

# City of Defiance Planning Commission

August 18, 2014, Meeting Minutes

## ATTENDANCE:

Name	Title	Yes	No
Steve Graf*	Defiance City Planning Commission Chairperson	X	
Mark Hall*	Defiance City Planning Commission Vice-Chairperson <i>[Representative from Parks Board]</i>	X	
Paul Sulpizio*	Defiance City Planning Commission Member	X	
Drew Schindler*	Defiance City Planning Commission Member	X	
Dan Bohn*	Defiance City Planning Commission Member <i>(Representative to Zoning Board of Appeals)</i>	X	
Bob Armstrong*	Defiance City Mayor		X
Jeff Leonard*	Defiance City Administrator	X	
J. Roger Engel	Defiance City Zoning Board of Appeals	X	
Lee Rausch	Defiance City Engineer/Planning Commission Clerk	X	
Connie Seimet	Defiance City Planning Commission Secretary	X	

\* Voting Members of Committee

## OTHERS PRESENT:

Name	Company	Address	Phone No.
Abi & Nick Gill		1372 Pinehurst Dr., Defiance, OH 43512	419-576-2792 419-576-2011
Morris Bensman	H.A. Dorsten, Inc.		419-628-2327
Kathy Suzo		716 Deerwood Dr., Defiance, OH 43512	419-784-0975
Carol Johnson		Owns – 1261 Pinehurst – lives at: 5982 Rd 24, Cont.	419-596-3530
Bernard Bates		1302 Byrnwyck Ct.	419-782-9801
Sandra & Victor Dunlap		1318 Pinehurst, Defiance	419-782-6363
Nancy Jehanyer		1329 Pinehurst Dr., Defiance	419-782-1455
Deb Zeller		764 Deerwood, Defiance	419-782-3707
Phil Frey		1450 Pinehurst Dr., Defiance	419-980-0834
Phil Snyder		1505 Edenberry, Defiance	419-784-3860
David Hughes		792 Deerwood, Defiance	419-759-5456
Bob Fiala		1317 Heatherdowns Dr., Defiance	419-438-1118
Larry & Ruth Schafer		705 Domersville Road, Defiance	419-784-4869
Jim & Tim Weible		1246 Pinehurst, Defiance	419-782-3761
Dan Herko		1302 Hilton Head Ct., Defiance	419-784-1094
Brett Davis		760 Deerwood, Defiance	419-782-3242
Jim Mosseney		1301 Heatherdowns, Defiance	419-782-2679
Ron Posey		1917 Darbyshire Dr., Defiance	419-782-7553
Brent Joost		1480 Pinehurst, Defiance	419-438-4486
Jake Oberlin		788 Deerwood, Defiance	419-439-3664
Debra & Al Fick		802 Inverness, Defiance	419-591-6680
Paul & Denise Kimberly		708 Burning Tree, Defiance	419-782-6440
Michael Adams		1328 Pinehurst Dr., Defiance	419-512-4763
Marvin Marshaus		1275 Hilton Head Ct., Defiance	419-782-1311
Agnes McDonald		1300 Heatherdowns, Defiance	419-784-2582
Larry Hall		1418 & 1416 Pinehurst, Defiance	419-784-9359
G. Brugler		1520 Edenberry Ct., Defiance	419-782-5748

Shannon Heresia		1302 Pinehurst Dr., Defiance	419-564-2102
Linda Hines		785 Deerwood Dr., Defiance	419-784-0465
Donald Kennedy		735 Domersville, Defiance	419-782-1916
Larry Plummer	R&L Enterprise	21297 Kiser Road, Defiance	419-782-3511
Mindy Cline		1275 Pinehurst, Defiance	419-576-0544
Craig Riedel		1246 Hilton Head Ct., Defiance	419-782-3566
Richard Kahle		Not given	419-576-6291
Geo Masterson		1019 Latty Street, Defiance	419-784-5172
C. Fick		802 Inverness, Defiance	419-782-3800
Paul Gearing		1293 Quail Hollow, Defiance	419-782-8614
Jon Gathman		703 Burning Tree, Defiance	419-784-3956
Judy Marshaus		1275 Hilton Head Ct., Defiance	419-782-1311
James Meyer		854 Inverness Dr., Defiance	419-784-5215
Jerry Hayes	Defiance Co Eco. Dev.	1300 E Second St., Defiance	419-784-4471
Louise & James Parsons		1318 Byrnwyck, Defiance	419-782-0172
Alton Myers		711 Deerwood Dr., Defiance	419-782-9260
Kit Johnson		1261 Pinehurst Dr., Defiance	419-596-3530
Jan & Floyd Culver		1330 Pinehurst Dr., Defiance	419-782-9052
Bill Brownson		1288 Pinehurst Dr., Defiance	419-784-0764
C. & Rick Fortman		8464 Domersville Rd., Defiance	419-784-2022
Mildred Hughes		792 Deerwood, Defiance	419-784-0818(?)
Jodi Sandy		732 Burning Tree, Defiance	419-782-7409
Randy Wright		714 Burning Tree, Defiance	419-438-6365
Nancy Sander		1262 Pinehurst Dr., Defiance	419-784-1148
David Williams	City of Defiance, Law Director		

Chairperson Mr. Graf called the meeting to order at 4:30 p.m. with a quorum present.

**ADMINISTRATIVE ITEMS:**

**Approval of the Planning Commission Meeting minutes from July 21, 2014:**

- Mr. Bohn made a motion to approve the July 21, 2014, Planning Commission Meeting Minutes. Mr. Hall seconded the motion. The motion carried unanimously.

**Administrative Activities:**

- None at this time.

**Clerk's Report:**

- None at this time.

**PLANNING ITEMS:**

**Planning Item 1 – ASHLEY FURNITURE STORE:**

- To review and comment on a proposed new furniture store to be located at 130 Elliott Road. This site is Outlot 2 - south of Menard's.

Mr. Graf read the item to all. Mr. Graf mentioned this area contains a private drive, which the City has no jurisdiction.

Mr. Morris Bensman, H.A. Dorsten, was present for the meeting and is representing Ashley Furniture Store.

Mr. R. Engel said they will be requesting a variance for signage on the north and east side of the building, parking setbacks and number of parking spaces. This request will be reviewed in the Zoning Board of Appeals meeting on 8/21/14.

Mr. Rausch asked if all Planning Commission members received the Project Review minutes. They had.

Mr. Graf said the Fire Department had reviewed the site and was in favor of it.

Mr. Graf was concerned with the east private drive access and the possible back up of traffic. He would like to request it be right turn only to leave the store (from this specific drive) and make it exit only. Mr. Rausch suggested that the area be monitored for a short time to see how the traffic flows, once the store is open. Mr. Leonard was concerned with back up traffic as well and stacking up traffic on Elliott Road. Mr. Bensman said they would be receptive to hearing these suggestions and could put up the proper signage. Mr. Rausch wanted to confirm – the east entrance would be exit only from the Ashley Parking lot. Mr. Bensman understood this request. The entrance only would be from the private drive to the north of the building.

Mr. Leonard would like to make the motion to approve the site plan with the condition that the easterly egress is exit only for the proposed new Ashley Furniture Store, seconded by Mr. Bohn. All members voting aye, the motion was approved.

Planning Item 2 – PROPOSED MASTERSON PROPERTY PERMANENT REZONING, REVIEW AND RULE (revised from 7/21/14 meeting):

- Location description: Parcel J050018000200, located in the City of Defiance, Defiance County, Ohio. Rezoning request is for the entire parcel. Proposed rezoning of the southern 500 feet is O-R “Office-Residential” District. Proposed rezoning of the remainder is M-2 “Limited Industrial” District. Existing use is R-2 “Medium Density Residence” District. Said request is by the City.

Note: All adjacent property owners (within 200’ of the parcel) and those who attended the Planning Commission Meeting on 7/21/14 received notice of this proposed rezoning.

Mr. Graf read the item to all. This is a revision from the July 21, 2014, Planning Commission meeting. Mr. Graf said the buffer area was revised from 300 to 500 feet and will be O-R. Mr. Rausch explained that the sketch for the rezoning of the Masterson Property indicates the buffer area as “A-O”. This is the existing designation. The proposal should have been “O-R”. This is not an issue since we have already recommended all “A-O” zoning be changed to “O-R” upon acceptance by City Council. It will be a simultaneous change.

Mr. Leonard suggested explaining the M-3 vs. M-2 Zoning to everyone. Mr. Graf explained the difference by reviewing the criteria between M-2 and M-3 (see new Zoning Codes attached\*).

Mr. Dan Herko, 1302 Hilton Head Court, was concerned with the differences between M-3 and M-2. He appreciates the change from M-3 to M-2. He understands that M-3 would be a zoning for Sexually Oriented Businesses. He wanted to know what businesses were interested in coming into the area, from City Council. Mr. Graf explained this is not a City Council Meeting and Jerry Hayes would have to answer this question. Mr. Jerry Hayes was present and asked if warehouses would be allowed in M-2 under the new Zoning Code - it would not; however, it would be a conditional use under M-3. Mr. Rausch said the current Zoning Code of M-2 allows warehouses. Mr. Engel said currently M-2 would not allow outside storage. Mr. Hayes would prefer the area be zoned M-3, as

there were inquiries from businesses that would take an interest in the area. One business would include a rail car business “trans load” (unloaded from train cars and loaded onto trucks). Mr. Hayes understands that no one wants certain businesses in their back yard, however, there is need for business in the area and if not in this area, where should it be?

Mr. Donald Kennedy lives across from Johns Manville. He has a problem with the “fog” that is emitted from J-M. Mr. Kennedy recommends a green zone be put in the area. Bike and running trails would be preferred. He would like to maintain a clean environment.

Mr. Herko wants to know what other location would work – what about the former Zeller property on Baltimore. Mr. Herko wants to keep privacy in the area, is concerned with the type of people that may be brought into the area, and would like to research the green zone area or no-build zone. He would also like to do traffic studies of the area, for a possible traffic light. He wants to know if there has been any housing value assessment done regarding if an M-3 or M-2 business was to be put in the area. Mr. Graf said the area around the DRMC Hospital saw a rise in property values when the hospital was built, there were agricultural areas there at that time. Mr. Graf said part of his current job is real estate appraisal – he said the property values would go up; also the traffic studies will be done, once the type of business is known (cost shared by the City and Developer).

Mr. Herko continued that the group is concerned with the type of business that may go into the area. He said that noise and pollution is a concern as well. Mr. Rausch said pollution issues are regulated by the EPA.

Mr. Herko wanted to know who decides what goes into what zone. Mr. Leonard said the Planning Commission reviews the information and makes a recommendation to City Council and it will be put through three readings. Mr. Leonard said the City has an access management plan, which includes the developer meeting specific conditions regarding traffic and lighting. Mr. Leonard believes the City’s job is to put in the zoning for the best and highest use of the area; we are required to keep the city moving and listen to the concerns of the public. Mr. Leonard understands the concerns with the pollution and noise, however there are businesses in the area now that are M-3. Mr. Graf said there are requirements that are asked of the various businesses who build in the City.

Mr. Herko was concerned with the warehouse and on-site storage being zoned M-3 the same as SOB. Mr. Rausch will check into why the warehouse was taken out of the M-2 zoning, as it was in the current code. Mr. Engel said warehouse in the current code is with conditional usage; the updated City code has not been passed yet. Mr. Herko suggests the City take a step back and review the proposed code book before it is passed.

Mr. Herko would like the City to mail everyone a notice in the entire area. Mr. Rausch said we try to send out notices to everyone involved within the 200 feet. Mr. Leonard said we were not required to send out any notices to change the 2030 Strategic Plan only requested zoning changes require mailings.

Mr. Herko wanted to know what type of area would be considered a “buffer zone”. Mr. Graf said that area would minimize the effect of the M-2 zoning. This would come into play during the site plan review of the project. Mr. Rausch said the landscaping requirements are substantial and that they will need to be followed.

Mr. Floyd Culver asked if the code was in effect when Toledo Edison was built. Mr. Graf said it was. Mr. Culver feels the residents don’t trust the City because the City doesn’t know what will be put on the proposed site. Mr. Culver feels the property values will go up if an industrial project is put in the area if the property is sold as manufacturing.

Mr. Phil Flory has a concern with the traffic for those leaving the subdivision and what may be put in the area. Also, he wants to know when Commerce Drive will be put in, by whom and who would pay for it. Mr. Rausch said when we know what is needed, it will be determined. There are issues with noise no matter where you live (residential noise from vehicles or industrial noises).

Mr. Al Fick is concerned with the current shaking from the electrical generating plant and G.M. and this getting worse with another industrial plant being built in the area.

Ms. Ruth Schafer, is concerned with the noise in the area from the generating plant. Mr. Leonard has a phone number for Ruth Schafer to call for the electrical generating plant.

Mr. Tim Weible wants to know why the area on Baltimore can't get more access from ODOT, we should focus our attention there. Feels there should be someone to get it ready for industrial use. Mr. Weible would like Defiance to be a "bedroom community" where people can live in Defiance and use Rt. 24 to work in other areas. He would like to see other areas for new homes to be built and those people would be paying taxes and shopping in the area. Mr. Graf said access to the Industrial Park is limited; whereas ODOT would not create direct access to the Park. Mr. Graf said the railroad is at grade for the property. Mr. Graf said we do not know, as a board, what type of prospects are interested for the property. Mr. Graf said with his experience in the "bedroom community" area (from living in another area), there was so much growth in the school system, as it would need to expand – needing tax levies; the streets needed to be increased – paid for by the City. Mr. Graf feels we need a mix of industry (or business) with the new homes being built.

Mr. Larry Plummer, 21297 Kiser Road, co-owner of the Enterprise Industrial Park. He wanted to make it clear that any deficiency of access to the property was on the account of certain people; and those same people also wrote a letter to Mr. Hayes describing the deficiency of access to the property. Mr. Plummer has approx. \$3.5 in the Industrial Park; he said he had to put that money into the Park per the City – he claims he put all the money in the Industrial Park and "had" to give it to the City. Mr. Plummer said building Commerce Drive to the appropriate City standards will not be cheap; that is how his Industrial Park has been built. Mr. Plummer wanted to know who requested the zoning change. Mr. Leonard said with the 2030 Strategic Land Use plan every 20 years the City can change the zoning to the highest and best use of the land. Mr. Plummer feels Mr. Hayes has someone looking for warehouse space and access to Pioneer Rail.

Ms. Beth Sigg (local resident and realtor) wanted to know why Mr. Hayes was looking at the specific Masterson property. Mr. Hayes said with the location of the new State Route 24, the electric, natural gas and new railroad access makes the Masterson property one that has a lot of potential. His office makes Mr. Plummer's site available to anyone who is looking for that type of property. Mr. Hayes said M-3 would be large light manufacturing or warehousing. Mr. Hayes lives in the area as well and understands that Defiance needs this type of business in the area. Ms. Sigg feels that jobs in the area are picking up and is all for anything that will bring additional jobs to the area.

Ms. Denise Kimberly likes where she currently lives and is proud of the area. Feels there are limited areas to build houses in Defiance; there are a few being built in the Kettingring. She said she was embarrassed in the neighborhood where she lived previously. However, she doesn't keep her windows open at night due to the noise from GM. Would like to see a green buffer zone.

Mr. Richard Hughes lives at 792 Deerwood and feels it is the best place he has ever lived and wants to keep it that way.

Mr. Bernard (last name unclear – did not sign in), likes where he lives. Wants to know about the possibility of a derailment, he would not like that in his area.

Mr. Hayes would like to have the following issues addressed with the consideration of the M-2 zoning: outside storage, maximum height restriction for storage and outside storage for light manufacturing.

Mr. Hall asked Mr. McCann why the various areas of the zoning code were changed. Mr. McCann felt that warehouse must have been left off the M-3 zoned area. Mr. Rausch will check into this. Mr. McCann commented that it took over a year to review the zoning code and it was a well thought out process. Mr. McCann would recommend revisiting the M-2 and M-3 zoning code in the proposed code. Mr. McCann commented that there is no perfect zoning code, it will have to be amended even after it is approved (as other government documents have been amended over the years).

Mr. Fick wanted to know when the new code would be adopted. Mr. McCann said that was a process that was being brought to Council; however the rezoning needs to be completed first. It should be completed and adopted by the end of the year.

Mr. Williams, City Law Director, said we are here for the rezoning of the property due to the 2030 Strategic Plan, not at the request of Mr. Masterson. We are here for the Planning Commission to make a recommendation to Council for the zoning of this property. Mr. Williams said we need to find out exactly what is included in each code (current vs. updated), before a recommendation is made.

Mr. Jim Mosseney hears and smells GM and JM currently. Feels the City is taking a risk with this rezoning. Mr. Graf said with the right business, it won't affect the residents. Mr. Hall said not 100% of the community will not be satisfied by any use of the property. Mr. Leonard feels we need to find a balance and that is why these meetings are useful. Mr. Leonard said the City tax base is eroding and we need to look at areas to increase that tax base.

Mr. Graf said we have to be careful about what goes into the area.

Mr. Rausch announced that the next meeting will be at 4:30 p.m. on Monday, September 15, 2014. No notices will be mailed as this is a tabled (not new) item.

Mr. Hall would like to make the motion to **table the item** to review the specific areas of the M-2 and M-3 Zoning Codes, seconded by Mr. Bohn. All members voting aye, the motion passed.

#### **OPPORTUNITY FOR PUBLIC INPUT AND DISCUSSION OF TOPICS:**

- None at this time.

#### **ADJOURNMENT OF MEETING:**

A motion was made by Mr. Sulpizio, seconded by Mr. Hall to adjourn the meeting at 6:25 p.m. All members voting aye, the motion passed and the meeting was adjourned.

Minutes respectfully submitted by,

*Connie M. Seimet*

Planning Commission Secretary

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**Lee P. Rausch**  
*Planning Commission Clerk*

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**Steve Graf**  
*Planning Commission Chairperson*

**\*Note the following four pages reference the Zoning Use Table:**

**CHAPTER 1169. Zoning Districts and Use Regulations**  
**Section 1169.06 Principally Permitted Uses**

**6. Use Determination and Unlisted Uses**

- a. The zoning commissioner shall make the determination if a proposed use is permitted, permitted with standards, a conditional use, or a prohibited use under the provisions of this section and code.
- b. The zoning commissioner may determine that a proposed use is substantially similar to a use that is permitted, permitted with standards, or a conditional use established in [Table 1169.06-1: Principally Permitted Uses](#) based on the proposed use activities, character of use, similarity to existing uses within the city, or information on the use as may be available from third-party land use resources such as documentation from the American Planning Association, Urban Land Institute, or similar organizations. If the zoning commissioner finds that the proposed use is substantially similar to a use established in [Table 1169.06-1: Principally Permitted Uses](#), the application shall be processed in the same manner as the similar use.
- c. If the zoning commissioner makes the determination that a use is prohibited, the application shall not be processed and the application fee shall be returned.
- d. If the applicant disagrees with the zoning commissioner’s determination regarding the proposed use, the applicant may choose to take one of the following actions:
  - i. The applicant may appeal the determination of the zoning commissioner to the BZBA pursuant to [Section 1165.09 Appeals](#);
  - ii. The applicant may submit an application for a zoning text amendment to include the proposed use and applicable standards pursuant to [Section 1165.03 Zoning Text and Map Amendments](#); or
  - iii. The applicant may present their case to the planning commission and/or city council to request that the city initiate a text amendment to address the proposed use and applicable standards.

**C. Permitted Use Table**

<b>TABLE 1169.06-1: PRINCIPALLY PERMITTED USES</b>																
P = PERMITTED    PS = PERMITTED WITH STANDARDS    C = CONDITIONAL USE    BLANK CELL = PROHIBITED																
USE TYPE	F-P	S-1	A-1	R-1	R-2	R-3	R-4	O-R	B-1	B-2	B-3	B-4	M-1	M-2	M-3	ADDITIONAL REQUIREMENTS
<b>AGRICULTURAL USE CLASSIFICATION</b>																
Agriculture	P	P	P	C										P	P	C
Forestry	P	P	P													
Plant Cultivation	P	P	P	P	P	P	P	P								
Specialized Animal Raising and Care	C		C													
<b>RESIDENTIAL USE CLASSIFICATION</b>																
Adult Family Homes or Small Residential Facilities			C	C	C	C		C								1169.08 A. 1.
Adult Group Homes or Large Residential Facilities			C	C	C	C		C								1169.08 A. 1.

**CHAPTER 1169. Zoning Districts and Use Regulations**  
**Section 1169.06 Principally Permitted Uses**

<b>TABLE 1169.06-1: PRINCIPALLY PERMITTED USES</b>																
<b>P = PERMITTED PS = PERMITTED WITH STANDARDS C = CONDITIONAL USE BLANK CELL = PROHIBITED</b>																
<b>USE TYPE</b>	<b>F-P</b>	<b>S-1</b>	<b>A-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>O-R</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-4</b>	<b>M-1</b>	<b>M-2</b>	<b>M-3</b>	<b>ADDITIONAL REQUIREMENTS</b>
Apartments on Upper Floors								P								1169.08 A. 2.
Dwellings, Multi-Family								P	C	C	C	C				
Dwellings, Single-Family			P	P	P	P				C						
Dwellings, Two-Family				C	P	P				C						
Dwellings, Zero Lot Line			Permitted if approved as a PUD.													1171.07 A. 5.
Mobile Home Parks							PS									1169.08 A. 3.
Nursing or Convalescent Homes		C		C	C	C		C	C	C	C					1169.08 A. 4.
<b>PUBLIC AND INSTITUTIONAL USE CLASSIFICATION</b>																
Airports		C	C													
Cemeteries		C	C													
Charitable and Philanthropic Institutions			C					P	P	P						
Community Gardens	PS	PS	PS	C	C	C	C	C					PS	PS	PS	1169.08 B. 1.
Cultural Institutions			C					P								
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Hospitals		C									C					
Parking Lots & Garages	C									C	PS	PS	PS	PS	PS	1169.08 B. 2.
Public and Government Buildings or Uses	C	P	P	P	P	P	P	P	P	P	P	P	C	C	C	
Public Community Centers	C	P		C	C			P	P	P	P	P	P	P	P	
Recreational Facilities, Noncommercial	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Religious Places of Worship		P	P	P	P	P	P	P	C	C	C	C	C	C	C	
Solar Farms		C	C										C	C	C	
Telecommunication Towers and Facilities		C											C	C	C	1169.08 B. 3.
<b>COMMERCIAL USE CLASSIFICATION</b>																
Animal Hospitals & Veterinary Clinics									C	C	C					1169.08 C. 1.
Assembly Halls & Conference Centers								P	P	P	C	C	C			1169.08 C. 2.
Automotive Fuel Sales									C	C	P	C	C	C	C	1169.08 C. 3.
Automotive Repair									C	C	P	C	C	C	C	1169.08 C. 4.
Automotive Sales or Rental									C	C	P	C	C	C	C	1169.08 C. 5.
Automotive Service									C	C	C	C				1169.08 C. 3.
Bakeries & Dairies											C					
Banks and Financial Institutions								C	C	P	P	P				
Bars or Taverns								C	C	C	C	C	C	C	C	
Bed and Breakfast Establishments							C									1169.08 C. 6.
Boarding Houses					C	C		C	C	C						
Building Trades & Services											P	P	P	P		
Car Washes										PS	PS					1169.08 C. 7.
Clubs, Lodges, or Other Social Meeting Places								C	P	P	C	C	C			1169.08 C. 8.
Commercial Entertainment Facilities										C	C	P				
Commercial Recreation Facilities, Indoors		C	C	C	C	C					C	C	P	C	C	

**CHAPTER 1169. Zoning Districts and Use Regulations**  
**Section 1169.06 Principally Permitted Uses**

<b>TABLE 1169.06-1: PRINCIPALLY PERMITTED USES</b>																
<b>P = PERMITTED PS = PERMITTED WITH STANDARDS C = CONDITIONAL USE BLANK CELL = PROHIBITED</b>																
<b>USE TYPE</b>	<b>F-P</b>	<b>S-1</b>	<b>A-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>O-R</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-4</b>	<b>M-1</b>	<b>M-2</b>	<b>M-3</b>	<b>ADDITIONAL REQUIREMENTS</b>
Commercial Recreation Facilities, Outdoors		C	P	C	C								C			1169.08 C. 9.
Convenience Stores								C	C	C	P	P				
Dry Cleaner								P	P	P	P	P				
Educational Institutions, Commercial								P		P						
Family Day Care Home, Type A				C	C	C	C									
Family Day Care Home, Type B				P	P	P	C									
Funeral Homes and Mortuaries				C	C	C		C	P	P	P					
Garden or Landscape Supply Store											P	P	P			
Green Houses and Nurseries			P										P			
Hotels & Motels										P	P	C				
Internet Cafés									C	C	C	C				
Internet Sweepstakes Establishments											C	C				
Kennels			PS										PS	PS	PS	1169.08 C. 10.
Laundry or Laundromat									P	P	P	P				
Lodging Houses					C	C		C	C	C	C					
Lumber Yard											C	C	P	P	P	
Medical and Dental Centers or Outpatient Clinics						C		P	P	P	P	P				
Mobile Home Sales							C									
Nursery Schools or Childcare Centers					C	C	C	C	C	C	C					1169.08 C. 11.
Offices								P	P	P	P	P	P	P	P	
Printing & Publishing								C	C	C	C	C	C			
Restaurants								C	C	P	P	P	C	C	C	1169.08 C. 12.
Restaurants, Fast Food								C	C	C	P	C	C	C	C	
Retail and Service Commercial Uses								P	P	P	P	P	P	C	C	
Self-Storage Facilities or Mini-Warehouses													PS	PS	PS	1169.08 C. 13.
Services, Business								P	P	P	P	P				
Services, Financial								P	P	P	P	P				
Services, Personal								P	P	P	P	P				
Services, Professional				C	C	C		P	P	P	P	P				
Sexually Oriented Businesses															PS	1169.08 C. 14.
Tattoo/Piercing Parlors or Studios								C	C	C	C	C				
Transportation Equipment Sales & Repair											P	P	P	P	P	
Transportation & Trucking Terminals											C	C	C	C	P	
Truck, Trailer, or Farm Implement Sales and Service													PS	PS	PS	
Truck Washes											PS	PS	P	P	P	1169.08 C. 7.
Wholesale Businesses											C	C	C	C	P	

**CHAPTER 1169. Zoning Districts and Use Regulations**  
**Section 1169.08 Similar Use Determination**

<b>TABLE 1169.06-1: PRINCIPALLY PERMITTED USES</b>																
<b>P = PERMITTED PS = PERMITTED WITH STANDARDS C = CONDITIONAL USE BLANK CELL = PROHIBITED</b>																
<b>USE TYPE</b>	<b>F-P</b>	<b>S-1</b>	<b>A-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>O-R</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-4</b>	<b>M-1</b>	<b>M-2</b>	<b>M-3</b>	<b>ADDITIONAL REQUIREMENTS</b>
<b>INDUSTRIAL USE CLASSIFICATION</b>																
Auto & Metal Salvage Operations (Junkyard)															C	1169.08 D. 1.
Building Materials Sales & Storage													P	P		1169.08 D. 2.
Bulk Plant													C	C	C	
Contractor Offices and Storage													P	P	P	1169.08 D. 3.
Crematory													C	C	C	1169.08 D. 4.
Grain Elevator & Feed Mills														C	P	
Laboratories								C					P	P	P	
Manufacturing, General															P	
Manufacturing, Limited														P	P	
Manufacturing, Restricted													P	P	P	
Mineral, Gravel, or Sand Extraction	C		C											C	C	1169.08 D. 5.
Oil & Gas Well														C	P	
Oil & Gas Well Equipment Sales & Storage															C	
Research & Development Facilities		C											C	C	C	
Sawmill															C	
Slaughterhouses															C	
Stockyards													P	P	P	
Warehousing, Distribution, or Storage Facility															C	

**1169.07. SIMILAR USE DETERMINATION**

- A.** Where there is a proposed use that is not currently listed in [Table 1169.06-1: Principally Permitted Uses](#), the zoning commissioner may review the use to determine the appropriate zoning districts, if any, where the use may be permitted.
- B.** The zoning commissioner should consider the nature, operation, and function of the use in its determination of the appropriate district.
- C.** The zoning commissioner may find that the use is not compatible with any existing zoning district and not permit the use under the current zoning code or, as an alternative, the zoning commissioner may make a recommendation to the planning commission that a new district and/or new provisions be adopted pursuant to [Section 1165.03 Zoning Text and Map Amendments](#).

**1169.08. USE SPECIFIC REGULATIONS**

The following section contains additional standards that shall be met by an applicant for uses that are either permitted with use-specific standards or as conditional uses. In addition to meeting the following standards, all applicants for conditional uses shall be required to comply with any and all other applicable provisions of this code.