. That Schedule 150.335.2, Campus-Institutional District, Permitted Uses, Permitted Uses in Campus-Institutional District, of the Revised Code of General Ordinances, is amended as shown in Exhibit I, attached hereto and incorporated herein.

Section 16. That Schedule 150.340.2, Industrial Districts, Permitted Uses, Permitted Uses in Industrial Districts, of the Revised Code of General Ordinances, is amended as shown in Exhibit J, attached hereto and incorporated herein.

Section 17. That Section 150.350.29 Planned Developments, Amendments to Planned Developments, of the Revised Code of General Ordinances, is amended as follows:

After the City Commission has approved a Planned Development, it may be amended only by the use of the same procedures as are applicable for the original adoption of a Planned Development. However, minor adjustments in the final plan, resulting from field conditions, detailed engineering data, topography, or critical design criteria pertaining to drives, curb data, retaining walls, swimming pools, tennis courts, fences, building locations, and building configuration, parking area locations, or other similar project particulars, may be authorized in writing with the concurrence of the Planning Director and the Zoning Administrator. These minor adjustments may be permitted provided they do not increase density, decrease the number of parking spaces, or allow buildings closer to perimeter property lines. Further, such adjustment requests shall be supported by documentation, reviewed by the Planning Director and the Zoning Administrator and determined by them to conform to the original purpose and intent of the Planned Development approval. If both the Planning Director and Zoning Administrator do not agree, such adjustments shall not be allowed except by amendment. The Plan Board shall be advised of all minor adjustments authorized.

Section 18. That Schedule 150.363.2, Source Water Protection Districts, Permitted and Prohibited Uses, Permitted Uses in Well Head Operation District, of the Revised Code of General Ordinances, is amended as shown in Exhibit K, attached hereto and incorporated herein.

Section 19. That Section 150.363.2(E), Source Water Protection Districts, Permitted and Prohibited Uses, Prohibited Uses, of the Revised Code of General Ordinances, is amended as follows:

(E) **Prohibited Uses.** The following uses are prohibited in the Source Water Protection Districts:

1. Any use of chlorinated compounds and/or the Per- and Polyfluoroalkyl substances (PFAS) of Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS).
2. Any prohibited uses as identified in state or federal law.
3. Bulk fuels storage facility.
5. Concentrated animal feeding facility.
6. Dry well.
(7) Grade and fill sites.
(8) Hazardous liquid pipeline facility.
(9) Junkyards, including vehicle crushing.
(10) Manufacturing, chemical.
(11) Manufacturing, extraction, mixing or warehousing of Pharmaceuticals and Personal Care Products (PPCP).
(12) Manure storage and/or treatment facility.
(13) Plating.
(14) Recycling collection facility – both Large and Small Collection Facilities.
(15) Recycling processing facility, indoor.
(16) Recycling processing facility, outdoor.
(17) Salt piles unless stored inside a building with an impermeable floor.
(18) Sand, limestone, shale, clay, dirt, and gravel operations.
(19) Self-storage facility, indoor.
(20) Solid waste composting facilities, Class I, II, and III.
(21) Underground storage tank.
(22) Vehicle fueling station.
(23) Waste facility, construction and demolition.
(24) Waste facility, hazardous.

Section 20. That Section 150.363.2(G), Source Water Protection Districts, Permitted and Prohibited Uses, Requirement for All Uses in the Source Water Protection Districts, of the Revised Code of General Ordinances, is enacted as follows:

(G) Requirement for All Uses in the Source Water Protection Districts. All vehicle maintenance, servicing, and/or cleaning shall be conducted indoors on an impervious surface that drains to working floor drains that are connected to the sanitary sewer system.
Section 21. That Schedule 150.365.2, Park/Open Space District, Permitted Uses, Permitted
Uses in the Park/Open Space District, of the Revised Code of General Ordinances, is amended as
shown in Exhibit L, attached hereto and incorporated herein.

Section 22. That Section 150.420.1.5, Supplemental District Regulations, Composting, of the
Revised Code of General Ordinances, is amended as follows:

150.420.1.5 Composting, Incidental

(A) Compost materials shall be contained in a structure constructed of brick or
cement block; wood and/or wire mesh; or bias or drums made of plastic or
metal.

(B) Compost structures shall be located in rear yards only.

(C) Compost structures shall be set back at least five feet from all property lines.

(D) Maximum height for a compost structure shall be five feet.

(E) The composting structure shall not exceed 300 square feet.

(F) Prohibited materials. Compost materials shall not include woody yard waste
(limbs or branches 1/3 inch diameter or greater), logs, Christmas trees, meat,
bones, fat, oil, whole eggs, dairy products, weeds heavily laden with seeds,
plastics, lumber, synthetic fibers, human or animal wastes and/or excreta,
carcasses, diseased plants, or similar materials.

(G) Standard composting practices are required, including providing adequate air
circulation and moisture to prevent combustion and objectionable odors to
adjacent properties. Composting that results in objectionable odors and/or
includes prohibited materials is considered to be a public nuisance.

(H) Solid waste composting facilities as defined in this Zoning Code shall not be
considered Composting, Incidental.

Section 23. That Section 150.420.2(G), Supplemental District Regulations, Performance
Standards, Odors, of the Revised Code of General Ordinances, is amended as follows:

(G) Odors. No use shall emit malodorous gas or matter that is discernible on any
adjoining lot or property. No use shall allow for the bedding, fur, feathers,
feces, and/or urine of animals to collect or remain on the premises whereby
noxious odors or offensive smells are generated and discernible on any
adjoining lot or property. No use shall allow any structure that shelters or
houses animals to collect or generate noxious odors or offensive smells that are
discernable on any adjoining lot or property.

Section 24. That Section 150.565.1, Conditional Use and Specific Use Regulations, Adult
Care Facility for Six (6) to Sixteen (16) Persons, of the Revised Code of General Ordinances, is
amended as follows:

150.565.1 Adult Care Facility for Six (6) to Sixteen (16) Persons
The specific regulations for adult care facilities for six (6) to sixteen (16) persons shall be as follows:

(A) All activities, programs and other events shall be directly related to the conditional use permit applied for and as it is granted, and any changes from the approved conditional use permit shall be reviewed and approved by the Board of Zoning Appeals according to the procedures in this Section. All activities, programs and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.

(B) The architectural design and site layout of the adult care facility and the height of any walls, screens, or fences connected with any said care facility shall be compatible with adjoining land uses and the residential character of the neighborhood.

(C) In Single-family Zoning Districts, in order to maintain the single-family residential character of the area in which the residential care facility is located, the applicant is required and shall agree that upon termination of this conditional use for any reason the applicant shall restore the premises to a condition in which it is marketable as a single-family dwelling, unless ownership and/or possession of the premises is transferred to a person(s) who has obtained a similar conditional use permit for the premises.

(D) The applicant shall comply with the applicable parking regulations of the Zoning Code and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors. The use of alternative pavements such as brick pavers and porous pavement is encouraged. Parking for visitors and employees shall be located behind the front building line. The Plan Board, the Board of Zoning Appeals, or the Zoning Administrator, whichever is applicable pursuant to the procedures in Section 150.115, may grant an exception to this requirement due to the shallow depth of the parcel, the location of mature trees, or other similar factors.

Section 25. That Section 150.565.12.7, Conditional Use and Specific Use Regulations, Composting, of the Revised Code of General Ordinances, is amended as follows:

150.565.12.7 Composting, Incidental

Section 26. That Section 150.565.52, Conditional Use and Specific Use Regulations, Residential Facility for Nine (9) to Sixteen (16) Persons, of the Revised Code of General Ordinances, is amended as follows:

150.565.52 Residential Facility for Nine (9) to Sixteen (16) Persons
The specific regulations for a residential facility for nine (9) to sixteen (16) persons shall be as follows:

(A) All activities, programs and other events shall be directly related to the conditional use permit so granted, and any changes from the approved conditional use permit shall be reviewed and approved by the Board of Zoning Appeals according to the provisions of this Section. All activities, programs
and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.

(B) The architectural design and site layout of a residential facility and the height of any walls, screens, or fences connected with any said residential facility shall be compatible with adjoining land uses and the residential character of the neighborhood.

(C) If the residential facility is located in a single-family zoning district, in order to maintain the single-family residential character of the area in which the residential care facility is located, the applicant is required and shall agree that upon termination of this conditional use for any reason the applicant shall restore the exterior of the premises so that it has a single-family residential character, unless ownership and/or possession of the premises is transferred to a person(s) who has obtained a similar conditional use certificate for the premises.

(D) The applicant shall comply with the applicable parking regulations of the Zoning Code and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors. The use of alternative pavements such as brick pavers is encouraged.

Section 27. That Section 150.565.67, Conditional Use and Specific Use Regulations, Solar Energy Structure, of the Revised Code of General Ordinances, is amended as follows:

150.565.67 Solar Energy Structure
The specific regulations for a solar energy structure shall be as follows:

(A) General Requirements

(1) Solar energy structures proposed in a historic district shall require a Certificate of Appropriateness.

(2) In the event a solar energy structure ceases useful intended operation for a period of six months, the structure shall be considered abandoned. The owner/operator shall remove the nonfunctioning structure within 180 days after receipt of a notice from the Zoning Administrator to do so.

(3) The area of a solar energy structure shall not count as lot coverage if the ground below the structure is permeable or substantially pervious to water.

(B) Requirements in Residential Districts

(1) Freestanding solar energy structures shall have a maximum height of fifteen (15) feet.

(2) Freestanding solar energy structures shall be permitted in rear yards only.
(3) Solar energy structures shall have the same minimum setbacks for side and rear property lines as other accessory structures.

(C) Requirement in Non-Residential Districts. Solar energy structures shall have the same minimum setbacks for side and rear property lines as other accessory structures.

(D) Requirement When a Conditional Use. The Board of Zoning Appeals may limit the size and/or height of proposed solar energy structures as a part of the Conditional Use process to ensure harmonious and orderly development in the general vicinity.

Section 28. That Section 150.565.68.5, Conditional Use and Specific Use Regulations, Solid Waste Composting Facility, Class IV, of the Revised Code of General Ordinances, is enacted as follows:

**150.565.68.5 Solid Waste Composting Facility, Class IV.**
The specific regulations for a Class IV solid waste composting facility shall be as follows:

(A) The minimum lot size shall be 5 acres and the minimum lot width shall be 150 feet.

(B) The facility shall be located on a collector or higher street classification.

(C) All sites, procedures, and processes shall be subject to the approval of the Ohio EPA and any other appropriate federal, state, or local agencies. No Zoning or Occupancy Certificate shall be issued until all necessary approvals are obtained.

(D) The owner and/or operator applying for a conditional use permit or a zoning or occupancy certificate shall provide an operational plan that will be kept on site and readily available for use by on-site staff and the Zoning Administrator. The plan shall include the general operational and maintenance policies and procedures of the facility, including, but not limited to, procedures relating to odor and dust control, traffic flow, public access, fire prevention, staffing, the acceptance of material to be composted, and the prevention of unauthorized depositing of materials.

(E) There shall be no burning of any material at the facility.

(F) The facility shall only compost materials permitted by its Class IV permit issued by the State of Ohio and is prohibited from composting any prohibited materials.

(G) All materials used in the composting operation, including materials composting and materials to be composted, shall be setback 150 feet from property lines.

(H) A buffer yard, with a minimum width of fifty (50) feet, shall be planted with evergreen trees that create a continuous visual screen within three (3) years of the initial installation around all sides of the property excluding facility
entrances and exits. The evergreen trees shall be at least six (6) feet in height when planted and allowed to grow to a minimum of twenty (20) feet.

(I) Sufficient space shall be maintained around piles of material to allow access for emergency fire-fighting equipment and procedures, as described in the operational plan and approved by the Fire Department.

(J) In the WP Overlay District, the facility shall meet all requirements of the Department of Water and no Zoning Occupancy Certificate shall be issued until such requirements are met to the satisfaction of the Department of Water.

(K) All activities shall be conducted in a manner that minimizes hazards, litter, noise, nuisances and vector impacts; and minimizes human contact with, ingestion, inhalation, and transportation of dust, particulates and pathogenic organisms.

(L) Traffic flow into, on, and out of the facility shall be controlled in a safe manner at all times.

(M) If open to the public, public business hours shall begin no earlier than 7:30 AM and end at sunset. Legible directional signs shall be posted at all public entrances.

(N) An attendant shall be on duty during public business hours to staff the facility and ensure that no prohibited materials are brought on site.

(O) If open to the public, the facility shall be designed to prevent public access to the facility outside of public business hours and to prevent materials from being deposited outside the facility or on its grounds outside of public business hours.

(P) Upon completion of operations and/or termination of the facility’s operation for any reason:

(1) The operator and/or owner shall provide written notice to the Zoning Administrator of such completion and/or termination. Such notice shall include a notice of the intent to perform site restoration, a description of the site restoration work to be performed and a timetable for the work to be completed. Such written notice shall be provided to the Zoning Administrator at least 30 days prior to beginning site restoration.

(2) The operator and/or owner(s) shall provide site restoration necessary to protect public health, safety, and the environment and comply with applicable local, state, and federal regulations.

(3) The operator and/or owner shall ensure that all of the following site restoration procedures are performed upon completion of operations and/or termination of service:

(a) The operation and all facility grounds, including, but not limited to, ponds and drainage areas, shall be
cleaned of all residues including, but not limited to, compost materials, scraps, and other materials related to the operations, and these residues legally recycled, reused, or disposed of.

(b) All machinery shall be cleaned and removed or stored securely.

(c) All remaining structures shall be cleaned of compost materials, dust, particulates, or other residues related to the composting and site restoration operations.

Section 29. That Section 150.565.76(D), Conditional Use and Specific Use Regulations, Truck/Motor Freight Terminal, of the Revised Code of General Ordinances, is enacted as follows:

(D) Requirement in the WP Overlay District:

The property owner and/or lessee shall allow and provide access to all onsite storage areas, containers, storage pods, rooms, lockers, vehicles, and/or trailers, whether owned by the property owner, a legal tenant, or other third party, during Source Water Protection and/or Fire Department inspections, whether announced or unannounced.

Section 30. That Section 150.565.80.5(E)(3), Conditional Use and Specific Use Regulations, Wall Mural, of the Revised Code of General Ordinances, is amended as follows:

(3) Written permission from the owner of the building or structure on which the wall mural will be placed.

Section 31. That Sections 150.700.2(G) and (H), Off-Street Parking and Loading Regulations, Parking and Loading Facilities Required, of the Revised Code of General Ordinances, are enacted as follows:

(G) Bicycle parking may be substituted for up to 10 percent of required off-street vehicle parking spaces. For every five (5) non-required bicycle parking spaces that meet the bicycle parking requirements found in Section 150.700.13, the off-street vehicle parking requirement is reduced by one (1) space. Existing off-street parking spaces may be converted to take advantage of this provision.

(E) A bike sharing station may be substituted for required off-street vehicle parking spaces if all of the following requirements are met:

(1) The bike sharing station shall have a minimum of eleven (11) docks. A station of this size shall reduce the off-street vehicle parking space requirement by three (3) spaces. The provision of each additional four (4) docks and two (2) shared bicycles shall reduce the off-street vehicle parking space requirement by one (1) additional space. A maximum of 25 percent of required off-street vehicle parking spaces may be reduced through the provision of a bike sharing station.

(2) The bike sharing station shall be visible and accessible to the public.
(3) The bike sharing station shall be within a distance of another bike sharing station that is part of the same bike sharing system that is approved by the bike share operator.

(4) The bike sharing station shall be located on the site or adjacent sidewalk of the use for which the off-street vehicle parking spaces are required or on the site of a restricted parking lot that serves the use.

(5) The bike sharing station shall be shown on the site design plans submitted to the Zoning Administrator for the use.

(6) The property owner shall have an agreement for its bike sharing station with a bike sharing organization which serves the City of Dayton geography. The bike sharing station shall be part of the bike sharing system controlled by the bike sharing organization.

The property owner shall maintain the agreement with the bike sharing organization for as long as it wishes to substitute a bike sharing station for required off-street vehicle parking spaces. Should the bike sharing organization no longer wish to include the bike sharing station in its system or the bike sharing system is no longer in operation, the Zoning Administrator may require the property owner to meet the off-street vehicle parking space requirement.

Should the property owner no longer wish to include the bike sharing station in the bike sharing system, the Zoning Administrator may require the property owner to meet the off-street vehicle parking space requirement.

Section 32. That Section 150.900.14(B), Sign Regulations, Temporary Signs, Temporary Signs in Non-Residential Districts, of the Revised Code of General Ordinances, is amended as follows:

(B) Temporary Signs in Non-Residential Districts.

(1) Developed Parcels. Temporary signs on developed parcels in non-residential districts are permitted pursuant to Schedule 150.900.14.

(2) Schedule 150.900.14 of Temporary Signs in Non-Residential Districts.
(3) **Vacant Parcels.** The following regulations for temporary signs on vacant parcels in non-residential districts apply for an unspecified period of time:

(a) One (1) temporary sign is permitted up to a maximum of thirty-two (32) square feet.

(b) A parcel that also has frontage on a second public street is entitled to a second sign, not to exceed thirty-two (32) square feet, provided that the length of the frontage along the second public street is a minimum of 300 feet.

Section 33. That Section 150.900.14(C), Sign Regulations, Temporary Signs, Temporary Signs in Residential Districts, of the Revised Code of General Ordinances, is amended as follows:

(C) **Temporary Signs in Residential Districts.**

(1) For attached or detached single-family dwellings, two-family dwellings, and multi-unit buildings, four (4) temporary signs are permitted at any given time on any one zoning lot. Two (2) of the four signs may be displayed for an unlimited amount of time. The third and fourth signs are limited to a maximum of three (3) consecutive days and a maximum of ten (10) days per calendar year. No temporary sign shall exceed six (6) square feet.

(2) For nonresidential uses, two (2) temporary freestanding signs, that do not exceed sixteen (16) square feet each, may be erected. One of the two signs may be displayed for an unlimited amount of time. The second sign shall be limited to fifteen (15) days per calendar month.
(3) **Vacant Parcels.** The following regulations for temporary signs on vacant parcels in residential districts apply for an unspecified period of time:

1. For a parcel less than one (1) acre, one (1) temporary sign is permitted up to a maximum of six (6) square feet.

2. For a parcel greater than one (1) acre, one (1) temporary sign is permitted up to sixteen (16) square feet. A parcel that also has frontage on a second public street is entitled to a second sign, not to exceed sixteen (16) square feet, provided that the length of the frontage along the second public street is a minimum of 300 feet.

Section 34. That existing Sections 150.120.10(D)(3); 150.120.10(E), (F), (G) and (H); 150.130.6(C) and (D); 150.200.2; Schedule 150.305.2; Sections 150305.5(D) and (F); Schedule 150.305.6, Schedule 150.310.2; Schedule 150.315.2; Schedule 150.320.2; Schedule 150.325.2; Section 150.325.5(F); Schedule 150.330.2; Section 150.330.5(C); Schedule 150.335.2; Schedule 150.340.2; Schedule 150.350.29; Schedule 150.363.2; Section 150.363.2(E); Schedule 150.365.2; Sections 150.420.1.5; 150.420.2(G); 150.565.1; 150.565.12.7; 150.565.52; 150.565.67; 150.565.80.5(E)(3); 150.900.14(B); and 150.900.14(C) of the Revised Code of General Ordinances, as previously enacted, are repealed.

Section 35. That for the reasons stated in the preamble hereof, the Commission declares this ordinance to be an emergency measure that shall be effective upon passage.

Passed by the Commission.................................2017

Signed by the Mayor........................................2017

Mayor of the City of Dayton, Ohio

Attest:

______________________________
Clerk of the Commission

Approved as to form:

______________________________
City Attorney
Exhibit A

150.200.2 Definitions.

(A) Words used in this Code are used in their ordinary English usage.

(B) For the purpose of this Zoning Code, the following terms shall have the meaning herein indicated:

**Abut.** To physically touch or border upon; or to share a common property line but not overlap. For the purposes of this Zoning Code, abut shall include properties separated by a publicly dedicated alley.

**Accessory structure.** A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

**Accessory Use.** See Use, Accessory.

**Adjacent.** See Abut.

**Adult care facility.** A facility providing personal care services to adults (typically elderly). Such services may include assistance in daily living activities and self-administration of medicine, and preparation of special diets. These facilities shall be licensed by a state or federal agency. Facilities providing the services and functions of Emergency Housing, Protective Care Facilities, or Transitional Housing as defined in this code shall not be considered Adult Care Facilities. There are two categories of adult care facilities:

(a) An adult care facility that provides accommodations for 3 to 5 adults; and,

(b) An adult care facility that provides accommodations for 6 to 16 adults.

**Agriculture, Livestock.** The use of land that involves the keeping of livestock. This classification includes the accessory structures necessary and the residence of the person who owns and operates the agriculture, livestock use, and family thereof; provided, however, the following shall not be permitted in connection with any agricultural, livestock use:

(a) The raising of poultry or furbearing animals, as a principal use.

(b) The raising of livestock fed from garbage or offal, and the feeding or grazing of animals or poultry in either penned enclosures or in open pasture within 100 feet of any lot line are not permitted in any zoning district.

(c) The operation or maintenance of a stock yard or feed lot is not permitted in any zoning district.

(d) Wholesale or retail sales as an accessory use, unless the same are specifically permitted by this Zoning Code.

**Airport.** A facility for the takeoff and landing of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, terminal buildings and airport auxiliary facilities, including but not limited to lighting and antennae systems, access roads and various
Exhibit A

accommodations for passengers. This term also includes aircraft maintenance facilities and
heliports when part of a larger airport facility.

**Alley.** A service roadway providing a secondary means of public access to abutting property and
not intended for general traffic circulation.

**Amusement park.** A facility, primarily outdoors, that may include structures and buildings,
where there are various devices for entertainment, including rides, booths for the conduct of
games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

**Animal boarding facility.** A facility in which more than 4 dogs or 4 cats, or any combination
thereof, over the age of 5 months may be kept for boarding, breeding, safekeeping,
convalescence, humane disposal, placement, or sale. This facility includes a kennel, and it may
include outside runs and outside boarding facilities.

**Animal hospital/clinic.** A facility where domestic animals are given medical or surgical
treatment and the boarding of animals occurs only as an incidental use for not more than 30 days.
This facility may include outdoor runs or boarding facilities as an accessory use where permitted.

**Aquifer.** A glacial formation, group of glacial formations, or part of a glacial formation that
contains enough saturated permeable material to yield significant quantities of water.

**Architectural compatibility.** A design or material/color selection is compatible when it does not
strongly deviate from its parent building or the overall character of the neighborhood. To be
compatible does not require look alike designs, but rather designs that reflect some aspects of its
parent building or buildings in the general vicinity, such as scale of windows, overhangs, building
materials, patterns of siding, roof slope. Conversely, incompatibility occurs when an architectural
design, landscape design or accessory building proposal is aesthetically harsh or overwhelming
relative to its neighbors.

**Architectural feature.** In the context of Section 150.900, Sign Regulations, an architectural
feature means any construction attending to, but not an integral part of, the sign, which may
consist of landscape, building, or structural forms that enhance the site in general; also, graphic
stripes and other architectural painting techniques applied to a structure that serves a functional
purpose, or when the stripes or other painting techniques are applied to a building provided such
treatment does not include lettering, logos or pictures related to the intended message of the sign.

**Area.** For the purposes of Section 150.345, Historic Overlay Districts, a group of parcels or
public spaces.

**Assembly hall.** An establishment providing meeting space for social gatherings, including but
not limited to wedding receptions, graduations parties and business or retirement functions. This
term includes, but is not limited to, a banquet hall or rental hall.

**Auditorium.** A facility that accommodates public assembly for meetings, amusements, or
entertainment.

**Automobile service station.** (See also Vehicle Fueling Station): A building, part of a building,
structure or space which is used for the retail sale of lubricants and motor vehicle accessories, the
routine maintenance and service of vehicles and the making of minor repairs to motor vehicles.
Repairs described under MOTOR VEHICLE REPAIR, shall not be permitted.
Exhibit A

**Average.** The result of dividing the sum of two or more quantities by the number of quantities.

**Bank.** An establishment providing retail banking, credit and mortgage services. This term shall not include a currency exchange, a payday loan agency or a title loan agency.

**Basement or cellar.** That portion of a building located partly underground but having more than 1/2 of its clear floor-to-ceiling height below the average grade of the adjoining ground.

**Bed and breakfast establishment.** A residential building, other than a hotel or motel, where overnight lodging, together with breakfast, is offered to the general public in exchange for a daily fee.

**Berm.** An earthen mound designed to provide visual interest on a site, screen undesirable views, and/or decrease noise.

**Bike sharing organization.** A service approved by the Zoning Administrator in which bicycles are made available for shared use to individuals on a short term basis. The service allows a user to check out a bicycle at a bike sharing station operated by Link and return it to another Link bike sharing station located within Link’s service area.

**Bike sharing station.** A facility where bicycles are checked out and returned that is part of a network of other bike sharing stations operated by a bike sharing organization.

**Block face.** A single side of a dedicated street running from street to street including parcels and public right-of-way.

**Brewpub.** A “Restaurant, indoor dining” that includes the production and packaging of beverages for on and off premise consumption on less than 75% of the total gross floor area.

**Buffer or buffer yard.** A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

**Building.** Any structure having one or more floors and a roof supported by columns or walls, which is completely enclosed and is designed or intended for the shelter or protection of persons, animals or property.

(a) **Building, accessory:** A subordinate building detached from, but located on the same lot as, the principal or main building, the use of which is incidental and accessory to the principal building or use and which is constructed subsequent to the principal building or main use of the land.

(b) **Building, principal:** A building occupied by the main use of the lot on which said building is located.

**Building height.** The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure excluding:

(a) Chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, water tanks, and similar roof structures needed to operate and maintain the building on which they are located; and,
Exhibit A

(b) Flag poles, aerials, water towers and tanks, steeples, and bell towers, carillons, monuments, and cupolas.

Building line. An imaginary linear extension of the building parallel or substantially parallel to the street right-of-way line defining the limits of the front yard, or in the case of a corner lot, the corner side yard.

Building wall. In the context of Section 150.900, Sign Regulations, any vertical surface of a building or structure (other than a pitched roof) that is integral to, and could reasonably be constructed as a part of, the architecture of the building when signage is not being contemplated. Examples of building walls include, but are not limited to: awnings, canopies, marquees, vertical portions of gable roofs, parapets, mechanical penthouses, etc.

Bulk fuels storage facility. Includes but is not limited to bulk chemical plants, oil terminals, refineries, vapor recovery and vapor-processing systems.

Caliper. The American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six (6) inches above the ground up to and including four-inch caliper size, and twelve (12) inches above the ground for a caliper size greater than four (4) inches.

Campground. A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreational, education, or vacation purposes

Camping unit. Any tent, cabin, recreation vehicle or similar structure established or maintained and operated in a campground as temporary, with temporary being defined as less than sixty (60) continuous days, living quarters for recreation, education, or vacation purposes.

Carport. A permanent, roofed structure, with a foundation, designed to provide space for the parking of vehicles and enclosed on not more than three (3) sides.

Car wash. A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices and/or which may employ hand labor.

Cellar. See Basement.

Cemetery. Cemetery means land used or intended to be used for the burial of the human or animal dead, and which is dedicated for cemetery purposes. Cemetery includes mausoleums and mortuaries if operated in connection with, and within the boundaries of a cemetery. This term shall not include crematoriums.

Chlorinated compounds. Synthetic substances containing carbon, hydrogen, and chlorine atoms, such as chlorinated fluorocarbons (CFSs), chlorinated hydrocarbons (CHCs), and carbon tetrachloride.

Church. A building or structure used for public worship. The word "church" includes the words "place of worship," "house of worship," "chapel," "synagogue," "mosque," and "temple" and their uses and activities that are customarily related. The term church does not include emergency shelters.
Exhibit A

Class I, II, III, IV, and V underground injection wells. A well into which fluids are being injected as defined in OAC § 3745-34.

Class VI underground injection well. A well used for the injection of carbon dioxide (CO2) into underground subsurface rock formations for long-term storage, or geologic sequestration as detailed in 40 CFR § 146 Subpart H.

Co-location. The use of a wireless telecommunications facility by more than one wireless telecommunications provider or by one provider for more than one type of telecommunication technology.

Commercial motor vehicle. Any motor vehicle designed or used to transport persons, property, merchandise or freight primarily for-profit as defined in Ohio Revised Code Section 4506.01 (E).

Common area. Any land area and/or facilities that is held in common ownership by the residents through a homeowners’ association, community association or other legal entity, or which is held by the individual members of a condominium association as tenants-in-common.

Community center. A building or group of buildings operated by a public or nonprofit group or agency and used for recreational, social, educational or cultural activities.

Community garden. The use of land for the purpose(s) of harvesting, farming, gardening, beekeeping, or composting that is on a property of less than one acre and does not include the keeping of livestock.

Compost. A humus-like material resulting from the controlled biological decomposition of organic waste material.

Composting, incidental. The controlled biological decomposition of organic garden, yard, and kitchen waste materials under aerobic conditions to produce compost that may be used without producing any adverse impact on the environment or to public health. This term shall not include solid waste composting facilities.

Comprehensive Plan. A long-range plan intended to guide the growth and development of the City, based on study and analysis of the City’s existing conditions, including population and housing, historic and natural features, general land use patterns and zoning regulations, and other development considerations.

Concentrated animal feeding facility. An animal feedlot, including animal manure management facilities as detailed in ORC Chapter 903 and including land application areas for managing and disposal of animal manure.

Congregate care facility. A residential facility that provides for the needs of individuals who are elderly or disabled. The facility shall consist of residential dwelling units or rooms designed specifically for the elderly or disabled, and may have common social, recreational, dining and/or food preparation facilities. The facility may be for independent living and/or may provide the residents with a range of personal and medical assistance including nursing care.

Construction and Demolition Waste Facility. See Waste facility, construction and demolition.

Contour. An imaginary line connecting all points with the same elevation above or below a fixed base point whose elevation is known.
Exhibit A

**Contributing.** A property, structure, or site within a historic district which supports the historical and architectural context of the area’s association to broad patterns of our history or any property, structure, or site which is not otherwise classified as significant or non-qualifying.

**Convention and exposition center.** A commercial facility used for trade shows, assemblies or meetings, including exhibition space. This term does not include banquet halls, clubs, lodges or other meeting facilities of private or nonprofit groups that are primarily used by group members.

**Conversions.** Any modification or change to an existing dwelling which is intended to or actually does increase the number of dwelling or rooming units.

**County.** Montgomery County, Ohio.

**Crematorium.** A facility that burns human or animal dead to ashes.

**Cultural institution.** An institution that displays or preserves objects of interest to the arts or sciences. This term includes, but is not limited to, a museum, art gallery, aquarium or planetarium.

**Dawn.** Sunrise.

**Day care center.** An establishment in which the operator is provided with compensation in return for providing individuals with care for less than 24 hours at a time. This term includes, but is not limited to, a day nursery, nursery school, adult day care center or other supplemental care facility. This term does not include a family day care home. (See the definition of family day care home.)

(a) **Adult day care center.** An adult day care center shall not include a convalescent home, hospital or any other full-time care facility.

(b) **Child day care center.** Any place that provides day care or publicly funded day care to 13 or more children at one time; or any place that is not the residence of the licensee or administrator where child day care is provided to 7 to 12 children at one time.

**Density.** The number of dwelling units permitted per acre of land.

(a) **Density, Gross.** Gross density means the number of dwelling units permitted per acre of total land area.

(b) **Density, Net.** Net density means the number of dwelling units permitted per acre of land when the acreage involved includes only the land devoted to residential uses and excluding land dedicated to public thoroughfares or other unbuildable land areas.

**Developer.** The legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

**Development.** The construction of a new building or other structures on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use. Also means any man-made change to improved or unimproved real estate, including but not
Exhibit A

limited to parking, fences, pools, temporary uses, clearing of land, mining, dredging, filling, grading, paving, excavation, or drilling operations.

**Diameter-at-breast-height (DBH).** The diameter of a tree trunk measured in inches at a height 4.5 feet above ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point below the split.

**Dormitory.** A building used as living quarters for a student body or religious order and which is related to and/or intended to associate with a college, university, boarding school, orphanage, religious facility, or similar institution.

**Drive-thru facility.** Any portion of a building from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-thru" shall also include "drive-up" and "drive-in" but shall not include Car Wash, Vehicle Fueling Station, and Automobile Service Station.

**Driveway.** A private access road, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which it is located.

**Driveway approach.** The area from the street pavement to a zoning lot that provides vehicular access to a driveway or the area from the alley pavement that provides vehicular access to a garage that opens to an alley.

**Dry well.** A well, other than an improved sinkhole or subsurface fluid distribution system, completed above the water table so its bottom and sides are typically dry except when receiving fluids (see OAC § 3745-34); designed to drain surface fluids, primarily storm water runoff, into a subsurface formation.

**Dusk.** Sunset.

**Dwelling.** Any building or portion thereof, containing one or more dwelling units designed for or occupied exclusively for residential purposes, including single-family, two-family and multi-family dwellings as well as factory-built housing, as defined herein.

**Dwelling, attached single-family.** Dwelling units that are structurally attached to one another, side by side, and erected as one building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof and each such building being separated from any other building by space on all sides, and including such elements as separate ground floor entrances, services and attached garages.

**Dwelling, cluster single-family detached.** A dwelling unit which is designed and used exclusively by one family and separated from all other dwelling units by open space from ground to sky, which is grouped with other dwelling units on a site in an arrangement. The cluster dwelling does not need to be located on its own subdivided lot, but shall comply with the requirements for planned developments and/or for those uses denoted with a P8.

**Dwelling, detached single-family.** A dwelling unit designed and used for one (1) family situated on a lot having a front, side and rear yard and separated from all other dwelling units by open space from ground to sky. See also Figure 1.
Exhibit A

Figure 1.
Detached Single-Family Dwellings

**Dwelling, multi-family.** A dwelling designed for three (3) or more dwelling units, occupied by three (3) or more families living independently of each other where the units are separated by party walls with varying arrangements of entrances, and which does not meet the definition of attached single-family dwelling units. This term includes the conversion of non-residential buildings to residential use.

**Dwelling, two-family.** A dwelling, having the exterior appearance of a single-family house, designed for or converted to contain two (2) dwelling units, occupied by two (2) families living independently of each other.

**Dwelling unit.** One or more rooms comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one (1) family.

**Easement.** A right granted by the owner of land to other parties to use such land for a specific purpose, such as public utility lines or for access to other properties.

**Emergency day shelter.** A facility managed by a public or nonprofit agency that provides daytime shelter and a protective sanctuary for victims of fire, natural disaster, economic hardship, crime, abuse or neglect. Emergency day shelters may or may not have food preparation facilities and private shower or bath facilities. Emergency day shelters shall be co-located in emergency housing facilities and are prohibited as stand-alone facilities.

**Emergency housing.** A facility managed by a public or nonprofit agency that provides short-term housing for up to sixty (60) days and a protective sanctuary for victims of fire, natural disaster, economic hardship, crime, abuse or neglect. Emergency housing may operate 24 hours a day, seven days a week and contain individual or group sleeping rooms and may or may not have food preparation facilities and private shower or bath facilities. Emergency day shelters may be co-located in emergency housing facilities.

**Environmental Advisory Board (EAB).** The Board established pursuant to R.C.G.O. § 44.40.
Exhibit A

Equipment sales/rental/service. Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar equipment, and the rental of recreational and commercial motor vehicles. This term includes incidental storage, maintenance, and servicing of such equipment.

Facade. That portion of any exterior elevation on the building extending from grade to the top of the parapet, wall, or eaves and the entire width of the building elevation.

Facility Hazard Potential Rating (FHP). A value from 1-9 which reflects the overall threat to occupational health and safety and potential adverse impacts to groundwater presented by the chemical activity of uses on a zoning lot, with 9 representing the highest threat and 1 representing the lowest threat, that is established as the maximum value permitted for the zoning lot.

Factory-built housing. Factory-built housing consists of three types of dwelling units: mobile homes, manufactured homes, and modular homes.

(a) **Mobile home.** A residential dwelling, designed to be a permanent residence that was fabricated in an off-site manufacturing facility prior to enactment of the Federal Manufactured Home Safety and Construction Standards.

(b) **Manufactured home.** A residential dwelling built in an off-site manufacturing facility in accordance with the Federal Manufactured Home Safety and Construction Standards.

(c) **Modular home.** A residential dwelling built in an off-site manufacturing facility in accordance with the Ohio Board of Building Standards. Also commonly referred to as a systems-built home, prefabricated home or panelized home.

Family. Family means an individual or two or more persons, each related to the other by blood, marriage, or adoption, or foster children as defined in Section 150.200.2 and not more than two additional persons not related as set forth above, all living together as a single housekeeping unit and using common kitchen facilities.

Family day care home. A residence used to provide childcare as detailed below:

(a) **Type A.** A permanent residence of the day care provider in which child day care or publicly funded day care is provided for seven (7) to twelve (12) children at one time; or, a permanent residence of the day care provider in which child day care is provided for four (4) to twelve (12) children at one time if four (4) or more of these children are under two (2) years of age. Such facilities shall be licensed as mandated by Chapter 5104 of the Ohio Revised Code.

(b) **Type B.** A permanent residence of the day care provider in which child day care is provided for one (1) to six (6) children at one time. No more than three (3) of these children shall be under two years of age at one time. Any children under six (6) years of age who are related to the provider and who are on the premises of the day-care home shall be counted.

Federal Emergency Management Agency (FEMA). The agency with the overall responsibility for administering the National Flood Insurance Program.
Exhibit A

Fence. Any structure composed of wood, steel or other material erected in such a manner and positioned to enclose or partially enclose any premises or part of any premises. Hedges, trellises or other structures supporting or for the purpose of supporting vines, flowers and other vegetation when erected in such position to enclose any premises or part of any premises shall be included within the definition of the word “fence”. Structures erected other than on lot lines or in close proximity to lot lines, which have solely an ornamental purpose and which do not serve the purpose of enclosing or partially enclosing premises or of separating premises from adjoining premises, shall not be included within the definition of the word “fence”. Specific types of fences include:

(a) Barbed wire. “Barbed wire fence” means a fence made with metal wire having sharp points, razors or razor ribbon, or barbs along its length.

(b) Chain link. “Chain link fence” means a fence made of metal loops or vinyl-coated metal loops interconnected in a series of joined links.

(c) Electrified. “Electrified fence” means all fences or structures, included or attached to any device or object which emits or produces an electrical charge, impulse or shock when the same comes into contact with any other object, person or animal or which causes or may cause burns to any person or animal.

(d) Open ornamental. “Open ornamental fence” means a fence constructed for its beauty or decorative effect and when viewed at a right angle, has not less than seventy-five percent (75%) of the area of its vertical plane, the area within a rectangular outline enclosing all parts of the fence in its plane, open to light and air. Ornamental fences include:

(i) “Rail fence” or “split-rail fence” means a fence constructed of narrow, whole or split, wooden timbers placed horizontally between upright supporting posts; and,

(ii) Wrought iron fences, decorative steel fences, and aluminum fences.

(e) Privacy. “Privacy fence” means a fence made to inhibit public view and provide seclusion and when viewed at right angles, has less than twenty-five percent (25%) of the area of its vertical plane open to light and air. Privacy fences include:

(i) “Basket weave fence” or “woven fence” which means a fence made of interwoven strips or slats of flexible or semi-flexible material in which the pattern has the appearance of a plaited basket.

(ii) “Louver fence” or “ventilating fence” which means a fence made of a series of slats placed at an angle or positioned so as to provide air but to deflect light perpendicular to its vertical plane.

(iii) “Board on board fence” or “picket fence.”

(iv) “Stockade fence” or “palisade fence” means a fence constructed with a row of stakes, pales or pickets placed upright against each other and having at least fifty percent (50%) of the area of its vertical plane closed to light and air.
Exhibit A

Financial institution. See Bank.

Flag. Any fabric, banner or bunting used as a symbol of government, political subdivision, corporate or commercial entity, or institution, or used to convey any message, or otherwise used in a manner consistent with the definition of a sign.

Fleet vehicles. Trucks, vans, and other vehicles, including motorized equipment, which are used as part of the operation of a principal use, but not including privately owned customer or employee vehicles.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters, or

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM). An official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study. The official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1/2 foot.

Floor area, gross. The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of the exterior walls of a building or from the center line of a common wall separating two (2) or more units of a building, including accessory storage areas located within selling or working space, but not including space in cellars or basements, space in machinery penthouses or floor space used for accessory off-street parking. However, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.

Floor area, net. The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

Footcandle. A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

(a) Footcandle — Horizontal. The measurement of footcandles utilizing a direct reading, portable light meter mounted in the horizontal position.

(b) Footcandle — Vertical. The measurement of footcandles utilizing a direct reading, portable light meter mounted in the vertical position.
Exhibit A

Foster child. “Foster child” means a person under eighteen (18) years of age who is placed in a dwelling unit by an institution or agency, licensed or approved by an appropriate State-regulating agency to place foster children.

Fraternity. A building used as group living quarters for members of a general or local chapter of a regularly organized college fraternity.

Freestanding drive-thru facility. A facility whose only use is transacting business with customers located in a motor vehicle during such business transaction.

Frontage line. All lot lines that abut a public street. A corner lot or through lot has two or more frontage lines.

Full-shielded or full cut-off type fixture. An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture. See Figure 2.

Figure 2
Full cut-off lighting

(Figure 2: Full cut-off lighting directs light down and to the sides as needed.

Funeral home. A building or part thereof used for human funeral services. Such building may contain space and facilities for: (a) embalming and the performance of other services used in preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; and (e) accessory facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

Garage. A building, or part thereof, used or intended to be used for the parking and storage of vehicles.

Gasoline station. See Vehicle Fueling Station. (See also Automobile Service Station)

General Development Plan. A general development plan indicates the general concept of development for a site including the general location of use areas, building envelopes, open space, and circulation pattern. A general development plan includes all the drawings, maps, and
Exhibit A

other elements set forth in Section 150.335.12 (C)(2)(a), General Development Plan Submission Requirements.

Glare. Direct light that causes annoyance, discomfort or loss in visual performance and visibility.

Globally Harmonized System of classification and labeling chemicals (GHS). System for standardizing and harmonizing the labeling of chemicals as implemented under 29 CFR § 1910.1200.

Golf/swim/tennis club. A recreation facility operated by a homeowners association or other non-profit organization and open only to bona fide members and guests of such non-profit organization.

Grade and fill site. A tract of land on which the owner wishes to change existing grade in order to increase its potential usefulness for a particular purpose.

Handle. To place, deposit, store, process, use, produce, dispose of, transport, or release Regulated Substances; or permit Regulated Substances to be placed, deposited, stored, processed, used, produced, disposed of, transported or released.

Harvesting. The use of land for the purpose(s) of harvesting, farming, gardening, beekeeping, or composting that is on a property of one acre or more and does not include the keeping of livestock.

Hazardous liquid. Any liquid defined in the Hazardous Liquid Pipeline Safety Act of 1979 which includes: (A) petroleum or a petroleum product; and/or (B) a substance the Secretary of Transportation decides may pose an unreasonable risk to life or property when transported by a hazardous liquid pipeline facility in a liquid state (except for liquefied natural gas). This term also includes any material that is subject to the Hazardous Waste Manifest requirements of the EPA referenced in 40 C.F.R. Part 262, and material listed under the U.S. DOT Hazardous Materials Regulations 49 C.F.R. Parts 100 to 185.

Hazardous liquid pipeline facility. A pipeline, a right of way, a facility, a building, or equipment used or intended to be used in transporting hazardous liquid.

Hazardous waste facility. See Waste facility, hazardous.

Health club. An establishment for the conduct of indoor sports and exercise activities, along with related locker and shower rooms, offices and classrooms, where use of such establishment is offered on a membership basis.

Health hazard. Posing any of the following hazardous effects: acute toxicity (any route of exposure); skin corrosion or irritation; serious eye damage or eye irritation; respiratory or skin sensitization; germ cell mutagenicity; carcinogenicity; reproductive toxicity; specific target organ toxicity (single or repeated exposure); or aspiration hazard. The criteria for determining whether a substance or mixture of substances may pose a health hazard are detailed in Appendix A to 40 C.F.R. § 1910.1200—Health Hazard Criteria.

Health services. See Office, medical/dental.
Exhibit A

Helicopter landing facility. Any area used for the landing and take off of helicopters including heliports, helipad, helistops. Peripheral areas, hangars, parking facilities passenger terminals, and helicopter service areas are also part of such facilities.

Historic district. A geographically definable area possessing a significant concentration, Linkage, or continuity of sites, buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.

Home occupation. See Residential/work uses.

Hospital. A facility which provides accommodations and continuous services for the sick and injured which may include pediatrics, obstetrical, medical, surgical, psychiatric or extended care.

Hotel/motel. A building or portion thereof, or a group of buildings, which provides sleeping accommodations for transients on a daily or weekly basis, whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court or otherwise. This definition shall not include emergency or transitional housing.

Household. A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

Incinerator. A device used to burn waste substances and in which all the combustion factors—temperature, retention time, turbulence, and combustion can be controlled.

Industrial Storage. See Heavy manufacturing.

Illuminance. The quantity of light arriving at a surface divided by the area of that surface. Measured in footcandles.

Itinerant Vendor. Any person who engages in, does, or transacts any temporary or transient business selling goods, wares, merchandise, or food from a non-permanent structure not erected on a permanent foundation.

Jail. Pursuant to Section 2929.01 of the Ohio Revised Code, a residential facility used for the confinement of alleged or convicted offenders that is operated by a political subdivision or a combination of political subdivisions of the State of Ohio.

Junkyard. The use of any land, property, building, structure or combination thereof, to store, dump, sell, exchange, disassemble, crush, or otherwise handle partly dismantled, obsolete, or wrecked vehicles or their parts, second hand building materials, waste, debris, or other salvaged material which, unaltered or unchanged and without further reconditioning, cannot be used for its original purpose as readily as when new. This term includes, but is not limited to, an auto wrecker primarily engaged in dismantling motor vehicles for the purpose of wholesaling scrap. This term does not include salvaged materials incidental to manufacturing operations.

Landscaped area. An area that is permanently devoted to and maintained for the growing of trees, shrubs, grass or other plant material.

Lattice tower. A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which often tapers from the foundation to the top.
**Exhibit A**

**Library.** A facility in which literary, musical, artistic or reference materials, such as, but not limited to, books, manuscripts, computers, recordings or films are kept for use or loaning to patrons of the facility, but are not normally offered for sale.

**Light pollution.** Any measurable exterior artificial illumination that strays beyond a property line both horizontally at grade and vertically to the building height limitation. See Figure 3.

**Figure 3**
Light Pollution

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**Light trespass.** Light in sufficient quantity that crosses over property boundaries, impacts surfaces, and produces a negative response in persons owning or using the violated space.

**Light uniformity ratios.** The uniformity ratio is expressed as either the maximum or average illuminance divided by the minimum illuminance. For example, if the average to minimum ratio is 3:1 and an average illuminance of 6 footcandles is desired, the minimum illuminance at any one point must be 2 footcandles.

**Live-work unit.** See Residential/work uses.

**Loading space, off-street.** An area located completely outside of any public right-of-way and on the same lot with a building or contiguous to a group of buildings, for the temporary parking of vehicles entering the premises for loading or unloading merchandise or materials.

**Lot coverage.** That portion of a lot, which when viewed directly above, which would be covered by a building or structure, parking and loading areas and other surfaces that are impermeable or substantially impervious to water.
Exhibit A

Lot depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the rear most point of the lot where there is not rear lot line.

Lot frontage. That portion of the lot extending along the street right-of-way.

Lot line. The boundary line defining the limits of the lot. Lot line is synonymous with "property line."

(a) **Lot line, front:** The line separating an interior lot from the street right-of-way on which the lot fronts.

On a corner lot, the street right-of-way with the least amount of street frontage shall be the front lot line. If the dimensions of a corner lot are within twenty (20) percent or less of being equal, the Zoning Administrator may establish either street frontage as the front lot line. On corner lots with an existing principal building, the Zoning Administrator may establish the line that faces the building entrance as the front lot line.

(b) **Lot line, rear:** The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, an imaginary line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. See also Figure 4.

(c) **Lot line, side:** Any lot line other than a front or rear lot line.

Figure 4

Illustration of Lot Lines with an Irregularly Shaped Lot

Lot of record. A lot which is part of a subdivision, the part of which has been recorded in the office of the Recorder of Deeds of Montgomery County, or a parcel of land the deed to which was recorded, prior to adoption of this Zoning Code.
Exhibit A

Lot size. The total horizontal area contained within the lot lines exclusive of any portion of the right-of-way of any public street.

Lot types. Terminology used in this Zoning Code with reference to corner lots, interior lots and through lots is as follows. See also Figure 5 for an illustration of lot types.

(a) Lot, corner. A lot which adjoins the point of intersection or meeting of two (2) or more streets and in which the interior angle formed by the street lines is 135 degrees or less.

(b) Lot, interior. A lot abutting or with frontage on only one street.

(c) Lot, through. A lot having frontage on 2 parallel or approximately parallel streets.

Figure 5
Illustration of Lot Types

Lot width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at the front setback line.

Lot, zoning. A parcel of land not separated by street or alley that is designated by its owner or developer at the time of applying for a zoning certificate, as a tract all of which is to be used, developed, or built upon as a unit under single ownership. As long as it satisfies the above requirements, such lot may consist of:

(a) A single lot of record, or;

(b) A portion of lot of record, or;

(c) A combination of complete lots and portions of lots of record, or portions of lots of record.
Exhibit A

Luminaire. A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

Major tree. A living tree with a diameter at breast height (DBH) measurement of at least six (6) inches.

Manufactured home. See Factory-built housing.

Manufactured home community. A residential development in which all land is under single ownership and home sites within the community are leased to individual homeowners, who retain customary leasehold rights. Also known as a land-lease community.

Manufacturing, chemical. The manufacture of organic or inorganic chemicals.

Manufacturing, heavy. An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials, or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line.

(a) This term includes, but is not limited to:

(i) Bottling of beverages excluding a “Microbottler.”

(ii) Chemical manufacturing.

(iii) Fabrication of metal products.

(iv) Manufacturing of agricultural, construction or mining machinery.

(v) Motor vehicle manufacturing.

(vi) Processing and packaging of alcohol beverages excluding a “Microbottler.”

(vii) Sawing and planing mills.

(viii) Ship or boat construction.

(ix) Stonework, concrete or cement product manufacturing.

(b) For the purposes of clarifying the definition of heavy manufacturing, heavy manufacturing does not include the following, which are examples of those uses that are prohibited in all Industrial Districts:

(i) The manufacturing of acetylene, cement, gypsum or plaster of Paris, chlorine, corrosive acid or fertilizer, insecticides, poisons, explosives, paper and pulp, paint, lacquer, petroleum products except the molding of plastic into goods, coal products, and radioactive materials.

(ii) Smelting, animal slaughtering, and oil refining.

(iii) Solid waste composting facilities, Class I, II, and III.
Exhibit A

Manufacturing, light. An establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This term includes, but is not limited to, a business engaged in the processing, fabrication, assembly, treatment or packaging of food, packaging of beverages, textile, leather, wood, paper, chemical, plastic or metal products, but does not include basic industrial processing from raw materials. This term shall not include a “Microbottler.”

Manure storage and/or treatment facility. Any area or facilities used for the collection, storage, handling and/or treatment of animal excreta and/or handling or composting of products resulting from animal mortality as detailed in ORC Chapter 903.

Membership clubs. An incorporated or unincorporated association of persons organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.

Miami Well Field. The Miami Well Field is located in the City of Dayton, County of Montgomery, State of Ohio, with said boundary identified by the following description:

    The point of beginning being the intersection of the west bank of the Great Miami River and the east right-of-way line of the CSX railroad, also being the southwest corner of City Lot # 76667;

    Thence northwardly along the west bank of the Great Miami River approximately 2.25 miles or 11,880 feet to the northeast corner of City Lot # 76652;

    Thence westwardly along the north lot line of City Lot # 76652 approximately 0.119 miles or 630 feet to the east lot line of City Lot # 76651;

    Thence northwardly 0.131 miles or 691 feet to the north lot line of City Lot # 76651;

    Thence westwardly approximately 0.493 miles or 2,605 feet along the north lot line of City Lot #s 76651 and 76627 to the east right-of-way line of Wagner Ford Road;

    Thence southwardly approximately 0.926 miles or 4,889 feet along the east right-of-way line of Wagner Ford Road to the east right-of-way line of the CSX railroad;

    Thence southwardly approximately 0.658 miles or 3,475 feet along the east right-of-way line of the CSX railroad to the west bank of the Great Miami River to the point of beginning containing 805 acres more or less.

Microbottler. A facility for the production and packaging of beverages for distribution, retail and/or wholesale, on or off premise. The production and packaging shall be limited to a total area of less than 31,000 square feet. This term shall not include a “Brewpub” or “Restaurant, indoor dining.”

Mobile home. See Factory-built housing.

Modular home. See Factory-built housing.
Exhibit A

**Model airplane flying facility.** A facility, either indoors or outdoors, for using model vehicles, including but not limited to model aircraft and model boats.

**Monopole.** A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

**Motor vehicle body shop.** An establishment providing the repair or rebuilding of motor vehicle bodies by the replacement, smoothing, sanding or painting of the exterior surfaces of such vehicles within an enclosed building.

**Motor vehicle, lawfully operable.** A lawfully operable motor vehicle with a current license and registration whose engine can be started and the vehicle can be driven under its own power at least 100 yards immediately upon request, and which does not have disabling damage as defined by R.C.G.O. Section 76.01.

**Motor vehicle rental.** An establishment where contracts are prepared or reservations accepted for the rental or leasing of motor vehicles. This term includes outdoor storage of vehicles, but does not include on-premise maintenance of vehicles or a tool/equipment rental facility.

**Motor vehicle repair.** An establishment providing repair services for motor vehicles, including the sale, installation and servicing of related equipment and parts, where all such work is performed within an enclosed building. This term includes, but is not limited to, the repair or servicing of transmissions, engines or upholstery including the rebuilding or reconditioning of motor vehicles, or parts thereof, including clutch, transmission, differential, axle, spring, and frame repairs; major overhauling or engines requiring the removal of the engine cylinder, head or crankcase pan; repairs to radiators requiring the removal thereof; or similar activities. This term also includes, but is not limited to, an auto repair shop, wheel and brake shop, tire sales and installation, or upholstery shop. This term shall not include vehicle dismantling or salvage, tire re-treading or recapping, or motor vehicle body shop.

**Motor vehicle sales.** An establishment providing wholesale and retail sale of motor vehicles, including incidental storage and maintenance. This term shall not include the sale of commercial motor vehicles or those uses included in the term Equipment sales/rental/service.

**National Register eligible.** A property that meets the criteria for listing in the National Register of Historic Places.

**National Register structure or district.** A property or area that has been listed on the National Register of Historic Places, which is the official list of properties that are significant in American history, architecture, archeology, engineering, or culture.

**Nightclub.** An establishment operated as a place of entertainment, which may also prepare and serve food and/or beverages for consumption on-site, that is characterized by any or all of the following as a principal use:

(a) Live, recorded, or televised entertainment, including but not limited to performance by magicians, musicians, or comedians;

(b) Dancing.

**Non-conformity.** A lot, use of land, building, site conditions, use of buildings, or use of buildings and land in combination lawfully existing at the time of enactment of this Zoning Code.
Exhibit A

or its amendments, which do not conform to the current regulations of the district or zone in which it is situated or other regulations in this Zoning Code.

(a) **Non-conforming building.** A building existing lawfully when this Zoning Code, or any amendment thereto, became effective, but which does not conform to the current regulations governing buildings and structures of the district in which it is located.

(b) **Non-conforming lot.** A lot lawfully existing on the effective date of this Zoning Code or any amendment thereto, which on such effective date, does not conform to the current lot area, width or frontage requirements of the district in which it is located.

(c) **Non-conforming site condition.** A site improvement that was legally established, but no longer conforms with the regulations in the Zoning Code.

(d) **Non-conforming use:** A use of any building or land existing lawfully on the effective date of this Zoning Code or any amendment thereto, which does not conform to the current use regulations of the district in which it is situated.

**Non-qualifying.** A property, structure, or site that does not contribute to the significance of the district. Principal or accessory structures which are characterized as intrusions and do not meet the criteria for listing in the National Register of Historic Places.

**Nursing home.** An establishment providing full-time nursing and medical care to three (3) or more people, not related by blood or marriage, who, by reason of chronic illness, are unable to care for themselves. Hospitals and sanitariums shall not be included in this definition.

**Occupant.** A person who, on a regular basis, spends nights at a residence. A person is considered an occupant regardless of whether they spend the majority of their nights at a residence, if the times they do stay overnight are regular and recurrent. In addition, a person shall be considered an occupant if their clothes or other daily living supplies are maintained at the residence.

**Occupancy Certificate.** An official statement asserting that a given building, other structure or parcel of land is in compliance with the provisions of all existing codes, or is a lawfully existing nonconforming building or use and, hence, may be occupied and used lawfully for the purposes designated thereon.

**Offender.** Pursuant to Section 2929.01 of the Ohio Revised Code, a person who, in the State of Ohio, is convicted of or pleads guilty to a felony or a misdemeanor.

**Office, administrative/professional.** An establishment within which specific services are conducted with other businesses, individuals, organizations or corporate customers, generally on a contractual basis, and not involving the retail sales of merchandise on the premises for walk-in traffic from the street.

**Office, medical/dental/health services.** An establishment where human patients are examined and treated by a group of dentists, physicians or similar medical professionals. Clinics provide outpatient service only. Included are facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which do not provide overnight care or serve as a base for an ambulance service. Medical/dental facilities are operated by doctors, dentists, or similar
practitioners licensed by the State of Ohio. Emergency treatment is not the dominant type of care provided at this facility. Health services includes establishments providing support to medical professionals and patients, such as medical and dental laboratories, blood banks, oxygen, and miscellaneous types of medical supplies and services.

Official thoroughfare plan. The official thoroughfare plan for the City of Dayton establishing the official right-of-way width of major streets, on file in the office of the Department of Planning and Community Development, together with all amendments thereto subsequently adopted.

Outdoor display/sales. Merchandise placed in an outdoor area that is open to the general public, when the merchandise on display is removed from its shipping packaging and is representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public directly from the display area.

Outdoor storage. The storage of goods, materials, merchandise or vehicles in an area outside of a building or structure except for merchandise placed in an area for outdoor display.

Overhead primary electric distribution line. A non-insulated electric power line that supplies the higher voltage to a transformer that provides a lower voltage for a customer’s service lines. This line is found at the tops of power poles, either on a cross arm, or a single insulated pin. Secondary (service-voltage current) power lines, telephone, cable television (CATV) and Greater Dayton Regional Transit Authority (GDRTA) lines are excluded from this category.

Owner. The person who holds the fee simple title to the property, and the person or persons who have acquired any interest in the property by contract or purchase or otherwise.

Park. A tract of land, designated and used by the public, for active and/or passive recreation.

Parking lot. An outdoor paved area made up of marked parking spaces where motor vehicles may be stored for the purpose of temporary off-street parking. Also known as a parking area. This term does not include motor vehicle sales lots and areas used for the outdoor storage of vehicles.

Parking lot, restricted. A parking lot located in a zoning district in which the principal use served is not a permitted or a conditional use, or is located in an adjacent zoning district in which the principal use served is not a permitted or a conditional use.

Parking space, off-street. An open or enclosed area, defined by painted lines, raised curbs or a combination thereof, outside the public street right-of-way that is used for the parking or temporary storage of registered and licensed motor vehicles. For single-family, two-family, and manufactured home uses, off-street parking spaces do not require painted lines, raised curbs or a combination thereof.

Parking structure. A building or structure consisting of more than one (1) level and used to store motor vehicles.

Per- and Polyfluoroalkyl substances (PFAS). Manufactured (organofluorine) chemicals and substances such as Perfluorooctanesulfonate Acid (PFOS).

Performance guarantee. A financial deposit to ensure that all improvements, facilities, or work required will be completed in conformance with the approved plan.
Exhibit A

Performance standard. A criterion established to control enclosure, dust, smoke, fire and explosive hazards, lighting, glare and heat, noise, odor, toxic and noxious matter, vibrations and other conditions created by or inherent in uses of land or buildings.

Permeable. In the context of parking surfaces, a paving system that allows the movement of water and air around the paving material through the void spaces between the pavers. Permeable paving is not pervious paving.

Permit. A document issued by the City of Dayton authorizing the applicant to undertake the activities provided for in this Zoning Code.

Pervious. In the context of parking surfaces, a paving system that allows water and air to filter through the paving material. Pervious paving is not permeable paving.

Pharmaceuticals and Personal Care Products (PPCP). Any product used by individuals for personal health or cosmetic reasons or used by agribusiness to enhance growth or health of livestock.

Plant nursery/greenhouse. An establishment engaged in growing crops of any kind within or under a greenhouse, cold frame, cloth house or lath house, or growing nursery stock, annual or perennial flowers, vegetables or other garden or landscaping plants. This term does not include a garden supply or landscaping center.

Plating. Metal or plastic finishing operations including but not limited to electroplating, electroless plating, anodizing, coating (chromating, phosphating, and coloring), chemical etching and milling, printed circuit board manufacture, and “ancillary” process operations listed at 40 CFR § 433.10(a).

Playground. An active recreational area with a variety of facilities including equipment for younger children as well as court games.

Plot plan. A plan of a lot, drawn to scale, showing the actual measurements, the size and location of any existing structures or structures to be erected, the location of the lot in relation to abutting streets, driveways, above and below grade structures, and other such information.

Porch. A roofed open structure that projects from the front, side or rear wall of a building. For the purposes of this Zoning Code, an enclosed porch shall be considered part of the principal building.

Potable water. Water that is satisfactory for drinking, culinary and domestic purposes, meeting current drinking water standards.

Project boundary. The boundary defining the tract(s) of land that is included in a proposed development to meet the minimum required project area for a planned development or multi-family development. The term “project boundary” shall also mean “development boundary”.

Protective care facility. A facility owned or operated by an agency or an individual authorized by the appropriate governmental licensing agency to provide housing, food, treatment or supportive services to: persons who have been assigned by a court to a protective environment in lieu of placement in a correctional institution; to individuals who have been institutionalized and released from the criminal justice system; or to individuals who have alcohol or drug problems and who require the protection of a supervised group setting.
Exhibit A

**Public.** Belonging or open to, enjoyed and used by and/or maintained for the public generally, but not limited to a facility the control of which is wholly or partially exercised by some governmental agency.

**Public hearing.** An official meeting called by City Commission, the Plan Board, or the Board of Zoning Appeals, duly noticed, which is intended to inform and obtain public comment or testimony, prior to the governing body rendering a decision.

**Public safety facility.** A government facility for public safety and emergency services, including a facility that provides police or fire protection and related administrative facilities.

**Railroad yard.** An open area or warehouse used for the storage and repair of locomotive engines, railway cars, or other vehicles designed to operate on rails.

**Recessed ceiling fixture.** An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

**Recharge lagoon.** A body of water designed and maintained by man to add water to the groundwater at a rate greater than that occurring naturally.

**Recreation facility, indoor.** A facility primarily used for the indoor conduct of, or participation in, recreational activities, and secondarily for the viewing of such activities. This term includes, but is not limited to, an indoor driving range, volleyball court, bowling alley, ice or roller skating rink, billiard hall, video game center, archery or shooting range, soccer field or basketball court. This term does not include a sports facility, health club, or private golf/swim/tennis club.

**Recreation facility, outdoor.** A facility primarily used for the outdoor conduct of, or participation in, recreational activities, and secondarily for the viewing of such activities. Such a facility may include one or more structures. This term includes, but is not limited to, a golf or mini-golf course/facility, tennis, basketball or volleyball court, soccer, baseball or football field, or amusement or water park. This term does not include a sports facility, health club, or private golf/swim/tennis club.

**Recreational vehicle/equipment.** A vehicular-type portable structure without a permanent foundation that can be towed, hauled, or driven and primarily designed, by the manufacturer, as temporary living accommodation for recreational, camping, and travel use. For the purposes of this Code, recreational vehicle/equipment shall include a recreational vehicle, boat, boat trailer, pick-up truck camper, snow mobile, folding tent trailer, or other camping and recreational equipment as determined by the Zoning Administrator, and any trailer that may be used to convey such a vehicle or equipment.

**Recycling collection facility.**

- (a) **Large collection facility.** A center for the acceptance by donation, redemption, or purchase of recyclable materials from the public occupying an area of more than 1000 square feet, which may or may not include permanent structures.

- (b) **Small collection facility.** A center or facility for the acceptance by donation, redemption, or purchase of recyclable materials from the public occupying an area of not more than 1000 square feet.

This facility shall not include solid waste composting facilities.
Exhibit A

Recycling processing facility, indoor. A facility where recyclable materials are sorted and temporarily stored prior to shipment for remanufacture into new materials. All activities related to this facility shall take place in principal or accessory buildings. This facility shall not include salvage yards, or solid waste composting facilities.

Recycling processing facility, outdoor. A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products. This facility shall not include salvage yards, or solid waste composting facilities.

Regulated Substance Activity Inventory Report (RSAIR). A report submitted for a zoning lot in the Source Water Protection Area that includes the owner and/or operator’s contact information and provides details on the types and amounts of Regulated Substances handled on the zoning lot.

Regulated substances. Substances that pose health hazards. Regulated Substances include, but are not limited to, the following:

(a) Hazardous substances as defined in § 101 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601, and in any regulations issued under such Act;

(b) Any source material, special nuclear material, or byproduct material as defined in the Atomic Energy Act, 42 U.S.C. § 2011 et seq., and in any regulations issued under such Act;

(c) Substances listed by the U.S. Environmental Protection Agency as “extremely hazardous substances,” “hazardous chemicals,” or “toxic chemicals” pursuant to the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. § 11001 et seq. or pursuant to any regulations issued under such Act;

(d) Chemical substances and mixtures for which the U.S. Environmental Protection Agency has concluded, pursuant to § 5 Toxic Substances Control Act, 15 U.S.C. § 2605 (or regulations issued under said Act), that the manufacture, processing, distribution, use, or disposal thereof presents or will present an unreasonable risk of injury to health or the environment;

(e) Substances that are active ingredients in any pesticide regulated under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136 et seq.:

(f) Petroleum (including crude oil or any fraction thereof), natural gas, natural gas liquids, liquefied natural gas, or synthetic gas useable for fuel;

(g) Substances promulgated under the of the 1996 Safe Drinking Water Act Amendments Unregulated Contaminant Monitoring Program and/or the Contaminants Candidate List;

(h) Substances for which the manufacturer or importer has prepared a Safety Data Sheet (SDS) or Globally Harmonized System of Classification and Labeling Chemicals (GHS) pursuant to 29 C.F.R. § 1910.1200; and
Exhibit A

(i) Mixtures containing any of the foregoing at a concentration greater than one percent (1%) of the mixture, or where the total of all carcinogenic ingredients constitute one tenth of one percent (0.1%) of the mixture.

Rehabilitation. To restore to a condition for constructive activity in keeping with the style of architecture of the structure.

Religious assembly. See Church.

Research/development facility, laboratory. A building or group of buildings used for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Residential facility. A facility that provides room, board, personal care, supervision, habilitation services and mental health services to developmentally disabled persons in a family setting. These facilities shall be licensed by a state or federal agency. Facilities providing the services and functions of Emergency Housing, Protective Care Facilities, or Transitional Housing as defined in this code shall not be considered Residential Facilities. There are three size categories of residential facilities:

(a) A residential facility that provides the services listed above for five (5) or fewer developmentally disabled persons.

(b) A residential facility that provides the services listed above for six (6) to eight (8) developmentally disabled persons.

(c) A residential facility that provides the services listed above for nine (9) to sixteen (16) developmentally disabled persons.

Residential/work uses.

(a) Home occupation. A business, profession, occupation, or trade conducted for gain or support entirely within a dwelling unit, carried on by one or more persons, all but one of whom are required to be residents of the household. A home occupation is clearly accessory and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof or adversely affect the uses permitted in the zoning district of which it is a part.

(b) Live-work unit. A room or rooms used by a single household both as a dwelling unit and as a work space (as defined herein) where such work space occupies less than 50% of the unit’s gross floor area. The dwelling unit of a live-work unit shall contain a kitchen area and sanitary facilities.

(c) Work-live unit. A room or rooms used by a single household both as a dwelling unit and as a work space (as defined herein) where such work space occupies 50% or more of the unit’s gross floor area. The dwelling unit of a work-live unit shall contain a kitchen area and sanitary facilities.

(d) Work space. An area within a live-work or work-live unit that is designed or equipped exclusively or principally for the conduct of work activities and is to be regularly used for such work activities by one or more occupants of the unit.
Exhibit A

**Restaurant, indoor dining.** An establishment where food and/or drink are prepared, served, and consumed within the principal building. This term shall include a “Brewpub,” but it shall not include a “Microbrewery.”

**Restaurant, outdoor dining.** An establishment where food and drink are prepared inside the establishment and consumed outside the principal building in an area adjacent to the principal building.

**Restoration.** The act of bringing back a property to a former condition, such as a house museum, to the time period of a famous resident.

**Retail establishment.** An establishment engaged in the selling or renting of goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such products. Such an establishment is open to the general public during regular business hours and has display areas that are designed and laid out to attract the general public. In determining a use to be a retail use, the proportion of display area vs. storage area and the proportion of the building facade devoted to display windows may be considered. This term does not include any adult entertainment uses. This term includes, but is not limited to, artist’s studios, dry cleaning establishments, laundromats, portrait studios, and bakeries.

**Riding stable.** Establishments where horses are boarded and cared for and where customers ride, jump, and show horses. Horses may be hired for riding as well.

**Right-of-way.** A strip of land or the air space above it taken, dedicated, or otherwise recorded as an irrevocable right-of-passage for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, water and sewer lines, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges and the air space above the surface.

**Right-of-way line.** The line between a lot, tract, or parcel of land and a contiguous public street, and demarcating the public right-of-way. "Right-of-way line" also means "street line."

**Safety Data Sheet (SDS).** Document containing information about the characteristics and actual or potential hazards of a substance as required pursuant to 29 C.F.R. § 1910.1200.

**Salvage yard.** See junkyard.

**Sand, limestone, shale, clay, dirt and gravel operations.** A surface mine or excavation used for the removal of sand, limestone, shale, clay, gravel, or fill dirt for sale or for use off-site.

**Sanitary waste facility.** See Waste facility, sanitary.

**School (public/private) college/university.** An educational institution authorized by the State of Ohio to award associates or higher degrees.

**School (public/private) elementary/secondary.** Publicly or privately owned facilities providing full-time day instruction and training at the elementary, junior high and high school levels, licensed by the State of Ohio, in accordance with the requirements of Chapter 3313 of the Ohio Revised Code, or facilities providing kindergarten or nursery school training and care whose annual sessions do not exceed the school sessions for full-time day schools and which are operated by a board of education or an established religious organization.
Exhibit A

School, specialty/personal instruction. A facility primarily teaching usable skills that prepare students for jobs within a specific trade or a facility or providing instruction on social and religious customs and activities, performing arts and/or sports. Such facilities may include beauty schools, dance instruction centers, cooking schools and martial arts studios. This term does not include health club.

Seasonal market. A temporary facility used to conduct retail trade for a period not exceeding 90 days in a calendar year.

Self-storage facility, indoor. Self-service storage facility or mini-warehouse means a facility consisting of a building or group of buildings in a controlled access compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customers' residential goods or wares.

Service establishment, business. An establishment providing services to business establishments on a fee or contract basis, including, but not limited to, advertising services, business equipment and furniture sales or rental or protective services. This term includes, but is not limited to, an employment agency, photocopy center, commercial photography studio or mailing service. This term does not include maintenance, repair and office uses such as accounting, advertising, architectural design, city planning, environmental analysis, insurance, interior design, investment, landscape design, law, management consulting, title research and real estate.

Service establishment, personal. An establishment providing services that are of a recurring and personal nature to individuals. This term includes, but is not limited to, a barber shop, beauty salon, shoe repair shop, seamstress, tailor, fortune teller, tanning salon, massage establishment, body piercing establishment or tattoo establishment. This term does not include a portrait studio, dry cleaning establishment, laundromat, photocopy center, health club or repair shop for household items.

Setback. Setback means the required minimum horizontal distance between a lot line or the proposed thoroughfare line shown on the Official Thoroughfare Plan, whichever is more restrictive and a building, surface parking lot or structure as established by this Zoning Code.

Setback Line. A line established by this Zoning Code generally parallel with and measured from the lot line or the proposed thoroughfare line shown on the Official Thoroughfare Plan whichever is more restrictive, defining the minimum distance a building, structure, parking area or outdoor storage area shall be located from the said lot or thoroughfare line, except as may be provided in this Zoning Code.

Sewage/liquid waste treatment facility. See Waste treatment facility, sewage/liquid.

Shade tree. A tree with foliage that usually sheds annually and is planted primarily for its high crown of foliage or overhead canopy.

Shrub. A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

Sign. Any visual communication display, object, device, graphic, structure or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure in order to direct or attract attention to, or announce or promote, an object, product, place, activity, person, ideology, institution, organization, business or the like, by means of letters, words, models, banners, flags, pennants, insignia, devices, designs, colors, symbols, fixtures, images.
Exhibit A

illuminations or representations used as, or which is in the nature of, an announcement, direction, advertisement or other message. The following are types of signs:

(a) **Sign, abandoned.** Any sign that no longer identifies or advertises a bona fide business, institution, organization, lessor, service, owner, product, or activity and/or for which no legal owner can be found.

(b) **Sign, address.** Any building sign or freestanding sign of no more than two (2) square feet indicating only the street number of the building or use.

(c) **Sign, animated.** Any sign that uses flashing lights or movement of the entire sign or portion thereof to depict action or create a special effect or scene.

(d) **Sign, awning or canopy.** Any building sign that is painted on, or otherwise attached to, an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance or window.

(e) **Sign, banner.** Any sign made of lightweight fabric or similar material with no enclosing framework that is mounted to a building or other structure at one or more edges.

(f) **Sign, billboard or off-premise sign.** Any sign structure advertising an establishment, merchandise, event, service, or entertainment that is not sold, produced, manufactured or furnished at the property on which the sign is located.

(g) **Sign, building.** Any sign attached to any part of a building including wall, awning, canopy and projecting signs.

(h) **Sign, changeable copy.** Any portion of a sign with letters, characters or graphics that are not permanently affixed to the structure, framing or background, allowing the letters, characters or graphics to be periodically modified, manually, mechanically or electronically, such as a bulletin board or electronic message center. Changeable copy signs shall not be used to display commercial messages relating to products or services that are not offered on the premises.

(i) **Sign, construction.** Any temporary sign relating to a project or facility, or relating to its construction, during the time of its construction. Such signs typically include the name of an architect, engineer and/or contractor for a building.

(j) **Sign, entrance or exit.** Any sign situated so as to promote safe traffic circulation by indicating appropriate places of ingress and egress.

(k) **Sign face.** The space or surface of a sign intended to contain the message.

(l) **Sign, flashing.** Any sign that contains an intermittent or sequential flashing light source used primarily to attract attention.

(m) **Sign, freestanding.** Any sign supported from the ground and not attached to any building. A freestanding sign may be supported by a single pole, two poles, a pylon or a solid base. See Figure 6.
Exhibit A

(n) **Sign height.** Sign height is measured from the elevation of the sidewalk or edge of the public right-of-way immediately adjacent, or nearest, to the sign structure, to the highest point of the sign, its frame, or decorative features.

(o) **Sign, illuminated.** Any sign incorporating an internal or external artificial light source for the purpose of illuminating the message of the sign.

(p) **Sign, inflatible.** Any inflatable shape or figure designed or used to attract attention to a business location or event. Inflatable promotional devices shall be considered to be temporary signs under the terms of Section 150.900, Sign Regulations, and subject to the regulations thereof.

(q) **Sign, instructional.** Any sign that has a purpose secondary to the use on the lot and that is intended to instruct employees, customers or users as to matters of public safety or necessity such as specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building, and including signage erected by a public authority, utility, public service organization, or private industry that is intended to control traffic circulation, direct or inform the public, or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy.

(r) **Sign, marquee.** Any sign, other than a projecting sign or an awning/canopy sign, attached to a structure and projecting from a building wall above an entrance and extending over a street, sidewalk, or part thereof.

(s) **Sign, pedestrian.** A sign near or at street/sidewalk level that is oriented and scaled to the pedestrian, rather than the motorist.

(t) **Sign, portable.** Any sign that is designed to be transported on wheels, skids, a bench, runners, brackets or has a frame to which wheels, skids, runners, brackets or similar mechanical devices are or can be attached. A portable sign also includes mobile signs such as parked vehicles or trailers, when such vehicles are visible from the public right-of-way unless such vehicle is regularly used in the normal daily operations of the attendant business, organization or institution.

(u) **Sign, projecting.** Any sign that is attached to a building wall and that extends away from (i.e., is not parallel to) the building wall or any sign suspended beneath a canopy, ceiling, roof, or marquee, intended to be viewed by pedestrians from the sidewalk beneath the canopy, ceiling, roof, or marquee. See Figure 6.

(v) **Sign, roof.** Any sign, or portion thereof, erected, constructed or projecting upon or over the roof or parapet wall of any building whether the principal support for the sign is on the roof, wall or any other structural element of the building.

(w) **Sign, temporary** Any sign that is designed to be used only temporarily and is not intended to be permanently attached to a building, structure, or permanently installed in the ground. Temporary signs may be displayed as window signs.

(x) **Sign, wall.** A building sign that is painted on, or attached to, a building wall, with the exposed sign face in a plane parallel to the plane of the wall, that does not extend more than twelve (12) inches there from, and that does not project above the roofline or beyond the corner of the building. See Figure 6.
Exhibit A

(y) **Sign, window.** Any sign that is applied to the interior or exterior of a window or door, or a sign located near a window or door within a building, for the purpose of being visible and read from the outside of the building. This term does not include signs that are not legible from a distance of more than three (3) feet beyond the building on which such sign is located. See Figure 6.

**Figure 6**

**Illustration of Types of Signs**

(Illustration from *A Planner's Dictionary*, Edited by Michael Davidson and Fay Dolnick)

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**Signable area.** That portion of a structure that can accommodate a sign.

**Significant.** In the context of Section 150.345 Historic Overlay Districts, a property, structure, or site that is associated with events that have made a significant contribution to the broad patterns of our history. Principal or accessory structure with unique historic and architectural features.

**Single housekeeping unit.** A living arrangement in a single dwelling unit with common use and access to all living and eating areas, bathrooms, and food preparation and serving areas within the dwelling unit.

**Single room occupancy.** A housing type consisting of one room, often with cooking facilities and with private or shared bathroom facilities. This term shall not include hotels/motels or bed and breakfast establishments. See “Transitional housing.”

**Site design plan.** A plan prepared to scale accurately showing, with complete dimensions, the boundaries of the site, the location of buildings; landscaping; parking areas; access drives; signs; outdoor storage areas; above and below ground structures; and any other features that comprise a proposed development.

**Solar energy structure.** A device that is not affixed to the roof plane of a building or against the side of a building and is designed for the collection of energy from the sun.
Exhibit A

**Solar panel, building.** A device affixed to the roof plane of a building or against the side of a building that is designed for the collection of energy from the sun.

**Solid waste composting facility.** A Class I, II, III, or IV solid waste composting facility licensed by the State of Ohio and as further defined under OAC 3745.

**Solid waste composting facility, Class IV.** A facility licensed by the State of Ohio where the owner or operator shall accept only yard waste, bulking agents, and additives limited to urea and bacterial or fungal inoculum.

**Sorority.** A building used as group living quarters for members of a general or local chapter of a regularly organized college sorority.

**Source Water Protection Area (SWPA).** The Source Water Protection Area (SWPA) is comprised of two Source Water Protection Districts: the Well Head Operation (WO) District, and the Water Protection Overlay (WP) District.

**Spill Prevention and Response Plan.** A plan that describes how Regulated Substances will be handled at the site. In addition to a site diagram, the plan includes but is not limited to a description of the storage, use, employee training, engineering controls, spill response equipment, emergency response plan, spill cleanup, disposal and reporting for the Regulated Substances.

**Sports facility.** A place designed and equipped primarily for observation of sports, leisure time activities and other customary and usual recreational activities. Such a facility is typified by temporal peaks in vehicle trip generation. This term includes, but is not limited to, a stadium, ballpark or arena.

**Street, public.** An avenue, highway, road, thoroughfare, boulevard, parkway or other way proposed for vehicular traffic, and any existing State, County, or City street or way shown upon a plat heretofore duly approved, filed and recorded in the office of the County Recorder that has been dedicated or deeded to the public for public use and which affords principal access to abutting property. Included is the land between the street right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulder, gutters, sidewalks, division strips or other areas within the street lines. Does not include roadways defined as alleys by this Zoning Code.

**Streetscape.** Adjacent block faces that face each other.

**Structure.** Anything constructed or erected that requires a fixed location on the ground or attachment to something having a fixed location on the ground including, but not limited to, buildings, walls, sheds, gazebos, signs, patios, platforms, paving or fences.

**Structural alteration.** Any change or rearrangement in the supporting members of a building, such as beams, girders, bearing walls, columns or partitions or any increase in the area or cubical contents of the building.

**Supported living home.** A dwelling housing not more than five persons with developmental, intellectual, physical, and/or mental, disabilities and/or illnesses who may or may not be related and who share living, dining, cooking, and common space. Within the dwelling, the individuals shall function as a single housekeeping unit in a family-like setting. Bedrooms shall not be shared; each individual shall have his or her own bedroom. A license to operate the home shall not be required.
Exhibit A

Technically suitable. The location of a wireless telecommunication antenna that reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capability within developed areas of the City.

Telecommunication facility. See Wireless Telecommunication Facility.

Telecommunications. The technology that enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.

Theater, drive-in/outdoor. An open lot devoted to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

Theater, indoor. A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

Total Maximum Daily Inventory (TMDI). A value, in pounds, that is established as the largest quantity of Regulated Substances that a zoning lot is permitted to handle at any one time, not including Regulated Substances that are excluded or exempted pursuant to Chapter 53 of the R.C.G.O. and/or the Zoning Code.

Transit garage. A facility for housing and repairing transit vehicles, such as buses.

Transit station. A facility for passenger transportation operations, including but not limited to a passenger rail station, bus station, or passenger ship terminal. This term shall not include an airport or heliport.

Transit Turnaround. A facility where transit vehicles, such as buses, turnaround in order to repeat their route.

Transition line. A horizontal line that extends the full width of a façade expressed by: (1) a change in building materials; (2) by a trim line; and, (3) a continuous balcony a maximum of 2.5 feet deep.

Transitional housing. A facility managed by a public or nonprofit agency that provides housing for up to twenty-four (24) months as well as supportive services, such as job training, health care, child care, counseling, and living skills training to victims of economic hardship, abuse or neglect. This term shall include Single Room Occupancy facilities.

Trucking/motor freight terminal. A building or area in which freight brought by truck is assembled and/or stored for routing in intrastate and interstate shipment by truck or in which semi-trailers, including tractor and/or trailer units, and other trucks are parked or stored. This term includes moving and storage establishments.

Underground storage tank. One or any combination of tanks, including the underground pipes connected thereto, that are used to contain an accumulation of Regulated Substances the volume of which, including the volume of underground pipes connected thereto, is ten percent or more beneath the surface of the ground. The term Underground Storage Tank does not include any of the following:
Exhibit A


(b) Surface impoundments, pits, ponds, or lagoons;

(c) Storm or waste water collection systems;

(d) Flow-through process tanks;

(e) Storage tanks located in underground areas when the tanks are located on or above the surface of the floor and the integrity of the tank is periodically visually evaluated;

(f) Septic tanks;

(g) Tanks used for storing heating fuel for consumptive use on the premises where stored provided the premises are single- or two-family residences.

Uplighting. Any light source that distributes illumination above a 90-degree horizontal plane.

Urban Renewal Project Area. A geographic area defined in an urban renewal plan pursuant to Chapter 45 of the R.C.G.O.

Use. The purpose for which land, a building or structure is arranged, designed, intended, maintained or occupied; or any occupation, activity or operation carried on in a building or structure or on land.

(a) Use, accessory. A use located on the same zoning lot with the principal use of building or land, but incidental and subordinate to the principal use of the building or land.

(b) Use, conditional. A use permitted in a district, other than a principal use permitted by right, which is allowed only under certain conditions as set forth in Chapter 150.500, and which requires a conditional use and approval by the Board of Zoning Appeals, in accordance with the standards and procedures set forth in Chapter 150.500, Conditional Use and Specific Use Regulations.

(c) Use, permitted. A use that is authorized by this Zoning Code as either a use permitted by right, a conditional use or an accessory use.

(d) Use permitted by right. A permitted use that is approved administratively when it complies with the standards and requirements set forth in the Zoning Code, the approval of which does not require a public hearing.

(e) Use, principal. The primary or main use or activity of a building or lot.

(f) Use, temporary. A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure.

Utility box. An above-ground, sealed metal or plastic container used to house transformers, switches, connections and wiring for cable television, Internet, broadband, video ready access
Exhibit A

devices, telephone or similar services, and other electrical or electronic devices and wiring needed to distribute a utility service to a property, neighborhoods and businesses, and similar devices, excluding the following:

(a) Utility boxes that are attached to the principal structure on a lot and do not face a public street, excluding alleys.

(b) Utility boxes that are traffic signal control boxes.

Utility trailer. A small non-motorized vehicle which is generally pulled by a motorized vehicle and features an open-top or enclosed cargo area and is used for hauling.

Utility substation/distribution facility, indoor. A facility contained entirely within a building, which performs either of the following functions:

(a) Aids in the transmission or distribution of gas, electricity, steam or water, or landline telephone communications.

(b) Is used as a distribution center, including but not limited to a water pumping station, water reservoir, transformer station, landline telephone exchange, or building for radio, television, but not including a yard or building for storage, maintenance or repair service.

Utility substation/distribution facility, outdoor. A facility, other than a transmission tower and not contained entirely within a building, which performs either of the following functions:

(a) Aids in the transmission or distribution of gas, electricity, steam, water, or landline telephone communications.

(b) Is used as a distribution center, including but not limited to a transformer station, landline telephone exchange, or building for radio, television.

Variance. A grant by the Board of Zoning Appeals or the Zoning Administrator to a property owner authorizing the property owner to vary from the literal terms of the relevant regulations.

Vehicle fueling station. (See also Automobile Service Station): An establishment where fuels used to power vehicles are stored and dispensed into vehicles by an attendant or by persons other than the station attendant and may include accessory facilities available for the sale of other retail products. The term “fuels” shall include but not be limited to gasoline, diesel, pure methanol, ethanol, and other alcohols; blends of 85% or more of alcohol with gasoline; natural gas and liquid fuels domestically produced from natural gas; liquefied petroleum gas (propane); coal-derived liquid fuels; hydrogen; electricity; pure biodiesel (B100); fuels, other than alcohol, derived from biological materials; and P-Series fuels.

Wall mural. Any pictorial or graphic representation on an outside wall, facade, or other surface of a building or structure other than a sign structure, containing thirty-two (32) or more square feet of surface area and not constituting a sign as defined by Section 150.900.2 (F).

Warehouse storage, indoor. A building used for the indoor storage of goods and materials.

Waste facility, construction and demolition. An engineered facility for the disposal of those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any
Exhibit A

manmade physical structure including, but not limited to, houses, buildings, industrial or commercial facilities, or roadways. Excluded from said facility shall be materials identified or listed as solid waste and hazardous waste in Chapter 3734 of the Ohio Revised Code and rules adopted under it; exceptions granted by the Chief Building Official pursuant Section 1307.2.4 of Article 13 of the Unified Building Code as adopted by Section 153.01 of the Revised Code of General Ordinances; and any construction site where a building permit has been issued or final subdivision plat has been approved and where construction debris, trees and brush removed in clearing the site are used as fill material on the site where the materials are generated or removed and does not include any site where materials composed exclusively of concrete, asphalt, clay tile, building or paving brick, or building or paving stone are used as fill, either alone or in conjunction with clean soil, sand, gravel, or other clean aggregates, in legitimate fill operations for construction purposes.

Waste facility, hazardous. A development that is an engineered facility for processing or the final deposition of hazardous, infectious, and/or friable asbestos waste, as defined in the most current version of Chapter 3734 of the Ohio Revised Code and rules adopted under it and which are subject to local zoning controls and do not require a permit from the Hazardous Waste Facility Board, on or into the ground or structure and includes, but is not limited to, areas of waste placement, all ground water monitoring/control system structures, buildings, ingress and egress points and driveways or roads, explosive gas monitoring/control/extraction system structures, surface water run-on and runoff control structures, sedimentation pond(s), liner systems, leachate management system structures, and buffer areas.

Waste facility, sanitary. An engineered facility where the final disposition of solid waste on or into the ground or structure occurs, as defined in the most current version of Chapter 3734 of the Ohio Revised Code and rules adopted under it. These facilities may include areas of waste placement, all ground water monitoring/control system structures, buildings, ingress and egress points and driveways or roads, explosive gas monitoring/control/extraction system structures, surface water run-on and runoff control structures, sedimentation pond(s), liner systems, leachate management system structures, and buffer areas.

Waste treatment facility, sewage/liquid. A municipal facility that operates a sewerage system and sewage treatment facilities that collect, treat, and dispose of human waste.

Water supply/treatment facility. An establishment engaged in operating a water treatment plant or operating a water supply system. The water supply system may include pumping stations, aqueducts or distribution mains.

Well, dry. See dry well.

Well field. A tract of land that contains a number of wells for supplying water.

Well, underground injection. See Class I, II, III, IV, and VI underground injection wells.

Wholesale sales and/or distribution, indoor. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such companies. All such activities take place inside principal or accessory buildings.

Wholesale sales and/or distribution, outdoor. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or
Exhibit A

professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such companies. Such activities may take place outside of the principal or accessory buildings.

**Wind turbine.** A device used for the collection of energy from wind that has a rotor diameter of four (4) feet or more.

**Windmill, micro.** A device used for the collection of energy from wind that has a rotor diameter of less than four (4) feet.

**Wireless telecommunications antenna.** The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communication Commission (FCC) are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

**Wireless telecommunications facility.** A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

**Wireless telecommunications tower.** A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

**Work-live unit.** See Residential/work use.

**Yard.** An open space on the same lot with a principal building or structure extending between the lot line and the extreme front, rear or side wall of the main building or structure.

(a) **Yard, corner side.** On a corner lot, the yard between the principal building and the side lot line adjacent to the street and extending from the front yard to the rear lot line.

(b) **Yard, front.** The area across the full width of the lot between the front of the principal building and the front line of the lot.

(c) **Yard, rear.** The area across the full width of the lot between the rear of the principal building and the rear line of the lot.

(d) **Yard, side.** The area between the main building and the side line of the lot extending from the front wall to the rear wall of the main building.

**Zoning Administrator.** The individual designated to administer the Zoning Code of the City of Dayton, Ohio. A person designated by the Zoning Administrator may also perform duties of the Zoning Administrator.

**Zoning Certificate.** A document issued by the Zoning Administrator authorizing the construction or alteration of a building or structure and/or use of a lot or structure in accordance with this Zoning Code.

**Zoning Map.** An accurate map depicting the City of Dayton, Ohio, and indicating the boundaries of the zoning districts established by this Zoning Code.
## Exhibit B

### Schedule 150.305.2
Permitted Uses in Single-Family Residential Districts

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<tr>
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<td>(d) Library</td>
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# Exhibit B

Schedule 150.305.2  
Permitted Uses in Single-Family Residential Districts

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<td>(d) Parking lot, restricted</td>
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<td>See Section 150.600</td>
<td>See Section 150.600</td>
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### Exhibit B

#### Schedule 150.305.2
Permitted Uses in Single-Family Residential Districts

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<td>A⁵,⁶</td>
<td>A⁵,⁶</td>
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**Notes to Schedule 150.305.2:**

1. As further regulated by Section 150.565, Single-family Dwelling, Detached Cluster.
2. Shall only be permitted in a non-residentially constructed building existing prior to August 1, 2006.
3. As regulated by Section 150.440, Home Occupation Regulations.
4. Reserved.
5. See Section 150.305.5, Accessory Use Regulations.
6. As regulated by Section 150.900, Sign Regulations.
7. As further regulated by Section 150.565, Attached Single-family Dwelling.
8. As further regulated by Section 150.565, Solar energy structure.
9. As further regulated by Section 150.565, Solar panel, building.
10. As further regulated by Section 150.565, Utility box.
11. As further regulated by Section 150.565, Wind turbine.
12. As further regulated by Section 150.565, Windmill, micro.
13. Shall be considered an accessory use if it serves fewer than thirty (30) children or adults and takes place in a school, community center, or church/religious assembly with a capacity of over 100 persons. The requirements in Section 150.565.17 (A) shall also apply.
14. As further regulated by Section 150.420.1, Bee keeping.
15. Shall only be permitted on non-residential buildings.
16. As further regulated by Section 150.420.1.5, Composting, incidental.

P = Use permitted by right; PD = Permitted as part of a Planned Development; P* = Use permitted by right as further regulated by Section 150.500, Conditional Uses and Specific Use Regulations; C = Conditional use; A = Accessory use; Blank cell = Use not permitted in district.
Exhibit C

**Schedule 150.305.6**  
Residential Contextual Standards

<table>
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<th>SR-1, SR-2</th>
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</table>

(1) **Detached Garage Design:** A detached garage shall complement the principal dwelling in terms of architectural design and materials. The detached garage shall be constructed using the same or similar materials, as determined by the Zoning Administrator, as the principal dwelling and its architectural design shall mirror that of the principal dwelling.

The roof pitch of a detached garage shall be similar, as determined by the Zoning Administrator, to the roof pitch on the principal dwelling. In determining the similarity, the Zoning Administrator shall consider the roof pitch on the majority of rooflines on the principal dwelling as well as whether or not the dominant roof pitch would be appropriate on a detached garage. If it would not be appropriate, then a roof pitch that has a similar rise and run shall be utilized on the detached garage, as approved by the Zoning Administrator.

| X          | X          | X    |

(2) **Location of Detached Garages:** All detached garages shall only be located in the rear yard.

| X          | X          | X    |

(3) **Eaves:** All eaves, whether on the principal dwelling or on a detached garage, shall have a minimum depth or overhang of twelve (12) inches.

| X          | X          | X    |

(4) **Building Orientation:** The main entrance to the residence shall face the public street, and the front wall of the principal structure shall be parallel to the street or to its tangent, if the street is curved.

| X          | X          | X    |

(5) **Elevation:** New housing shall be built with a raised foundation, a basement, or designed to suggest that there is a raised foundation equal to the foundation height of adjacent buildings. The height of the raised foundation or the basement shall also be equal to the foundation heights of adjacent buildings. If such heights differ, the applicant may choose which foundation height is most appropriate for the proposed residence.

| X          | X          | X    |

(6) **Garage Access:** All garages, whether detached or attached to the principal dwelling unit, shall be accessed from the alley, if an alley exists. In no case shall the overhead door(s) of any garage face the street, unless the garage is located on a corner lot. In this case, the overhead door(s) shall not face the street that has been designated, at the time a Zoning Certificate was requested or approved, as the front of the principal dwelling.

Driveway approaches from a public street that lead to legal accessory off-street parking spaces in the rear yard shall only be permitted in the absence of an alley.

| X          | X          | X    |

(7) **Garage Access:** In no case shall the overhead door(s) of an attached garage face the public street, unless the attached garage is located on a corner lot. In this case, the overhead door(s) shall not face the street that has been designated, at the time a Zoning Certificate was requested or approved, as the front of the principal dwelling.

Detached garages may be accessed from either the public street or the alley. However, alley access is encouraged, but not required.

| X          | X          | X    |

(8) **Stoops and Porches:** Where new construction or an addition to the front of an existing principal building is proposed, such new principal building or building addition, shall have a front stoop or porch, if stoops or porches are present on the majority of the...
Exhibit C
Schedule 150.305.6
Residential Contextual Standards

<table>
<thead>
<tr>
<th>SR-1, SR-2</th>
<th>ER-3, ER-4</th>
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<tbody>
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</table>

four homes, two on either side, of the building under review.

If any of the four lots used to determine if a front stoop or porch is required are vacant, then the presence or absence of a front stoop or porch on a majority of the remaining lots shall determine if a front stoop is required. If all of these lots are vacant, then the context for determining the required front stoop or porch shall be those four homes most directly across the public street from the lot under review. If a majority of those homes across the public street have a front stoop or porch, then a front stoop or porch is required.

The minimum area of a stoop shall be twenty-five (25) square feet.

The minimum depth of the required porch shall be six (6) feet.

Porch enclosures in front yards or along street frontages are permitted provided that each wall and door has a minimum of 70% transparent material and the space is not used or ordinarily considered as a habitable room.

<table>
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<td>9</td>
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</table>

**Additions Along Public Street Frontages to Single-Family Detached Dwellings, Including Attached Garage Additions.** For walls eight (8) feet or more in length, a minimum of fifteen (15) percent of the wall surface shall include windows and/or doors, and/or simulated windows and/or simulated doors. To calculate the area of the wall, all vertical surfaces of the wall shall be included, excluding exposed foundations and unfinished attic space.

For every continuous eight (8) feet of wall length uninterrupted by windows and/or doors, including simulated windows and/or doors, landscaping shall be installed along the wall that shall reach three (3) feet within three (3) years. The landscaping materials shall be compatible with the existing and proposed land use and development character of the surrounding land and structures as determined by the Zoning Administrator. At all times, the landscaping shall be maintained in good and healthy condition.
# Exhibit D

## Schedule 150.310.2

**PERMITTED USES IN MULTI-FAMILY RESIDENTIAL DISTRICTS**

<table>
<thead>
<tr>
<th></th>
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<th>EMF Eclectic MF Residential</th>
<th>MMF Mature MF Residential</th>
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<td>(a) Single-family dwelling, detached</td>
<td>p¹</td>
<td>p¹</td>
<td>p³</td>
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<tr>
<td>(b) Single-family dwelling, detached cluster</td>
<td>p*</td>
<td>p*</td>
<td>p*</td>
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<tr>
<td>(c) Single-family dwelling, attached</td>
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<td>p*</td>
<td>p*</td>
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<tr>
<td>(d) Two-family dwelling</td>
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<td>(e) Multi-family dwelling</td>
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<td>(f) Family day care home for 1-6 children (type B)</td>
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<tr>
<td>(g) Family day care home for 7-12 children (type A)</td>
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<td>(h) Residential conversion</td>
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<td>(b) Adult care facility for 6-16 persons</td>
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<td><strong>(6) Recreation/Open Space</strong></td>
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### Exhibit D

**Schedule 150.310.2**  
**PERMITTED USES IN MULTI-FAMILY RESIDENTIAL DISTRICTS**

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<tr>
<td>(l) Signs</td>
<td>A&lt;sup&gt;4&lt;/sup&gt;</td>
<td>A&lt;sup&gt;4&lt;/sup&gt;</td>
<td>A&lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td>(m) Trash receptacles</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>(n) Solar energy structure</td>
<td>A&lt;sup&gt;5&lt;/sup&gt;</td>
<td>A&lt;sup&gt;5&lt;/sup&gt;</td>
<td>A&lt;sup&gt;5&lt;/sup&gt;</td>
</tr>
<tr>
<td>(o) Solar panel, building</td>
<td>A&lt;sup&gt;6&lt;/sup&gt;</td>
<td>A&lt;sup&gt;6&lt;/sup&gt;</td>
<td>A&lt;sup&gt;6&lt;/sup&gt;</td>
</tr>
<tr>
<td>(p) Utility box</td>
<td>A&lt;sup&gt;7&lt;/sup&gt;</td>
<td>A&lt;sup&gt;7&lt;/sup&gt;</td>
<td>A&lt;sup&gt;7&lt;/sup&gt;</td>
</tr>
<tr>
<td>(q) Wind turbine</td>
<td>A&lt;sup&gt;8&lt;/sup&gt;</td>
<td>A&lt;sup&gt;8&lt;/sup&gt;</td>
<td>A&lt;sup&gt;8&lt;/sup&gt;</td>
</tr>
<tr>
<td>(r) Windmill, micro</td>
<td>A&lt;sup&gt;9&lt;/sup&gt;</td>
<td>A&lt;sup&gt;9&lt;/sup&gt;</td>
<td>A&lt;sup&gt;9&lt;/sup&gt;</td>
</tr>
</tbody>
</table>
## Exhibit D

### Schedule 150.310.2
PERMITTED USES IN MULTI-FAMILY RESIDENTIAL DISTRICTS

<table>
<thead>
<tr>
<th></th>
<th>SMF</th>
<th>EMF</th>
<th>MMF</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Suburban MF Residential</td>
<td>Eclectic MF Residential</td>
<td>Mature MF Residential</td>
</tr>
</tbody>
</table>

Notes to Schedule 150.310.2:

1. New construction shall comply with the regulations of the abutting single-family residential district. If there is none, new construction shall comply with the regulations of the ER-4 district.
2. New construction shall comply with the regulations of the abutting single-family residential district. If there is none, new construction shall comply with the regulations of the MR-5 district.
3. As further regulated by Section 150.440, Home Occupation Regulations
4. As further regulated by Section 150.900, Sign Regulations
5. As further regulated by Section 150.565, Solar energy structure
6. As further regulated by Section 150.565, Solar panel, building
7. As further regulated by Section 150.565, Utility box
8. As further regulated by Section 150.565, Wind turbine
9. As further regulated by Section 150.565, Windmill, micro
10. As further regulated by Section 150.420.1, Bee keeping
11. Shall only be permitted on non-residential buildings
12. As further regulated by Section 150.420.1.5, Composting, incidental

P = Use permitted by right;  P* = Use permitted by right as further regulated by Section 150.500, Conditional Use and Specific Use Regulations;  C = Conditional use;
A = Accessory use;  Blank cell = Use is prohibited
# Exhibit E

## Schedule 150.315.2

**PERMITTED USES IN MANUFACTURED HOME DISTRICT**

<table>
<thead>
<tr>
<th></th>
<th>MHH</th>
<th>Manufactured Home</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(1) Residential</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Single-family, dwelling, detached</td>
<td></td>
<td>See A¹</td>
</tr>
<tr>
<td>(b) Manufactured home</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>(c) Mobile home</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td><strong>(2) Residential/Work</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Home occupation</td>
<td></td>
<td>A²⁵</td>
</tr>
<tr>
<td><strong>(3) Recreation/Open Space</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Park/playground</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td><strong>(4) Other</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Bee keeping</td>
<td></td>
<td>P¹²</td>
</tr>
<tr>
<td>(b) Day care center</td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>(c) Community garden</td>
<td></td>
<td>p*</td>
</tr>
<tr>
<td>(d) Harvesting</td>
<td></td>
<td>p*</td>
</tr>
<tr>
<td>(e) Telecommunication facility</td>
<td></td>
<td>See Section 150.600</td>
</tr>
<tr>
<td>(f) Utility substation/ distribution facility, indoor</td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>(g) Utility substation/ distribution facility, outdoor</td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>(h) Wall mural</td>
<td></td>
<td>C¹³</td>
</tr>
<tr>
<td><strong>(5) Accessory Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Accessory buildings</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>(b) Composting, incidental</td>
<td></td>
<td>A¹⁴</td>
</tr>
<tr>
<td>(c) Home occupation</td>
<td></td>
<td>A²⁵</td>
</tr>
<tr>
<td>(d) Office</td>
<td></td>
<td>A¹</td>
</tr>
<tr>
<td>(e) Off-street parking areas and loading facilities</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>(f) Private swimming pools</td>
<td></td>
<td>A¹², ⁶</td>
</tr>
<tr>
<td>(g) Recreation facility, indoor</td>
<td></td>
<td>A²</td>
</tr>
<tr>
<td>(h) Recreation facility, outdoor</td>
<td></td>
<td>A²</td>
</tr>
<tr>
<td>(i) Service establishment, personal</td>
<td></td>
<td>A³</td>
</tr>
<tr>
<td>(j) Single-family, dwelling, detached</td>
<td></td>
<td>A⁴</td>
</tr>
</tbody>
</table>

---

1

---
### Exhibit E

**Schedule 150.315.2**

**PERMITTED USES IN MANUFACTURED HOME DISTRICT**

<table>
<thead>
<tr>
<th></th>
<th>MH</th>
<th>Manufactured Home</th>
</tr>
</thead>
<tbody>
<tr>
<td>(k)</td>
<td>Signs</td>
<td>A</td>
</tr>
<tr>
<td>(l)</td>
<td>Single-family dwelling, detached</td>
<td>A^1</td>
</tr>
<tr>
<td>(m)</td>
<td>Solar energy structure</td>
<td>A^7</td>
</tr>
<tr>
<td>(n)</td>
<td>Solar panel, building</td>
<td>A^8</td>
</tr>
<tr>
<td>(o)</td>
<td>Utility box</td>
<td>A^9</td>
</tr>
<tr>
<td>(p)</td>
<td>Wind turbine</td>
<td>A^10</td>
</tr>
<tr>
<td>(q)</td>
<td>Windmill, micro</td>
<td>A^11</td>
</tr>
</tbody>
</table>

---

1. An office for the on-site manager shall be permitted. All other office uses are prohibited.
2. Recreation facilities that are solely utilized by the residents of the manufactured home community shall be permitted.
3. A personal service establishment that is solely utilized by residents of the manufactured home community shall be permitted.
4. A single-family detached dwelling for the on-site manager shall be permitted. All other single-family detached dwellings are prohibited, except those constructed prior to August 1, 2006.
5. As further regulated by Section 150.440, Home Occultation Regulations
6. As further regulated by Section 150.315.8 (B), Private Swimming Pools
7. As further regulated by Section 150.565, Solar energy structure
8. As further regulated by Section 150.565, Solar panel, building
9. As further regulated by Section 150.565, Utility box
10. As further regulated by Section 150.565, Wind turbine
11. As further regulated by Section 150.365, Windmill, micro
12. As further regulated by Section 150.420.1, Bee keeping
13. Shall only be permitted on non-residential buildings
14. As further regulated by Section 150.420.1.5, Composting, incidental

P = Use permitted by right; P* = Use permitted by right as further regulated by Section 150.500, Conditional Uses and Specific Use Regulations; C = Conditional use; A = Accessory use; Blank cell = Use not permitted
## Exhibit F

Schedule 150.320.2

**PERMITTED USES IN DOWNTOWN DISTRICTS**

<table>
<thead>
<tr>
<th>(1) Residential</th>
<th>UBD</th>
<th>CBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Single-family dwelling, attached</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>(b) Multi-family dwelling</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>(c) Family day care home for 1-6 children (type B)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(d) Family day care home for 7-12 children (type A)</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>(e) Dwelling unit(s) on or above the first floor of a building</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(2) Residential/Work</th>
<th>UBD</th>
<th>CBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Home occupation</td>
<td>P^1</td>
<td>P^1</td>
</tr>
<tr>
<td>(b) Live-work unit</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>(c) Work-live unit</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(3) Community Facilities/Institutions</th>
<th>UBD</th>
<th>CBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Assembly hall/auditorium</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(b) Church/religious assembly</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(c) Congregate care facility/nursing home</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(d) Convention and exposition center</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(e) Cultural institution</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(f) Emergency housing</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>(g) Hospital</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>(h) Jail</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>(i) Library</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(j) Membership Clubs</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(k) Protective care facility</td>
<td>C^2</td>
<td>C^2</td>
</tr>
<tr>
<td>(l) Public safety facility</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(m) Transitional Housing</td>
<td>C^3</td>
<td>C^3</td>
</tr>
<tr>
<td>(n) Utility substation/distribution facility, indoor</td>
<td>P^3</td>
<td>P^3</td>
</tr>
<tr>
<td>(o) Utility substation/distribution facility, outdoor</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(4) Educational Facilities</th>
<th>UBD</th>
<th>CBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Day care center, child and adult</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(b) School (public/private), college/university</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(c) School (public/private), elementary/secondary</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>(d) School (public/private), specialty/personal instruction</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>
### Exhibit F

**Schedule 150.320.2**  
**PERMITTED USES IN DOWNTOWN DISTRICTS**

<table>
<thead>
<tr>
<th>(5) Recreation/Open Space</th>
<th>UBD</th>
<th>CBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Health club</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(b) Park/playground</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(c) Recreation facility, indoor</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(d) Recreation facility, outdoor</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>(e) Sports facility</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>(f) Theater, outdoor</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>(g) Theater, indoor</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(6) Office/Professional Services</th>
<th>UBD</th>
<th>CBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Financial institution/bank</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(b) Office – administrative/professional</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(c) Office – medical/dental/health services</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>(d) Research/development facility, laboratory</td>
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<td>P</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(7) Retail/Personal Services</th>
<th>UBD</th>
<th>CBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Animal hospital/clinic</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(b) Animal boarding facility with outside run or kennels</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>(c) Drive-thru facility</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>(d) Funeral home &amp; related facilities</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(e) Restaurant, indoor dining</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(f) Restaurant, outdoor dining</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>(g) Retail establishment</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(h) Service establishment, business</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(i) Service establishment, personal</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(8) Lodging</th>
<th>UBD</th>
<th>CBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Bed &amp; breakfast</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>(b) Hotel/motel</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(9) Motor Vehicle/Transportation</th>
<th>UBD</th>
<th>CBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Automobile service station</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>(b) Equipment sales/rental/service (including agriculture implements, recreational vehicles and commercial motor vehicles.)</td>
<td>P*</td>
<td></td>
</tr>
<tr>
<td>(c) Helicopter landing facility</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>(d) Motor vehicle repair (including boats)</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>(e) Motor vehicle sales and rental (including boats)</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>
### Exhibit F

**Schedule 150.320.2**

**PERMITTED USES IN DOWNTOWN DISTRICTS**

<table>
<thead>
<tr>
<th>UBD Urban Business District</th>
<th>CBD Central Business District</th>
</tr>
</thead>
<tbody>
<tr>
<td>(f) Parking structure</td>
<td>C</td>
</tr>
<tr>
<td>(g) Railroad station</td>
<td>C</td>
</tr>
<tr>
<td>(h) Transit garage</td>
<td>C</td>
</tr>
<tr>
<td>(i) Transit station</td>
<td>C</td>
</tr>
<tr>
<td>(j) Transit turnaround</td>
<td>C</td>
</tr>
<tr>
<td>(k) Vehicle fueling station</td>
<td>C</td>
</tr>
</tbody>
</table>

**Storage and Distribution**

<table>
<thead>
<tr>
<th>P*</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Outdoor storage: equipment/vehicles, general materials</td>
</tr>
<tr>
<td>(b) Self-storage facility, indoor</td>
</tr>
<tr>
<td>(c) Trucking/motor freight terminal</td>
</tr>
<tr>
<td>(d) Warehouse storage, indoor</td>
</tr>
<tr>
<td>(e) Wholesale sales and/or distribution, indoor</td>
</tr>
</tbody>
</table>

**Industrial**

<table>
<thead>
<tr>
<th>P3</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Manufacturing, light</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) Manufacturing, light (New Construction of Principal Building)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>P*</th>
</tr>
</thead>
<tbody>
<tr>
<td>(c) Microbottler</td>
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<tr>
<td>(d) Recycling collection facility, indoor</td>
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</tbody>
</table>

**Other**

<table>
<thead>
<tr>
<th>P9</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Bee keeping</td>
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</table>

<table>
<thead>
<tr>
<th>P*</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) Community garden</td>
</tr>
<tr>
<td>(c) Nightclub</td>
</tr>
<tr>
<td>(d) Plant nursery/greenhouse</td>
</tr>
<tr>
<td>(c) Solar energy structure</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>P*</th>
</tr>
</thead>
<tbody>
<tr>
<td>(f) Solar panel, building</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>P*</th>
</tr>
</thead>
<tbody>
<tr>
<td>(g) Telecommunication facility</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>P*</th>
</tr>
</thead>
<tbody>
<tr>
<td>(h) Utility box</td>
</tr>
<tr>
<td>(i) Wall mural</td>
</tr>
<tr>
<td>(j) Wind turbine</td>
</tr>
<tr>
<td>(k) Windmill, micro</td>
</tr>
</tbody>
</table>

**Accessory Uses**

<table>
<thead>
<tr>
<th>A</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Accessory Buildings</td>
</tr>
<tr>
<td>(b) Animal boarding facility with no outside run or kennel</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A6</th>
</tr>
</thead>
<tbody>
<tr>
<td>(c) Car wash</td>
</tr>
</tbody>
</table>
## Exhibit F

### Schedule 150.320.2

**PERMITTED USES IN DOWNTOWN DISTRICTS**

<table>
<thead>
<tr>
<th></th>
<th>UBD</th>
<th>CBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>(d) Composting, incidental</td>
<td>A&lt;sup&gt;10&lt;/sup&gt;</td>
<td>A&lt;sup&gt;10&lt;/sup&gt;</td>
</tr>
<tr>
<td>(e) Fences and Walls</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>(f) Outdoor display/sales except for motor vehicles</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>(f) Off-street parking areas and loading facilities</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>(g) Private swimming pools</td>
<td>A&lt;sup&gt;8&lt;/sup&gt;</td>
<td>A&lt;sup&gt;8&lt;/sup&gt;</td>
</tr>
<tr>
<td>(h) Signs</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>(i) Solar energy structure</td>
<td>A&lt;sup&gt;11&lt;/sup&gt;</td>
<td>A&lt;sup&gt;11&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

Notes to Schedule 150.320.2:

1. As further regulated by Section 150.440, Home Occupation Regulations.
2. As further regulated by Section 150.565, Protective Care Facility.
3. Shall only be permitted in a non-residential building existing prior to August 1, 2006.
4. Animal boarding facilities with no outside facilities may be accessory to a permitted Animal Hospital or clinic.
5. Utility substation/distribution facility, indoor shall not be located on the first floor of any building that is located on a POD 2 street, as shown on the Official Zoning Map.
6. Only car washes, with a single-bay, that are accessory to a vehicle fueling station are permitted.
7. As further regulated by Section 150.565, Transitional Housing.
8. As further regulated by Section 150.320.8 (D), Private Swimming Pools.
9. As further regulated by Section 150.420.1, Bee keeping
10. As further regulated by Section 150.420.1.5, Composting, incidental
11. As further regulated by Section 150.565, Solar energy structure

P = Use permitted by right; P* = Use permitted by right as further regulated by Section 150.500, Conditional Use and Specific Use Regulations; C = Conditional use; A = Accessory use; Blank cell = Use not permitted in district.
## Exhibit G

### Schedule 150.325.2

**PERMITTED USES IN COMMERCIAL DISTRICTS**

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>MNC</th>
<th>ENC</th>
<th>SNC</th>
<th>MGC</th>
<th>EGC</th>
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<tbody>
<tr>
<td></td>
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<td>Eclectic Neighborhood Commercial</td>
<td>Suburban Neighborhood Commercial</td>
<td>Mature General Commercial</td>
<td>Eclectic General Commercial</td>
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<tr>
<td>(1) Residential</td>
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<tr>
<td>(a) Single-family dwelling, detached</td>
<td>I</td>
<td>I</td>
<td>I</td>
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<tr>
<td>(b) Single-family dwelling, attached</td>
<td>P*</td>
<td>P*</td>
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</tr>
<tr>
<td>(c) Two-family dwelling</td>
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<td>I</td>
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</tr>
<tr>
<td>(d) Multi-family dwelling</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
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<tr>
<td>(e) Family day care home for 1-6 children (type B)</td>
<td>P</td>
<td>P</td>
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<tr>
<td>(f) Family day care home for 7-12 children (type A)</td>
<td>C</td>
<td>C</td>
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<tr>
<td>(g) Dwelling unit(s) above the first floor of a building</td>
<td>P</td>
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<td>P</td>
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<td>(2) Residential/Work</td>
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<tr>
<td>(a) Home Occupation</td>
<td>A^4</td>
<td>A^4</td>
<td>A^4</td>
<td>A^4</td>
<td>A^4</td>
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<tr>
<td>(b) Live-work unit</td>
<td>P</td>
<td>P</td>
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<tr>
<td>(c) Work-live unit</td>
<td>P</td>
<td>P</td>
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<tr>
<td>(3) Community Facilities/Institutions</td>
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</tr>
<tr>
<td>(a) Assembly hall/auditorium</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>(b) Church/religious assembly</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>(c) Community center</td>
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<tr>
<td>(d) Congregate care facility/nursing home</td>
<td>C</td>
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<td>C</td>
<td>P</td>
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<tr>
<td>(e) Cultural institution</td>
<td>P</td>
<td>P</td>
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<td>P</td>
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<tr>
<td>(f) Library</td>
<td>P</td>
<td>P</td>
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<tr>
<td>(g) Membership Club</td>
<td>P</td>
<td>P</td>
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<tr>
<td>(h) Public safety facility</td>
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<td>P</td>
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<td>P</td>
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<tr>
<td>(i) Utility substation/distribution facility, indoor</td>
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<td></td>
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<td>P</td>
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<tr>
<td>(j) Utility substation/distribution facility, outdoor</td>
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<td>C</td>
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<td>P</td>
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### Exhibit G

Schedule 150.325.2
PERMITTED USES IN COMMERCIAL DISTRICTS

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>MNC</th>
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<td>Eclectic General Commercial</td>
<td>Suburban General Commercial</td>
</tr>
</tbody>
</table>

#### (4) Educational Facilities

- (a) Day care center, child and adult
  - MNC: p*
  - ENC: p*
  - SNC: p*
  - MGC: p*
  - EGC: p*
  - SGC: p*

- (b) School (public/private), college/university
  - MNC: C
  - ENC: C
  - SNC: C
  - MGC: C
  - EGC: C
  - SGC: C

- (c) School (public/private), elementary/secondary
  - MNC: C
  - ENC: C
  - SNC: C
  - MGC: C
  - EGC: C
  - SGC: C

- (d) School specialty/personal instruction
  - MNC: C
  - ENC: C
  - SNC: C
  - MGC: P
  - EGC: P
  - SGC: P

#### (5) Recreation/Open Space

- (a) Health club
  - MNC: P
  - ENC: P
  - SNC: P
  - MGC: P
  - EGC: P
  - SGC: P

- (b) Model airplane flying facility
  - MNC: C
  - ENC: C
  - SNC: C
  - MGC: C
  - EGC: C
  - SGC: C

- (c) Park/playground
  - MNC: P
  - ENC: P
  - SNC: P
  - MGC: P
  - EGC: P
  - SGC: P

- (d) Recreation facility, indoor
  - MNC: P
  - ENC: P
  - SNC: P
  - MGC: P
  - EGC: P
  - SGC: P

- (e) Recreation facility, outdoor
  - MNC: C
  - ENC: C
  - SNC: C
  - MGC: C
  - EGC: C
  - SGC: C

#### (6) Office/Professional Services

- (a) Financial institution/bank
  - MNC: P
  - ENC: P
  - SNC: P
  - MGC: P
  - EGC: P
  - SGC: P

- (b) Office — administrative/professional
  - MNC: P
  - ENC: P
  - SNC: P
  - MGC: P
  - EGC: P
  - SGC: P

- (c) Office — medical/dental/health services
  - MNC: p*
  - ENC: p*
  - SNC: p*
  - MGC: p*
  - EGC: p*
  - SGC: p*

#### (7) Retail/Personal Services

- (a) Animal hospital/clinic
  - MNC: p²
  - ENC: p²
  - SNC: p²
  - MGC: p²
  - EGC: p²
  - SGC: p²

- (b) Animal boarding facility with no outside run or kennel
  - MNC: p
  - ENC: p
  - SNC: p
  - MGC: p
  - EGC: p
  - SGC: p

- (c) Animal boarding facility with outside run and/or kennel
  - MNC: C
  - ENC: C
  - SNC: C
  - MGC: C
  - EGC: C
  - SGC: C

- (d) Freestanding Drive-thru facility
  - MNC: C
  - ENC: C
  - SNC: C
  - MGC: C
  - EGC: C
  - SGC: C

- (e) Drive-thru facility
  - MNC: C
  - ENC: C
  - SNC: C
  - MGC: p*
  - EGC: p*
  - SGC: p*
### Exhibit G

**Schedule 150.325.2**
**PERMITTED USES IN COMMERCIAL DISTRICTS**

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<thead>
<tr>
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<td>Eclectic General Commercial</td>
<td>Suburban General Commercial</td>
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<tr>
<td>(f) Funeral home &amp; related facilities</td>
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<td>(g) Outdoor display/sales except for motor vehicles</td>
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<td>(h) Restaurant, indoor dining</td>
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<td>P</td>
<td>P</td>
<td>F</td>
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<tr>
<td>(i) Restaurant, outdoor dining</td>
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<td>P*</td>
<td>P*</td>
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<td>(j) Retail establishment</td>
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<td>(k) Service establishment, business</td>
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<td>(8) Lodging</td>
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<td>(a) Bed &amp; breakfast</td>
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<td>P*</td>
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<tr>
<td>(b) Hotel/novel</td>
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<tr>
<td>(9) Motor Vehicle/Transportation</td>
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<tr>
<td>(a) Automobile service station</td>
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<tr>
<td>(b) Car wash</td>
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<tr>
<td>(c) Equipment sales/rental/service (includes agricultural implements)</td>
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<tr>
<td>(d) Motor vehicle body shop</td>
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<tr>
<td>(e) Motor vehicle repair (including boats)</td>
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<tr>
<td>(f) Motor vehicle sales/rental (including boats)</td>
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<td>(g) Parking lot as principal use</td>
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<td>P*</td>
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<td>(h) Parking lot, restricted</td>
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<td>(i) Parking structure</td>
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<td>C</td>
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<tr>
<td>(j) Transit station</td>
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<tr>
<td>(k) Transit turnaround</td>
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<td>(l) Vehicle fueling station</td>
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## Exhibit G

### Schedule 150.325.2

**PERMITTED USES IN COMMERCIAL DISTRICTS**

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>MNC</th>
<th>ENC</th>
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<tbody>
<tr>
<td></td>
<td>Mature Neighborhood Commercial</td>
<td>Eclectic Neighborhood Commercial</td>
<td>Suburban Neighborhood Commercial</td>
<td>Mature General Commercial</td>
<td>Eclectic General Commercial</td>
<td>Suburban General Commercial</td>
</tr>
</tbody>
</table>

### (10) Storage and Distribution

- (a) Recycling collection facility, small
- (b) Self-storage facility, indoor
- (c) Wholesale sales and/or distribution, indoor

### (11) Other

- (a) Bee keeping
- (b) Community garden
- (c) Harvesting
- (d) Microbottler
- (e) Plant nursery/greenhouse
- (f) Solar energy structure
- (g) Solar panel, building
- (h) Telecommunication facility
- (i) Utility box
- (j) Wall mural
- (k) Wind turbine
- (l) Windmill, micro

### (12) Accessory Uses

- (a) Accessory Buildings
- (b) Animal boarding facility with no outside run or kennel
- (c) Composting, incidental
- (d) Fences and Walls
- (d) Home Occupation
- (e) Off-street parking areas and loading facilities
- (f) Signs
- (g) Solar energy structure
- (h) Outdoor storage, equipment/vehicles
### Exhibit G

**Schedule 150.325.2**

**PERMITTED USES IN COMMERCIAL DISTRICTS**

<table>
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<tr>
<th>Land Use Category</th>
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<td>Eclectic General Commercial</td>
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</tr>
</tbody>
</table>

(i) Outdoor storage, goods & general materials

(ii) Trash receptacles

<table>
<thead>
<tr>
<th></th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
</tr>
</thead>
</table>

**Notes to Schedule 150.325.2:**

1. Only detached single-family dwellings and two-family dwellings that existed prior to August 1, 2006 shall be permitted. Newly constructed single-family and two-family dwellings shall be prohibited.

2. Animal boarding facilities with no outside facilities may be accessory to a permitted animal hospital or clinic.

3. Motor vehicle sales establishments may have motor vehicle body shops provided these shops are accessory to the principal use.

4. As regulated by Section 150.440, Home Occupation Regulations

5. As further regulated by Section 150.420.1, Bee keeping

6. As further regulated by Section 150.420.1.5, Composting, incidental

7. As further regulated by Section 150.565, Solar energy structure

P = Use permitted by right; P* = Use permitted by right as further regulated by Section 150.500, Conditional Use and Specific Use Regulations;

C = Conditional Use; A = Accessory Use; Blank Cell = Use not permitted
## Exhibit H

**Schedule 150.330.2**  
PERMITTED USES IN THE MIXED-USE AND TRANSITIONAL DISTRICTS

<table>
<thead>
<tr>
<th></th>
<th>T Transitional District</th>
<th>MX Mixed-Use Hub</th>
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<tbody>
<tr>
<td><strong>(1) Residential</strong></td>
<td></td>
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<tr>
<td>(a) Dwelling units on or above the first floor of a dwelling</td>
<td>P</td>
<td>P</td>
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<tr>
<td>(b) Single-family dwelling, detached</td>
<td>P^1</td>
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</tr>
<tr>
<td>(c) Single-family dwelling, detached cluster</td>
<td>P^*</td>
<td></td>
</tr>
<tr>
<td>(d) Single-family dwelling, attached</td>
<td>P^*</td>
<td>C</td>
</tr>
<tr>
<td>(e) Two-family dwelling</td>
<td>P^*</td>
<td></td>
</tr>
<tr>
<td>(f) Multi-family dwelling</td>
<td>P^*</td>
<td>P</td>
</tr>
<tr>
<td>(g) Family day care home for 1-6 children (type B)</td>
<td>P</td>
<td>P</td>
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<tr>
<td>(h) Family day care home for 7-12 children (type A)</td>
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<tr>
<td><strong>(2) Group Residential</strong></td>
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<tr>
<td>(a) Adult care facility for 3-5 persons</td>
<td>P</td>
<td>P</td>
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<tr>
<td>(b) Adult care facility for 6-16 persons</td>
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<tr>
<td>(c) Residential facility for 5 or fewer persons</td>
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<tr>
<td>(d) Residential facility for 6-8 persons</td>
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<td>P</td>
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<tr>
<td>(e) Residential facility for 9-16 persons</td>
<td>C</td>
<td>C</td>
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<tr>
<td><strong>(3) Residential/Work</strong></td>
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<tr>
<td>(a) Home occupation</td>
<td>A^2</td>
<td>A^2</td>
</tr>
<tr>
<td>(b) Live-work unit</td>
<td>P^*</td>
<td>P^*</td>
</tr>
<tr>
<td>(c) Work-live unit</td>
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<td>P</td>
</tr>
<tr>
<td><strong>(4) Community Facilities/Institutions</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Assembly hall/auditorium</td>
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<td>C</td>
</tr>
<tr>
<td>(d) Congregate care facility/nursing home</td>
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<td>C</td>
</tr>
<tr>
<td>(e) Cultural institution</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td>(f) Hospital</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>(g) Library</td>
<td>P^*</td>
<td>P^*</td>
</tr>
<tr>
<td>(h) Public safety facility</td>
<td>P</td>
<td>P</td>
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<tr>
<td>(i) Utility substation/distribution facility, indoor</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>(j) Utility substation/distribution facility, outdoor</td>
<td>C</td>
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<tr>
<td><strong>(5) Educational Uses</strong></td>
<td></td>
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</tr>
<tr>
<td>(a) Day care center, child and adult</td>
<td>C</td>
<td>C</td>
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<tr>
<td>(b) School (public/private), college/university</td>
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## Exhibit H

**Schedule 150.330.2**  
**PERMITTED USES IN THE MIXED-USE AND TRANSITIONAL DISTRICTS**

<table>
<thead>
<tr>
<th></th>
<th>T Transitional District</th>
<th>MX Mixed-Use Hub</th>
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<tbody>
<tr>
<td>(c) School (public/private), elementary/secondary</td>
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<tr>
<td>(d) School (public/private), specialty/personal instruction</td>
<td>P*</td>
<td>P*</td>
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<tr>
<td><strong>(6) Recreation/Open Space</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Golf/swim/tennis club</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>(b) Health club</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(c) Park/playground</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(d) Recreation facility, indoor</td>
<td>P*</td>
<td>C</td>
</tr>
<tr>
<td>(e) Theater, indoor</td>
<td></td>
<td>C</td>
</tr>
<tr>
<td><strong>(7) Office/Professional Services</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Office – administrative/professional</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(b) Office – medical/dental/health services</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>(c) Research/development facility, laboratory</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><strong>(8) Retail/Personal Services</strong></td>
<td></td>
<td></td>
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<tr>
<td>(a) Drive-thru facility</td>
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<tr>
<td>(b) Freestanding drive-thru facility</td>
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<tr>
<td>(c) Financial institution/bank</td>
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<td>P</td>
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<td>(d) Funeral home</td>
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<td>(e) Restaurant, indoor dining</td>
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<td>(f) Restaurant, outdoor dining</td>
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<td>P*</td>
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<tr>
<td>(g) Retail establishment</td>
<td>P</td>
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<tr>
<td>(h) Service establishment, business</td>
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<tr>
<td>(i) Service establishment, personal</td>
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<td>P</td>
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<td><strong>(9) Lodging</strong></td>
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<tr>
<td>(a) Bed &amp; breakfast</td>
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<td>(b) Hotel/motel</td>
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<td><strong>(10) Motor Vehicle/Transportation</strong></td>
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<tr>
<td>(a) Helicopter landing facility</td>
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<td>(b) Parking lot, restricted</td>
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<td>(c) Parking structure</td>
<td>C</td>
<td>C</td>
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<td>(d) Railroad station</td>
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<td>(e) Transit station</td>
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<td>(f) Transit turnaround</td>
<td>C</td>
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<tr>
<td>(g) Vehicle fueling station</td>
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## Exhibit H

**Schedule 150.330.2**  
PERMITTED USES IN THE MIXED-USE AND TRANSITIONAL DISTRICTS

<table>
<thead>
<tr>
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<tbody>
<tr>
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<td>Transitional District</td>
<td>Mixed-Use Hub</td>
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<tr>
<td>(11) Storage and Distribution</td>
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<tr>
<td>(a) Self-storage facility, indoor</td>
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<td>(b) Warehouse storage, indoor</td>
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<tr>
<td>(c) Wholesale sales and/or distribution, indoor</td>
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<td>(12) Industrial</td>
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<tr>
<td>(a) Manufacturing, light</td>
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<td>(b) Microbottler</td>
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<tr>
<td>(13) Other</td>
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<tr>
<td>(a) Bee keeping</td>
<td>P⁶</td>
<td>P⁶</td>
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<tr>
<td>(b) Community garden</td>
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<td>P*</td>
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<tr>
<td>(c) Harvesting</td>
<td>P*</td>
<td>P*</td>
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<tr>
<td>(d) Nightclub</td>
<td>P</td>
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<tr>
<td>(e) Solar energy structure</td>
<td>C</td>
<td>C</td>
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<tr>
<td>(f) Solar panel, building</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>(g) Telecommunication facility</td>
<td>See Section 150.600</td>
<td>See Section 150.600</td>
</tr>
<tr>
<td>(h) Utility box</td>
<td>P*</td>
<td>P*</td>
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<tr>
<td>(i) Wall mural</td>
<td>P*</td>
<td>P*</td>
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<tr>
<td>(j) Wind turbine</td>
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<td>C</td>
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<tr>
<td>(k) Windmill, micro</td>
<td>P*</td>
<td>P*</td>
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<td>(14) Accessory Uses</td>
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<td>(a) Accessory buildings</td>
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<td>A</td>
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<tr>
<td>(b) Composting, incidental</td>
<td>A⁷</td>
<td>A⁷</td>
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<td>(c) Fences and walls</td>
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<tr>
<td>(d) Home occupation</td>
<td>A²</td>
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<tr>
<td>(e) Off-street parking areas and loading facilities</td>
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<tr>
<td>(f) Outdoor merchandise sales/display</td>
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<td>(g) Private swimming pools</td>
<td>A⁵</td>
<td>A⁵</td>
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<td>(h) Signs</td>
<td>A</td>
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<tr>
<td>(i) Solar energy structure</td>
<td>A⁸</td>
<td>A⁸</td>
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</table>
## Exhibit H

### Schedule 150.330.2

PERMITTED USES IN THE MIXED-USE AND TRANSITIONAL DISTRICTS

<table>
<thead>
<tr>
<th></th>
<th>T</th>
<th>MX</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Transitional District</td>
<td>Mixed-Use Hub</td>
</tr>
</tbody>
</table>

**Notes to Schedule 150.330.2:**

1. New construction shall comply with the regulations of the abutting single-family residential district. If there is none, new construction shall comply with the regulations of the ER-4 district.
2. As further regulated by Section 150.440, Home Occupation Regulations.
3. Shall be permitted by right in non-residential buildings existing prior to August 1, 2006. Shall be conditionally permitted in newly constructed buildings.
4. Shall only be conditionally permitted in a non-residential building existing prior to August 1, 2006.
5. As further regulated by Section 150.330.6 (E), Private Swimming Pools.
6. As further regulated by Section 150.420.1, Bee keeping
7. As further regulated by Section 150.420.1.3, Composting, incidental
8. As further regulated by Section 150.565, Solar energy structure

P=Use permitted by right;  P*= Use permitted by right as further regulated by Section 150.500, Conditional Use and Specific Use Regulations;  C= Conditional Use;  A=Accessory Use;  Blank Cell = Use not permitted
## Exhibit I

### Schedule 150.335.2

Permitted Uses in Campus–Institutional District

<table>
<thead>
<tr>
<th>CI</th>
<th>Campus-Institutional</th>
</tr>
</thead>
</table>
|    | When located more than 150 feet from the Campus-Institutional Zoning District Boundary
|    | When located 150 feet or less from the Campus-Institutional Zoning District Boundary |

### (1) Residential

- (a) Single-family dwelling, detached
- (b) Single-family dwelling, detached cluster
- (c) Single-family dwelling, attached
- (d) Two-family dwelling
- (e) Multi-family dwelling
- (f) Family day care home for 1-6 children (type B)
- (g) Family day care home for 7-12 children (type A)

### (2) Group Residential

- (a) Adult care facility for 3-5 persons
- (b) Adult care facility for 6-16 persons
- (c) Dormitory, fraternity, sorority
- (d) Residential facility for 5 or fewer persons
- (e) Residential facility for 6-8 persons
- (f) Residential facility for 9-16 persons

### (3) Residential/Work

- (a) Home occupation
- (b) Live-work unit
- (c) Work-live unit

### (4) Community Facilities/Institutions

- (a) Assembly hall/auditorium
- (b) Cemetery
- (c) Church/religious assembly
- (d) Community center
- (e) Congregate care facility/nursing home
- (f) Cultural institution
- (g) Hospital
- (h) Library
## Exhibit I

Schedule 150.335.2  
Permitted Uses in Campus–Institutional District

<table>
<thead>
<tr>
<th>CI</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Campus-Institutional</td>
<td>When located more than 150 feet from the Campus-Institutional Zoning District Boundary&lt;sup&gt;1,2&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

(i) Public safety facility  
(j) Utility substation/distribution facility, indoor  
(k) Utility substation/distribution facility, outdoor

### (5) Educational Uses

(a) Day care center, child and adult  
(b) School (public/private), college/university  
(c) School (public/private), elementary/secondary  
(d) School (public/private), specialty/personal instruction

### (6) Recreation/Open Space

(a) Golf/swim/tennis club  
(b) Health club  
(c) Park/playground  
(d) Recreation facility, indoor  
(e) Recreation facility, outdoor  
(f) Sports facility  
(g) Theater, indoor

### (7) Office/Professional/Retail/Personal Services<sup>3</sup>

(a) Financial institution/bank  
(b) Freestanding Drive-thru facility  
(c) Drive-thru facility  
(d) Office -- administrative/professional  
(e) Office -- medical/dental/health services  
(f) Research/development facility, laboratory  
(g) Restaurant, indoor dining  
(h) Restaurant, outdoor dining  
(i) Retail establishment  
(j) Service establishment, business

<sup>1</sup>The extent of the Campus-Institutional Zoning District Boundary shall be defined by the Director of Planning and Development.

<sup>2</sup>Permitted uses shall be subject to the requirements of the Zoning Code (Title 40).

<sup>3</sup>Office/Professional/Retail/Personal Services may be subject to additional requirements and regulations as specified in the Zoning Code (Title 40).
## Exhibit I

Schedule 150.335.2
Permitted Uses in Campus–Institutional District

<table>
<thead>
<tr>
<th>CI</th>
<th>Campus-Institutional</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>When located more than 150 feet from the Campus-Institutional Zoning District Boundary&lt;sup&gt;1,2&lt;/sup&gt;</td>
</tr>
<tr>
<td>(k) Service establishment, personal</td>
<td>p&lt;sub&gt;1,2,3&lt;/sub&gt;</td>
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<tr>
<td>(8) Lodging</td>
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<tr>
<td>(a) Bed &amp; breakfast</td>
<td>p&lt;sub&gt;1,2&lt;/sub&gt;</td>
</tr>
<tr>
<td>(b) Hotel/motel</td>
<td>p&lt;sub&gt;1,2&lt;/sub&gt;</td>
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<tr>
<td>(9) Motor Vehicle/Transportation</td>
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<tr>
<td>(a) Helicopter landing facility</td>
<td>C&lt;sub&gt;1,2&lt;/sub&gt;</td>
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<tr>
<td>(b) Parking lot as principal use</td>
<td>p&lt;sub&gt;1,2&lt;/sub&gt;</td>
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<tr>
<td>(c) Parking structure</td>
<td>p&lt;sub&gt;1,2&lt;/sub&gt;</td>
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<tr>
<td>(d) Transit turnaround</td>
<td>p&lt;sub&gt;1,3&lt;/sub&gt;</td>
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<tr>
<td>(10) Other</td>
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<tr>
<td>(a) Bee keeping</td>
<td>p*&lt;sup&gt;9&lt;/sup&gt;</td>
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<tr>
<td>(b) Community garden</td>
<td>p*&lt;sup&gt;2&lt;/sup&gt;</td>
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<tr>
<td>(c) Harvesting</td>
<td>p*&lt;sup&gt;2&lt;/sup&gt;</td>
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<tr>
<td>(d) Solar energy structure</td>
<td>p&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>(e) Solar panel, building</td>
<td>p*&lt;sup&gt;2&lt;/sup&gt;</td>
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<tr>
<td>(f) Telecommunication facility</td>
<td>See Section 150.600</td>
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<tr>
<td>(g) Utility box</td>
<td>p*&lt;sup&gt;2&lt;/sup&gt;</td>
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<tr>
<td>(h) Wall mural</td>
<td>p*&lt;sup&gt;2&lt;/sup&gt;</td>
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<tr>
<td>(i) Wind turbine</td>
<td>C&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>(j) Windmill, micro</td>
<td>p*&lt;sup&gt;2&lt;/sup&gt;</td>
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<tr>
<td>(11) Accessory Uses</td>
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</tr>
<tr>
<td>(a) Accessory buildings</td>
<td>A&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>(b) Composting, incidental</td>
<td>A&lt;sup&gt;10&lt;/sup&gt;</td>
</tr>
<tr>
<td>(c) Fences and walls</td>
<td>A&lt;sup&gt;2&lt;/sup&gt;</td>
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<tr>
<td>(d) Home Occupation</td>
<td>A&lt;sup&gt;2,4&lt;/sup&gt;</td>
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## Exhibit I

### Schedule 150.335.2

**Permitted Uses in Campus–Institutional District**

<table>
<thead>
<tr>
<th>CI</th>
<th>Campus–Institutional</th>
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<tbody>
<tr>
<td></td>
<td>When located more than 150 feet from the Campus–Institutional Zoning District Boundary&lt;sup&gt;1,2&lt;/sup&gt;</td>
</tr>
<tr>
<td>(e) Off–street parking areas and loading facilities</td>
<td>A&lt;sup&gt;2&lt;/sup&gt;</td>
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<tr>
<td>(f) Outdoor merchandise sales/display</td>
<td>A&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>(g) Private swimming pools</td>
<td>A&lt;sup&gt;2,5&lt;/sup&gt;</td>
</tr>
<tr>
<td>(h) Signs</td>
<td>A&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>(i) Solar energy structure</td>
<td>A&lt;sup&gt;11&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

**Notes to Schedule 150.335.2:**

1. When the proposal is consistent with an approved general development plan. If the proposed use is not part of an approved general development plan, the general development plan must be amended.
2. As measured from any point along the property line of the zoning lot under review.
3. These uses shall only be permitted, either by right or conditionally, when customarily related to the primary mission of the institution and designed to primarily serve the institutions' patrons.
4. As further regulated by Section 150.440, Home Occupation Regulations.
5. As further regulated by Section 150.335.6 (D), Private Swimming Pools.
6. New construction shall comply with the regulations of the abutting single-family residential district. If there is none, new construction shall comply with the regulations of the MR-5 district.
7. New construction shall comply with the regulations of the abutting multi-family residential district. If there is none, new construction shall comply with the regulations of the MMF district.
8. This use shall be permitted by-right, as further regulated by Section 150.500, when included on an approved general development plan. If the use is not shown on an approved general development plan, then the use shall be a conditional use.
9. As further regulated by Section 150.420.1, Bee keeping.
10. As further regulated by Section 150.420.1.5, Composting, incidental.
11. As further regulated by Section 150.565, Solar energy structure.

P = Use permitted by right;  P<sup>a</sup> = Use permitted by right as further regulated by Section 150.500, Conditional Use and Specific Use Regulations,  C = Conditional Use;  A = Accessory Use;  
Blank Cell = Use not permitted
### Exhibit J

#### Schedule 150.340.2

<table>
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<th>I-2</th>
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<tr>
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<td>Light Industrial</td>
<td>General Industrial</td>
<td>Business Park</td>
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<td>(1) Residential/Work</td>
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<tr>
<td>(a) Single-family dwelling, detached</td>
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<td>P&lt;sup&gt;6&lt;/sup&gt;</td>
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<td>(b) Multi-family dwelling</td>
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<td>P&lt;sup&gt;6&lt;/sup&gt;</td>
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<tr>
<td>(c) Two-family dwelling</td>
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<td>P&lt;sup&gt;6&lt;/sup&gt;</td>
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<td>(d) Work-live unit</td>
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<td>(2) Community Facilities/Institutions</td>
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<tr>
<td>(a) Cultural institution</td>
<td>P</td>
<td>P</td>
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<tr>
<td>(b) Protective care facility</td>
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<td>(c) Public safety facility</td>
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<td>P</td>
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<td>(d) Transitional Housing</td>
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<td>(e) Utility substation/distribution facility, indoor</td>
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<td>(f) Utility substation/distribution facility, outdoor</td>
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<td>P*</td>
<td>C</td>
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<td>(3) Educational Uses</td>
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<td>(a) Day care center, child and adult</td>
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<td>P&lt;sup&gt;a2&lt;/sup&gt;</td>
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<td>P*</td>
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<td>(c) School (public/private), elementary/secondary</td>
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<td>P*</td>
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<tr>
<td>(d) School, specialty/personal instruction</td>
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<td>(4) Recreation/Open Space</td>
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<tr>
<td>(a) Health club</td>
<td>P</td>
<td>P</td>
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<td>(b) Model airplane flying facility</td>
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<td>(c) Recreation facility, indoor</td>
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<tr>
<td>(d) Recreation facility, outdoor</td>
<td>C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(e) Theater, drive-in/outdoor</td>
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<td></td>
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<tr>
<td>(5) Office/Professional Services</td>
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<tr>
<td>(a) Financial institution/bank</td>
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<td>P&lt;sup&gt;2&lt;/sup&gt;</td>
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</tr>
<tr>
<td>(b) Office – administrative/professional</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(c) Office – medical/dental/health services</td>
<td></td>
<td>P&lt;sup&gt;a&lt;/sup&gt;</td>
<td></td>
</tr>
<tr>
<td>(d) Research/development facility, laboratory</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(6) Retail/Personal Services</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Animal hospital/clinic</td>
<td>P&lt;sup&gt;1&lt;/sup&gt;</td>
<td>P&lt;sup&gt;1&lt;/sup&gt;</td>
<td></td>
</tr>
<tr>
<td>(b) Animal boarding facility (no outside run/kennel)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(c) Animal boarding facility (with outside run/kennel)</td>
<td>C</td>
<td>C</td>
<td>P&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>(d) Restaurant, indoor dining</td>
<td>P&lt;sup&gt;2&lt;/sup&gt;</td>
<td>P&lt;sup&gt;2&lt;/sup&gt;</td>
<td>P&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>(e) Restaurant, outdoor dining</td>
<td></td>
<td>P&lt;sup&gt;a2&lt;/sup&gt;</td>
<td></td>
</tr>
</tbody>
</table>
## Exhibit J

### Schedule 150.340.2

**PERMITTED USES IN INDUSTRIAL DISTRICTS**

<table>
<thead>
<tr>
<th>I-1</th>
<th>I-2</th>
<th>BP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Light Industrial</td>
<td>General Industrial</td>
<td>Business Park</td>
</tr>
<tr>
<td>(f) Retail establishment</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(g) Service establishment, business</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(h) Service establishment, personal</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

### Motor Vehicle/Transportation

| (a) Auto Service Station | P | P |
| (b) Car wash | P | P |
| (c) Equipment sales/rental/service (includes agricultural implements) | P | P |
| (d) Motor vehicle body shop | P | P |
| (e) Motor vehicle sales/rental (including boats) | P | P |
| (f) Motor vehicle repair (including boats) | C | P |
| (g) Parking lot, restricted | C | C | C |
| (h) Parking structure | C | C | C |
| (i) Railroad yard | P | |
| (j) Transit garage | P | P |
| (k) Transit station | C | C | C |
| (l) Transit turnaround | P | P | C |
| (m) Vehicle fueling station | C | C |

### Storage and Distribution

| (a) Outdoor storage, equipment/vehicles | C | P | C |
| (b) Outdoor storage, general materials | C | P | C |
| (c) Self-storage facility, indoor | P | P | P |
| (d) Trucking/motor freight terminal | C | P* |
| (e) Warehouse storage, indoor | P | P | P |
| (f) Wholesale sales and/or distribution, indoor | P | P | P |
| (g) Wholesale sales and/or distribution, outdoor | C | P | C |

### Industrial

| (a) Construction & Demolition Waste Facility | C |
| (b) Crematorium | C |
| (c) Incinerator | C |
| (d) Junkyard | C |
| (e) Manufacturing, heavy | P^4 | C^1.4 |
| (f) Manufacturing, light | P | P | P^1 |
| (g) Microbottler | P* | P* | P* |
| (h) Recycling collection facility, large | P |
### Exhibit J

**Schedule 150.340.2**

**PERMITTED USES IN INDUSTRIAL DISTRICTS**

<table>
<thead>
<tr>
<th></th>
<th>I-1 Light Industrial</th>
<th>I-2 General Industrial</th>
<th>BP Business Park</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Recycling collection facility, small</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(j) Recycling processing facility, indoor</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(k) Recycling processing facility, outdoor</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(l) Sand, limestone, shale, clay, dirt &amp; gravel operations</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>(m) Sanitary Waste Facility</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>(n) Sewage/liquid waste treatment facility</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>(o) Solid waste composting facility, Class IV</td>
<td>P*</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>(p) Water supply/treatment facility</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

(10) **Other**

| (a) Adult entertainment | C | C | C |
| (b) Bee keeping | P7 | P7 | P7 |
| (c) Community garden | P* | P* | P* |
| (d) Harvesting | P* | P* | P* |
| (e) Plant nursery/greenhouse | C | P | P |
| (f) Solar energy structure | P* | P* | P* |
| (g) Solar panel, building | P* | P* | P* |
| (h) Telecommunication facility | See Section 150.600 | See Section 150.600 | See Section 150.600 |
| (i) Utility box | P* | P* | P* |
| (j) Wall mural | P* | P* | P* |
| (k) Wind turbine | C | C | C |
| (l) Windmill, micro | P* | P* | P* |

(11) **Accessory Uses**

| (a) Accessory Buildings | A | A | A |
| (b) Composting, incidental | A0 | A0 | A0 |
| (c) Fences and walls | A | A | A |
| (d) Helicopter landing facility See § 150.565 | A | A | A |
| (e) Off-street parking areas and loading facilities | A | A | A |
| (f) Outdoor merchandise sales/display | A | A | A |
| (g) Signs | A | A | A |
| (h) Solar energy structure | A10 | A10 | A10 |
## Exhibit J

### Schedule 150.340.2
PERMITTED USES IN INDUSTRIAL DISTRICTS

<table>
<thead>
<tr>
<th></th>
<th>I-1 Light Industrial</th>
<th>I-2 General Industrial</th>
<th>BP Business Park</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notes to Schedule 150.340.2:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
1. All operations, including storage, shall take place in a principal and/or an accessory building.
2. This use shall be permitted by-right when part of a multi-establishment building and it is not the principal use of a building. If the use is proposed to be the principal use in any building (i.e. occupying the majority of gross floor area), then the use is a conditional use.
3. Transitional housing shelters shall not be located within 1000-feet of an emergency housing shelter or another transitional housing shelter. Separation distances are measured from property line to property line by the shortest distance.
4. See Section 150.340.2 (C), Heavy Manufacturing Uses
5. Subject to Section 184 of the City Charter
6. Shall be permitted by right in a residentially constructed building existing prior to August 1, 2006.
7. As further regulated by Section 150.420.1, Bee keeping.
8. In the WP Overlay zoning district this use shall be further regulated by Section 105.565.76(D), Trucking/Motor Freight Terminal, Requirement in the WP Overlay District.
9. As further regulated by Section 150.420.1.5, Composting, incidental.
10. As further regulated by Section 150.565, Solar energy structure.

P = Use permitted by right; P* = Use permitted by right as further regulated by Section 150.500, Conditional Use and Specific Use Regulations; C = Conditional use; A = Accessory use
Blank cell = Use not permitted in district
### Exhibit K

**Schedule 150.363.2**

**PERMITTED USES IN WELL HEAD OPERATION DISTRICT**

<table>
<thead>
<tr>
<th>Use Description</th>
<th>WO</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Well Head Operation</strong></td>
<td></td>
</tr>
<tr>
<td>(1) Community Facilities/Institutions</td>
<td></td>
</tr>
<tr>
<td>(a) Community center</td>
<td>P³</td>
</tr>
<tr>
<td>(b) Cultural institution</td>
<td>P³</td>
</tr>
<tr>
<td>(c) Library</td>
<td>P³</td>
</tr>
<tr>
<td>(d) Public safety facility</td>
<td>C¹</td>
</tr>
<tr>
<td>(e) Utility substation/distribution facility, indoor</td>
<td>C¹</td>
</tr>
<tr>
<td>(f) Utility substation/distribution facility, outdoor</td>
<td>C¹</td>
</tr>
<tr>
<td><strong>Recreation/Open Space</strong></td>
<td></td>
</tr>
<tr>
<td>(a) Arboretum/botanical garden</td>
<td>P³</td>
</tr>
<tr>
<td>(b) Band shell</td>
<td>P³</td>
</tr>
<tr>
<td>(c) Boat launch</td>
<td>P³</td>
</tr>
<tr>
<td>(d) Dog park</td>
<td>P³</td>
</tr>
<tr>
<td>(e) Golf course</td>
<td>P³</td>
</tr>
<tr>
<td>(f) Greenhouse/conservatory</td>
<td>P³</td>
</tr>
<tr>
<td>(g) Park/playground</td>
<td>P³</td>
</tr>
<tr>
<td>(h) Recreation facility, indoor</td>
<td>P³</td>
</tr>
<tr>
<td>(i) Recreation facility, outdoor</td>
<td>P³</td>
</tr>
<tr>
<td>(j) Skate park</td>
<td>P³</td>
</tr>
<tr>
<td>(k) Theater, outdoor</td>
<td>P³</td>
</tr>
<tr>
<td><strong>Office/Retail</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td></td>
</tr>
<tr>
<td>(a) Bee keeping</td>
<td>P³</td>
</tr>
<tr>
<td>(b) Solar energy structure</td>
<td>P³</td>
</tr>
<tr>
<td>(c) Telecommunication facility</td>
<td>See Section 150.600</td>
</tr>
<tr>
<td>(d) Water supply/treatment facility</td>
<td>P³</td>
</tr>
<tr>
<td><strong>Accessory Uses</strong></td>
<td></td>
</tr>
<tr>
<td>(a) Outdoor storage, equipment/vehicles</td>
<td>A¹</td>
</tr>
<tr>
<td>(b) Outdoor storage, general materials</td>
<td>A¹</td>
</tr>
<tr>
<td>(c) Solar energy structure</td>
<td>A¹</td>
</tr>
</tbody>
</table>
Exhibit K

Schedule 150.363.2
PERMITTED USES IN WELL HEAD OPERATION DISTRICT

<table>
<thead>
<tr>
<th></th>
<th>WO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Well Head Operation¹</td>
</tr>
</tbody>
</table>

Notes to Schedule 150.363.2:
¹ Uses in the WO District also require approval from the Director of the Water Department or his/her designee to insure conformance with the Water Department’s standards.

P = Use permitted by right ; C = Conditional use;  A = Accessory use;
Blank cell = Use is prohibited
# Exhibit L

## Schedule 150.365.2

### PERMITTED USES IN THE PARK/OPEN SPACE DISTRICT

<table>
<thead>
<tr>
<th>OS</th>
<th>Park/Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### (1) Community Facilities/Institutions

- **(a) Cemetery**  
  - P
- **(b) Church/religious assembly**  
  - P
- **(c) Community center**  
  - P
- **(d) Cultural institution**  
  - P
- **(e) Library**  
  - P
- **(f) Public safety facility**  
  - C
- **(g) Utility substation/distribution facility, indoor**  
  - P
- **(h) Utility substation/distribution facility, outdoor**  
  - P

### (2) Recreation/Open Space

- **(a) Agriculture, livestock**  
  - C
- **(b) Amusement park**  
  - C
- **(c) Arboretum/botanical garden**  
  - P
- **(d) Ball fields**  
  - P
- **(e) Band shell**  
  - P
- **(f) Bee keeping**  
  - P
- **(g) Boat launch**  
  - P
- **(h) Campground**  
  - C
- **(i) Community garden**  
  - P
- **(j) Dog park**  
  - C
- **(k) Golf course**  
  - P
- **(l) Greenhouse/conservatory**  
  - P
- **(m) Harvesting**  
  - P
- **(n) Nature preserve**  
  - P
- **(o) Park/playground**  
  - P
- **(p) Recreation facility, indoor**  
  - P
- **(q) Recreation facility, outdoor**  
  - P
- **(r) Riding stable**  
  - P
- **(s) Skate park**  
  - C
- **(t) Sports facility**  
  - C
- **(u) Swimming pool, indoor or outdoor**  
  - P
- **(v) Tennis courts**  
  - P
- **(w) Theater, outdoor**  
  - P
- **(x) Trails for hiking/biking/running**  
  - P
## Exhibit L

### Schedule 150.365.2

**PERMITTED USES IN THE PARK/OPEN SPACE DISTRICT**

| (y) Water park | PD |
| (z) Zoo | PD |

### (3) Other

| (a) Multi-family dwelling | p^2 |
| (b) Single-family dwelling, detached | p^2 |
| (c) Solar energy structure | C |
| (d) Solar panel, building | p* |
| (e) Telecommunication facility | See Section 150.600 |
| (f) Two-family dwelling | p^2 |
| (g) Utility box | p* |
| (h) Wall mural | p* |
| (i) Windmill, micro | p* |

### (4) Accessory Uses

| (a) Composting, incidental | A^3 |
| (b) Office, administrative/ professional | A |
| (c) Outdoor display/sales | A |
| (1) Outdoor Storage of Goods & General Materials | C |
| (2) Outdoor Storage of Vehicles & Equipment | C |
| (d) Off Street Parking and Loading areas | A |
| (e) Restaurant, indoor dining | A |
| (f) Restaurant, outdoor dining | A |
| (g) Restrooms | A |
| (h) Retail establishment | A |
| (i) Signs | A |
| (j) Solar energy structure | A^4 |

### Notes to Schedule 150.365.2:

1. As further regulated by Section 150.420.1, Bee keeping.
2. Shall be permitted by right in a residentially constructed building existing prior to August 1, 2006.
3. As further regulated by Section 150.420.1.5, Composting, incidental.
4. As further regulated by Section 150.365, Solar energy structure.

P = Use permitted by right; P* = Use permitted by right as further regulated by Section 150.500; C = Conditional Use, A = Accessory Use; Blank cell = Use not permitted; PD = Shall be permitted only as part of a Planned Development.
June 2, 2017

TO: Members of the City Commission

FROM: Greg Scott, President
City Plan Board

SUBJECT: Transmittal of Report for City Plan Board Case Z-004-2017
Rezone 2.4658 +/- Acres of Welcome Park to I-1 Light Industrial, and Rezone the Balance of Welcome Park, 10.5 +/- Acres, to OS Park/Open Space

Applicant: Mr. Brian Inderrieden
City of Dayton
101 West Third Street
Dayton, OH 45402

Description: Rezone 2.4658 +/- acres of Welcome Park from MR-5 Mature Single-Family Residential to I-1 Light Industrial, and rezone the balance of Welcome Park, 10.5 +/- acres, from MR-5 Mature Single-Family Residential to OS Park/Open Space. The Parcel Identification Numbers that comprise this case are R72 10601 0001, R72 01604 0001, and R72 10603 0002.

Board Action: Date: May 9, 2017 Decision: Recommended Approval

Attachments: 1. Plan Board Minute Record
2. Plan Board Case Report
3. Correspondence Received
4. Copy of Ordinance

If you have any questions, please contact Ann Schenking at 333-3699.

GS/aams

c: Ms. Shelley Dickstein, Mr. Joe Parlette, Ms. Tammi Clements, Mr. Brian Inderrieden, Mr. Carl Daugherty, Ms. Ann Schenking, Case File
May 23, 2017

TO: Rashella Lavender, Clerk of Commission
Office of the City Commission

FROM: Ann Schenking, Secretary
City Plan Board

SUBJECT: Advertise Public Hearing for City Plan Board Case Z-004-2017
Rezone 2.4658 +/- Acres of Welcome Park to I-1 Light Industrial, and Rezone the Balance of Welcome Park, 10.5 +/- Acres, to OS Park/Open Space

Applicant: Mr. Aaron Sorrell
City of Dayton
101 West Third Street
Dayton, OH 45402

Description: Rezone 2.4658 +/- acres of Welcome Park from MR-5 Mature Single-Family Residential to I-1 Light Industrial, and rezone the balance of Welcome Park, 10.5 +/- acres, from MR-5 Mature Single-Family Residential to OS Park/Open Space. The Parcel Identification Numbers that comprise this case are R72 10601 0001, R72 01604 0001, and R72 10603 0002.

Board Action: Date: May 9, 2017 Decision: Recommended Approval

Request: The Clerk is authorized by the R.C.G.O. to set the public hearing and provide the appropriate notice. It is requested that the Public Hearing be scheduled for Wednesday, July 5, 2017, at 6:00 P.M.

Advertising: Advertise Public Hearing on Friday, June 2, 2017
Advertise in a newspaper of general circulation and mail a notice to mailing list when the notice is published.

Attachments: Legal Notice
Mailing List

If you have any questions, please contact me at ext. 3699. Thank you.

c: Case File, w/ attachment
City of Dayton
Office of the City Commission
City Hall • 101 West Third Street
Dayton, Ohio 45402
(937) 333-3636

Legal Notice

Notice is hereby given that the Dayton City Commission will hold a Public Hearing on Wednesday, July 5, 2017, at 6:00 P.M., or as soon thereafter as the hearing can begin, in the City Commission Chambers on the Second Floor of City Hall, 101 West Third Street, Dayton, Ohio on the following:

Official Zoning Map Amendment  Case: Z-004-2017

Rezone 2.4658 +/- acres of Welcome Park from MR-5 Mature Single-Family Residential to I-1 Light Industrial, and rezone the balance of Welcome Park, 10.5 +/- acres, from MR-5 Mature Single-Family Residential to OS Park/Open Space. The Parcel Identification Numbers that comprise this case are R72 10601 0001, R72 01604 0001, and R72 10603 0002.

The proposed Official Zoning Map Amendment is available for public inspection in the Office of the City Commission and with the Secretary to the City Plan Board. Please direct inquiries on this subject to Jon White in the Department of Planning and Community Development, 937-333-3683 or jon.white@daytonohio.gov.

By order of the City Commission of the City of Dayton, Ohio.

RASHELLA LAVENDER, CLERK
OFFICE OF THE CITY COMMISSION
City of Dayton
City Plan Board
Summary Minute Record
May 9, 2017


Applicant: Mr. Aaron Sorrell
City of Dayton
101 West Third Street
Dayton, OH 45402

Priority Land Use Board: West
Neighborhood Planning District: Carillon
Decision: Recommended Approval

Staff Comments
Jon White presented the case and said staff recommended approval because staff believes the determinations and findings necessary for approval can be made.

The objective of this request is to zone Welcome Park (Parcels: R72 10601 0001, R72 01604 0001, and a portion of R72 10603 0002) from MR-5 Mature Residential to the more appropriate park zoning district, OS Park/Open Space. Concurrently, this request is to zone 2.465 acres (a portion of R72 10603 0002) from MR-5 Mature Residential to I-1 Light Industrial. This portion of parcel R72 10603 0002 was decommissioned from the City of Dayton’s Public Commons Master Plan (Plan Board Case RC-010-2016, City Commission Resolution 6250-17) in order for the 2.465 acres be offered for sale as an Industrial parcel and used for non-recreational purposes.

The portion of Parcel R72 10603 0002 seeking to be rezoned to I-1 Light Industrial will match the existing zoning of the parcel directly to the south, owned by Bonbright Distributors. Bonbright Distributors will be purchasing this property from the City of Dayton for future expansion purposes. The proceeds of the sale of land will be used for park improvements in Welcome Park, specifically the construction of a bike park facility.

Public Hearing Comments
The West Priority Land Use Board submitted a letter in support of the case.

David Treese, Vice President, Law, Logistics & Technology, Bonbright Distributors, Inc., 1 Arena Park Drive, Dayton, OH, spoke in support of the case and explained Bonbright’s commitment to the bike park. He said Bonbright gave a commitment to the City for $160,000 to $250,000 to help build the bike park at Welcome Park.

Board Discussion
The Plan Board discussed the case. Mr. White said the parcel Bonbright is to buy has been appraised at an industrial value and that staff is reaching out to potential funding sources. Mr. Payne recommended that the bike park be closed at dusk for the benefit of the neighborhood. Mr. Wright asked if meetings were held with the neighborhood about the bike park proposal. Brian Inderrieden said there were many discussions with the neighborhood about the bike park.
Board Action
A motion was made by Mr. Bohardt, seconded by Ms. Pegues and carried to recommend City Commission approval of Case Z-004-2017 based on the Plan Board’s ability to make the determinations specified in R.C.G.O. Section 150.125.7 as outlined in the staff report.

Ms. Beverly Pendergast Absent Mr. Jeff Payne Yes
Mr. David Bohardt Yes Mr. Matt Sauer Yes
Mr. Richard Wright Yes Mr. Greg Scott Absent
Ms. Geraldine Pegues Yes

Minutes approved by the City Plan Board on June 13, 2017.

Ann Schenking, Secretary
City Plan Board
May 9, 2017
CITY PLAN BOARD REPORT
CASE: Z-004-2017

Zoning Map Amendment to rezone: 10.5 +/- acres of Welcome Park (Parcels: R72 10601 0001, R72 01604 0001, and a portion of R72 10603 0002) from MR-5 Mature Residential to OS Open Space and rezone 2.465 acres (a portion of R72 10603 0002) from MR-5 Mature Residential to I-1 Light Industrial.

BACKGROUND

Applicant: City of Dayton
101 West Third Street

Property Owners: City of Dayton

Priority Board: Innerwest Neighborhood: Carillon

Board Authority:
R.C.G.O. §150.125.1 – §150.125.11 City Plan Board actions for amendments to the Official Zoning Map

Applicable Plans and Policies:
CitiPlan 20/20 (1999)
CitiPlan 20/20 Downtown Component (1999)
Greater Downtown Dayton Plan (2010)

Agencies and Groups Contacted:
Property Owners within 250 feet
Innerwest Priority Board
Carillon Civic Counsel
University of Dayton
Dayton Public Schools

CURRENT CONDITIONS

Existing Land Use: Please see attached maps.

Surrounding Land Use and Zoning: Please see attached maps.

AUTHORITY

150.125.1 Authority for Amendments
The regulations imposed and the districts created under this Zoning Code may be amended from time to time by ordinance duly enacted by the City Commission. No such amendment shall be adopted except in accordance with the procedure specified in sub-sections 150.125.2 to 150.125.11, inclusive, of this Zoning Code. (Ord. 30515-05, passed 12-28-05)
STAFF ANALYSIS

The objective of this request is to zone Welcome Park (Parcels: R72 10601 0001, R72 01604 0001, and a portion of R72 10603 0002) from MR-5 Mature Residential to the more appropriate park zoning district, OS Open Space. Concurrently, this request is to zone 2.465 acres (a portion of R72 10603 0002) from MR-5 Mature Residential to I-1 Light Industrial. This portion of parcel R72 10603 0002 was decommissioned from the from the City of Dayton’s Public Commons Master Plan in order for the 2.465 acres be offered for sale as an Industrial parcel and used for non-recreational purposes.

The Zoning Code puts forth the following as the Purposes of the OS Open Space Zoning District:

150.365.1 Purposes.

The Park/Open Space district (OS) and the associated regulations are established in order to achieve the following purposes:

(A) To provide for orderly growth and development in the City of Dayton.

(B) To preserve, protect and enhance lands set aside for public open space and public parks.

(C) To provide certainty to property owners, developers and neighbors about the limits of what is allowed in the Park/Open Space District.

(D) To accommodate a wide variety of private, public and quasi-public open spaces, institutions, and facilities, including parks, wooded and natural habitats, golf courses, cemeteries, recreation/sports facilities and concessions, and agricultural land. These areas provide cultural and recreation opportunities; protect and preserve natural and scenic areas; protect sensitive natural resource areas; and offer refuge from the built, urban environment. (Ord. 30515-05, passed 12-28-05; amend Ord. 3.490-16, passed 5-04-16).

The Zoning Code puts forth the following as the Purposes of the I-1 Light Industrial Zoning District:

150.340.1 Purposes.

The Industrial districts (I-1, I-2, and BP) and their regulations are established in order to achieve the following purposes:

(A) To provide for orderly growth and development in the City of Dayton.

(B) To provide sufficient areas, in appropriate locations, for industrial activities and the production, distribution and exchange of goods and services.

(C) To reflect and reinforce the existing density and pattern of development while accommodating the need for future growth.

(D) To protect residential neighborhoods adjacent to industrial districts by establishing performance standards and restricting the types of establishments that might create noise, odors or other objectionable influences beyond the district boundaries.
To provide certainty to property owners, developers and neighbors about the limits of what is allowed in an Industrial district.

To carry out the following specific purposes:

1. The Light Industrial (I-1) District is intended to provide urban sites for light industrial uses that conduct nearly all operations within an enclosed building, and do not have extensive outdoor storage areas or operations. While most buildings contain clean, light industrial uses, some commercial and office uses may also be included. As set forth in the City’s Comprehensive Plan, all new industrial development will be consistent with the existing pattern of development.

A review of these purposes suggests that Welcome Park (Parcels: R72 10601 0001, R72 01604 0001, and a portion of R72 10603 0002) ought to be zoned as the more appropriate OS Open Space. Likewise, the portion of Parcel R72 10603 0002 seeking to be rezoned to I-1 Light Industrial will match the existing zoning of the parcel directly to the south, owned by Bonbright Distributors. Bonbright Distributors will be purchasing the property from the City of Dayton for future expansion purposes. The proceeds of the sale of land will be used for park improvements in Welcome Park, specifically the construction of a Bike Park facility.

So for these reasons, staff supports the proposed zoning map amendments.

---

REVIEW OF FINDINGS

R.C.G.O. §150.125.7 Amendments to Change Zoning Districts or Zoning Classification of Properties

1. The change in classification would be consistent with the Comprehensive Plan of the City or other plans and policies.

The proposed change is supported by the adopted plans and polices. Specifically:

CitiPlan:

- “Develop flexible zoning regulations that allow infill development. Infill development should match existing development in setback, lot area, and scale.”
- “Update the City of Dayton’s zoning code so it more effectively supports the current and future needs of Dayton’s residents, neighborhoods and businesses.”

Also, on December 13, 2016, the Plan Board approved the decommissioning of a portion of Welcome Park (Parcel R72 10603 0002).

2. The change in classification would be consistent with the intent and purpose of this Zoning Code.

The change would allow for a more appropriate zoning district for Welcome Park from MR-5 Mature Residential to OS Open Space. The change in zoning district for a portion of Parcel R72 10603 0002 from MR-5 to I-1 will be consistent with the existing zoning
for Bonbright Distributors. This portion of property has been appraised as a future industrial use with the intent on selling the land to Bonbright for their future expansion.

3. **The proposed amendment is made necessary because of changed or changing conditions in the area affected, and if so, the nature of such changed or changing conditions.**

   The proposed amendment has been made necessary for the future purchase of the property by Bonbright Distributors. The proceeds of the sale to Bonbright will be used for park improvements in Welcome Park.

4. **The uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity.**

   Yes, the OS district is the most appropriate park zoning district and the I-I matches the existing zoning of Bonbright Distributors immediately to the south.

5. **The uses that would be permitted on the property if it were reclassified would have an adverse environmental or health impact on the immediate surrounding area in terms of acceptable air, noise, light, or water quality standards.**

   It is the future expectation that the portion of Parcel R72 10603 0002, approximately 2.465 acres, will be used for a future building expansion of Bonbright Distributors on land that is currently a greenfield.

6. **Adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified.**

   Adequate utilities exist, or the necessary investment will be made to get them there.

7. **The amount of vacant land with the same zoning classification as proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances, if any, make a substantial part of such vacant land unavailable for development.**

   The 2.465 acres of land proposed for rezoning from MR-5 to I-I is immediately adjacent to Bonbright Distributors. Bonbright is landlocked and without this additional land, the company would not be able to expand at their current site.

8. **The proposed amendment would correct an error in the application of this Zoning Code as applied to the subject property.**

   The Welcome Park parcels are all zoned MR-5, which is a residential zoning district. Open Space (OS) is a more appropriate zoning district for a park.

   **ALTERNATIVES**

1. Recommend approval of the Zoning Map Amendment application based on R.C.G.O. §150.125.7(1-8).

2. Recommend denial of the Zoning Map Amendment application based on the board’s inability to make the findings under R.C.G.O. §150.125.7(1-8).
FUTURE ACTIONS

If the Plan Board recommends approval for the proposed zoning map amendments, the request will be forwarded on to the City Commission for public hearing.

Staff Report Prepared by:
Jon White

Staff Report Reviewed by:
Brian Inderrieden
WELCOME PARK ≈ 10.5 Acres
Proposed Zoning: OS (Open Space)

Decommissioned Park
Parcel ≈ 2.465 Acres
Proposed Zoning: I-1 (Light Industrial)
May 8, 2017

TO: Jon White, Planner  
Division of Planning

RE: Plan Board Case # Z-004-2017 – Welcome Park

The West Priority Land Use Committee held a meeting, Thursday, May 4, 2017, to review and discuss the case mentioned above. It is the recommendation of the WPLUC that the Plan Board approve the rezoning of Welcome park.

For the Plan Board’s awareness, the following represent discussion items presented to the West Land Use Committee:

1. **Future use** – A representative from Bonbright Distributors spoke on its support of the rezoning as it relates to their desire to have the I-1 designation for a potential expansion of their facility.

2. **Civic Collaboration** - A representative from the Carillon Civic Association was present to share its support of the rezoning citing information related to the cooperative nature of discussions between Bonbright Distributors, the City of Dayton and its organization regarding the future plans for the park.

There were no other persons in attendance.

Sincerely,

![Signature]
Maurice A. Wortham, Chairperson  
West Priority Land Use Board
AN ORDINANCE

Amending the Official Zoning Map to Rezone 2.4658 +/- Acres of Welcome Park from MR-5 to I-1 and Rezone the Balance of Welcome Park from MR-5 to OS; and Declaring an Emergency.

WHEREAS, To better accommodate current and proposed uses at Welcome Park, an application has been made by the City of Dayton to rezone 2.4658 +/- acres of Welcome Park from MR-5 Mature Single-Family Residential to I-1 Light Industrial and rezone the balance of Welcome Park, 10.5 +/- acres, from MR-5 Mature Single-Family Residential to OS Park/Open Space; and

WHEREAS, The City Plan Board at its May 9, 2017, meeting recommended approval of the rezoning, Case Z-004-2017; and

WHEREAS, To allow the opportunity to implement projects related to Case Z-004-2017 as soon as possible, to provide needed services and employment opportunities, and for the immediate preservation of the public peace, property, health or safety, it is necessary that this Ordinance take effect at the earliest possible date; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. In accordance with the recommendation of the City Plan Board, as made in Case Z-004-2017, 2.4658 +/- acres of Welcome Park as described in Exhibit A, attached hereto and incorporated herein, is rezoned from MR-5 Mature Single-Family Residential to I-1 Light Industrial, and the balance of Welcome Park, 10.5 +/- acres, as shown in Exhibit B, attached hereto and incorporated herein, is rezoned from MR-5 Mature Single-Family Residential to OS Park/Open Space. The Parcel Identification Numbers that comprise this case are R72 10601 0001, R72 10604 0001, and R72 10603 0002. The City’s official zoning map shall be redrawn to reflect the foregoing changes.

Section 2. For the reasons stated in the preamble hereof, this Ordinance is declared to be an emergency measure and shall take effect immediately upon its passage.

Passed by the Commission ......................... 2017

Signed by the Mayor ......................... 2017

Mayor of the City of Dayton, Ohio

Attest:

Clerk of the Commission

Approved as to form:

City Attorney
EXHIBIT A

DESCRIPTION OF
2.4658 ACRES
PART LOT NUMBER 28404 OF THE
REVISED AND CONSECUTIVE NUMBERS OF LOTS
ON THE PLAT OF THE CITY OF DAYTON
SECTION 4, TOWN 1, RANGE 6 EAST
MONTGOMERY COUNTY, OHIO

Situates in Section 4, Town 1, Range 6 East, City of Dayton, County of Montgomery,
State of Ohio and being part of Lot Number 28404 of the Revised and Consecutive
Numbers of Lots on the Plat of the City of Dayton and part of parcels in said Section 4,
conveyed as a 21.534 acre tract conveyed to The City of Dayton, Ohio in Deed Book
2468, Page 745, more particularly described as follows: (all references to deed books,
official records, microfiche numbers, instrument numbers, survey records and/or plats
refer to the Montgomery County Recorder’s Office, Montgomery County, Ohio)

Beginning at a 5/8” iron pin found at the northeast corner of Lot number 83030 as
shown on Arena Park Section Two A, recorded in Plat Book 179, Page 28;

Thence along the north line of said Lot 83030, North 89°17'01" West, passing a 5/8”
iron pin with Tri-city cap found at 869.52 feet, a total distance of 869.99 feet to a 5/8”
iron pin set at the northwest corner of said Lot 83030 and on the east limited access
right-of-way line of Interstate Route 75;

Thence along the east limited access right-of-way line of Interstate Route 75, North
00°04'06" West a distance of 160.01 feet to a 5/8” iron pin set;

Thence along a new division line, South 89°17'01" East a distance of 672.66 feet to a
5/8” iron pin set;

Thence continuing along a new division line, South 00°53'14" West a distance of
160.00 feet to the place of beginning.

Containing 2.4658 acres, more or less, of which, 1.8720 acres are within Lot 28404 and
0.5938 acres are within Section 4, Town 1, Range 6 East.

Subject to all legal highways, easements, and restrictions of record.

Basis of Bearings: north line of Lot 83030 – North 89°17'01" West
Plat Book 179, Page 28

A (5/8” iron pin set) refers to a 30” long rebar with a plastic identification cap stamped
“Haley-Dusa 6819”.
PAGE TWO

This description is based upon a field survey conducted under the supervision of John P. Haley, Registered Surveyor, Ohio License Number 6819, on January 19, 2017 as filed in Montgomery County Engineer's Office Record of Land Surveys, Survey Record Volume 2017, Page 0030

Haley-Dusa Engineering & Surveying Group, LLC

John P. Haley
Registered Surveyor
Ohio License Number 6819

February 1, 2017
Job # S4049

PAUL W. GRUNER, P.E., P.S.
MONTGOMERY COUNTY ENGINEER
APPROVED FOR POINT OF BEGINNING,
ACREAGE AND CLOSURE ONLY
DATE 02/11/17 FILE NO. 2017-0030

BY Wayne Bil
AN ORDINANCE

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Passed by the Commission ____________________________, 2017

Signed by the Mayor _________________________________, 2017

Mayor of the City of Dayton, Ohio

Attest:

Clerk of the Commission

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Haley-Dusa Engineering & Surveying Group, LLC

John P. Haley
Registered Surveyor
Ohio License Number 6819

February 1, 2017
Job # S4049

PAUL W. GRUNER, P.E., P.S.
MONTGOMERY COUNTY ENGINEER
APPROVED FOR POINT OF BEGINNING,
ACREAGE AND CLOSURE ONLY
DATE 02/21/17 FILE NO. 2017-0030

BY

[Signature]
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<td>P O BOX 752212</td>
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</table>

Ann Schenking, Plan Board Secretary
City of Dayton
101 West Third St.
P.O. Box 22
Dayton, OH 45401

Gwen Buchanan
Carillon Civic Counsel
365 Harriet Street
Dayton, OH 45402

Rashella Lavender, Clerk of Commission
City of Dayton
101 West Third St.
P.O. Box 22
Dayton, OH 45401

David Treese
Bonbright Distributors
1 Arena Park Dr
Dayton, OH 45417

Mary Ellington
Innerwest Priority Board
39 Horace Street
Dayton, OH 45402

Scott Debolt
UNIVERSITY OF DAYTON
300 COLLEGE PARK DR
DAYTON OH 45469 1600
IMT PROPERTIES INC
1 ARENA PARK DR
DAYTON OH 45408 2678

Mark Baker
DAYTON BD OF EDUCATION
115 S LUDLOW ST
DAYTON OH 45402

KATHY WILLIAMS
1635 SHILOH SPRINGS RD
TROTWOOD OH 45426

NORWOOD ELLA LOUISE
2454 SE FIELDSTONE DR
CONYERS GA 30013

THE INSTITUTE OF CHARTER SCHOOL
368 S PATTERSON BLVD
DAYTON OH 45402

BELLE SHELLON
452 HARRIET ST
DAYTON OH 45408

MILDRED G STEWART
502 HARRIET ST
DAYTON OH 45408 2026

STEVESON KIMBERLY
511 HARRIET ST
DAYTON OH 45408

BUCHEANAN LAWRENCE
518 HARRIET ST
DAYTON OH 45408

FANNIE M ANTHONY
525 HARRIET ST
DAYTON OH 45408 2025

CITY OF DAYTON
101 W 3RD ST
DAYTON OH 45402 1814

JEANETTE HARRIS
118 W FIRST ST STE 620
DAYTON OH 45402

LATHAM PROPERTIES LLC
200 HARNWOOD DR
DAYTON OH 45405

VIUDEZ ALEXANDER
257 S MANHATTAN PL
LOS ANGELES CA 90004 2939

STROUD ENTERPRISES LLC
3761 DENLINGER RD
DAYTON OH 45426

GLORIOUS CHRISTIAN ASSEMBLY OF GOD
4550 NORTHGLEN CT
INGLEWOOD OH 45322

CARTER PATRICIA Y
506 HARRIET ST
DAYTON OH 45408

JAMES DALLAS
513 HARRIET ST
DAYTON OH 45408 2025

WILLIAM G MCNEAL
521 HARRIET ST
DAYTON OH 45408 2025

WILLIAMS RHONDA
529 HARRIET ST
DAYTON OH 45408

TORONEZ WATSON
1034 LELAND AVE
DAYTON OH 45402

BASS ROBERT E AND
1421 CORY DR
DAYTON OH 45406 5912

SEMINOFF BRENDA
2157 CALIFORNIA DR
VACAVILLE CA 95687

Ted Bucaro
UNIVERSITY OF DAYTON
300 COLLEGE PARK DR
DAYTON OH 45469 1600

SHATANA ARNOLD
435 GROVELAND AVE
DAYTON OH 45417

KEY AD VENTURES LTD
50 E THIRD ST
DAYTON OH 45402

LOGAN RICKEY LOU
510 HARRIET ST
DAYTON OH 45408

JULIA M BEASLY
514 HARRIET ST
DAYTON OH 45408 2026

ROBERT GUY
522 HARRIET ST
DAYTON OH 45408 2026

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