



Planning Commission ~Agenda~

<http://www.ci.moraine.oh.us/>

Clerk of Council
937-535-1005

September 2, 2025

6:00 PM

- I. Call to Order**
- II. Approval of Minutes**
 - A. Planning Commission Meeting Minutes - August 19, 2025
- III. Business**
- IV. Public Hearing**
 - A. R-02-2025 (TABLED) - 3305 Main Street Zoning District Change from R-2 to B-2
- V. Other Business**
- VI. Adjournment**

RECORD OF PROCEEDINGS

Minutes of **Planning Commission**

Held **August 19, 2025**

Call to Order

Meeting called to order at 6:05 PM.

Roll Call:

Caleb Stapleton	Chair	Present
Kevin Howard	Member	Absent
Tom Watts	Member	Present
Gina Delph	Member	Present
Stephen Noel	Member	Absent

Staff Members Present: City Planner Nick Sorice, Building and Zoning Administrator Brent Carpenter, Clerk of Council Karen Powell.

Mr. Watts moved to excuse Mr. Howard's and Mr. Noel's absence; Mrs. Delph seconded the motion.

RESULT: Passed (*Yes 3, No 0, Abstained 0*)
MOVER: Tom Watts
AYES: Caleb Stapleton, Tom Watts, Gina Delph
NAYS: None
ABSTAIN: None

Approval of Minutes

Planning Commission Meeting Minutes - July 15, 2025

Meeting Chair Caleb Stapleton asked if there were any changes or corrections to the July 15, 2025, Planning Commission meeting minutes. Hearing none, the minutes were approved as submitted.

Public Hearing

TRC & City Planner Staff Report - Staff Report covering all items of this Planning Commission Meeting

R-02-2025 - Tabled Zoning District Change Case for 3305 Main Street

Mr. Sorice noted due to the absence of Mr. Noel and two recusals, there is not a quorum for this item. He stated this case will remain tabled until a future Planning Commission meeting is scheduled.

Clerk of Council Karen Powell administered an Oath to all present who would be speaking at the meeting.

Mr. Stapleton addressed the audience and said speakers will have three minutes to provide a testimony or statement.

R-03-2025 - Zoning District Change from R-2 to B-1 at 6844 Germantown Pike and Additional Land

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Mr. Sorice presented his Staff Report for Case R-03-2025. He reported the developer, A4 Real Estate Group, operated by Josh Allen, is requesting a section of land encompassing 6844 Germantonw Pike and additional land for a total of 1.5 acres, be approved for a Zoning District Change of R-2 to B-1. He noted if this request were to be approved, a subdivision case would need to follow for proper lot lines and ownership. He said this is a baby step for rezoning, and this Case would need to move on to City Council after a thirty-day Public Hearing. He said there is a vacant dwelling on that property which is a hazard for neighbors, listing several issues. He said there are B-1 districts to the southwest of Germantown Pike. Mr. Sorice reported he did make a mistake in the Staff Report and wrote Southeast. He stated there are additional B-1 Districts on South Union Road, where Ellerton Cemetery and the two church properties sit. He said in looking at the Comprehensive Plan for future land use at that parcel, the Plan indicates this section as a single-family detached dwelling or R-2 District. He said at the time of the Staff Report, the Community Development Department received two phone calls to date regarding the rezoning proposal for a Dollar General to be developed on this property. He stated this would be the only Dollar General within the City limits of Moraine. He said on the rezoning exhibits, he made corrections for some of the R-2 and B-1 district and those corrections are in the packet. He said there were three districts that were supposed to be labeled R-2. Mr. Sorice said he has received six letters regarding the rezoning, and he read those letters for transparency and those letters are contained in the packet. He invited Mr. Josh Allen to give his presentation.

Mr. Josh Allen of A4 Aquisitions, LLC. gave a presentation on the proposed development. He noted there are no stores within a three-mile radius of the location, and currently residents drive approximately ten minutes to shop. He stated that residents live in a food desert area. He said a Dollar General would be an asset to the community. He reviewed the local existing businesses that are within a one-mile radius of the proposed development site. He reviewed site plans and traffic studies. Mr. Allen discussed a trip generation study of the Hillsboro Dollar General location as that business was built in a similar rural area.

Opponents/Proponents

The following people spoke in favor of or against the proposed Zoning Dstrict change: Fran Jerisk, Shank Road; Kathy Walkup-King, 4488 South Union Road; Ron Boehringer, 4417 South Union Road; Jeff Hamilton, 6869 Germantown Pike; Mike McLaughlin, 6025 Germantown Pike; Brett Scott, 6879 Germantown Pike; Doris Fisher, 6919 Germantown Pike; Mary Getter, 6891 Germantown Pike; Thomas Fisher, 6919 Germantown Pike; Kris Schneider, 7230 Dayton-Germantown Pike; Caleb Oliver, 7595 Farmersville West Carrollton Road; Roger Cowden/Steve Rauch, 1550 Soldiers Home West Carrollton Road; Betsy Rainbolt, 6879 Germantown Pike; Kathy McKelvey, 6952 Germantown Pike; O.L. Garrison, 5571 Shephard Road; Richard Hall, 6530 Germantown Pike; Ernestine Byrne, 4510 South Union Road. Issues cited were increased traffic, increase in traffic accidents, potential increase in crime, deterioration of rural living, devaluation of property, saturation of dollar stores within five to ten miles of the proposed site, light trespass, and additional trash. Those in favor look forward to the convenience of a store in the area.

Mr. Stapleton closed the Public Hearing for Case R-03-2025. He clarified that the commission members are volunteers, and they do not choose who comes before the board.

Mr. Watts thanked the participants for their demeanor during the Public Hearing. He discussed the B-1 districts near the proposed site.

Mr. Stapleton called the question and requested a vote on Case R-03-2025.

RESULT: Failed (*Yes 0, No 3, Abstained 0*)
MOVER: Caleb Stapleton
AYES: None

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NAYS: Caleb Stapleton, Tom Watts, Gina Delph
ABSTAIN: None

Mr. Stapleton reported that the motion to approve the Zoning District Change from R-2 to B-1 at 6844 Germantown Pike and Additional Land has been denied.

TA-01-2025 - MCO 351.09 Maximum 48 Hour Street Parking and Trailer Parking

Mr. Stapleton opened the Public Hearing for Case TA-01-2025.

Mr. Sorice reported that the Text Amendments being presented today came from City Staff to revise ordinances of the City of Moraine. He noted that TA-01-2025 adds "and Trailer Parking" to the title of MCO 351.09. He noted the changes in the text have been marked in bold for additions or cross-throughs for deletions. He said this text amendment assists City Staff in enforcing street parking for trailers and cars. He said the amendment also clarifies recreational vehicles to be included in the section. He said essentially unless one is a contractor and doing work on a property or loading a camper for a trip, then the vehicle would need to be removed from the road if parking surpasses 48 hours. He noted this is also a traffic safety addition to the ordinances as it will limit sight impairment. Mr. Sorice said also included in the text amendment is Section 1412.02, which is included in the packet and will go straight to Council for voting.

Mr. Stapleton asked when the Text Amendment will go into effect?

Mr. Sorice replied if passed today, this would go before City Council on September 25, 2025, there would be two readings, and then 30 days after passage the amendment would go into effect.

Mr. Stapleton said this amendment is also linked to parking in the driveway and does not just cover street parking.

Hearing no public comments, Mr. Stapleton closed the Public Hearing and opened discussion. He stated this amendment disproportionately affects some people in some neighborhoods as they do not have access to the back lot and he can see nothing as an exception.

Mr. Sorice noted that in 1412.02 there is allowance for a gravel pad to be added in a side or rear yard. He also said an individual could go before Board of Zoning Appeals for a possible variance. He said the City is trying to bring a cleaner look to the residential areas of the City. He remarked that the City needs to modernize the property maintenance and zoning ordinances.

Mr. Watts asked if the same applies to an inoperable vehicle?

Mr. Sorice referenced 351.09(a). He said people would have one year to become compliant.

Mrs. Delph began discussion regarding trailers in ill repair vs.nice trailers.

Mr. Sorice read MCO 351.09.

Mr. Stapleton said 1412.02 is going to Council, and he confirmed with Mr. Sorice that the text amendment is cleaning up the wording and not changing the law.

Mr. Watts moved to approve; Mrs. Delph seconded the motion.

RESULT: Passed (*Yes 3, No 0, Abstained 0*)
MOVER: Tom Watts
AYES: Caleb Stapleton, Tom Watts, Gina Delph

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NAYS: None
ABSTAIN: None

TA-02-2025 - MCO 521.07 Fences

Mr. Stapleton opened the Public Hearing for Case TA-02-2025.

Mr. Sorice reported this text amendment is to Moraine Codified Ordinances Section 521.07 Fences in which clarity is needed for fence requirements. He said the Ohio Building Code requires any fence over six feet to have a building permit, and this amendment also clarifies spiral barbed wire is not permitted on any fence in any district in the City of Moraine. He read the revisions to the fence code.

Hearing no public comments, Mr. Stapleton closed the Public Hearing.

Mr. Watts said he likes the Ordinance but the City needs to take care of its own house before passing this amendment on to the public. The commission members discussed issues with City fences and the amendments,

Mr. Watts moved to approve; Mrs. Delph seconded the motion.

RESULT: Passed (*Yes 3, No 0, Abstained 0*)
MOVER: Tom Watts
AYES: Caleb Stapleton, Tom Watts, Gina Delph
NAYS: None
ABSTAIN: None

TA-03-2025 - MCO 1181.04 Standards for Accessory Buildings and Uses in Residential and Agricultural Districts

Mr. Stapleton opened the Public Hearing for Case TA-03-2025.

Mr. Sorice reviewed text amendments attached in the packet regarding fencing and accessory buildings. He said the code changes are in the packet and additions are in bold with deletions crossed through. He said these changes also help with zoning permits that come in from residents.

Hearing no public comments, Mr. Stapleton closed the Public Hearing for TA-03-2025.

Mr. Watts moved to approve; Mrs. Delph seconded the motion.

RESULT: Passed (*Yes 3, No 0, Abstained 0*)
MOVER: Tom Watts
AYES: Caleb Stapleton, Tom Watts, Gina Delph
NAYS: None
ABSTAIN: None

TA-04-2025 - MCO 1181.05 Standards for Accessory Buildings and Uses in Conservation, Business and Industrial Districts

Mr. Stapleton opened the Public Hearing for Case TA-04-2025.

Mr. Sorice reported these amendments are to Moraine Codified Ordinances section 1181.05 regarding security fences and general fence provisions for conservation, business, and industrial districts. Mr. Sorice read the changes to the commission members, and he stated those changes are available in the packet. He did note he added a section regarding fencing right along the

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sidewalk with barbed wire. He said fences should be five to six feet from the sidewalk for safety purposes.

Hearing no public comments, Mr. Stapleton closed the Public Hearing.

Mr. Watts discussed businesses who have existing fences and asked about exemptions.

Mr. Sorice replied if a business has a fence that needs repairs, there would be a grandfather clause allowing the fence to be repaired. He stated if the fence were to be replaced, the fence would be subject to the rules of the Ordinance.

After further discussion, Mrs. Delph moved to approve; Mr. Watts seconded the motion.

RESULT: Passed (*Yes 3, No 0, Abstained 0*)
MOVER: None
AYES: Caleb Stapleton, Tom Watts, Gina Delph
NAYS: None
ABSTAIN: None

TA-05-2025 - MCO 1185.18 Trailers and Trailer Parks

Mr. Stapleton opened the Public Hearing for Case TA-05-2025.

Mr. Sorice discussed the amendments and stated this text amendment in addition adds 48-hour parking restrictions on a driveway or offstreet parking location unless the trailer is being used for loading or unloading or active contractor work is occurring at the site in A, R-2, R-2A, R-3, R-4, B-1, C, and WO Districts.

Hearing no public comments, Mr. Stapleton closed the Public Hearing.

Mr. Watts stated this amendment impacts residents parking trailers and recreational vehicles (RV) on private property. He said this amendment will hurt a lot of people.

Mr. Stapleton noted this will be a large expense to the resident if the City requires a gravel or concrete pad.

Mrs. Delph asked what are the exceptions? She said she has no room to add a pad for parking.

Mr. Sorice said the commission made a recommendation for TA-01-2025 which contains the same language as Section B and is the same language used in Section C of TA-01-2025.

Mr. Watts said this impacts a substantial number of people.

Mr. Sorice explained to the commission members that if they deny or table this item, they may want to revisit Case TA-01-2025 because it contains the same language.

After further discussion, Mr. Watts asked if Sections B and C can be rewritten?

Mr. Stapleton said the commission needs to say yes or no, and if no, Mr. Sorice can amend the proposed language and bring back to the commission at another meeting. He said he can reopen the Public Hearing for Case TA-01-2025.

Mr. Watts moved to table Case TA-05-2025 until revision of Section 1185.18 verbiage is clear; Mrs. Delph seconded the motion.

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Mr. Watts said he would like to have the Law Director's opinion on this.

Mr. Sorice said he did work with Mrs. Dillon on these revisions.

Mr. Stapleton reopened the Public Hearing for Case TA-01-2025.

Mr. Watts moved to rescind the previous vote; Mrs. Delph seconded the motion.

RESULT: Passed *(Yes 3, No 0, Abstained 0)*
MOVER: Tom Watts
AYES: Caleb Stapleton, Tom Watts, Gina Delph
NAYS: None
ABSTAIN: None

Mr. Watts moved to table Case TA-01-2025 for further clarification or redraft of verbiage; Mrs. Delph seconded the motion.

TA-06-2025 - New MCO Section "Mobile Food Vendors"

Mr. Stapleton opened the Public Hearing for Case TA-06-2026, regarding adding a new text amendment to the Moraine Codified Ordinances, titled "Mobile Food Vendors".

Hearing no public comments, Mr. Stapleton closed the Public Hearing.

Mr. Sorice reviewed the new text amendment explaining how there is not a section specifically for food trucks in the Moraine Codified Ordinances and noted that food trucks have become very popular in Moraine. He stated that he prepared this amendment to help with fees and regulations for operators of food trucks within the City of Moraine and to create a unique Food Vendor Permit.

Mr. Watts inquired if Montgomery County Health requirements are needed before offering a mobile food vendor license?

Mr. Sorice said Section F covers those requirements prior to applying for a permit. He stated there will be new regulations for the Fire Division inspections.

Mr. Stapleton inquired on Section G, numbers 2 & 3 regarding the food truck. After discussion, Mr. Stapleton recommended that numbers 2 & 3 should be omitted from the text amendment. All Planning Commission members agreed, as well as Mr. Sorice.

Mr. Watts moved to approve the amendments with noted changes; Mrs. Delph seconded the motion.

RESULT: Passed *(Yes 3, No 0, Abstained 0)*
MOVER: Tom Watts
AYES: Caleb Stapleton, Tom Watts, Gina Delph
NAYS: None
ABSTAIN: None

Business

S-02-2025 - Minor Subdivision Replat for the Yowell & Morris Properties

Mr. Sorice provided maps to the commission members. He reported that Case S-02-2025 is a formality for the replat for the Yowell Trucking and Kirk Morris properties located between

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Dorothy Lane and Cardington Road. He said the Planning Commission held a meeting for the same subdivision adjustment last year; however, there has been a change of ownership within the Yowell family for the legal writing.

Mr. Stapleton confirmed with Mr. Sorice that the information has not changed since last year.

Mr. Sorice said a new lot line is being created which landlocks the property. He noted Case S-03-2025 provides for a replat of the two properties which combines the properties and creates right of way access. He reiterated this item was approved last year and this is just a formality due to change of ownership.

Mr. Watts moved to approve; Mrs. Delph seconded the motion.

RESULT: Passed (*Yes 3, No 0, Abstained 0*)
MOVER: Tom Watts
AYES: Caleb Stapleton, Tom Watts, Gina Delph
NAYS: None
ABSTAIN: None

S-03-2025 - Lot Combination from the S-02-2025 Case for ROW Access

Case S-03-2025 was discussed with prior Case S-02-2025.

Mr. Watts moved to approve; Mrs. Delph seconded the motion.

RESULT: Passed (*Yes 3, No 0, Abstained 0*)
MOVER: Tom Watts
AYES: Caleb Stapleton, Tom Watts, Gina Delph
NAYS: None
ABSTAIN: None

Mr. Sorice thanked all of the commission members for their input on the Text Amendments. He thanked all of the residents for their input, Mr. Josh Allen for his presentation, and he thanked the City Manager and Council members for attending the meeting.

Other Business - None

Adjournment

Meeting adjourned at 8:18 PM.

City of Moraine Planning Commission

Application for Zoning District Change

Revised 11/2021

Reviewed by Nick Sorice 07/01/2025

Paid: 07/01/2025

Office Use (This Section only)

Receipt #

6932

Date Received: 06/30/2025

Application No.: R-02 - 2025

Fee: \$200

Proposed Zoning Dist.: B-2

PUD District? N/A ☐

PUD Site Plan? N/A ☐

Location Information - General

City Lot Number(s): 3305 Main Street Area in Acres: .1188

Site Address: 3305 MAIN STREET MORaine OHIO 45431

Applicant(s) – Please include additional owners, applicants, or developers on back of application

Name of Owner: Omar Shaker

Address: 10980 Cobble Brook Drive City: centerville State: ohio

Contact Phone: 937-977-8448 Email: Centervilletowing@icloud.com

Zoning Data

Present Use: C - SMALL (UNDER 10,000SF) DETACH RETAI Certificate of Occupancy: M

Present Zoning Dist.: ~~MULTI USE SALES~~ R-2 Proposed Zoning Change: ~~none~~ B-2

Proposed Use(s): TOBACCO Sales

*Changes above were communicated to Omar Shaker via email and phone conversation

Supporting Information

Your Application must include the following information. This information should be provided as an attachment to this application at the time of its filing. Failure to provide such information may delay the processing of your application.

- Vicinity Map, showing property lines, streets, existing and proposed zoning
- List of owners for all property within 200 feet of any property included in this application. This includes properties immediately contiguous, across any streets, or properties that are non-adjacent but within the 200 foot radius.
- If applying for PUD approval, include all materials and information required by MCO Chapters 1155.05(c) and/or 1155.06(d), as applicable.

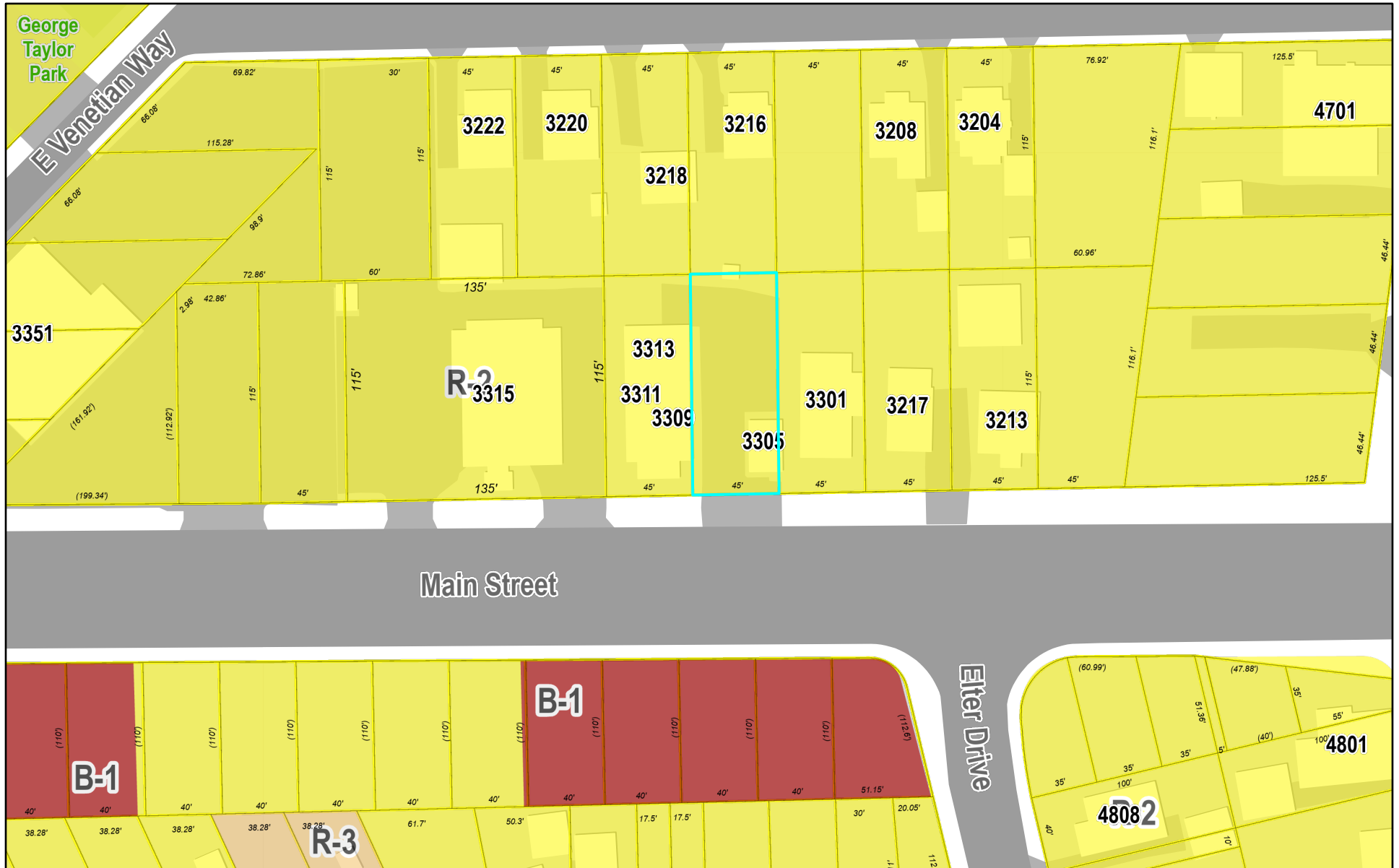
Omar Shaker

Applicant Signature

06/30/2025

Date

City of Moraine



7/3/2025, 8:34:29 AM

6

Kettering Addresses Managed

Parks-3

Parcels

Zoning Districts

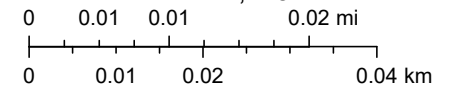
R-2 Single Family Residential

R-3 One & Two Family Residential

B-1 Neighborhood Business

Parcels

1:1,128



City of Kettering, Montgomery County, Ohio, City of Kettering GIS

CHAPTER 1191

Nonconforming Lots, Structures and Uses

1191.01 Nonconformance prior to effective date of Code.

1191.02 Nonconforming use of land.

1191.03 Nonconforming use of building.

CROSS REFERENCES

Board of Zoning Appeals - see CHTR. 7.4; P. & Z. Ch. 1125

Nonconforming uses, retroactive measures - see Ohio R.C. 713.15

Nonconforming lot defined - see P. & Z. 1115.03(a)(229)

Nonconforming structure and use defined - see P. & Z. 1115.03

(a)(231), (232)

Signs for nonconforming uses - see P. & Z. 1189.21(e)

Issuance of zoning certificate for nonconforming uses - see P. & Z. 1193.02

1191.01 NONCONFORMANCE PRIOR TO EFFECTIVE DATE OF CODE.

Any lawful use, building or structure existing at the time of the enactment of the ordinance comprising this Zoning Code may be continued, even though such building or structure may not conform with the provisions of this Zoning Code for the district in which such building or structure is located.

(Ord. 1069-94. Passed 4-28-94.)

1191.02 NONCONFORMING USE OF LAND.

(a) No extension, substitution, relocation, enlargement or alteration shall be made on a tract, site or parcel of land where a nonconforming use is maintained, unless the extension, substitution, relocation, enlargement or alteration is in full compliance with all the provisions of this Zoning Code.

(b) The removal of earth for the purpose of enlarging or extending a nonconforming use, gravel pit or quarry; and the extension or enlargement of any nonconforming use, gravel pit, excavation or quarry; and the extension or enlargement of any nonconforming use, structure or building for the processing, treating or refining of gravel or other material deposits, when located in or within 200 feet of any R-2, R-3, R-4 or B-1 District, is hereby declared and determined to be detrimental to the health, morals, safety and general welfare of the City, and shall not be permitted.

(c) If a nonconforming use of land is discontinued for two (2) years or more, any further use thereof shall be in conformity with all the provisions of this Zoning Code.

(Ord. 1069-94. Passed 4-28-94.)

1191.03 NONCONFORMING USE OF BUILDING.

(a) Where no structural alterations are made in any building containing a nonconforming use, such use may be changed to one of a similar or higher classification, but no building in which a nonconforming use has been changed to a more restricted use shall be devoted to a less restricted use.

(b) The lawful use of a building at the time of the enactment of this Zoning Code, although the use of such building does not conform to the provisions of this Zoning Code, may be extended throughout the building provided no structural alterations are made except those required by law and provided it is permitted by the Board of Zoning Appeals.

(c) No non-conforming use may be re-established in any building where such nonconforming use has been discontinued for a period of two (2) years.

(Ord. 1069-94. Passed 4-28-94; Ord. 1587-05. Passed 7-14-05.)

CHAPTER 1137

R-2 Single-Family Residence District

1137.01 Purpose.

1137.02 Uses.

1137.03 Site development regulations; permitted uses only.

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1115

Accessory buildings and uses - see P. & Z. 1181.01, 1181.04

Supplemental regulations - see P. & Z. Ch. 1185

1137.01 PURPOSE.

The R-2 Single-Family Residence District is provided to accommodate single family residential development of a moderately low density character within areas of similar development and within areas of similar physical character generally located within the peripheral areas of the City. (Ord. 1203-97. Passed 7-10-97.)

1137.02 USES.

(a) Permitted Uses.

- (1) Single-family dwellings;
- (2) Nursery schools and child care centers are permitted accessory uses when located not less than twenty (20) feet from any other lot in any R District; provided there is established and maintained in connection therewith, a completely fenced and screened play lot; and
- (3) All permitted and accessory uses as provided within the A-1 District, but not including animal and poultry husbandry on any lands used or platted for residential purposes. Regulations governing accessory facilities and uses are specified in Chapter 1181.

(b) Special Uses. The following special uses are subject to review and regulation in accordance with Chapter 1117.

- (1) Micro Antenna or wireless communication antenna attached to a pole located in the right-of-way provided the antenna does not exceed more than twenty feet above the highest point of the separate antenna structure and the transmission and receiving equipment is limited to five cubic feet and located in an underground vault and positioned parallel to the road, and is situated on the non-road way side of the pole. Also provided that said facilities meet all standards as set in Chapter 1117 for "Telecommunications: Commercial Mobile Radio, Television and Radio Service Facilities". (Ord. 1203-97. Passed 7-10-97.)
- (2) Cemeteries. (Ord. 1802-11. Passed 5-26-11.)

1137.03 SITE DEVELOPMENT REGULATIONS; PERMITTED USES ONLY.

(a) Lot Requirements.

- (1) Minimum lot area
 - A. 1 and 1 1/2 stories 7,500 square feet
 - B. 2 and 2 1/2 stories 7,500 square feet
- (2) Minimum lot area per family
 - A. 1 and 1 1/2 stories 7,500 square feet
 - B. 2 and 2 1/2 stories 7,500 square feet
- (3) Minimum lot frontage
 - A. 1 and 1 1/2 stories 60 feet
 - B. 2 and 2 1/2 stories 60 feet

(b) Yard Requirements.

- (1) Minimum front yard depth
 - A. 1 and 1 1/2 stories 25 feet*
 - B. 2 and 2 1/2 stories 25 feet*
- (2) Minimum rear yard depth
 - A. 1 and 1 1/2 stories 40 feet
 - B. 2 and 2 1/2 stories 40 feet
- (3) Minimum side yard least width
 - A. 1 and 1 1/2 stories 8 feet
 - B. 2 and 2 1/2 stories 10 feet
- (4) Minimum side yard sum of least width
 - A. 1 and 1 1/2 stories 20 feet
 - B. 2 and 2 1/2 stories 25 feet

(Ord. 1203-97. Passed 7-10-97; Ord. 1587-05. Passed 7-14-05.)

(c) Structural Requirements.

- (1) Maximum building height 30 feet
- (2) Maximum 2 1/2 story structure

(d) Parking Requirements.

- (1) See Chapter 1187 for off-street parking and loading space requirements.

(e) Signs.

- (1) See Chapter 1189 for size and location of permitted signs.

*The front yard depth shall be measured from the established right-of-way lines as shown on the Official Thoroughfare Plan. (Ord. 1203-97. Passed 7-10-97.)

CHAPTER 1151

B-1 Neighborhood Business District

1151.01 Purpose.

1151.02 Uses.

1151.03 Site development regulations.

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1115

Accessory buildings and uses - see P. & Z. 1181.02, 1181.05

Supplemental regulations - see P. & Z. Ch. 1185

1151.01 PURPOSE.

The B-1 Neighborhood Business District is intended to provide for relatively small business and service establishments in suitable locations primarily to serve the daily staple needs of residents. (Ord. 1203-97. Passed 7-10-97.)

1151.02 USES.

(a) Permitted Uses.

- (1) Minor B-1 District which is entirely surrounded by R Districts and which district, including the streets, contains less than five acres.
 - A. Any use permitted and as regulated in the R-4 District;
 - B. Retail sales and services including any local convenience retail and for service uses including: grocery, fruit or vegetable store, meat market, drug store, shoe repair shop, hardware and paint stores, barber and beauty shops, dry cleaning and laundry pickup stations, laundromats;
 - C. Business and professional offices, supplying commodities or performing services primarily for residents of the neighborhood;
 - D. Restaurant, cafe, not including dancing or live entertainment;
 - E. Automobile service station, minor repair and storage garages; and
 - F. Commercial parking lots for passenger vehicles except as otherwise provided in the Zoning Code;
 - G. Accessory building incidental to the principal use. Regulations governing accessory facilities and uses are specified in Chapter 1181.
- (2) Major B-1 District. The following uses are allowed, provided no such use shall be permitted in a minor B-1 District.
 - A. Any local retail business or service establishment such as an electrical appliance shop, plumbing and heating shop, printing shop, furniture shop, interior decorating shop, and upholstery shop including automobile, boat and like upholstery;
 - B. Theaters, not including drive-ins;
 - C. Hotel; and
 - D. Garage for general automobile repair; but not including major body and fender work, overall painting and steam cleaning;
 - E. Accessory buildings incidental to the principal use. Regulations governing accessory facilities and uses are specified in Chapter 1181.

(b) Special Uses. The following special uses are subject to review in accordance with Chapter 1117.

- (1) Micro Antenna or wireless communication antenna attached to a pole located in the right-of-way provided the antenna does not exceed more than twenty feet above the highest point of the separate antenna structure and the transmission and receiving equipment is limited to five cubic feet and located in an underground vault and positioned parallel to the road, and is situated on the non-road way side of the pole. Also provided that said facilities meet all standards as set in Chapter 1117 for "Telecommunications: Commercial Mobile Radio, Television and Radio Service Facilities". (Ord. 1203-97. Passed 7-10-97.)

1151.03 SITE DEVELOPMENT REGULATIONS.

(a) Lot Requirements.

- (1) Minimum lot area 5,000 square feet
- (2) Minimum lot frontage 60 feet

(b) Yard Requirements.

(1) Minimum front yard depth.

- A. Dwellings: Same as permitted in R-4 District.
- B. Permitted Uses: 40 feet*

(2) Minimum rear yard depth.

- A. Dwellings: Same as permitted in R-4 District.
- B. Permitted Uses: 40 feet

(3) Minimum side Yard width.

- A. Dwellings: Same as permitted in R-4 District.
- B. Permitted Uses: None required except adjoining any R-District in which case, not less than 10 feet.

(c) Structural Requirements.

- (1) Maximum building height shall be forty (40) feet.
 - (d) Parking and Loading Requirements.
 - (1) See Chapter 1187 for off-street parking and loading requirements.
 - (e) Signs.
 - (1) See Chapter 1189 for size and location of permitted signs.
 - (f) Supplementary Regulations.
 - (1) All permitted businesses, services or processing shall be conducted wholly within a completely enclosed building except for the sale of automotive fuel, lubricants and fluids at service stations and except for off-street automobile parking and loading.
 - (2) Within a major B-1 District all principal permitted buildings shall be located at least fifty (50) feet from any lot in any R District.
 - (3) In any B-1 District fronting directly across the street from any R-2 or R-3 District, the parking and loading facilities shall be distant at least twenty- five (25) feet from the established right-of-way line, and the buildings or the structures at least seventy-five (75) feet from the established right of way.
 - (4) Goods shall consist primarily of new merchandise.
 - (5) Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water-carried waste.
 - (g) See Chapter 1185 for additional provisions for commercial facilities.
 - (h) Special uses shall comply with all pertinent development standards contained in Chapter 1117.
- *The front yard depth shall be measured from the established right-of-way line as shown on the Official Thoroughfare Plan.
- (Ord. 1203-97. Passed 7-10-97.)

CHAPTER 1153

B-2 General Business District

1153.01 Purpose.

1153.02 Uses.

1153.03 Site development regulations.

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1115

Accessory buildings and uses - see P. & Z. 1181.02, 1181.05

Supplemental regulations - see P. & Z. Ch. 1185

1153.01 PURPOSE.

The B-2 General Business District is intended to provide for a variety of retail, service and administrative establishments required to satisfy the needs of the overall community. This District is also intended to accommodate retail trade establishments in the community which cannot be practically provided for in a neighborhood commercial district development.

(Ord. 1203-97. Passed 7-10-97.)

1153.02 USES.

(a) Permitted Uses.

- (1) All permitted uses as provided within the B-1 Neighborhood Business District.
- (2) Department stores;
- (3) Establishments engaged in the retail trade of: drugs, book and stationery stores, apparel stores, jewelry stores, optical goods stores, furniture, home furnishings, cameras-photo supplies, hardware, hobby shops, music, musical instruments, pet sales and supplies, radio and television sales and service, sporting goods, newsstands and similar retail activities, bakery shops, dry cleaning and laundry pick-up station, laundromats, etc.;
- (4) Office equipment and office supply stores;
- (5) Establishments engaged primarily in the fields of finance, insurance and real estate such as banks, credit agencies, investment firms, real estate and insurance offices;
- (6) Miscellaneous business services such as advertising, news syndicates, employment agencies, travel bureaus and ticket offices;
- (7) Engineering and architectural services, legal services, accounting, auditing and bookkeeping services;
- (8) Nonprofit, professional, service, charitable and labor organizations;
- (9) Business schools or private schools operated for a profit;
- (10) Theaters, not including drive-ins;
- (11) Restaurants, including drive-in or fast food;
- (12) Post office and governmental office buildings;
- (13) Automobile service stations;
- (14) Auto and truck rental; new and used car, truck, bicycle or motorcycle sales and services; boat and marine equipment sales, rental and service; trailer sales and rentals; tire sales and repair;
- (15) Cultural institutions including public libraries, public art galleries and public museums;
- (16) Bowling alleys, indoor skating rinks and similar recreational uses;
- (17) Building supplies, garden supplies; commercial greenhouses;
- (18) Commercial baseball fields; swimming pools; golf driving ranges, or similar open air recreational uses and facilities;
- (19) Carpenter, sheet metal and sign painting shops;
- (20) Medical and dental offices, clinics, health centers and hospitals;
- (21) Wholesale sales, warehouses and distribution firms; and

(Ord. 1203-97. Passed 7-10-97.)

- (22) Retail tobacco stores, provided that such stores are located in freestanding structures, and including:

A. Smoking establishments provided that:

1. The parcel on which a smoking establishment is to be located is more than 125 feet from any parcel in a residential district, and
2. Access to the smoking establishment is restricted to persons eighteen years of age or older.

- (23) Accessory buildings and uses incidental to the principal use and as regulated in the B-1 District, except of a type which is prohibited in the M-1 District as a principal use. (Ord. 1901-14. Passed 1-8-15.)

(b) Special Uses. The following special uses are subject to review in accordance with Chapter 1117. (Ord. 1203-97. Passed 7-10-97.)

- (1) Sexually oriented businesses, as defined in Chapter 1115;

(Ord. 1538-04. Passed 7-22-04.)

- (2) Animal hospitals and/or indoor kennels;

(Ord. 1790-11. Passed 1-27-11.)

- (3) Body Shop;

- (4) Manufactured/mobile home parks;

- (5) Night clubs, discotheques, etc;

- (6) Temporary and/or outdoor sales of plants and garden supplies; and

- (7) Micro Antenna or wireless communication antenna attached to a pole located in the right-of-way provided the antenna does not exceed more than twenty feet above the highest point of the separate antenna structure and the transmission and receiving equipment is limited to five cubic feet and located in an underground vault and positioned parallel to the road, and is situated on the non-road way side of the pole. Also provided that said facilities meet all standards as

1153.03 SITE DEVELOPMENT REGULATIONS.

(a) Lot Requirement.

- (1) Minimum lot area 10,000 square feet
- (2) Minimum lot frontage 80 feet

(b) Yard Requirements.

(1) Minimum front yard depth.

- A. Dwellings: Same as permitted in R-4 District.
- B. Permitted Uses: 40 feet*

(2) Minimum rear yard depth.

- A. Dwelling: Same as permitted in R-4 District.
- B. Other Permitted Uses: 40 feet

(3) Minimum side yard width.

- A. Dwelling: Same as permitted in R-4 District.
- B. Other Permitted Uses:

None except adjacent to an R District in which case not less than 20 feet.

(c) Structural Requirements.

- (1) Maximum building height 40 feet (3 stories)

(d) Parking and Loading Requirements.

- (1) See Chapter 1187 for off-street parking and loading requirements.

(e) Signs.

- (1) See Chapter 1189 for size and location of permitted signs.

(f) Supplementary Regulations.

- (1) A request to rezone land to B-2 General Business District shall be substantiated with evidence that:

- A. Such a use shall not conflict with the intended function of a major street to carry traffic; and
- B. That the capacity of the street(s) shall not be materially reduced by the additional commercial facilities.

Where necessary to achieve these conditions, the developer may be requested to provide special thoroughfare improvements such as dedication of right-of-way and/or easement.

- (2) All merchandise, new and used, with the exception of boat, automobile, truck or farm implements and plants and garden supplies when approved as special uses, shall be stored within a completely enclosed building. Open storage may be permitted if located behind the principal structure and if visually screened from the street and adjacent properties by a landscaped screen, fence or wall as defined in Chapter 1185.

(g) See Chapter 1185 for additional provisions for commercial facilities.

(h) Special uses shall comply with all pertinent development standards contained in Chapter 1117.

* The front yard depth shall be measured from the established right-of-way lines as shown on the Official Thoroughfare Plan.

(Ord. 1203-97. Passed 7-10-97.)