MIAMI TOWNSHIP

MONTGOMERY COUNTY, OHIO

Miami Township, Montgomery County Zoning Resolution

Last Revised: October 10, 2025

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065-2025	466-25	Articles 3,4, and 6	Aug 2025
016-2025	465-25	Articles 2,19	Feb 2025
096-2024	464-24	Articles 2,8,9,10,11,12,13,14,15,16A,17,18, and 48	Nov 2024
007-2024	461-23	Article 3	Jan 2024
089-2023	460-23	Article 8, 26, 27, 29, 32-A, 41, 45-A, 48	Oct 2023
073-2023	459-23	Article 19	Sept 2023
022-2022	451-21	Article 5, 17	Feb 2022
075-2021	450-21	Article 41	Oct 2021
068-2021	448-21	Article 2, 23	Sept 2021
059-2021	447-21	Article 45-A	Aug 2021
046-2021	446-21	Article 36	July 2021
060-2019	441-19	Article 5, 31	Oct 2019
059-2019	440-19	Article 7	Oct 2019
022-2019	438-19	Article 39	April 2019
021-2019	437-19	Article 6	April 2019
020-2019	436-19	Article 38	April 2019
019-2019	435-19	Article 3	April 2019
062-2018	432-18	Article 38	June 2018
061-2018	431-18	Article 32	June 2018
060-2018	430-18	Article 31	June 2018
059-2018	429-18	Article 19	June 2018
039-2018	428-18	Article 51	April 2018
038-2018	427-18	Article 4	April 2018
105-2017	425-17	Article 3	Dec 2017
56-2017	424-17	Article 23-A	Jun 2017
50-2017	423-17	Article 31	Jun 2017
112-2016	422-16	Articles 7, 19, 20, 21, 22	Dec 2016
111-2016	421-16	Article 1	Dec 2016
159-2014	416-14	Article 6	Aug 2014
18-2012	406-11	Article 43	Jan 2012
168-2011	405-11	Article 2, 41	Dec 2011
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62-2006	382-06	Article 27	Mar 2006
18-2006	378-05	Article 38	Jan 2006
156-2005	375-05	Article 35A	Aug 2005
155-2005	373-05	Article 21, 22	Aug 2005
209-2004	364-04	Article 41	Oct 2004
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133-2004	359-04	Article 34	July 2004
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35-2004	352-03	Article 3	Feb 2004
34-2004	350-03	Article 46, 31	Feb 2004
137-2003	346-03	Article 21	Jun 2003
301-2002	343-02	Article 41	Dec 2002
300-2002	342-02	Article 38	Dec 2002
13-2003	341-02	Article 25	Dec 2002
299-2002	340-02	Article 38	Dec 2002
3-2001	329-00	Article 39	Jan 2001
181-2000	326-00	Article 2, 16	Oct 2000
77-2000	324-00	Article 19, 20, 21, 22, 23, 24, 25, 38	May 2000
37-2000	323-99	Article 39	Feb 2000
127-1999	322-99	Article 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 16A, 51	Oct 1999
76-1999	316-99	Article 8, 9, 10, 11, 12	Jun 1999
185-1998	315-98	Article 43	Dec 1998
184-1998	314-98	Article 2, 38	Dec 1998
163-1998	313-98	Article 21	Nov 1998
152-1998	312-98	Article 32	Oct 1998
139-1998	311-98	Article 38	Sept 1998
91-1998	310-98	Article 38	Jun 1998
90-1998	309-98	Article 39	Jun 1998
89-1998	308-98	Article 3	Jun 1998
88-1998	307-98	Article 11	Jun 1998
65-1998	297-97	Article 31	Apr 1998
128-1997	303-97	Article 41	Nov 1997
121-1997	302-97	Article 8	Oct 1997
92-1997	301-97	Article 16, 38	Aug 1997
167-99	298-97	Article 49	Dec 1997
65-1998	297-97	Article 31	Apr 1998
129-1996	290-96	Article 12	Nov 1996
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93-1994	268-94	Article 39	Aug 1994
94-94	266-94	Article 45-A	Apr 1994
60-1993	260-93	Article 41	Aug 1993
77-1993	259-93	Article 8	Sept 1993
57-1992	256-93	Article 48	June 1992
56-1992	255-92	Article 2	June 1992
29-1992	252-91	Article 2	Mar 1992
9-1991	247-90	Article 45A	Jan 1991
59-1990	242-90	Article 39	May 1990
27-1990	240-89	Article 38	Mar 1990
26-1990	239-89	Article 38	Mar 1990
19-1990	238-89	Article 38	Mar 1990
25-1990	237-89	Article 39	Mar 1990
24-1990	236-89	Article 22, 23	Mar 1990
117-1989	232-89	Article 43	Aug 1989
61-1989	230-89	Article 22	Apr 1989
60-1989	229-89	Article 37	Apr 1989
38-1989	228-88	Article 36, 39	Feb 1989
21-1989	221-88	Article 41	Feb 1989
28-1989	220-88	Article 38	Feb 1989
37-1989	218-88	Article 11	Feb 1989
122-88	217-88	Article 43	Oct 1988
121-1988	216-88	Article 8, 9 , 10, 11, 12, 13, 14	Oct 1988
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47-1987	195-87	Article 43	Apr 1987
93-1987	194-87	Article 31	Aug 1987
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19-1986	170-85	Article 2	Jan 1986
15-1985	153-84	Article 31	Feb 1985
106-1984	149-84	Article 41	Oct 1984
91-1984	143-84	Article 48	July 1984
47-1984	139-84	Article 2	Apr 1984
16-1984	123-83	Article 38	Feb 1984
35-1983	118-82	Article 8	Mar 1983
27-1983	117-82	Article 2	Feb 1983
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116-1978	59-78	Article 41	Sept 1978
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256-1974	25-74	Article 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 29, 39	Jan 1975
	18-74	Article 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 29, 39	July 1974
	15-74	Article 2, 38	Apr 1974
	11-73	Article 17, 18, 19, 20, 21, 22, 23, 29, 41	Sept 1973
	7-73	Article 2	Jun 1973
		Original Adoption	Nov 1972

ARTICLE 1 | INTENT AND INTERPRETATION

SECTION 1.1 | TITLE

This Resolution shall be known and may be cited and referred to as the "Miami Township, Montgomery County, Ohio Zoning Resolution."

SECTION 1.2 | PURPOSE

This Resolution is enacted for the purpose of promoting public health and safety, public convenience, comfort, prosperity, and general welfare, all in accordance with a comprehensive plan and as permitted by the provisions of Section 519.02 et seq. of the Revised Code of the State of Ohio.

SECTION 1.3 | INTERPRETATION AND CORRELATION OF STANDARDS

In their interpretation and application, the provisions of this Zoning Resolution shall be held to be minimum requirements. Where this Zoning Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of this Zoning Resolution shall control.

SECTION 1.4 | EXTENSION OF ESSENTIAL SERVICES

It is recognized that essential services are not presently available to all parcels of land zoned for agricultural and/or residential use.

Maintenance of viable zoning plans may require amendments from time to time, to reflect changes brought about by the extension of essential services into newly developing urban areas.

ARTICLE 2 | DEFINITIONS

SECTION 200.01 | DEFINITIONS: NUMBER; TENSES; BUILDING; USED; SHALL:

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the Zoning Resolution. Words used in the present tense include the future; the singular number shall include the plural and the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

SECTION 201 | DEFINITIONS (beginning with letter "A")

201.01 ACCESSORY USE.

Any purpose for which a building, structure, or a tract of land may be designed, arranged, intended, maintained, or occupied which:

A. Is customarily incidental and subordinate in area, extent or purpose to the principal building, structure or use which it serves.

B. Is located on the same zoning lot as the principal building, structure or use, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served under Subsection 4303.01-E of this Resolution.

201.02 ADULT ENTERTAINMENT.

Any material or performance is "Adult Entertainment" if any of the following apply:

A. Its dominant appeal is to prurient interest;

B. Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement, or nudity in a way that tends to represent human beings as mere objects of sexual appetite;

C. Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality;

D. Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose;

E. It contains a series of displays or descriptions of sexual activity,

masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.

201.03 ADULT ENTERTAINMENT FACILITY.

A facility having a significant portion of its function as adult entertainment which includes the following listed categories:

A. **Adult Book Store.**
An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "Adult Entertainment" as previously defined or an establishment with a segment or section devoted to the sale or display of such material.

B. **Adult Mini Motion Picture Theater.**
A facility with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Adult Entertainment," for observation by patrons therein.

C. **Adult Motion Picture Theater.**
A facility with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Adult Entertainment" or for observation by patrons therein.

D. **Adult Entertainment Business.**
Any establishment involved in the sale of services or products characterized by the exposure or presentation of "Adult Entertainment" or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment businesses are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

201.04 AGRICULTURE.

The use of a tract of land for growing crops in the open, dairying, pasturage, horticulture, floriculture, and structures necessary for carrying out farming operations, and the residence of the persons who own or

operate the farm and the family thereof; provided, however, such agricultural use shall not include the following uses:

A. The maintenance and operation of commercial greenhouses or hydroponics farms, except in zoning districts in which such uses are expressly permitted.

B. Wholesale or retail sales as accessory uses, unless the same are specifically permitted by this Resolution.

C. The feeding or sheltering of animals or poultry in penned enclosures within one hundred (100) feet of Residential Zoning Districts. Agriculture does not include the feeding of garbage to animals, or the operation or maintenance of a commercial stockyard or feed yard.

201.05 AGRICULTURAL SOILS, PRIME.
Those soils which are best suited for the production of food, feed and other crops. These soils have been determined based upon average yields per acre of principal crops and the capability grouping of each soil type. Prime soils fall within capability Classes I and II as described in the Soil Survey of Montgomery County, Ohio published by the United States Department of Agriculture Soil Conservation Service, issued June, 1976.

201.06 ALLEY.
A dedicated public right-of-way, other than a street, that affords a secondary means of access to abutting property.

201.07 AMPHITHEATER.
An oval or circular open-air area, or building, with rows of seats rising around a central space.

201.08 ARTS AND CRAFTS.
Articles produced through a skill including, but not limited to, paintings, sculptures, pottery, wood carvings and articles derived from weaving, sewing and embroidery.

201.09 AUTOMOBILE OR TRAILER SALES AREA.
An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition; and where no repair work is done.

201.10 AUTOMOBILE SERVICE STATION.
A structure and surrounding land used for the storage and sale of petroleum fuel, primarily to passenger vehicles, and for accessory uses such as sale and installation of lubricants, vehicles and the performing of tune-ups, tire and

brake changing, and repair.

201.11 AUTOMOBILE WRECKING.
The dismantling or disassembling of used motor vehicles or trailers; or the storage, sale or dumping of dismantled, partially dismantled, non-operating or wrecked vehicles or their parts.

SECTION 202 | DEFINITIONS (beginning with letter "B")

202.01 BASEMENT.
That portion of a building located partly underground but having less than one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

202.02 BICYCLE.
A vehicle for human propulsion, having two (2) wheels placed in line, propelled by the feet by means of treadles.

202.03 BOARD.
The Board of Zoning Appeals of Miami Township, Montgomery County, Ohio.

202.04 BOARDWALK.
An elevated walkway constructed of boards or other approved material.

202.05 BOATS AND TRAILERS - SEE RECREATIONAL VEHICLES AND CAMPING EQUIPMENT.

202.06 BRIDLE PATH.
A path or road fit for horseback riding but not for vehicles nor pedestrians.

202.07 BUILDING.
Any covered structure built for the support, shelter or enclosure of persons, animals, chattels or moveable property of any kind; and which is permanently affixed to the land.

202.08 BUILDING HEIGHT.
The vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof; to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

202.09 BUILDING LINE.
A line parallel to the street right-of-way line at any story level of a building and representing the distance which all or any part of the building is to be set back from said right-of-way, except as specified in Article 39.

SECTION 203 | DEFINITIONS (beginning with letter "C")

203.01 CELLAR.
A portion of a building located partly or wholly underground and having one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

203.02 COMMISSION.
The Zoning Commission of Miami Township, Montgomery County, Ohio.

203.03 COMMUNITY CENTER.
An area or structure for use by public groups for educational, exhibition and public meeting purposes.

203.04 COMMUNITY-BASED SOCIAL SERVICES FACILITY.
A facility which provides supervised room, board, accommodations, personal care, and similar services in a residential setting to any persons who live together in such a setting as a single housekeeping unit and whose disabilities or status limit their ability to live independently, and only secondarily for training, rehabilitation, and for clinical services. This definition shall not include facilities defined in this Zoning Resolution as Halfway Houses, Nursing/Rest Homes or Convalescent Homes.

203.05 CONVENIENCE STORE.
A structure and surrounding land used for the storage and sale of petroleum fuel, with an associated retail area for the sale of items including but not limited to food, tobacco, beverages, and other various and sundry items which do not relate to the repair or operation of automobiles.

SECTION 204 | DEFINITIONS (beginning with letter "D")

204.01 DEVELOPMENT STANDARDS.
Standards controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Development standards include regulations controlling maximum height, minimum lot area, minimum lot frontage, minimum size of yards and setbacks, maximum lot coverage and maximum floor area ratio.

204.02 DISTRICT.
A portion of the unincorporated territory of Miami Township, Montgomery County within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Zoning Resolution.

204.03 DWELLING.
Any building or portion thereof occupied or intended to be occupied exclusively for residential purposes but not including a tent, cabin recreational vehicle or other temporary or transient structure or facility. A Dwelling shall include a Modular Industrialized Unit but not include a Manufactured HUD Unit, a Mobile Structure or Recreational Vehicle and Camping Equipment.

A. Single family.
A building occupied or constructed to be occupied exclusively for residential purposes by one (1) family.

B. Two family.
A building occupied or constructed to be occupied exclusively by not more than two (2) families.

C. Multiple family.
A building or portion thereof occupied or constructed to be occupied by more than two (2) families or housekeeping units.

204.04 DWELLING GROUP.
A group of two (2) or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

204.05 DWELLING UNITS.
One room, or a suite of two (2) or more rooms designed for or used by one family or housekeeping unit for living and sleeping purposes and which includes permanently installed cooking and lawfully required sanitary facilities.

SECTION 205 | DEFINITIONS (beginning with letter "E")

205.01 EATING PLACE NO.1.
An establishment, other than a dining room operated by a hotel, motel or private club, offering food and beverages, which may include liquor, beer and wine (if licensed by the State of Ohio) for consumption only inside the building.

205.02 EATING PLACE NO. 2.
An establishment having the attributes of an Eating Place No. I, and which also provides live entertainment.

205.03 EATING PLACE - CARRY-OUT.
An establishment offering food and beverages, which may include liquor, beer and wine (if licensed by the State of Ohio) where the food and beverages are dispensed at the counter for consumption within the building or off the premises.

205.04 EATING PLACE - DRIVE-IN.
An establishment offering food and beverages, which may include liquor, beer and wine (if licensed by the State of Ohio) where the food and beverages are served directly to persons while in motor vehicles, or where the food and beverages are dispensed at the counter for consumption on or off the premises.

205.05 EMERGENCY REPAIRS.
Those repairs necessary to enable a vehicle to be moved from the premises, either under its own power when such is a motor vehicle, or by being pulled when such is other than a motor vehicle.

205.06 ESSENTIAL SERVICE.
The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement by public utilities or County or other governmental agencies or underground or overhead gas, electrical, steam or water generation, transmission or distribution systems, excluding Telecommunication Towers (and appurtenances) as defined in Subsection 220.01; including buildings, structures, towers, poles, wires, drains, mains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment or accessories and the use of land in connection therewith, for the furnishing of adequate service by such public utilities or County or other governmental agencies or for the public health, safety and morals.

SECTION 206 | DEFINITIONS (beginning with letter "F")

206.01 FACILITY.
Any property or building, or portion thereof, which has been established to promote the carrying on of an activity, use or course of conduct; with such including any structure, building, parking lot or other area which is accessory to any such property or building, or portion thereof.

206.02 FAMILY.
A group of persons related by blood, marriage or adoption, or up to three (3) unrelated persons who are living together in a single dwelling unit and maintain a common household.

206.03 FLOOR AREA (gross).
The sum of the gross horizontal area of all the floors of a building measured from the exterior face of the exterior wall or from the centerline of walls separating two (2) buildings. Floor area shall include the area of basements when used for residential, commercial, or industrial purposes, but shall not include a basement or portion of a basement used for storage or the housing of mechanical or central heating equipment. In calculating floor area, the

following shall not be included:

A. Attic space providing structural head room of less than seven (7) feet, six (6) inches.

B. Uncovered steps.

C. Terraces, breezeways and open porches.

D. Automobile parking space in a basement or private garage.

E. Accessory off-street loading berths, but not to exceed twice the space required by the provisions of this Resolution.

206.04 FLOOR AREA RATIO.
The floor area ratio of the building or other structure on any lot is determined by dividing the gross floor area of such building or structure by the area of the lot on which the building or structure is located. When more than one building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the area of the lot. The floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for buildings or other structures, in direct ratio to the gross area of the lot.

206.05 FOLD-OUT TRAILER - SEE RECREATIONAL VEHICLES AND CAMPING EQUIPMENT.

206.06 FRONTAGE. SEE LOT FRONTAGE.

SECTION 207 | DEFINITIONS (beginning with letter "G")

207.01 GARAGE, PRIVATE.
A garage intended for, and used by, the private motor vehicles of the families resident upon the premises, provided that not more than one-half (l/2) of the space may be rented for the private vehicles of persons not residing on the premises.

207.02 GARAGE SALE (including a patio, basement, yard or block sale).
The sale or offering for sale over five (5) items of personal property to the general public on any portion of a lot located within a Residential or Residential-Office Zoning District, whether occurring within or outside any building.

207.03 GARBAGE.
Garbage shall be interpreted to mean all putrescible wastes including

vegetable, animal offal and carcasses of small dead animals, but does not include human excreta, sewage and other water carried wastes.

207.04 GEOLOGICAL FEATURES.
Natural land forms including, but not limited to, rock outcroppings, steep slopes, ravines, caves and water courses.

207.05 GRADE.
The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

207.06 GREENBELT (as used in Planned Developments).
A strip of land parallel to and extending inwardly from the lot lines or right-of-way lines. Said greenbelt shall be maintained at all times in grass, trees, shrubs, or plantings and no structures, parking area or signs shall be permitted.

207.07 GROSS VEHICLE WEIGHT (GVW)
The weight of vehicle including all equipment, fuel, body, load, and occupants as specified by the manufacturer.

SECTION 208 | DEFINITIONS (beginning with letter "H")

208.01 HALFWAY HOUSE.
See: Residential Re-Entry Center

208.02 HOME OCCUPATIONS.
A home occupation shall be an occupation carried on only within a dwelling unit by members of the family residing therein and provided:

A. Said occupation does not require state or local inspection.

B. There shall be no internal nor external alteration of the structure, when such alteration would be necessitated by such occupation.

C. The occupation shall not occupy more than two hundred (200) square feet of floor area within the dwelling unit.

D. Said occupation shall occur completely within the dwelling unit and shall not require the use of any accessory building or yard.

E. No wholesale or retail trade is permitted on the premises.

F. Physical inventories for wholesale or retail trade shall not be maintained.

G. The occupation shall not generate any additional pedestrian or vehicular traffic other than that normal to a residential use.

H. No commodities shall be sold on the premises.

I. The only mechanical equipment installed or used is that which is normally used for domestic or household purposes.

J. No identification of the home occupation shall be permitted on the premises.

208.03 HOUSEKEEPING UNIT.
One or more persons living in a dwelling unit who are not a family.

SECTION 209 | DEFINITIONS (beginning with letter "I")

209.01 INSTITUTIONAL USE.
A nonprofit, religious, or public use, such as a religious building, library, public or private school, hospital, or government-owned or -operated building, structure, or land used for public purpose

209.02 INTERIM HOUSING.
Buildings and structures, or parts thereof, in which sleeping accommodations are provided with or without dining or cooking provisions in which the occupants are transient in nature, making use of the facilities for a period of more than seven or less than 30 days.

SECTION 210 | DEFINITIONS (beginning with letter "J")

210.01 JUNK.
Old or scrap copper, brass, rope, rags, batteries, paper, rubber; junked, dismantled, or wrecked automobile or parts thereof; iron, steel and other old or scrap ferrous or nonferrous materials which are not held for sale or remelting purposes by an establishment having facilities for processing such materials.

210.02 JUNK YARD.
An establishment or place of business (other than an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes), which is maintained or operated for the purpose of storing, keeping, buying or selling junk; or for the maintenance or operation of an automobile graveyard, except an establishment or place where automobiles, wrecked or otherwise, are held or impounded for a period not to exceed ninety (90) days exclusively for storage, repair, or resale without alterations.

SECTION 211 | DEFINITIONS (beginning with letter "K")

211.01 KENNEL OR ANIMAL SHELTER.
Any structure or runway in which dogs or other small animals are kept for compensation or sale.

SECTION 212 | DEFINITIONS (beginning with letter "L")

212.01 LAND USE PLAN.
The long-range plan for the desirable use of land within the unincorporated territory of Montgomery County as officially adopted and as amended from time to time by the Planning Commission.

212.02 LANDSCAPING.
Making a plot of ground more attractive by using existing natural amenities and adding lawns, bushes, trees, flowers, lakes, earthen mounds, stones, etc.

A combination of at least three or more of the above shall be used.

212.03 LIVABILITY SPACE.
Part of the open space as found in Planned Developments which includes all land not covered by roof or devoted to streets, easements of access and parking.

212.04 LIVE ENTERTAINMENT.
Any entertainment provided in eating places, other than music mechanically produced by juke boxes or other devices for the dissemination of recorded music.

212.05 LOADING SPACE.
An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials; and which abuts a street, alley or other appropriate means of access.

212.06 LOT.
A piece or parcel of land occupied or intended to be occupied by a principle building (or a group of such buildings) and its accessory buildings and uses, including all open spaces required by this Zoning Resolution, and having frontage on a public street.

A. Corner.
A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of one

hundred thirty-five (135) degrees or less.

B. Double Frontage.
A lot having frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

C. Interior.
A lot other than a corner lot.

212.07 LOT AREA.
The computed area contained within the lot lines.

212.08 LOT COVERAGE.
That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves.

212.09 LOT FRONTAGE.
The distance between the side lot lines, measured by a line drawn parallel with the front lot line at a point of required minimum front yard depth.

212.10 LOT LINES.
A. Front.

A street right-of-way line forming the boundary of a lot. On a corner lot, the street right-of-way line with the least amount of street frontage shall be the front lot line.

B. Rear.
The lot line that is most distant from, and is, or is most nearly parallel to, the front lot line. If a rear lot line is less than fifteen (15) feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least (15) fifteen feet long, lying wholly within the lot, parallel to the front lot line.

C. Side.
A lot line which is neither a front lot line nor a rear lot line. On a corner lot, the street right-of-way line with the greatest amount of street frontage shall be a side lot line.

212.11 LOT OF RECORD.
A lot which is part of a subdivision, the plot of which has been recorded in the office of the Recorder of Montgomery County; or a parcel of land, the deed to which was of record as of the effective date of the zoning plan.

SECTION 213 | DEFINITIONS (beginning with letter "M")

213.01 MANUFACTURING.
The assembling, altering, converting, fabricating, finishing processing or treatment of a product.

213.02 MECHANIZED VEHICLE.
A conveyance powered by machinery including, but not limited to, an automobile, truck, van, motorcycle and motorized bicycle.

213.03 MOBILE STRUCTURE.
Any structure that is transportable in one or more sections regardless of the presence of wheels, runners, tracks or a chassis, which is not self-propelled, that is designed to be used as some sort of a building and which may be placed on a temporary or permanent foundation. A Mobile Structure may include a Manufactured Home, Manufactured HUD Unit or a Modular Industrialized Unit but not Recreational Vehicles and Camping Equipment.

213.04 MANUFACTURED HOME.
"Manufactured Home" has the meaning set forth in Section 4501.01 of the Ohio Revised Code. For the purposes of this resolution, "Mobile Home" also means "Manufactured Home."

213.05 MANUFACTURED HUD UNIT.
A Mobile Structure which complies with the standards and specifications for the design and construction of manufactured housing of as set forth by the United States Government in regulations promulgated pursuant to 42 U.S.C. 5401 et seq. as amended and to which is affixed a permit, sticker, plate or other recognized, official identification indicating such compliance.

213.06 MODULAR INDUSTRIALIZED UNIT.
A modular structure which complies with the standards and specifications for Industrial Units of Closed Construction as provided for by the Ohio Basic Building Code as amended and as authorized by the Board of Building Standards pursuant to Section 3781.01 of the Revised Code of the State of Ohio et seq. as amended and to which is affixed a permit, sticker, plate or other recognized, official identification indicating such compliance.

213.07 MOTEL. MOTOR HOTEL.
A building, or group of buildings, comprising individual sleeping and living units attached in groups of six (6) or more per building for the accommodation of transient guests.

213.08 MOTOR HOME - SEE RECREATIONAL VEHICLES AND CAMPING EQUIPMENT.

213.09 MOTOR VEHICLE.
Any mechanical device capable of being used for transportation purposes on a public roadway and which is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. A Motor Vehicle shall be the same as described in Section 4501.01 (B) of the Revised Code of the State of Ohio as amended.

SECTION 214 | DEFINITIONS (beginning with letter "N")

214.01 NATURALIST, INTERPRETIVE.
A person who, through education and experience, possesses the technical and working knowledge of natural interpretation. The qualifications are:

A. A full, four (4) year course or Bachelor degree in outdoor education or a related field, and at least twelve (12) months experience in the field, or,

B. Four (4) years working experience in the field of natural interpretation.

214.02 NONCONFORMING USES OF BUILDINGS AND LAND.
The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enactment of a zoning resolution or amendment thereto, may be continued, although such use does not conform with the provisions of such resolution or amendment. If any such nonconforming use is voluntarily discontinued for two (2) years or more, any future use of such land shall be in conformity with Sections 519.01 to 519.25 of the Revised Code of the State of Ohio.

214.03 NURSERY OR CHILD CARE CENTER.
Any facility administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four-hour day in a place or residence other than a child's own home, except for a facility described in Section 5104.01(E) of the Ohio Revised Code as "type B family day-care home" or "type B home." Such a facility is an accessory use in all Residential Districts in a permanent residence of the provider in which child day-care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this subsection, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. "Type B family day-care home" and "type B home" do not include any child day camp.

214.04 NURSING HOME, REST HOME OR CONVALESCENT HOME.
A place, residence or home used for the boarding and care, for a consideration, of not less than three (3) persons, not members of the immediate family operating such facilities, who by reason of age or infirmity are dependent upon the services of others.

SECTION 215 | DEFINITIONS (beginning with letter "O")

215.01 OFFICE.
An enclosed space in which services are performed, provided that no retail trade is transacted and no stock of goods is maintained for sale to customers.

215.02 OPEN SPACE.
A parcel of land or an area of water, or combination of both land and water, within a site designated as a Planned Development and designed and intended for the use and enjoyment of the residents of the Planned Development. Open space may include streets, easements, parks, recreation areas, off-street parking or loading areas, public open space, or other facilities dedicated by the developer for public use, unless prohibited or restricted by a Planned Development District or Final Development Plan. Open space shall be substantially free of structures, or may contain such improvements as are approved as a part of the general development plan and are appropriate for the residents or occupants of the Planned Development.

215.03 OPEN STORAGE.
Storing or keeping of chattels either in the open or not completely enclosed within a building.

SECTION 216 | DEFINITIONS (beginning with letter "P")

216.01 PLANNED DEVELOPMENT.
Planned Development is:

A. Land under unified control, planned and developed as a whole, and

B. In a single development operation or a definitely programmed series of development operations including all lands and buildings, and

C. According to comprehensive and detailed plans which include not only streets, utilities, lots, building sites and the like, but also site plans and design principles for all buildings as intended to be located, constructed, used and related to each other; and detailed plans for other uses and improvements on the land as related to buildings, and

D. With a program for provision, operation, and maintenance of such areas, improvements, and facilities necessary for common use by some or all of the occupants of the development, but which will not be provided, operated, or maintained at general public expense.

216.02 PLANNING COMMISSION.
The Planning Commission of Montgomery County, Ohio.

216.03 PLANT SALES.
The sale of any cultivated plant, but not including wildlife or rare and endangered species.

216.04 PLANTS.
Members of the vegetable kingdom including, but not limited to, trees, shrubs, bushes, vines, mosses, grasses, herbs, turf and fungi, and the fruit and flora they produce.

216.05 PLAY LOT.
An area of land designed and equipped for the play activities of pre-school children.

216.06 PLAYGROUND.
An area of land designed and equipped for organized and informal recreational activities, including team and court sports, for children and adults.

216.07 PROFESSION.
An occupation, vocation or calling which incorporates intangible qualities in the service rendered; as being different from that of a trade incorporating only tangible qualities in the exchange, purchase, or sale of goods and service.

A. Tangible. Something capable of being appraised at an actual or approximate value.

B. Intangible. An asset that is incapable of being given a set value.

SECTION 217 | DEFINITIONS (beginning with letter "Q")

NONE

SECTION 218 | DEFINITIONS (beginning with letter "R")

218.01 RARE, FRAGILE AND ENDANGERED SPECIES.
Plants and animals as listed in the most current "Ohio Endangered Species List" * which are:

A. Uncommon in number or a particular environment or

B. Delicate

C. In danger of becoming extinct, either generally or in a particular location.

*As officially prepared and made available by the Ohio Department of Natural Resources Division of Natural Areas and Preserves.

218.02 RECREATION SPACE (countable).
All area, open or enclosed, available for the general use of the residents of a Planned Residential District for active or passive recreation. Recreation space shall be provided in locations easily accessible to the living units, but where they will not impair the view and privacy of living units. Such space may be a part of the required livability space.

218.03 RECREATIONAL VEHICLES AND CAMPING EQUIPMENT.
Vehicular, portable structures or objects designed and constructed to be used as temporary dwellings for travel, recreational and vacation uses, and utility uses, including:

A. Boat and Boat Trailers.
Boats, floats and rafts, plus the customary equipment to transport same on streets and highways.

B. Motor Homes.
Self-propelled recreational vehicles constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.

C. Travel Trailers.
Non-self-propelled recreational vehicles not exceeding an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and including tent-type fold-out camping trailers as defined in Section 4517.01 (S) of the Revised Code of the State of Ohio as amended.

D. Truck Campers.
Non-self-propelled recreational vehicles, without wheels for road use, and designed to be placed upon and attached to a motor vehicle.

E. Utility Trailers, as defined in Subsection 220.04.

218.04 REFUSE.
Refuse shall mean combustible and noncombustible waste materials, except garbage, rubber, leather, tree branches, tin cans, metals, mineral matter and dust.

218.05 RESIDENTIAL RE-ENTRY CENTER
A facility owned and/or operated by an agency or an individual authorized to provide housing, food, treatment or supportive services for individuals on supervised release from the criminal justice system and who have been assigned by a court to a residential home in lieu of placement in a correctional institution; or for individuals who have been institutionalized and released from the criminal justice system; or for individuals who are participating in addiction recovery services.

218.06 ROADSIDE STAND.
A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which such stand is located.

218.07 ROOM, HABITABLE.
A room occupied or designed to be occupied by one or more persons for living, sleeping, eating or cooking, including kitchens serving a dwelling unit; but not including bathrooms, toilet compartments, laundries, pantries, cellars, attics for storage and other similar spaces.

218.08 ROOMING HOUSE.
A dwelling in which two (2) or more rooms for lodging, with or without board, are provided for compensation.

SECTION 219 | DEFINITIONS (beginning with letter "S")

219.01 SATELLITE DISH ANTENNA.
A dish-shaped antenna to be used for receiving communication signals from satellites, with a maximum height of fifteen (15) feet and a maximum diameter of twelve (12) feet, firmly affixed to the ground. Satellite dish antennas one (1) meter (39.37 inches) or less in diameter shall be exempt from the requirement of obtaining a zoning certificate. Any satellite dish antenna, however, shall be placed in an inconspicuous location and painted a color compatible with the colors of its surroundings.

219.013 SELF STORAGE (MINI STORAGE).
Use of a site for individual property storage. Self-storage establishments provide secure indoor or outdoor space where clients can store and retrieve their goods.

219.015 SETBACK - SEE BUILDING LINE.

219.02 SIGN.
A name, identification, description, display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building,

structure or piece of land; or affixed to the glass on the outside or inside of a window so as to be seen from the outside of a building and which directs attention to an object, product, place, activity, person, institution, organization, or business.

The following are types of signs:

A. Advertising Sign.
A sign which directs attention to a use, commodity or service not related to the premises on which the sign is located and shall include the following two sub-categories:

B. Static - Non-Electronic Advertising Sign.
An advertising sign that does not include an area capable of electronically changing the copy or appearance of the sign. A static advertising sign requires the sign facing material to be painted over, removed, or otherwise manually altered without the means of electronics or remote equipment.

C. Electronic – Digital Advertising Sign.
An advertising sign that incorporates an electronic display that is capable of displaying words, pictures, or symbols on an electronic screen while being remotely operated and controlled.

D. Awning, Canopy or Marquee Sign.
A sign that is mounted on or painted on or attached to an awning, canopy or marquee.

E. Beacon
Any light used to direct attention to a particular property by projecting a beam of light directly into the sky. The beam of light may be moving or unmoving. Light used to illuminate an object on the property must be confined to the immediate surface of the object and shall not be situated in such a manner as to allow light to project past the object in a continuous beam into the sky or beyond the property lines.

F. Blade Sign
A sign supported by one or more brackets in such a way as to extend the sign over a walkway or other space in such a manner that the sign face is perpendicular to the wall on which it is placed.

G. Changeable Copy Sign – Manual
A sign designed to allow the user to regularly change the copy on the sign by removal of individual letters or symbols in a manual fashion. This type display employs manufactured letters or symbols that can be removed and are in no way internally illuminated.

H. Changeable Copy Sign – Electronic
A sign designed to allow the user to regularly change the copy on the sign by removal of individual letters or symbols in an electronic, automated fashion, or remote fashion. This type display employs light emitting diodes or similar electronic lighting as individual pixel elements to generate individual letters or symbols upon the display, or use the Tri-Vision/Multi-Vision system utilizing painted louvers to display three or more messages in a pre-determined sequence. For electronic changeable copy displays, "animation" shall be defined as "a moving picture made from a series of graphic representations, simulating motion by slight progressive changes, and including no words."

I. Flag
A display, with or without characters, letters, or illustrations, placed on a rectangular piece of cloth or similar material designed to be mounted to a flag pole in such a manner as to be supported only along one edge and to not be supported along all other sides other than by air flowing across the flag. Flags are permitted in all districts and unless provided for in the district in which the flag is located, shall not be used to direct attention to a business or commodity for sale, but solely to the flag itself. Flagpoles are subject to the height standards for the district in which they are located.

J. Flashing Sign.
Any illuminated sign on which the artificial light or any part or any part thereof has conspicuous or intermittent variation in intensity or color.

K. Free-standing Sign.
A sign suspended or supported by one or more uprights or braces in or upon the ground surface.

L. Illuminated.
A sign lighted by, or exposed to, artificial lighting either by lights on or in the sign or directed toward the sign.

M. Incidental Signs.
A non-commercial sign, generally informational, that has a purpose secondary to use of the subject property on which the sign is to be located, such as “no parking,” “entrance,” “exit,” “loading only,” “telephone,” “tow-away zone,” “office,” and on-site traffic and other directional signs indicating points of entry or exit, handicap parking spaces and similar information and directives.

N. Moving.
Any sign which in part or total, rotates, revolves or otherwise is in motion.

O. Neon
A sign consisting of glass tubing, bent to form letters, symbols, or other shapes and illuminated by neon or a similar gas through which an electric voltage is applied. Exposed neon lighting shall refer to signs in which the neon tubes are directly visible as opposed to providing illumination of a larger panel from behind.

P. Patio Umbrella Sign
A sign that is affixed to or painted on a patio umbrella that is used as a seasonal item for the use of customers at a particular establishment. Such signs must be flush with the surface material of the umbrella and shall not hang or project off of the surface of the umbrella.

Q. Projecting Sign.
A sign suspended from or supported by a building, structure, or column and extending there from more than twelve (12) inches, excluding blade signs.

R. Roof Sign.
Any sign which is erected over the roof or over the parapet above the roof line and/or receives any or all its support from the roof structure.

S. Shopping Center.
A group of five or more commercial establishments that are planned, developed, owned or managed as a unit, related in location, size and type of establishments to the service area of the unit, and provide on-site parking in definite relationship to the types and sizes of establishments. Where freestanding buildings function as a part of a shopping center, though they may be under separate ownership, they shall be deemed a part of the shopping center.

T. Shopping Strip.
A grouping of two to four commercial establishments that are planned, developed, owned or managed as a unit, related in location, size and type of establishments to the service area of the unit, and provide on-site parking in definite relationship to the types and sizes of establishments.

U. Temporary Sign.
A pennant, poster display, banner or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land for a temporary period of time and which displays a non-commercial message, or as permitted by the district in which the sign is located, directs attention to an object, product, place, person, institution, organization or business and is constructed of cloth, canvas, plastic sheet, cardboard or other like materials.

V. Wall Sign.
A sign that is affixed, painted on or attached to the wall of the building or other structure and which extends not more than twelve (12) inches from the face of the wall and does not project past any edge of a wall face.

W. Window Sign.
A sign that is affixed, painted on, or attached to the inside or outside glass of a window or displayed within 12 (twelve) inches of the inside surface of a window designed and intended to allow those inside or outside the structure to view into or out of the building through the window. Interior building signage that is more than 12 (twelve) inches from the inside surface of a window but is placed in such a manner as to attract the attention of people on the exterior of the building shall also be considered window signage. The display of products within a building and more than 12 (twelve) inches from the window surface shall not be considered signage.

219.03 SIGN AREA.
The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed.

The area of a sign having more than one display surface shall be computed as the total of the exposed exterior display surface area.

219.04 SIGN FACE.
The surface of the sign upon, against or through which the message of the sign is exhibited.

219.05 SIGN HEIGHT.
The vertical distance from: (1) the base of the sign at the finished grade or, (2) from the crown of the nearest road to which the sign is oriented and on which the lot has frontage, to the top of the highest component of the sign, including the support structure, except decorative caps or similar architectural elements not part of the sign face may extend up to twelve (12) inches above the designated height. Finished grade shall be the grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

219.06 SINGLE HOUSEKEEPING UNIT.
All occupants of a dwelling unit who enjoy a common right to use the entire dwelling, regardless of non-contractual arrangements among occupants or with the property owner to designate certain areas of the dwelling unit as individual sleeping spaces, and where such occupants share household living arrangements, including, but not limited to, rental or mortgage payments, utility payments, groceries, chores, maintenance of the premises, and common sanitary, living, and cooking supplies and facilities.

219.07 SMALL-BOX DISCOUNT STORE.
Retail establishments commonly known as “dollar stores” having a gross floor area between 5,000 and 15,000 square feet that primarily offer convenience and consumer shopping goods, household products, personal grooming and health products, and other consumer goods. Small box discount stores do not include stores that:

1. Contain a prescription pharmacy;
2. Sell gasoline or diesel fuel;
3. Dedicate over 50% of shelf space to specialty food items;
4. Dedicate at least 25% of shelf space to fresh foods; or
5. Dedicate less than 5% of shelf space to food or beverage sales of any variety.

219.08 STABLE.
A structure for the keeping of horses and ponies.

219.09 STORY.
That portion of a building, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

219.10 STREET.
An improved public right-of-way fifty (50) feet or more in width which provides a public means of access to abutting property or any such right-of-way more than thirty (30) feet and less than fifty (50) feet in width provided it existed prior to the enactment of this Resolution and provided such street has been accepted by Montgomery County. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

219.11 STRUCTURAL ALTERATION.
Any change in the structural members of a building, such as load bearing

walls, columns, beams or girders.

219.12 STRUCTURE.
Anything constructed, except pavement, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

219.13 SWIMMING POOL.
Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

SECTION 220 | DEFINITIONS (beginning with letter "T")

220.01 TELECOMMUNICATIONS TOWER.
Any free-standing structure, or any structure attached to a building or another structure, that meets all of the following criteria as contained in Section 519.211(B)(1) of the Revised Code of the State of Ohio as amended:

A. The free-standing or attached structure was proposed to be constructed on or after October 31, 1996.

B. The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.

C. The free-standing or attached structure is proposed to be located in an unincorporated area of the township, in an area zoned for residential use.

D. The free-standing structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in the applicable zoning regulations, or the maximum allowable height of such a free-standing structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996 or as those regulations subsequently area amended.

E. The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996 or as those regulations subsequently are amended.

F. The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

220.02 THOROUGHFARE PLAN.
The Official Thoroughfare Plan of, and as adopted by the Planning Commission of Montgomery County, establishing the location and official right-of-way widths of principal highways and streets in the County, on file in the Office of the Recorder, together with all amendments thereto subsequently adopted.

220.03 TRAIL.
A prepared passageway through or across a region.

220.04 TRAILER.

A. Boat Trailer and/or Boats Floats, Rafts--**SEE RECREATIONAL VEHICLES AND CAMPING EQUIPMENT.**

B. Fold-Out Trailer - **SEE RECREATIONAL VEHICLES AND CAMPING EQUIPMENT.**

C. House Trailer or Mobile Home - **SEE MOBILE STRUCTURE**.

D. Mobile Home Park.
An area of land for the parking of three (3) or more Mobile Structures.

E. Travel Trailer - **SEE RECREATIONAL VEHICLES AND CAMPING EQUIPMENT.**

F. Travel Trailer Park.
An area of land for parking of three (3) or more Travel Trailers, Fold-Out Trailers, Motor Homes, or Truck Campers.

G. Utility Trailer.
Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the unit to be used to transport materials or goods.

220.05 TRUCK CAMPER - SEE RECREATIONAL VEHICLES AND CAMPING EQUIPMENT.

220.06 TRUCK TERMINAL.
Premises which are used for loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point, and which is designed to accommodate the simultaneous loading or unloading of two (2) or more trucks.

SECTION 221 | DEFINITIONS (beginning with letter "U")

None

SECTION 222 | DEFINITIONS (beginning with letter "V")

222.01 VEHICLE.
A wagon, carriage, cart, automobile, sled, bicycle, or any other conveyance used on land.

SECTION 223 | DEFINITIONS (beginning with letter "W")

223.01 WATER COURSE.
A stream of water, river, brook, creek, a channel for water that is sometimes dried up.

223.02 WETLAND.
Low land at times covered with water, soft, wet land, marsh, swamp, natural retention areas.

223.03 WILDLIFE.
Any untamed or non-domesticated member of the animal kingdom and any uncultivated member of the vegetable kingdom including, but not limited to, animals, birds, insects, snakes, rodents, aquatic life, plants, shrubs, bushes, flowers, trees, vines, mosses, fruit, berries, nuts, grasses, herbs, turf and fungi.

223.03 WINTER SPORTS.
Skiing, sledding, ice skating, hockey, hiking, jogging, and ice fishing.

SECTION 224 | DEFINITIONS (beginning with letter "X")

None

SECTION 225 | DEFINITIONS (beginning with letter "Y")

225.01 YARD, FRONT.

A. Front Yard.
An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.

B. Front Yard (least depth).
The shortest distance, measured horizontally, between any part of the

building, and the front lot line.

C. Front Yard (least depth, how measured).
Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts; provided, however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on said Thoroughfare Plan.

225.02 YARD, REAR.

A. Rear Yard.
An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.

B. Rear Yard (least depth).
The average distance measured horizontally between any part of a building, other than such parts hereinafter excepted in Article 39, and the nearest rear lot line.

225.03 YARD, SIDE.

A. Side Yard.
An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.

B. Side Yard (least width).
The shortest distance, measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the nearest side lot line.

C. Side Yard (least width, how measured).
Such width shall be measured from the nearest side lot line. On a corner lot when the side lot line is a side street lot line, the required side yard shall be the same as the required front yard of the lot adjacent thereto.

SECTION 226 | DEFINITIONS (beginning with letter "Z")

226.01 ZONING CERTIFICATE.
That document signed by the Zoning Inspector or his authorized agent which certifies that the use to be made of a particular property is a permissible use according to the terms of the Miami Township Zoning Resolution.

226.02 ZONING INSPECTOR.
The Zoning Inspector (Administrative Officer) or his authorized representative, appointed by the Board of Township Trustees of Miami Township, Montgomery County, Ohio.

226.03 ZONING MAP.
The zoning map or maps of Miami Township or portion thereof, together with all amendments thereto subsequently adopted.

ARTICLE 3 | ENFORCEMENT: PENALTIES AND FEES

SECTION 301 | ENFORCEMENT BY THE ZONING INSPECTOR

There is hereby established the office of Township Zoning Inspector. It shall be the duty of the Zoning Inspector, as provided under Section 519.02 et seq. of the Revised Code of the State of Ohio, to enforce this Resolution in accordance with the administrative provisions of this Resolution. Any certificate or license, issued in conflict with the provisions of this Resolution, shall be null and void.

SECTION 302 | ZONING CERTIFICATES

Until a zoning certificate has been obtained from the Zoning Inspector:

A. The construction, building, moving, enlargement, remodeling or reconstruction of any building or structure shall not be commenced, except as provided for below under Section 302 D. Movement of a structure shall include, but not be limited to, altering the location of a structure from one location on a property to another location on the same property.

B. The improvement of land preliminary to any use of such land in a planned development district, including, but not limited to clearing, grading, and underground work shall not be commenced unless authorized as part of a preliminary or final development plan for the area or a zoning certificate for such improvements has been issued. This is intended to permit for example, if authorized, grading and preparation of areas within a multi-stage planned development ahead of submission of a final development plan. The improvement of land in all other districts may be commenced prior to the issuance of a zoning certificate provided said improvements are limited to clearing and grading of a property and do not conflict with any other provisions of this resolution, including but not limited to landscaping and tree preservation requirements. Such improvements are done solely at the owner's risk that a zoning certificate may not be granted and such land may have to be restored.

C. Change of Use Zoning Certificate: A change in the use of land or structures shall not be commenced until a Zoning Certificate for the use has been issued. A change in use shall constitute any use which would alter the parking requirements for the site as provided by this Zoning Resolution or require a zoning map amendment or conditional use certificate to be permitted on the subject property. The purpose of this requirement is to ensure that adequate off-street parking is provided for the use proposed and that the use proposed is compatible with the permitted uses and other requirements for the district in which it is to be located.

D. Structures and signage not requiring a Zoning Certificate. The following structures and signage shall meet the requirements of this Zoning Resolution, but shall not require issuance of a Zoning Certificate. The use of land, buildings or structures for temporary

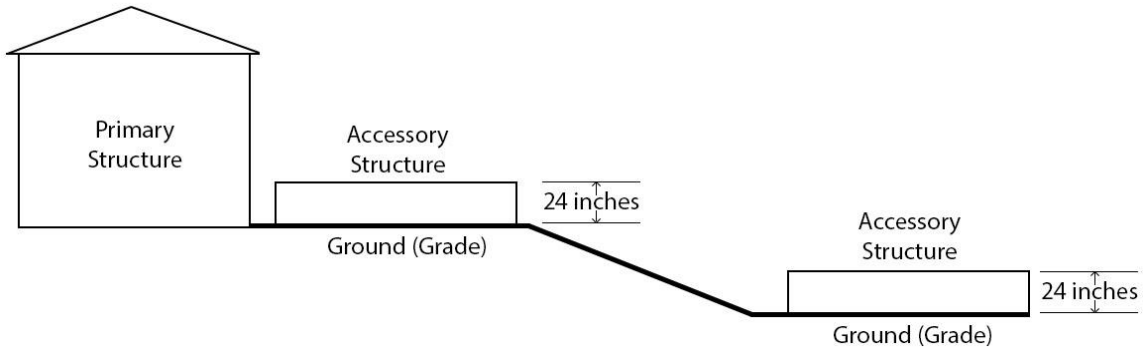
and accessory uses shall not be commenced without a zoning certificate, except as provided below and provided the total of all accessory structures permitted on a lot shall not exceed the applicable lot coverage requirements for the district in which they are located nor the rear yard occupancy standards of Article 38. Structures and signage remain subject to any applicable regulations of all governing authorities and other departments and may require permits from such authorities, such as, but not limited to building permits and right of way permits.

1. Up to one (1) detached domestic accessory utility building per the standards of Article 38 and one (1) piece of play equipment, such as a swing set and slide or similar equipment designed for use by children and being in compliance with the standards of Article 38 of this resolution and the standards of the district in which they are located and being one hundred (100) square feet or less in area and not greater than eleven (11) feet in height, measured to the roof peak or other highest element, and provided that any such structure or use is not permanently located by means of a footer and/or foundation, except this exemption shall not apply to:

   a. Swimming pools, including hot tubs and spas;
   b. Fences or walls; and
   c. Basketball poles located in a front yard

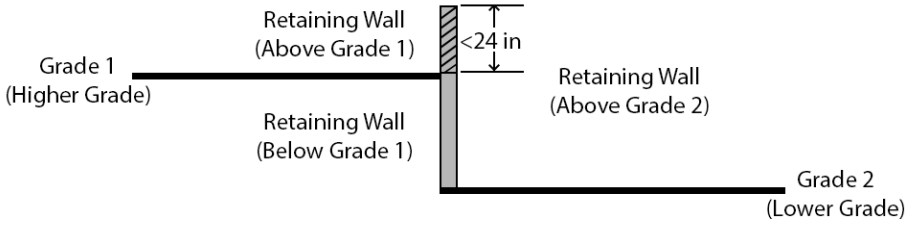
2. Detached Accessory Structures, except swimming pools, that do not extend more than twenty-four (24) inches above grade and the surface of the ground beneath the structure at any point. In the case of decks and other structures, any railings are to be included in this height calculation. This is only intended to permit patios, low walls, low decks, landscaping elements, and similar structures. No such structures may be installed prior to the installation of a primary structure to which it is accessory.

Permitted Extension Above Grade Figure



3. Structures and equipment such as, mailbox posts, air conditioning units, electrical or other utility boxes associated with a public utility, and other similar structures ordinarily and customarily located or associated with the principle use permitted and located on the property. This provision does not include decks, fences, sheds, or other similar detached structures, unless otherwise noted under this Zoning Resolution. Each item shall be constructed to conform to dimensions ordinary and customary to serve the principle use permitted and located on the property and shall be subject to any right of way permit requirements of other departments or government entities responsible for the respective road way right of way. Back-up generators and similar equipment located within a planned development and designed for use by a commercial business shall follow the applicable development standards of the planned development.

4. Retaining walls, provided said walls do not extend more than twenty-four (24) inches above the grade of the land being retained immediately behind and adjacent to the wall on the upslope or higher-grade side. This section is meant to address visibility of the wall above the highest grade as it pertains to the wall and fence standards of this resolution. Retaining walls shall be constructed of commonly used materials for such purpose.



Retaining Wall Above Grade Figure

5. Flag poles located within an Agricultural or Residential District or Residential Planned Development District designated for residential uses, provided no such pole exceeds the height restriction of the district in which it is located or twenty-five (25) feet if no height restriction otherwise exists for the zoning district and provided no such pole is used as a sign display in violation of this Zoning Resolution

6. Vending machines and other similar equipment, provided such equipment or outdoor sales are permitted in the district in which they are located and all other requirements listed for such equipment as an accessory use or structure are followed.

7. Solar panels, provided such panels are roof-mounted and do not extend more than two (2) feet above the slope of the roof and do not extend beyond the edges of the roof upon which they are located. This provision does not preclude other types of installations, but they shall require a zoning certificate and shall be in conformance with all other provisions of this resolution.

8. Satellite dish antennas one (1) meter (39.37 inches) or less in diameter per the definition found under Subsection 219.01. Any satellite dish antenna, however, shall be placed in an inconspicuous location and painted a color compatible with the colors of its surroundings.

9. Structures exempt from the standards of this resolution by the Ohio Revised Code and/or this resolution, including but not limited to: certain structures of public utilities, structures exempted under Article 40 for essential services, and certain agricultural structures per the provisions of the Ohio Revised Code.

10. Temporary and permanent signage listed as exempt from a zoning certificate requirement under Article 41.

302.01 APPLICATION FOR ZONING CERTIFICATE.

Each application for a zoning certificate shall follow the requirements as listed on the official Miami Township application form for the certificate being requested. If no requirements are listed, at a minimum a plan shall be provided showing the following unless the Community Development Director or his/her designee deems that compliance with these regulations can be verified without showing the full extent of the following upon the plan:

A. The actual dimensions of the lot including easements.

B. The location of all road right of ways.

C. The exact size and location of all buildings existing on the lot.

D. The proposed new construction, including construction drawings of the proposed structure adequate to verify compliance with this resolution.

E. The existing and intended use of all parts of the land or buildings.

F. A north arrow.

G. Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Zoning Resolution.

302.02 ISSUANCE OF ZONING CERTIFICATES.
Zoning certificates shall be issued or refusal thereof given within ten (10) working days after the date of acceptance of a completed application. Written notice of such refusal and reason thereof shall be given to the applicant.

302.03 PERIOD OF VALIDITY.
A zoning certificate shall become null and void twelve (12) months after the date on which it is issued or six (6) months in the case of a Temporary Use unless within such twelve (12) month or six (6) month period construction, building, moving, remodeling or reconstruction of a building or structure is commenced or a use is commenced. A twelve (12) month completion requirement shall also pertain to landscaping for which a zoning certificate is issued in accordance with Section 45-A05. Upon expiration, no construction may commence until a new zoning certificate application has been applied for and approved with any required fee for the new certificate.

SECTION 303 | VIOLATIONS - REMEDIES

In case any building is or is proposed to be located erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Resolution or any amendments or supplements thereto; the Board of Township Trustees, the Township Zoning Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, enlargement, change, maintenance or use.

SECTION 304 | VIOLATIONS AND PENALTIES

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use, any building or land in violation of any regulation in or any provisions of this Resolution or any amendment or supplement thereto adopted by the Board of Township Trustees of Miami Township under Section 519.02 et seq. of the Revised Code of the State of Ohio. Any person, firm or corporation, violating any regulation in, or any provision of this Resolution, or any amendments or supplement thereto, shall be subject to criminal prosecution and, upon conviction thereof, shall be fined not more than five hundred (500) dollars or as permitted under Section 519.99 of the Revised Code of the State of Ohio. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues, may be deemed a separate offense.

304.01 CIVIL OFFENSE. It shall be a civil offense, pursuant to Sections 504.05 through 504.07 of the Revised Code of the State of Ohio, for a person, firm, or corporation to be in conflict with or in violation of any of the provisions of this Resolution.

304.02 NOTICE OF VIOLATION. The Community Development Director and/or

their designee shall serve a Notice of Violation (hereinafter referred to as "Notice" or "Notice of Violation") on all persons, firms, or corporations found to be in conflict with or in violation of any of the provisions of this resolution.

304.03 FORM OF NOTICE OF VIOLATION. Whenever the Community Development Director and/or their designee determines that there has been a violation of this resolution or has grounds to believe that a violation has occurred, notice shall be given in accordance with all the following:

A. The Notice must be in writing; and

B. The Notice shall be sent to the person, firm, or corporation listed by the Montgomery County Auditor's Office as the owner of the property at issue; and

C. The Notice must include a description of the property at issue which description is sufficient for identification purposes; and

D. The Notice must include a statement of the violation or violations determined to exist on the property with specific references to the section or sections of this resolution alleged to have been violated; and

E. The Notice must include a description of the corrective action which must be taken to bring the property into compliance with the provisions of this resolution; and

F. The Notice must include a deadline by which time the person receiving the Notice shall be required to take the necessary corrective action required to bring the property into compliance with the provisions of this resolution; and

G. The Notice must include the amount of civil fine that will be assessed if the corrective action is not taken by the deadline (or any extension as provided in Section 105.05 or 304.06 of this resolution).

304.04 METHOD OF SERVICE. The Notice of Violation shall be deemed to be properly served if a copy thereof is:

A. Delivered personally; or

B. Sent by certified and first-class mail addressed to the owner of the property at issue at the address of the property; or

C. Sent by certified and first-class mail addressed to the owner of the property at issue at the address listed as the owner's tax mailing address by the Montgomery County Auditor; or

D. Sent by certified and first-class mail addressed to the owner of the property at issue at the owner's last known address; or

E. Posted in a conspicuous place on or about the property at issue if another method of delivery of the Notice is returned showing that the Notice was not delivered.

304.05 **EXTENSION OF COMPLIANCE DEADLINE.** For good cause shown, the Community Development Director may, at his/her sole discretion, extend the deadline previously stated in the Notice of Violation for corrective action to bring a property into compliance. In the event such an extension is granted, the Community Development Director shall notify the owner of the property at issue of the extension in the same form and pursuant to the same method of service required by **Sections 304.04 and 304.05** of this Resolution. Any such notice of extension shall specifically state the revised deadline by which time the person receiving the extension shall be required to take the necessary corrective action required to bring the property into compliance with the provisions of this resolution.

304.06 **CIVIL CITATION ISSUED.** If a person, firm, or corporation to whom a Notice of Violation has been served does not bring the property at issue into compliance with the provisions of this resolution by the deadline established in the Notice of Violation or by the granted deadline extension, if any, such person shall be issued a Civil Citation (hereinafter referred to as "Citation" or "Civil Citation").

304.07 **FORM OF CIVIL CITATION.** Civil Citations issued for a failure to comply with the Notice of Violation by the deadline established therein, or by the granted deadline extension, if any, must be given in accordance with all of the following:

A. The Citation must be in writing on a form specifically designated as a Civil Citation form;

B. The Citation must include a statement advising the person charged that he/she must answer the citation within fourteen (14) days after the date on which the Citation is served upon him/her;

C. The Citation must include a statement indicating the allowable answers that may be made and that the person will be afforded a court hearing if he/she denies committing the violation;

D. The Citation must include a statement specifying that the answer must be made in person, or by mail, to the Miamisburg Municipal Court;

E. The Citation must include a statement indicating the amount of the fine arising from the violation;

F. The Citation must include a statement advising the person of the violation charged, and the date, time and place of the violation charged; and

G. The Citation must include the signature and affirmation of the Miami Township Police Officer if any, who issued the Citation.

304.08 METHOD OF SERVICE. The Civil Citation shall be deemed properly served if it is:

A. Delivered personally by the bailiff for the Miamisburg Municipal Court or any other person not less than 18 years of age, who is not a party and has been designated by order of the municipal court to make personal service; or

B. Sent by certified or express mail, return receipt requested with instructions to the delivering postal employee to show to whom it was delivered, the date of delivery, and the address where it was delivered, addressed to the owner of the property at issue at the address listed as the owner's tax mailing address maintained by the Montgomery County Auditor; or

C. Sent by certified or express mail, return receipt requested with instructions to the delivering postal employee to show to whom it was delivered, the date of delivery, and the address where it was delivered, to the owner of the property at issue at the owner's last known address; or

D. Delivered personally to the usual place of residence of the owner of the property at issue to the owner or some person of suitable age and discretion then residing at that residence by the bailiff of the Miamisburg Municipal Court or any other person not less than 18 years of age, who is not a party and has been designated by order

of the municipal court to make residence service; or

E. Any other method of service permitted by the Ohio Rules of Civil Procedure.

304.09 PERMISSIBLE ANSWERS TO CIVIL CITATION. Any person, firm, or corporation to whom a Civil Citation has been served may answer said Citation in one of the following ways:

A. Admission that the person, firm, or corporation committed the violation charged, filed in the manner and within the time permitted by **Section 304.11** of this Resolution; or

B. Express denial of the violations charged by the person, firm, or corporation charged, filed in the manner and within the time permitted by **Section 304.12** of this Resolution; or

C. Implicit denial of the violations charged by the failure of the person, firm, or corporation charged to file an answer or pay the fine set forth in the Civil Citation within the time permitted by **Sections 304.11 and 304.12** of this Resolution.

304.11 ADMISSION OF VIOLATIONS CHARGED IN CIVIL CITATION.

A. *Admission of Guilt*: Persons, firms, or corporations served with Civil Citations may admit commission of the violations charged by paying the fine set forth in the Civil Citation as required by **Sections 304.11(B)** and **304.11(C)** of this Resolution.

B. *Admission of Guilt of Violations Charged in Civil Citations & Payment of Fine by Hand Delivery*: Persons, firms or corporations served with Civil Citations may admit the violations charged in the Civil Citation by paying the fine or fines set forth in the Civil Citation in person to the Township Fiscal Officer. Such payments must be hand-delivered within fourteen (14) days of the date that the Civil Citation was served upon such person, firm, or corporation.

C. *Admission of Guilt of Violations Charged in Civil Citations & Payment of Fine by Mail*: Persons, firms or corporations served with Civil Citations may admit the violations charged in the Civil Citation by paying the fine or fines set forth in the Civil Citation by mailing

the payment, postage prepaid, to the Miamisburg Municipal Court, 10 N. 1st St., Miamisburg, Ohio 45342. Such admissions/payments must be received by the Court no later than fourteen (14) days after the date that the Civil Citation was served upon such person, firm, or corporation.

D. *Effect of Admission and Payment of Fine*: Persons, firms, or corporations who admit guilt as to the violation charged in a Civil Citation issued against them and who pay the fine set forth in the Citation are in no way absolved from resolving, removing, repairing, or otherwise abating the condition which resulted in the issuance of the Civil Citation. If such persons, firms, or corporations fail to resolve, remove, repair, or otherwise abate that condition, Miami Township may continue to issue Civil Citations each day it determines that the condition continues to violate the provisions of this Resolution. Civil Citations issued for such continuing, unresolved violations of this Resolution need not be preceded by additional Notices of Violation as the initial Notice of Violation shall suffice to notify the person, firm, or corporation involved as to the nature of the violation charged. Further, the admission of guilt and payment of the fines set forth in the Civil Citation shall in no way preclude the Miami Township Board of Township Trustees from instituting, by and through its Law Director or otherwise, appropriate action to enjoin, restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

304.11 EXPRESS DENIAL OF VIOLATION CHARGED IN CIVIL CITATION.

A. *Express Denial of Violation Charged in Civil Citations & Hand Delivery of Denial*: Persons, firms or corporations served with Civil Citations may deny the violation charged in the Civil Citation by expressly denying the violation in writing and presenting the denial in person to the Miami Township Fiscal Officer. Such denials must be hand-delivered within fourteen (14) days of the date that the Civil Citation was served upon such person, firm, or corporation.

B. *Express Denial of Violation Charged in Civil Citations & Mailing of Denial*: Persons, firms or corporations served with Civil Citations may deny the violations charged in the Civil Citation by expressly denying the violations in writing and by delivering or mailing the

denial, postage prepaid, to the Miami Township Fiscal Officer, 2700 Lyons Road Miami Township, Ohio 45342. Such denials must be received by the Fiscal Officer no later than fourteen (14) days after the date that the Civil Citation was served upon such person, firm, or corporation.

304.12 IMPLICIT DENIAL OF VIOLATION CHARGED IN CIVIL CITATION. Persons, firms, or corporations who fail to either expressly deny the violation charged in the Civil Citation issued against them in the manner and within the time permitted by **Section 304.12** of this Resolution or who fail to admit the violations charged in the Civil Citation issued against them by paying the fine or fines set forth in the Civil Citation in the manner and within the time permitted by **Section 304.11** of this Resolution shall be deemed to have denied the violation charged.

304.13 MUNICIPAL COURT PROCEEDINGS.

A. *Referral to Municipal Court*: If the person, firm, or corporation issued a Civil Citation either expressly or implicitly denies the violation charged in the Citation within fourteen (14) days after service of the Civil Citation the Miamisburg Municipal Court shall set a hearing on the matter.

B. *Municipal Court Hearings*: Municipal Court hearings are conducted according to the Rules of Civil Procedure and the court determines whether the violation is proven by the Township by a preponderance of the evidence. If the court determines that the violation has been proven, it will order the violator to pay the fine.

C. *Payment of Fine After Determination of Guilt*: Persons, firms, or corporations found to have violated the provisions of this Resolution charged in the Civil Citation must pay the fines assessed by the court within ten (10) days after the judgment. Failure to pay the fine within this time period will result in the placement of a lien on the property at issue and/or the collection of the amount due in any manner authorized by law, pursuant to Section 504.08 of the Revised Code of the State of Ohio.

304.14 RECIPIENT OF CIVIL CITATION RESPONSIBLE FOR ALL ASSOCIATED COURT FEES

The recipient of a civil citation who denies civil citation charges shall be liable for court costs as outlined in the Ohio Revised Code and by court order, including any filing fees or other associated fees.

304.15 APPEAL. Persons, firms, or corporations wishing to appeal an adverse determination by the Miamisburg Municipal Court may file an appeal with the Second District Court of Appeals within thirty (30) days after the judgment.

304.16 VIOLATION PENALTIES. Any person, firm, or corporation who violates a provision of this Resolution shall be issued a Civil Citation in the following amounts:

A. In the amount of one hundred dollars ($100.00), plus court costs, for the first offense;
B. In the amount of two hundred fifty dollars ($250.00), plus court costs, for the second offense;
C. In the amount of five hundred dollars ($500.00), plus court costs, for the third offense;
D. In the amount of one thousand dollars ($1,000.00), plus court costs, for fourth and each subsequent offense.

304.17 CONTINUING VIOLATIONS. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

304.18 EMERGENCY MEASURES. Nothing in the provisions of this resolution shall prohibit the Community Development Director from taking any action authorized by law, without regard to the provisions of this resolution and regardless of whether the legal procedures herein described have been instituted, when, in his/her opinion, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has failed and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes,

gases or materials, or operation of defective or dangerous equipment.

304.19 ENFORCING VIOLATIONS AS CRIMINAL OFFENSES OR CIVIL OFFENSES AT THE DISCRETION OF THE COMMUNITY DEVELOPMENT DIRECTOR. It is the intent of this Resolution to convey that persons, firms, or corporations being in conflict with or in violation of any provisions of this Resolution shall be deemed guilty of both a criminal offense and a civil offense as described in **Sections 304.01 and 304.02** of this Resolution, respectively. Each violation may, at the discretion of the Community Development Director, be enforced as either a criminal offense or a civil offense.

SECTION 305 | FEES

Any application under this Resolution for a zoning certificate or permit, Conditional Use Certificate, sign permit, Planned Development, amendment, or filing of a notice of appeal shall be accompanied by such fee as shall be specified from time to time by resolution of the Board of Township Trustees. There shall be no fee, however, in the case of applications filed by the Board of Township Trustees or the Township Zoning Commission.

The fees shall be in addition to the regular building permit fees and any other fees which may be imposed under applicable resolutions of Montgomery County. The fees imposed by this Resolution are only intended to defer in part the costs involved in such applications such as publishing, and/or posting, and mailing the notices of the hearing or hearings. Such fees are not refundable regardless of the outcome of the application, with the exception of administrative appeals. The fee for an administrative appeal shall be fully refunded upon a determination by the Miami Township Board of Zoning Appeals that an order, notice of violation, or other determination by the Zoning Inspector should be reversed.

SECTION 306 | PROHIBITED USES

The following uses are prohibited in all zoning districts:

A. Medical marijuana as defined in the Ohio Revised Code Chapter 3796.

1. The cultivation, processing and dispensing of medical marijuana are prohibited uses in all zoning districts.

2. This prohibition shall not be applicable to the extent it limits any research related to marijuana conducted at a state university, academic medical center, or private research and development organization as a part of a research protocol approved by an institutional review board or equivalent entity.

3. Nothing herein shall prohibit the legal personal use or legal possession of medical marijuana by individuals within the Township.

B. Any use listed as prohibited or any use not listed within the district for which it is to be located or any use not fitting within the examples of uses listed and permitted within the district in which the use is to be located.

SECTION 307 | AGRICULTURAL EXEMPTION TO A ZONING CERTIFICATE

A. The Ohio Revised Code under Article 519.02 specifies the powers to regulate property within Miami Township to protect the public health and safety of the community.

B. The Ohio Revised Code under Article 519.21 specifies powers not conferred on a township zoning commission. This section under 519.21(C)(4) exempts agritourism but does allow for the regulation of the "size of structure used primarily for agritourism, size of parking areas that may be required, setback building lines for structures used primarily agritourism, egress or ingress where such regulation is necessary to protect public health and safety".

C. The Ohio Revised Code under Article 901.80 provides immunity from liability for agritourism providers if they meet certain regulations.

D. **Declaration of Intent – Agricultural Exemption**

1. An applicant may submit a Declaration of Intent – Agricultural Exemption form in lieu of obtaining a zoning certificate for structures that will be used exclusively for agricultural or agritourism purposes. The structure being exempted will not be required to have a permit on file and no fee will be required.

2. In association with the exemption form, an applicant will be required to provide a property site plan that clearly shows the location and size of the exempted structure for Township records.

E. **Agritourism.**

In the interest of the public health and safety, no agritourism operation shall be permitted unless the following conditions have been satisfied:

1. The agritourism operator shall provide evidence the farm under ORC 901.80 which the agritourism operation is proposed is ten (10) acres or more in area. If such farm is less than ten (10) acres, evidence shall be provided that such farm produces an average yearly gross income of at least twenty-five hundred dollars ($2,500) from agricultural production. Receipts showing the average yearly gross income must be provided.

2. The agritourism operator shall identify the educational, entertainment, historical, cultural and/or recreational relationship of the agritourism operation to the existing agricultural use of the property and the surrounding agricultural community in general.

3. The agritourism operator shall submit a floor plan of the structure to be used for agritourism activities and a site plan of the property illustrating all structures, setbacks from property lines for all structures and any existing or proposed well and / or on-site wastewater disposal system areas(s) on the property.

4. The agritourism operator shall submit evidence that the structure and/or building ingress and egress has been inspected by Montgomery County Building Regulations and Miami Valley Fire District and is not a public safety concern.

5. Due to the impact on neighboring properties and intensity of proposed uses all structures used for agritourism purposes must be setback 30' from the side property line and 50' from the front and rear property line the same as any primary structure within an agricultural district.

6. An agritourism operator is permitted one (1) sixteen (16) square foot entrance sign that is no taller than six feet tall, has a minimum six-inch stone-like or brick-like base, and is setback a minimum of fifteen (15) feet from the right-of-way. This is in addition to the signage explicitly listed under ORC 901.80(D).

7. The agritourism operator shall provide off-street parking shown on a submitted site plan.

    a. If a building is being utilized for the agritourism operation the site plan must show a parking area that is equal to the number of parking spaces required under the assembly hall requirement for the building size under the Township Zoning Resolution (one (1) space per 50 square feet) times the average parking space size (162 square feet), plus 25% to cover the drive aisles and access. An example would be for a 5,000 square foot barn the requirement would be 20,250 square feet of parking area.

        (5,000 s.f. building / 50 s.f. x 162 s.f. x 1.25 = 20,250 s.f.).

    b. If no building is being utilized for the agritourism operation the site plan must show a parking area that is equal to one space per 5,000 square feet of area being used for the agritourism operation times the average parking space size (162 square feet), plus 25% to cover the drive aisles and access. An example would be for a pumpkin patch that is 10 acres the requirement would be 17,642 square feet of parking area.

        (10 x 43,560 s.f. / 5,000 s.f. x 162 s.f. x 1.25 = 17,642 s.f.)

c. If both a building and land, or any combination of multiple barns or parts of a property are being used for the agritourism operation the site plan must show the combination of a. and b. above being met for all portions of the property being used for agritourism.

d. The minimum parking area shall be a quarter of an acre (14,520 square feet) and where calculations end up with a fraction they shall always be rounded up.

8. The agritourism operator shall provide ingress and egress in a manner necessary to protect public safety as determined by the Montgomery County Engineer's Office (MCEO). A letter must be submitted that the ingress and egress have been reviewed by the MCEO and such access is deemed not to be a public safety issue.

ARTICLE 4 | BOARD OF ZONING APPEALS

SECTION 4.01 | APPOINTMENT

There shall be a Miami Township Board of Zoning Appeals consisting of five (5) members, and one (1) alternate member, who shall be residents of the unincorporated territory of Miami Township appointed by the Miami Township Trustees as provided by Section 519.13 of the Revised Code of the State of Ohio.

SECTION 4.02 | ORGANIZATION

The Board of Zoning Appeals shall organize and adopt rules in accordance with the provisions of this Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Township Trustees and shall be a public record. A copy of the decision for each case shall be furnished to the Township Zoning Commission and by certified mail to the applicant.

A. Official Action.

A quorum of the Board must be present and able to vote, to conduct Board business and shall consist of three Board members. A concurring vote of a majority of the members of the Board, shall be necessary to reverse any order, requirement, decision or determination of an administrative officer, or to decide in favor of the applicant on any matter upon which it is required to hear under this Resolution.

SECTION 4.03 | JURISDICTION

The Board of Zoning Appeals shall have the following jurisdiction:

A. **Administrative Appeals.**

To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Zoning Resolution.

B. **Variances.**

In granting a variance, the Board of Zoning Appeals shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the zoning district in conformity with this Zoning Resolution. Variances granted shall be the minimum necessary relief to alleviate the hardship. Use variances are prohibited under this Resolution, and the Board is not authorized to grant use variances.

1. Standards for a height or area variance.

In each specific case, the Board of Zoning Appeals shall determine existence of a practical difficulty by considering the following factors:

a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

b. Whether the variance is substantial;

c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining property owners would suffer a substantial detriment as a result of the variance;

d. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);

e. Whether the property owner purchased the property with knowledge of the zoning restrictions

f. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;

g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

2. Prohibited Items.

a. The Board of Zoning Appeals shall not grant use variances.

b. The Board of Zoning Appeals may not grant variances to the requirements for the establishment of a Planned Development District.

C. **Conditional Uses.**
The Board of Zoning Appeals may grant conditional zoning certificates for the use of land, buildings, or other structures, if such certificates for specific uses are provided for in the Zoning Resolution.

D. **Non-Conforming Uses.**
Nonconforming uses as provided in Article 36 of this Resolution.

SECTION 4.04 | PUBLIC HEARINGS AND DOCUMENT REQUIREMENTS

A. **Public Hearing Notice.**
1. The Board of Zoning Appeals shall set a date and time for a public hearing once an application is filed and fees are paid, which shall not be less than ten (10) nor more than sixty (60) days from the filing date.

2. Written notice of the hearing shall be given at least ten (10) days prior to the hearing date to the owners of property within and contiguous to and directly across the street from the applicant's property.

3. In addition, public notice of such hearings as to the time, place, date, and subject of the hearing, shall be published at least ten (10) days before the date of such hearing using at least one of the following methods:
    a.) In the print or digital edition of one or more newspapers of general circulation in the township
    b.) On the official public notice web site established under section 125.182 of the Revised Code
    c.) On the web site and social media account of the township

   Any party in interest may appear and be heard at the hearing in person, by agent, or by attorney.

B. **Application Requirements.**
1. General. When documents, plans, or materials are required, the following shall be provided, where applicable:

    a. One (1) full size, scalable drawing;

    b. One (1) hard copy of application materials;

    c. Digital copies of all materials including plan sets;

2. In addition to a completed application to the Board of Zoning Appeals for a Variance or Conditional Use, the following information and documents shall be submitted to the Board for consideration:

    a. A map (site plan) showing the location of the property which is the subject of the application. This shall include all buildings or other structures on the site as well as any proposed buildings or structures with exact dimensions.

    b. Elevations of proposed buildings or structures relating to the requested variance or conditional use.

    c. A filing fee in an amount established by the Miami Township Board of Trustees.

SECTION 4.05 | PROCEDURE FOR ADMINISTRATIVE APPEAL

A. Authorization.
An appeal from the decision of the Zoning Inspector with respect to the interpretation or

application of this Resolution, may be taken to the Board of Zoning Appeals by any person aggrieved, or his agent, or by any officer of the Township affected by such decision of the Zoning Inspector.

B. Notice of Appeal.

Appeals to the Board shall be filed within twenty (20) days after the decision of the Zoning Inspector by filing a written notice of appeal with the Zoning Inspector and with the Board of Zoning Appeals.

The notice of appeal shall specify the grounds for such appeal. Upon receipt of a notice of appeal, the Zoning Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the decision being appealed was based.

C. Hearing on Appeals.

Once the application is filed and fees are paid, the Board of Zoning Appeals shall set a date for a public hearing which shall not be less than ten (10) nor more than sixty (60) days from the filing date. Written notice of the hearing shall be given at least ten (10) days prior to the hearing date to the owners of property within and contiguous to and directly across the street from the applicant's property, as they shall appear on the notice of appeal.

In addition, public notice of such hearings as to the time, place, date, and subject of the hearing, shall be published at least ten (10) days prior to the date of the hearing using at least one of the following methods:

a.) In the print or digital edition of one or more newspapers of general circulation in the township

b.) On the official public notice web site established under section 125.182 of the Revised Code

c.) On the web site and social media account of the township

Any party in interest may appear and be heard at the hearing in person, by agent, or by attorney.

D. Decision on Appeals.

The Board shall have all the powers of the Zoning Inspector with respect to such decision. The concurring vote of a majority of the members of the Board, shall be necessary to reverse or modify any decision of the Zoning Inspector under this Resolution. The Board shall render a written decision on the application without unreasonable delay after the close of a hearing, and in all cases, within forty-five (45) days after the close of the hearing. A copy of the decision and findings of fact shall be sent to the Board of Township Trustees and Township Zoning Commission,

and by certified mail to the applicant.

SECTION 4.06 | PROCEDURE FOR OBTAINING A VARIANCE

A. **Authorization.**
The Board of Zoning Appeals may authorize variances from the terms of this Resolution as stated below based upon the particular evidence presented and when the Board has made specific findings of fact.

B. **Application for a Variance.**
Any person owning or having an interest in property may file an application for a variance to the property and must follow specific regulations based on the type of variance requested.

C. **Conditions and Restrictions.**
In granting a variance, the Board may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to comply with the standards set out in Subsection 405.05 of this Resolution to reduce or minimize potentially injurious effects of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this Resolution.

D. **Decision on Variance.**
The Board shall have all the powers of the Zoning Inspector with respect to such decision. The concurring vote of a majority of the members of the Board, shall be necessary to grant a variance from the terms of this Resolution. The Board shall render a written decision on the application without unreasonable delay after the close of a hearing, and in all cases, within forty-five (45) days after the close of the hearing. A copy of the decision and findings of fact shall be sent to the Board of Township Trustees, the Township Zoning Commission, and by certified mail to the applicant.

E. **Period of Validity.**
It being the intent to allow future iterations of the Zoning Resolution to be applied to future conditions of a property, a variance shall cease to be in effect upon the occurrence of one or more of the following conditions:

1. The structure for which the variance was granted is not constructed within a period of six (6) months from the date the variance was granted and/or is not constructed within this time frame in a manner that utilizes the variance granted.

2. The structure for which the variance was granted is removed and no permit is obtained to replace the removed structure within a period of three (3) months.

SECTION 4.07 | PROCEDURE FOR OBTAINING A CONDITIONAL USE

CERTIFICATE

A. AUTHORIZATION.

Specifically listed Conditional Uses are provided within the zoning district regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Permitted Uses of such zoning district.

The intent of the procedure for authorizing a Conditional Use is to set forth the development standards and criteria for locating and developing a Conditional Use in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

B. APPLICATION FOR CONDITIONAL USE.

Any person owning or having an interest in property may file an application to use such property for one or more of the Conditional Uses provided for by this Resolution in the zoning district in which the property is situated.

C. STANDARDS FOR CONDITIONAL USE.

In each specific case, the Board of Zoning Appeals shall not grant a Conditional Use unless it shall, make specific findings of fact directly based upon the particular evidence presented that support the following:

1. The proposed Conditional Use will comply with all applicable regulations of this Resolution, including lot size requirements, development standards and use limitations.

2. Adequate utility, drainage and other such necessary facilities have been or will be provided.

3. Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys.

4. All necessary permits and licenses for the use and operation of the Conditional Use have been obtained, or evidence has been submitted that such permits are obtainable for the proposed Conditional Use on the subject property.

5. All exterior lights for artificial open-air illumination are so shaded as to avoid casting direct light upon any adjacent property located in a Residential District.

6. The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in

relation to it, and the location of the site with respect to streets giving access to it, shall be such that it will be compatible with the appropriate and orderly development of the district in which it is located.

7. The location, nature, and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings and structures.

8. The Conditional Use requested will not adversely affect the public health, safety, or morals.

D. CONDITIONS AND RESTRICTIONS.

In granting a Conditional Use Certificate, the Board may impose such conditions, safeguards and restrictions upon the premises benefited by the Conditional Use as may be necessary to comply with the standards set out in Subsection 406.05 to reduce or minimize potentially injurious affects of such Conditional Uses upon other property in the neighborhood, and to carry out the general purpose and intent of this Resolution.

E. DECISION ON CONDITIONAL USE.

The Board shall have all the powers of the Zoning Inspector with respect to such decision. The concurring vote of a majority of the members of the Board shall be necessary to grant a conditional use under this Resolution. The Board shall render a written decision on the application without unreasonable delay after the close of a hearing, and in all cases, within forty-five (45) days after the close of the hearing. A copy of the decision and findings of fact shall be sent to the Board of Township Trustees, the Township Zoning Commission, and by certified mail to the applicant.

F. PERIOD OF VALIDITY.

A Conditional Use Certificate granted by the Board shall terminate at the end of one year from the date on which the Board grants the Conditional Use, unless within the one year period a building permit is obtained and the erection or alteration of a structure is started, or an occupancy certificate is obtained, or a final subdivision plat for the subject property is recorded, or a deed for a new parcel (or parcels) is recorded, or in the case of special events the Board of Zoning Appeals grants an additional period of time. The Conditional Use Certificate will suffice as the Zoning Certificate required by Article 3, Section 302 of this Resolution.

ARTICLE 5 | ZONING DISTRICTS AND BOUNDARIES

SECTION 501 | DISTRICTS ESTABLISHED.

The unincorporated territory of Miami Township, Montgomery County, Ohio, zoned under section 519.02 et. seq., of the Revised Code of the State of Ohio, shall be and is hereby divided into the following districts:

- **“A"** Agricultural District
- **"R-1"** Single-Family Residential District
- **"R-2"** Single-Family Residential District
- **"R-3"** Single-Family Residential District
- **"R-4"** Single-Family Residential District
- **"R-5"** Two-Family Residential District
- **"R-6"** Multiple-Family Residential District
- **"R-7"** Multiple-Family Residential District
- **"R-8"** Mobile Home Residential District
- **"R-9"** Single-Family Residential District
- **"RO"** Residential-Office District
- **"O-1"** Office-Residential District
- **"O-2"** Office District
- **"B-1"** Neighborhood Business District
- **"B-2"** Business District
- **"B-3"** Business District
- **"B-4"** Business District
- **"AC-1"** Austin Center Hospitality District
- **"AC-2"** Austin Center Corporate Office District

- **"AC-3"** Austin Center Business Park District
- **"AC-4"** Austin Center Professional Office District
- **"AC-5"** Austin Center Convenience Commercial District
- **“AP”** Airport District
- **"I-1"** Light Industrial District
- **"I-2"** General Industrial District
- **"I-3"** Heavy Industrial District
- **"F"** Flood Plain District
- **"NR"** Natural Resources District
- **“SP-PUD”** Special Purpose Planned-Unit Development
- **“SP-MPUD”** Special Purpose Master Planned-Unit Development
- **“PD-A”** Planned Agriculture District
- **"PD-1"** Planned Residential District
- **"PD-2"** Planned Office District
- **"PD-3"** Planned Business District
- **"PD-4"** Planned Industrial District
- **"PD-5"** Planned Mixed-Use District
- **"PS-1"** Active Recreational District
- **"PS-2"** Passive Recreational District
- **"PS-3"** Nature and Wildlife Reserve District
- **"WP"** Wellfield Protection Overlay District
- **"WO"** Wellfield Operation District

SECTION 502 | BOUNDARIES.

502.01 INCORPORATION.

The boundaries of these districts are hereby established as shown on the zoning maps of the unincorporated areas of Miami Township in Montgomery County, Ohio, which maps are hereby made a part of this Resolution. The said zoning maps and all notations and references and other matters shown thereon, shall be and are hereby made part of this Resolution. Said zoning maps, properly attested, shall be and remain on file in the office of the Township Zoning Inspector, the Board of Township Trustees, and the Township Zoning Commission of Miami Township, Montgomery County, Ohio.

502.02 AREAS SHOWN ON MAP.

It is the intent of this Zoning Resolution that the entire area under the jurisdiction of Miami Township Zoning, including all land, water areas, rivers, streets, alleys, railroad and other rights-of-way be included in the districts established by the Resolution. Any area not shown on the official zoning maps of the Township as being included in any district shall be deemed to be in the "R-1" Single-Family Residential District.

502.03 RULES OF INTERPRETATION.

In the event uncertainty exists with respect to the intended boundaries of the various districts as shown on the official zoning maps, the following rules shall apply:

A. Where the designation of a boundary line on the zoning maps coincides with the location of a street or alley, the centerline of such street or alley shall be construed to be the boundary of such district.

B. Where the district boundaries do not coincide with the location of streets or alleys, but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.

C. Where the district boundaries do not coincide with the location of streets, alley or lot lines, the district boundaries shall be determined by the use of the scale shown on the zoning maps.

D. All streets, alleys, public ways, waterways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, public ways, waterways and railroad rights-of-way.

E. Where the centerline of a street, alley, public way, waterway or railroad right-of-way, serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to the centerline.

ARTICLE 6 | TOWNSHIP ZONING COMMISSION

SECTION 601 | TOWNSHIP ZONING COMMISSION.

601.01 ORGANIZATION.

The Board of Township Trustees of Miami Township, proceeding under Section 519.01 to 519.99 inclusive of the Revised Code of the State of Ohio, shall create and establish a Township Zoning Commission. The Commission shall be composed of five (5) members who reside in the unincorporated area of the Township included within this zoning plan to be appointed by the Board of Township Trustees. The Board of Township Trustees may appoint two alternate members to the Township Zoning Commission, for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Township Zoning Commission, according to procedures prescribed by resolution by the Board of Township Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. The terms of the members shall be of such length and so arranged that the term of one member will expire each year.

601.02 REMOVAL.

Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission shall be removable in accordance with Section 519.04 of the Revised Code of the State of Ohio.

SECTION 602 | DISTRICT CHANGES AND RESOLUTION AMENDMENTS.

Amendments or supplements to the Zoning Resolution shall be effected as provided by Section 519.02 et. seq., of the Revised Code of the State of Ohio.

602.01 PROCEDURE FOR DISTRICT CHANGES.

Applications for amendments to the zoning plan shall be filed in accordance with the filing procedures adopted by the Miami Township Zoning Commission adapted from Chapter 519.12 of the Revised Code of the State of Ohio and summarized as follows:

An amendment, supplement, reclassification, or change may be initiated by motion of the Township Zoning Commission, by passage of a resolution by the Board of Township Trustees, or by the filing of a verified application by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Township Zoning Commission.

Once the application is filed and fees are paid, the Township Zoning Commission shall set a date for a public hearing which shall not be less than twenty (20) nor more than forty (40) days from the filing date. Notice of the hearing shall be given at least ten (10) days before the hearing date using at least one of the following methods:

a.) In the print or digital edition of one or more newspapers of general circulation in the township
b.) On the official public notice web site established under section 125.182 of the Revised Code
c.) On the web site and social media account of the township

If the proposed amendment or supplement requests rezoning or redistricting of ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearings shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property situated within three hundred (300) feet of the proposed area, including all properties within and contiguous to and directly across the street from the area proposed to be rezoned or redistricted. The failure of delivery of such notice shall not invalidate any such district amendment, change or supplement.

After the adoption of such motion or the certification of such resolution, or the filing of such application, the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining, to District 7 of the Ohio Department of Transportation if the area proposed to be changed or affected is within 500 feet of the centerline of a state highway, as per Chapter 5511.01 of the Revised Code of the State of Ohio.

The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation to the Board of Township Trustees.

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for public hearing on the proposal, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of the hearing shall be given at least ten (10) days before the hearing date using at least one of the following methods:

a.) In the print or digital edition of one or more newspapers of general circulation in the township

b.) On the official public notice web site established under section 125.182 of the Revised Code

c.) On the web site and social media account of the township

Within twenty (20) days after such public hearing the Board of Township Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. The Board of Township Trustees may by majority vote, deny or modify the Zoning Commission recommendation.

Such amendment or supplement adopted by the Board of Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement thereto, is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

602.02 WRITTEN NOTIFICATION.

Two (2) copies of a provided application form shall be filed with the Township Zoning Commission at their public office.

A. Description of Change.
The application shall include the following statements:

1. A description or statement of the present and proposed provisions of this Zoning Resolution or the boundaries of the zoning district map.

2. A description sufficient to identify the property, including a reference of the volume and page of the last recorded deed.

3. The proposed use of the property.

4. A statement of the necessity or desirability of the proposed use to the

neighborhood or community.

5. A statement of the relationship of the proposed use to adjacent property and land use.

6. A list of owners of property within three hundred (300) feet from such area to be rezoned, such list to be in accordance with the Montgomery County Auditor's current tax list.

7. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the Township Zoning Commission or Township Trustees.

B. Plot Plan.
The application shall be accompanied by eight (8) copies of the plot plan, prepared by a registered Engineer, Architect or Surveyor of the State of Ohio, drawn to an appropriate scale, clearly showing the following:

1. The boundaries and dimensions of the lot.

2. The approximate size and location of existing and proposed structures on the land to be rezoned, if desired by applicant.

3. The proposed use of all parts of the lot and structures, including accessways, walks, off-street parking and loading spaces, and landscaping, if desired by applicant.

SECTION 603 | GENERAL DEVELOPMENT PLAN REVIEW.

Operating under Section 519.171 of the Ohio Revised Code the Zoning Commission shall, as authorized by the Miami Township Board of Trustees and the standards set forth under Article 27 and Article 45-A, review plans for general development or landscaping upon receipt of a verified application by one or more of the property owners of land within the area proposed for development under the procedures of Article 27 or Article 45-A.

The Zoning Commission shall set a date for review of the application after all fees have been paid that shall be not less than ten (10) days nor more than forty (40) days from the filing date.

A letter notifying the owners of record of the meeting date, time, and nature of the request, for property listed on the application for general development plan review or landscaping plan review, shall be sent at least seven (7) days prior to the meeting date.

ARTICLE 7 | SITE AND DESIGN REVIEW

SECTION 7.01 | PREAMBLE

The following regulations are hereby established to promote the public health, safety, comfort, convenience, prosperity and general welfare of the affected districts in Miami Township; to provide a consistent and standard design review process; to provide multi-modal access for residents and visitors; and to promote orderly growth in a manner consistent with the goals and objectives of the Miami Township Comprehensive Plan.

SECTION 7.02 | PURPOSE AND INTENT

A. It is the intent of Miami Township to have existing and new development within the Township provide high quality buildings, landscaping, and pedestrian connections to ensure that development:

1. Provides attractive and adequate on-site facilities to meet the demands of residents, employees, and visitors;

2. Assures and promotes convenient and safe pedestrian and bicycle access to public and private spaces;

3. Mitigates the potential for any adverse impacts on surrounding properties and neighborhoods;

B. Site and Building Design standards are established to create a unified image for commercial, office, and mixed-use districts. High quality, mixed-use developments with integrated open spaces, streets, parking and pedestrian facilities are desired that maintain human scale design elements. To that end, the design and development standards in this Article are further designed to:

1. Utilize decorative and long-lasting building designs on all building walls facing public roadways.

2. Develop unique buildings that fit into the overall character and design theme of Miami Township and newer developments planned and constructed under these standards by requiring decorative architectural elements and unique, landmark building designs.

3. Place structures close to I-75, I-675 and all surface streets, to create an identifiable image unique to Miami Township with adequate room for tree preservation zones and/or landscape buffers between structures and road rights-of-way.

4. Place parking lots in rear or side yards to make Miami Township's structures the focal point of every development site.

5. Preserve and integrate existing tree stands, open spaces, stream corridors, wetlands, and scenic views on development parcels and along corridors, to maintain Miami Township's natural heritage.

6. Require a non-motorized transportation system for the exclusive use of pedestrians and bicyclists that provides safe linkages between neighborhoods, businesses, recreational, and open space areas

7. Incorporate sound site design techniques to minimize the intrusion on existing residential neighborhoods by saving existing vegetation where possible, placing buildings and parking lots in appropriate locations, and providing landscape buffer areas.

8. Restrict access to development parcels adjacent to arterial and collector roads by requiring shared service drives, parallel access, or access off of nearby cross streets on roads that are internal to office and industrial parks.

9. Utilize low profile monument signage along all surface streets and encourage architecturally compatible wall identification signs on building elevations.

C. For the purpose of this Article, the following definitions are meant to be followed:

1. Primary Road Frontage – The frontage facing the public space such as a Street of higher importance (i.e. traffic volume, number of lanes, etc.).

   a. State Route 741 and State Route 725 will always be considered the primary road frontage.

   b. Interstate 75 and Interstate 675 will never be considered a primary road frontage.

2. Secondary Road Frontage – The frontage facing the public space such as a Street that is of lesser importance (i.e. traffic volume, number of lanes, etc.).

SECTION 7.03 | PLAN REVIEW PROCESS

A Site Plan consists of several elements that represent the physical location and design of the various components of a development. Certain areas within Miami Township, primarily, but not exclusively commercial areas, are required to have a Site Plan reviewed and approved by Miami Township prior to the issuance of a Zoning Certificate. The following will be the process under which a site plan can be reviewed:

A. **Pre-application Meeting.**
The applicant shall meet with the Township Community Development Director or his designee prior to submission of a formal application. The intent of this meeting is to discuss early and informally, the purpose and effect of this article and the criteria and standards contained herein. It will also give the developer the opportunity to become familiar with zoning and other applicable regulations, as well as the benefit of any comments on his specific proposal by the Township Staff.

B. **Zoning Districts Subject to Site Plan Approval.**
The following Zoning Districts are currently subject to the provisions of this article:

1. "B-1" Neighborhood Business District
2. "B-2" Business District
3. "B-3" Business District
4. "B-4" Business District
5. Planned Developments as they are designated through an approved preliminary or final development plan to adhere to the requirements of this article in whole or in part.

C. **Site Plan Approval Required.**
The following sites shall be required to submit for site plan approval through a Site Plan Hearing or Administrative Review.

1. **Sites Subject to Site Plan Hearing.**

a. Sites that involve the creation of a new lot, regardless of whether or not the new lot is being created out of an existing parking lot or other improved area, and construction of a new principal building on a previously vacant property or portion of the property that did not previously have a principal structure;

b. Sites or structures that require architectural review or interpretation of specific architectural design elements in order to determine consistency with the design standards of this section.

c. Previous use of the proposed site for a parking lot or other ancillary use by another structure does not preclude the new structure or site from the requirement for a Site Plan Hearing under this Section.

2. **Sites Eligible for Administrative Review.**

a. Sites that do not involve the creation of a new lot and construction of a new principal building on a previously vacant property or portion of the property that did not previously have a principal structure; and

b. Sites that require only review of site lighting, landscaping, or signage that can be found to meet the numerical requirements and physical standards of the applicable section and where an architectural determination is not required.

c. Sites requesting only modification of existing structures as listed in Section 3 below.

3. **Existing Structures and Associated Sites**

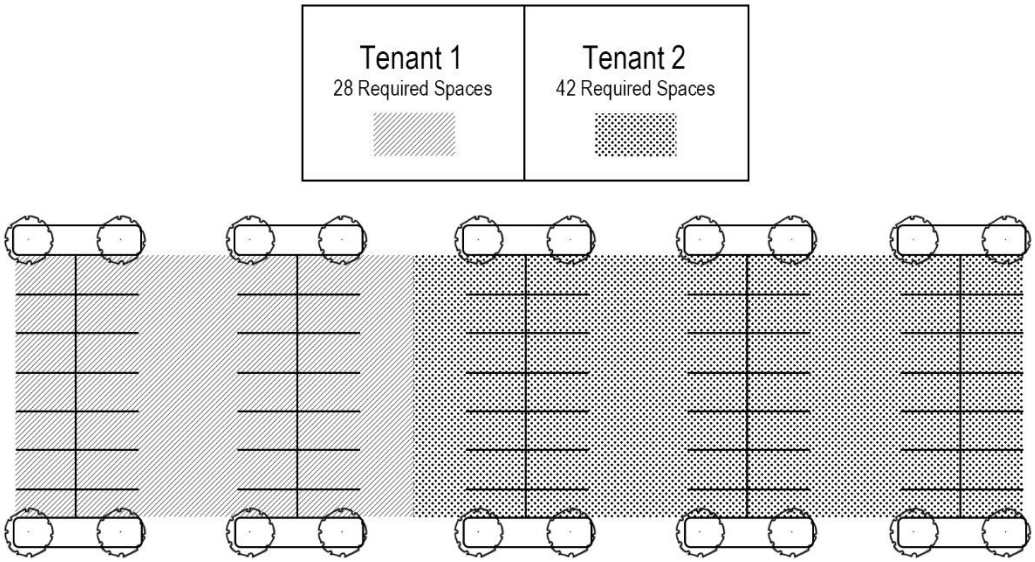
a. General Standards.

1) The following standards of this article must be met for façade renovations and building area additions:

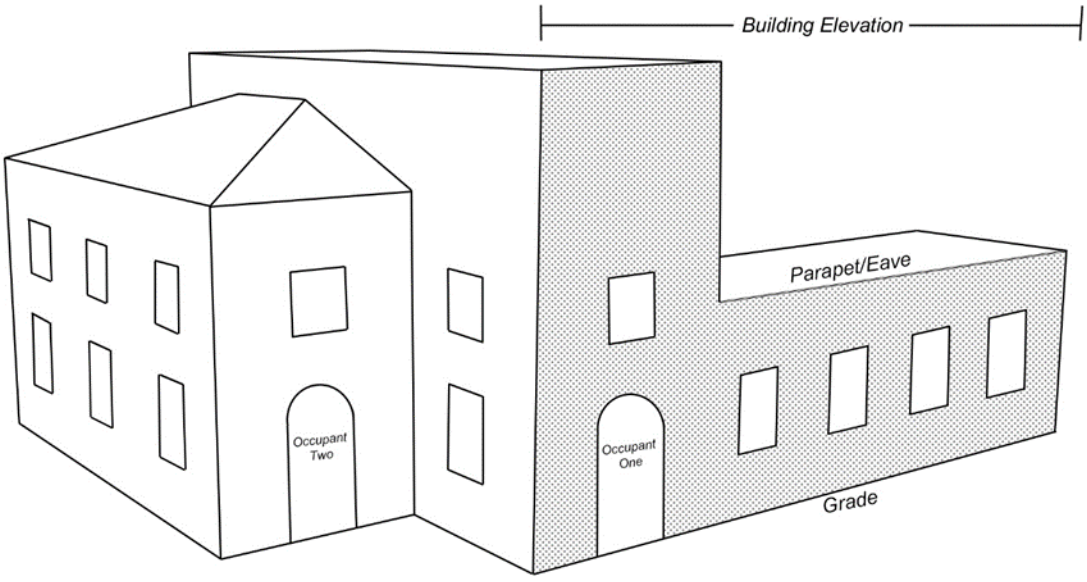
2) For the purposes of calculating impervious surface requirements of Article 45-A for two tenant and multi-tenant buildings described below, the following criteria shall be followed:

A) Dimensions shall be drawn around an area within the parking field containing at a minimum the parking stalls required for the associated tenant and use, per the provisions of this Resolution, and any parking stalls devoted by lease or other arrangements for the sole use of the tenant, along with any associated aisles immediately adjacent to or required for access to the associated parking stalls.

B) Where drive aisles serve parking stalls for a different tenant, not associated with the renovation on one side of a drive aisle, then fifty (50%) percent of the impervious surface of the drive aisle shall be counted towards the tenant conducting the renovation.



3) A facade means the exterior wall face of a building, to include the building area captured by the following parameters; grade to the top of the parapet or eaves, the entire width of the building elevation, and any changes in plane between the edges of the width of the building elevation.
For buildings with more than one occupant, the facade for each occupant shall be that portion of the exterior wall face between the points where interior walls between tenants intersect with the exterior wall. Facades may be on the front, side or rear elevation of the building regardless of whether the building faces a street.



4) Painting. Projects involving no other modifications except the painting of existing surfaces shall be painted in colors compliant with the building colors and painting criteria of this Article but shall not be required to come into compliance at this time with the other provisions of this Article.

b. **Façade Renovation**.

A Façade Renovation is defined as any changes to the exterior of the building surfaces, excluding roofing surfaces, but including parapets, and the installation of new windows and doors where such door or window did not previously exist (not including the routine maintenance and replacement of existing windows and doors), that modify the texture, arrangement, pattern or other architectural features of the surface.

Structures proposed to receive a façade renovation shall meet the building design criteria for the applicable façade(s) affected by the renovation, in addition to the following based on whether they are a single tenant building, two tenant building, or multi-tenant building:

1) Single Tenant Building.

A) Landscape Design. All frontage trees and twenty-five (25%) percent of total required site trees, not already present on the site must be planted per Article 45-A.

B) For this requirement frontage trees do not count towards the twenty-five (25%) percent threshold.

2) Two Tenant Building.

A) Landscape Design. Fifty (50%) percent of all required frontage trees for the entire property and twenty-five (25%) percent of total required site trees, not already present on the site must be planted per Article 45-A. The portion of required site trees is based on the building footprint of the tenant requesting renovation and the required parking for their use only.

B) For this requirement frontage trees do not count towards the twenty-five (25%) percent threshold.

3) Multi-Tenant (More than two) Building.

A) Landscape Design. One frontage tree will be planted based on the length of the renovating tenant's façade divided by thirty-five (35) feet and rounded upward to the nearest whole number. The renovating tenant shall not have to put additional trees beyond the total frontage tree requirement for the entire multi-tenant building under Article 45-A. Facades that are less than thirty-five (35) feet shall plant one (1) tree.

B) Twenty-five (25%) percent of total required site trees must be planted per Article 45-A.

C) For this requirement frontage trees do not count towards the twenty-five (25%) percent threshold and other existing required site trees may only be counted towards the renovating tenant if they are located within the parking field immediately serving the renovating tenant.

c. **Building Additions** (any addition to the primary building or request for an accessory building). Structures proposed to receive a building addition or accessory structure shall meet the building design standards for the applicable structure in addition to the following:

1) Landscape Design. All frontage trees and fifty (50%) percent of other required site trees must be planted per Article 45-A.

2) For this requirement frontage trees do not count towards the fifty (50%) percent threshold.

d. Existing Non-Conforming Structure and Site Review

1) Property owners of existing structures may apply to the Zoning Commission for an Existing Non-Conforming Structure and Site Review. The Zoning Commission shall have the power to determine the appropriate level of architectural or landscaping modifications required for existing non-conforming structures and sites, to meet the spirit and intent of the building design criteria and landscaping requirements of this code.

2) A hearing shall be held upon receipt of an application following the procedures of Article 6, Section 603.

3) The Zoning Commission in administering the architectural and landscape review of existing non-conforming structures and sites shall do so with the intent of bringing structures and sites ultimately into full compliance with these standards, while making reasonable accommodations, but may not permit the existing non-conforming structure or site to become less conforming in any manner.

e. **New Construction** (all new construction on existing lots or greenspace) shall meet all standards of this Article.

4. **Options for Approval.**

a. **Application for Administrative Review.**

In cases where an existing site requires partial modification and is not required to meet full Design Criteria per Section 7.03.C.3 or a previously approved site plan requires modification to specific site plan elements, the Township Community Development Director or his designee are authorized to approve certain Site Plan Elements that meet the criteria of this Article without the Site Plan requiring review before the Zoning Commission.

An application for Administrative Review shall include the Zoning certificate application form and fee required per Article 3, Section 302, along with the specific detailed Site Plan Element sheet for the applicable installation showing compliance with the standards for that element.

1) **Site Plan Elements Available for Staff Review.**

A) Lighting Plans

B) Landscape Plans

C) Signage Plans

D) Dumpster and Mechanical Screening and Design Plans

E) Parking Plans

F) Modifications to existing facades and building locations that do not require a full Design Review under Section 7.03.C.3.

G) Modifications to Site Plan Sets previously reviewed by the Zoning Commission that do not alter the general design intent and involve numerical modifications due to existing field conditions, engineering or building requirements and can be found by the Director or his/her designee to meet the strict requirements of this resolution.

2) **Timeline.** If all plans are received and acceptable to the Community Development Director or his designee, the plans will be approved within ten (10) business days.

b. **Application for Site Plan Hearing to the Zoning Commission.**

All new construction or development and any existing site that requires site plan approval under Section 7.03.C.3 shall have a complete site plan reviewed by the Zoning Commission with pursuant to the notification process described in Article 6, Section 603. The Development Plan together with an application and

fee shall be filed with the Township Community Development Department. The application package must be submitted at least thirty (30) days prior to a regular Zoning Commission meeting to be placed on the next meeting agenda.

1) The Development Plan and application shall be completed in full, and indications as to why any section is not able to be completed shall be noted. The Township has the right to refuse an application if required items are missing. In such case, the Township shall notify the applicant in writing or by electronic mail within one week indicating which items are missing if the application is not complete and is being refused. The applicant has the right to resubmit drawings and have the case placed on the following month's agenda, provided all required elements are provided, without additional fees.

2) The development plan shall be distributed to appropriate local, county and state officials and bodies for review and written comment within one week from the time the application materials were received provided that the Township finds that the application is complete.

3) Written comments received from reviewing agencies should specify any deficiencies in the development plan and make recommendations as appropriate. The Township may assume the review agency does not have concerns or comments in the absence of a written response.

4) The Zoning Commission shall review the development plan in relation to applicable standards and regulations, and in relation to the intent and purpose of this Resolution. The Zoning Commission shall consider the comments and recommendations received from Miami Township Staff and any other agency or organization that has submitted comments.

5) If the Zoning Commission determines that revisions are necessary to bring the development plan into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised development plan. The revised development plan and application materials shall be reviewed by the Commission or their designee within forty-five (45) days after the Township receives a complete revised application. The Zoning Commission is authorized to approve, approve subject to conditions, or deny a development plan, as follows:

   A) **Approval.** Upon determination that a development plan is in compliance with the standards and requirements of this Article and other applicable ordinances and laws, the Commission shall approve the plan.

B) **Approval Subject to Conditions.** Upon determination that a development plan is in compliance except for slight adjustments, the conditions for approval shall be identified and the applicant shall be given the opportunity to correct the site plan. The Commission may waive its right to review the revised plan, and instead recommend the Community Development Director or his/her designee review and approve the re-submitted plan if all required conditions have been addressed.

C) **Denial.** Upon determination that a development plan does not comply with the standards and regulations set forth in this resolution or requires extensive revision in order to comply with said standards and regulations, the Commission shall deny development plan approval.

6) The Township shall submit a letter, by certified and regular mail, to the applicant indicating the Zoning Commission's decision. The letter shall list all approval contingencies, if any, or the reasons why the application was continued or denied. A reduced size set of approved plans stamped by the Township shall be forwarded to the applicant and one stamped set shall be placed in the Township's files and a digital file created. Development Plan approval does not grant authority to excavate, work in the road right-of-way, install utilities, prepare building foundations or perform other site improvements. The applicant shall first apply for and receive all necessary permits required for construction including, but not limited to, zoning certificate, engineering, storm water, and building code approval.

c. **Expiration of Development Plan Approval**

If a zoning certificate is not obtained within one (1) year of development plan approval, the Zoning Inspector shall not issue a zoning certificate until:

1) The applicant applies for an extension prior to the expiration of the development plan including any applicable fees for the extension hearing and is granted an extension, not to exceed six (6) months by the Zoning Commission. The Zoning Commission may grant an extension up to two (2) times if deemed appropriate by the Zoning Commission; or

2) A new development plan is prepared and submitted for approval to the Zoning Commission under the standard procedures of this Article.

3) In the case of phased developments or multi-structure developments, each structure proposed in the overall development plan or phase shall obtain a zoning certificate within the time indicated by the developer and approved by the Zoning Commission at the time of development plan approval.

Structures not obtaining a zoning certificate within the agreed upon time frame shall follow the procedures of either item 1 or 2 as noted above.

SECTION 7.04 | PLANS AND MATERIALS REQUIRED

A. **General Development Plan Set.**
A general development plan set shall be required. This must include at a minimum the following plans:

1. **Site Plan –** Per Section 7.05
2. **Building Elevations –** Per Section 7.06
3. **Lighting Plan –** Per Section 7.07
4. **Landscape Plan –** Per Section 7.08
5. **Parking –** Per Section 7.09
6. **Signage –** Per Section 7.10

B. **Traffic Study.**

1. A traffic impact study may be required to be submitted as part of the general development plan application as required by the Ohio Department of Transportation, the Montgomery County Engineer's office, and/or Miami Township.
2. A Traffic Study shall always be required if additional access points are being requested on State Route 741 (Springboro Pike) or State Route 725 (Miamisburg-Centerville Pike).
3. If required, this plan shall be provided to Miami Township prior to the issuance of a Zoning Certificate.

C. **Utilities Plan.**
The location of all overhead and underground utilities and their easements will be provided at the time of submission on a single plan sheet.

D. **Storm Water Acceptance Letter.**
A storm water letter shall be obtained from the Montgomery County Engineer's Office that clearly states that the property meets the storm water regulations (including quantity and quality) of Montgomery County. This letter shall be required for all properties that change any impervious surface calculations on site and shall be submitted to Miami Township prior to issuance of a zoning certificate.

E. **Material Samples.**
A sample of all materials being proposed on buildings must be provided to the Township. This sample must be large enough to determine the aesthetic value of the

material. A material sample board, showing all the colors, materials, and designs together is encouraged.

F. **Development Plan Data Requirements.**
The applicant shall provide the following plan sets for all of the above plans:

1. One digital copy as a PDF file on a thumb drive, USB drive, or DVD, or such other physical media as the department may stipulate in the application package owing to future technological changes;

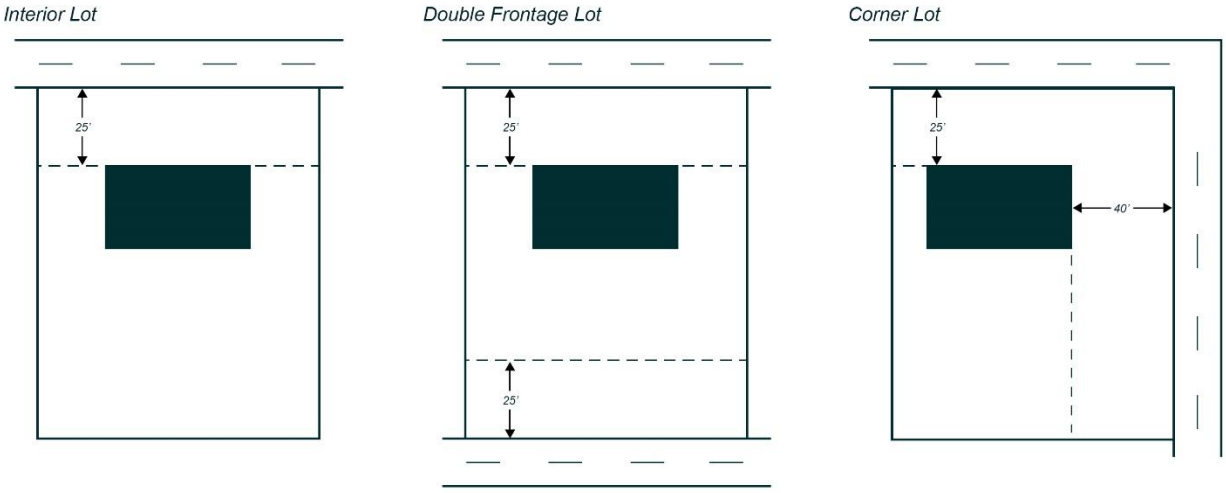
2. One full size, scalable copy with a standard scale of one inch equals forty feet (1”=40’) or other set scale at ten foot (10’) increments (a maximum of 36”x36”); and

3. Five (5) reduced copies, no smaller than eight and one-half inches by eleven inches (8.5”x11”) and no larger than eleven inches by seventeen inches (11”x17”).

SECTION 7.05 | SITE DESIGN CRITERIA

A. **Building Location Criteria.**

Buildings shall be located generally near the public or private roadway frontage and shall not have parking between them and the roadway, except as provided under Section 7.09.



1. **Standard Lots.** It being the intent to have buildings front on pedestrian walkways with inviting entrances facing the walkways and public road, the standard building setback may be reduced to zero (0) feet from the right of way line upon the approval of the Zoning Commission based upon engineering analysis and a positive recommendation from the authority in control of the respective road frontage. If not otherwise listed in the development standards for a respective zoning district, the standard front yard setback shall be twenty-five (25) feet.

2. **Corner Lots.** Buildings located on a corner of two streets shall meet the above standard lot requirements for the primary road frontage and be located no greater than forty (40) feet from the secondary street right-of-way line.

3. **Double Frontage Lots.** Buildings shall meet the above standard lot requirements on the primary road frontage. The building shall be oriented towards the primary road frontage and may not front on the secondary roadway.

4. **Multiple buildings on a single lot**. If there is more than one primary building on a single parcel (as in the case of a shopping center out lot), each building must meet the standard lot setback requirements. If such a parcel is on a corner the building or out lot closest to the corner must meet the corner lot requirement.

5. **Required Setbacks Adjacent to Residential Areas**.

a. **Side Yard:** A side yard shall be required adjacent to a Residential Zoning District or a Planned Residential District. Such side yards shall be not less than fifteen (15) feet.

b. **Rear Yard**: A rear yard shall be required adjacent to a Residential Zoning District or a Planned Residential District. Such rear yards shall be not less than twenty (20) feet. If a use is to be serviced from the rear, a rear yard shall be provided not less than forty (40) feet deep.

Table 7.05.A.5 Required Setback Table

Zoning District	*Front Yard Depth*	*Side Yard Least Width**	*Rear Yard Depth*
B-1	*35 feet*	*8 feet (20 feet total)*	*40 feet*
B-2	*25 feet*	*15 feet*	*20 feet*
B-3	*25 feet*	*15 feet*	*20 feet*
B-4	*25 feet*	*15 feet*	*20 feet*

**Only when located adjacent to a Residential Zoning District or a Planned Residential District.*

B. **Utilities Criteria.**

All new utilities shall be located below ground to minimize disruptions in utility service, reduce weather related losses, and to enhance the visual appearance of Miami Township.

C. **Fence Criteria.**

The requirements of Article 38, Section 38.05 shall apply, except:

1. Any fence utilized within at front of a commercial building or as part of required screening elements, shall be a decorative fence, painted black or another neutral color, but not left bare metal, with the exception of highway fencing required by the Ohio Department of Transportation to be installed along an interstate highway.

2. The Zoning Commission may approve fences or walls up to a maximum of twelve (12) feet as an architectural design element following the criteria outlined below under Section 7.05.D1.b.

D. **Screening Criteria.**

Proper placement of utilitarian features enhances the effectiveness of screening.

1. Ground and roof mounted mechanical equipment and loading areas shall be screened from view from any public right-of-way or adjacent property through the use of:

   a. Landscape plantings that completely block visibility like evergreen trees or large evergreen bushes,

   b. Three sided enclosures that incorporate at least one of the primary materials and colors of the nearest wall of the principal structure and having an opaque gate or door on the fourth side. The wall or screen shall be at least one foot taller than the height of the mechanical equipment being screened, and enclosures above the standard six (6) foot limitation may be approved by the Zoning Commission to extend up to a maximum of twelve (12) feet , provided the Commission finds that the enclosures is sited and designed appropriately to not interfere with or detract from the other architectural aesthetics of the site or cause a visibility hazard for traffic.

   c. Utility boxes shall be oriented with the access door facing away from the street right-of-way or adjacent property to the maximum extent practicable.

   d. Parapet wall or other roof form.

2. Trash receptacles shall be screened on three (3) sides with durable building materials consistent with the colors and materials used on the façade of the principal building. The fourth side shall be screened with a decorative opaque gate with a lockable latch assembly. Bollards shall be provided to protect adjacent vehicles from gate over-swing.

E. **Drive-in / Drive-thru Criteria.**

1. Drive-in/drive-thrus are permitted only as accessory uses in the “B-2”, “B-3”, and “B-4” Districts.

2. Drive-in/drive-thru vehicular stacking areas and associated service locations shall not be on the side of a building facing a primary road frontage.

3. No drive-thru signs, speakers, or service windows shall be located between any façade of the principal structure and a primary road frontage.

4. Drive-in/drive-thru vehicle stacking spaces shall be at least twenty (20) feet long. Stacking spaces may not impede on-site or off-site vehicular, bicycle, or pedestrian circulation. Where five or more stacking spaces are provided, the individual stacking lanes shall be clearly delineated. The number of stacking spaces and a traffic and pedestrian circulation plan shall be submitted by the applicant with the conditional use application and approved by the Planning and Zoning Commission.

5. Audible electronic devices such as loudspeakers, service order devices, and similar instruments shall not be located within twenty-five (25) feet of the lot line of any residential district or use and shall not result in the emission of sound in such a manner as to be plainly audible at a distance of fifty (50) feet from the source of the sound.

6. Protective bollards, when used, shall be painted to match one of the colors used on the nearest structure with which the bollards are associated.

F. **Outdoor Dining and Seating**

1. Outdoor dining and seating areas, furniture, and enclosures shall be set back at least five (5) feet from the curb and at least five (5) feet from all street trees and street furniture. In no case shall these amenities be placed in a manner that would provide less than six feet of clear area for pedestrian use.

2. Signage shall follow the sign standards found in Article 41 of the Miami Township Zoning Resolution.

3. Dining furniture shall be of the same design, material and color for all furniture associated with the use. When not in regular use, outdoor furniture shall be stored in a location that is not visible to the public, unless the patio furniture is all-weather material, set up for use and not covered in any way, and weather conditions make the use of furniture possible.

G. **Pedestrian and Bicycle Connectivity Criteria.**

All sites must have the following pedestrian amenities:

1. Bike rack(s) for at least four (4) bicycles located nearest to the main entryway to the building.

SECTION 7.06 | BUILDING DESIGN CRITERIA

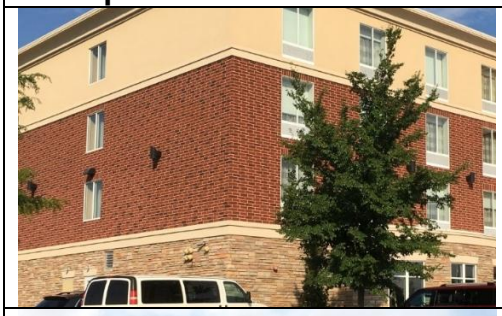
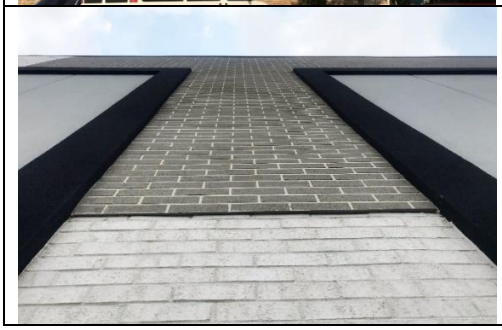
A. **General.** Any building elevation of any structure facing a public roadway shall be considered a front side or façade for design purposes.

B. **Facades and Facade Bays.** Facades must include a repeating pattern with an expression of architectural or structural bays through a change in plane greater than or equal to one foot (>=1') wide, such as an offset, reveal, pilaster, projecting ribs, fenestration patterns, or piers.

1. Facades must incorporate a minimum of eighty percent (80%) of a material that has a similar aesthetic characteristic and appearance as masonry or stone in texture, pattern, and design with a natural color integral to the material or applied in a natural pattern to the surface material such that the architectural appearance of the finish is consistent with real masonry or decorative stone material.

   a. If Exterior Insulation Finishing System (EIFS) or dryvit and similar exterior finishing materials or panes are utilized to meet this requirement it shall have similar aesthetic characteristics and appearance as brick, with light or dark brick and the opposite light or dark mortar to accentuate the difference, like brick and mortar. An example of an acceptable EIFS architectural application is a gray brick and light mortar appearance or red brick with light mortar appearance as shown below:

Table 7.06.B – Examples of Material Use Cases

Examples of Material Use Cases	Detail of Use Case
	Red brick stamped EIFS with white mortar architectural appearance. Use of EIFS banding to separate materials.
	Gray EIFS stamped like brick with white mortar architectural appearance next to traditional white brick.

2. Office and retail façade walls must not have a blank, uninterrupted length greater than forty feet (>40') without including the required change in plane and one additional feature such as: changes in texture or pattern, or other equivalent elements that subdivide the wall into human scale proportions.

3. All elements must repeat at intervals of less than or equal to forty-feet (<=40'). Industrial facades shall follow these standards but at an interval of 120 feet.

4. For buildings three (3) stories or more, the ground story building wall materials shall be different from the materials above or an expression line shall be provided to differentiate the ground story from the upper stories and to reinforce the street space.

5. All exposed masonry walls (i.e. screening walls, other free-standing walls, and parapets) shall have a cap to protect the top of the wall from weather.

C. **Façade Base Treatment.** Facades must have a recognizable base with (but not limited to):

1. Thicker walls, ledges or sills;

2. Integrally textured elements such as stone or other masonry;

3. Integrally colored and patterned elements such as smooth-finished stone;

4. Lighter or darker colored elements, mullions or panels; or

5. Planters.

D. **Long Walls – Change in Plane.** Walls exceeding 120 feet in length, visible from a road right-of-way should include at least one change in wall plane, such as projections or recesses, having a depth equivalent to at least three-percent (3%) of the entire length of the façade and extending at least twenty-percent (20%) of the entire length of the facade.

E. **Side or Rear Walls.** Walls facing walkways or visible from a street right-of-way may include false windows and door openings defined by frames, sills and lintels, or similarly proportioned modulations, only when actual doors and windows are not feasible because of the building use.

F. **Glass.** The use of glass as an architectural and design element is required but limited to fifty percent (50%) of the surface area on any one facade to avoid the

excessive use of this element and a dated appearance. Glass with a reflection greater than twenty percent (20%) is prohibited. Glass shall be used on the first floor primary façade of any multi-story building as a secondary element (at least 25%). On single story retail buildings glass shall be used as a secondary element (at least 25%) on the primary façade. The other three facades on a single-story retail building (that are not considered the primary) shall have glass elements such as fake windows or spandrel glass on at least ten (10) percent of each of the facades.

G. **Main Building Entrances.** Building frontages must incorporate a main entrance door. The main public entrance door shall be inviting and pronounced with lighting; high quality building materials; and architectural elements that draw the eye to the opening such as decorative transoms, columns, recesses, or protrusions. Entrances shall combine different colors, textures, and the before mentioned architectural elements to emphasize entrances and to break the monotony of large vertical surfaces.

Public entrance vistas shall be established or preserved by framing the area leading to the entrance with landscaping. It is not the intent of the landscaping or screening requirements found in this Article to block the view of the primary building entrances. Also, entrances should be designed with attention to pedestrian use, as well as automobile drop-off convenience.

H. **Architectural Details.** Buildings shall incorporate recesses, off-sets, arches, colonnades, columns, pilasters, detailed trim, brick bands, and contrasting courses of material, cornices, or porches to vary building facades.

I. **Accents.** Building shall use canopies, overhangs, raised parapets over the door, archways, awnings, larger openings and display windows, accent colors, and details such as tile work, moldings, pedestrian-scale lighting, and distinctive door pulls to add detail and additional interest to building designs.

1. Canopies and Awnings shall project a minimum of four (4') feet from the façade, with a maximum projection over a sidewalk to within two (2') feet of a public street curb. The awning or canopy shall have a minimum clearance height of eight (8') feet above the sidewalk.

2. Strong, waterproof fabric must be used for awnings. No plastic awnings are permitted.

J. **Retail and Office Building Walls**. In addition to the other standards found herein, retail and office buildings shall incorporate four-sided building wall architecture. The intent of this requirement is to provide a pleasant environment on all sides of the development regardless of orientation or location. As such, the side and rear building walls shall incorporate the same aesthetic value, look, and design, proportionality, color and texture as the front façade. This requirement may only be

waived by the Zoning Commission in cases where owing to the topography of the site, orientation of the building, or adjacent features to the site, it is found by the Commission that the applicable façade will not be visible to the public and is in an area that will not be ordinarily utilized by the public.

K. **Roofs.** Building rooflines must be varied with cantilevers, gables, parapets, and/or cornice lines. The continuous plane of a roofline must be less than or equal to 100 feet (<=100').

Roof penetrations (fans, exhaust, vents, etc.) shall be concealed and shall not be visible from frontage streets.

L. **Height Regulations.** No structure shall exceed forty (40') feet or four (4') stories, whichever is the greater. The Zoning Commission through the Development Plan approval process shall have the ability to reduce the height due to the proximity of the site to residentially zoned properties or increase the height due to the distance from residentially zoned properties. Properties abutting a residentially zoned property should generally be limited to two stories.

M. **Building Colors and Painting Criteria.**

1. Building colors must be non-chromatic, low-reflecting, muted and neutral or earth-toned. Roof colors must be muted and compatible with the dominant building color. High-intensity colors, bright primary colors, metallic colors, black or fluorescent colors are prohibited, except shiny, glossy or reflective materials, black or brighter colors may be used on building trim and accents with a cumulative surface area of less than or equal to one quarter of one percent (<=0.25%) of a wall. Neon lighting as an architectural trim is prohibited.

2. Color changes must occur only at a change of plane or reveal line. Color changes at the outside corners of structures are prohibited.

3. Neutral color palettes of browns, tans, and other earth tone colors are required. Buildings shall not be left or painted to resemble gray or bare concrete colors. Accent colors, including primary colors are permitted on up to twenty-five (25%) of a single façade, but no more than fifteen percent (15%) of the combined façade area facing public roadways.

N. **Examples of Building Design Criteria.**

Table 7.06.N – Building Design Criteria Examples

Image showing elements	Description of Design Elements
	• Use of building materials to create a façade that has many elements that break up the wall. • Use of awnings and false windows to break up the façade.
	• Architectural corner element that amplifies the entrance. • Use of multiple materials to add interest to the entrance. • Use of awnings and glass windows to break up the façade.
	• Use of multiple materials to add interest to the entrance. • Changes of plane to add interest to the length of the facade.
	• Changes of plane to add interest to the length of the facade. • Use of distinct stone base compliments ground level. • Use of awnings and glass windows to break up the façade.

	• Connected neighboring tenants use varied materials that complement one another. • Use of neutral color palette supports a subdued and sophisticated façade.
	• Use of awnings and glass windows to break up the façade. • Use of cornice adds architectural contrast and visual interest.
	• Use of building materials to create a façade that has many elements that break up the wall. • Use of awnings and glass windows to break up the façade.

SECTION 7.07 | LIGHTING PLAN

A. **Fully Shielded Lights.** All lights exceeding ten (10') feet in height as measured from grade directly below the fixture to the top of the fixture shall be fully shielded lights that do not emit light rays at angles above the horizontal plane as certified by a photometric test report.

B. **Light Level Measurement.** Lighting shall not exceed six (6) foot candles as measured at ground level, except gasoline service station pumps, and drive-thru's may be permitted to have lighting not in excess of ten (10) foot candles, provided the lighting is concentrated for safety and security purposes and not allowed across an entire site or to spill onto adjacent areas.

C. **Light Levels at Property Line.** The maximum illumination at the property line shall not exceed one-half (0.5) foot candles. No direct light source shall be visible at the property line (adjacent to residential) at ground level, additional house side shielding may be required where light sources are visible.

D. **Zoning Commission Modifications.** The Zoning Commission, as applicable, may modify these levels or place conditions on their application (e.g., the installation of screening such as an open buffer, landscaping, wall, or fence) if such modifications are deemed necessary and appropriate for the use and surrounding area.

E. **Uniform Illumination Levels.** Outdoor lighting shall be designed to achieve uniform illumination levels. The ratio of the average light level of the surface being lit to the lowest light level of the surface being lit, measured in foot-candles, shall not exceed a ratio of 4-to-1. In no case shall the maximum to minimum light levels exceed a ratio of 10-to-1 between any 2 points on a lot.

F. **Color Temperature of Lighting.** Lighting utilized for street or parking lot lighting shall not have a correlated color temperature exceeding three thousand kelvin (3,000K). Security lighting such as at an ATM or drive thru may be permitted by the Zoning Commission to exceed three thousand kelvin (3,000K).

G. **Light Pole Height.** Light fixtures mounted on poles (i.e. site lighting as opposed to building wall packs and architectural lighting mounted to a building façade) shall not exceed twenty-five (25') feet above grade for lighting in residential districts and for uses adjacent to a residential district or use nor thirty-five (35') feet for all other districts. In no case shall lights be mounted in excess of the maximum height limitation of the district in which they are located. Fixture height shall be measured from the grade of the illuminated surface to the top of the fixture.

H. **Light Pole Construction.** Bare metal light poles and elevated "sonotube" type concrete bases are prohibited.

1. Existing sites (i.e. a site with an existing primary structure and parking area lighting) outside of the AC-1 through AC-5 Zoning Districts may be permitted to utilize elevated concrete bases, projecting no more than thirty-six (36") inches above grade, during replacement or renovation of parking area lighting where owing to the existing conditions of the site and or public safety considerations it is the determination of the Zoning Commission that it is not practical to eliminate the use of elevated bases.

2. Such uses shall be minimized to areas where due to the location of existing landscape islands or other features it is not possible to locate a light in such feature and still maintain compliance with the photometric requirements of the site without adding additional lighting.

3. Light poles located in landscape areas shall be flush with the ground or on a poured concrete foundation extending no more than three (3") inches above grade.

I. **Wall Pack Placement.** Wall packs designed and utilized for security and safety purposes must be fully shielded to direct the light downward. They shall not be used to draw attention to the building or to provide general building or site lighting.

J. **Canopy Mounted Lighting.** Light fixtures mounted on canopies shall be recessed or flush with the bottom of the canopy. Where a drop-down fixture is used, the lens shall be flush with (i.e., no more than one inch beyond) the casing so that light is directed down and not sideways. All canopy lighting shall be shielded to provide a cut-off angle of 85 degrees. Fixtures shall not be mounted on the top or sides of canopies. The illumination of canopy sides shall be prohibited.

K. **Glare Reduction.** Glare control shall be accomplished primarily through the proper selection and application of lighting equipment. Only after those means have been exhausted shall landscaping, fencing and similar screening methods be considered acceptable means for reducing glare.

L. **Security Lighting.** Lighting for security purposes shall be directed only onto the area to be secured:

1. All fixtures shall be located, shielded and aimed so that light is not cast toward adjacent properties or streets or unnecessarily transmitted into the night sky.

2. Fixtures mounted on the building and designed to illuminate the facade are preferred.

M. **Exceptions to Light Levels.** The illumination of vehicle fueling stations, drive through operations (areas directly associated directly with the drive through operations, not the entire use or property) and convenience stores shall not exceed 10 foot-candles as measured at any one point. Excessive lighting for the purposes of attraction and advertising shall not be permitted.

N. **General Design Requirements.**

1. Neon or exposed LED accent lighting is prohibited on buildings.

2. Electrical service to the light fixtures shall be placed underground.

3. No flashing or moving lights shall be permitted.

4. Light poles shall be consistent with the overall architectural theme of the site.

5. Any light used for advertising purposes in violation of Article 41 is prohibited.

O. **Maintenance of Light Fixtures.**

1. All installed and approved light fixtures shall be kept in good repair. This includes, but is not limited to, replacing non-working bulbs, repairing broken or malfunctioning fixtures and poles, painting poles and similar activities. Failure to maintain fixtures shall be deemed a violation of the Zoning Resolution and/or the Property Maintenance Code of Miami Township, Montgomery County, Ohio.

2. Upon the repair, replacement, or relocation of any fixture, the fixture shall be brought into compliance with these requirements. Existing fixtures that are currently not in compliance with these requirements do not need to be brought in compliance until such time as any repair, replacement, or relocation of the fixture is performed.

P. **Exemptions to Lighting Section.**
The following lighting applications shall be exempt from the provisions of this section:

1. Roadway and airport lighting required by the appropriate public agency for health, safety and welfare purposes;

2. National, state and local flag lighting, provided that the illumination is a maximum of 10 foot-candles, and that the light source is aimed and fully- shielded to direct light only onto the intended target and to prevent glare for motorists, pedestrians and adjacent property;

3. Lighting for bona fide sporting events, provided such lighting is directed to avoid

unnecessary glare and illumination of adjacent residential areas and such lighting is operated only during active use of the sport facility;

4. Holiday lighting provided individual lamps do not exceed 10 watts;

5. Temporary lighting for theatrical, television and performance areas;

6. Lighting required and regulated by the Federal Aviation Administration and/or other state or federal agencies, such as collision avoidance lighting for telecommunication towers and other tall structures, or safety lighting required by a public agency in conjunction with an industrial facility;

7. Emergency lighting approved by Miami Township, provided the lighting is discontinued upon the abatement of the emergency necessitating said lighting;

8. Other temporary lighting determined to be reasonable and appropriate by the Zoning Inspector;

9. Architectural Building Lighting shall be permitted on vertical surfaces of a structure provided the following conditions are met:

   a. Lighting levels do not exceed five (5.0) foot-candles at any one point on the elevation;

   b. Lighting shall be located, shielded and aimed so light is only directed on the building surface;

   c. Lighting shall not be directed toward adjacent streets, roads or residential areas;

   d. To the maximum extent practical, lighting fixtures shall be directed below the horizontal plane of the bottom of the fixture rather than above;

   e. Aside from security lighting, building elevations visible from adjacent residential property (i.e., residential properties that directly abut the property on which the building lies) shall not be lighted. This provision may be modified as part of an approved planned development or general development plan that includes a residential component within the same development project and the lighting can otherwise be mitigated through the comprehensive development design of the buildings; and

   f. Such lighting shall comply with the design standards of this Article.

SECTION 7.08 | LANDSCAPE PLAN

All parcels, sites, lots, and buildings, shall be required to meet the landscaping requirements of Article 45-A with the following modification:

A. The frontage tree requirement may be modified by the Zoning Commission if the building location is setback less than twenty-five (25) feet from the right-of-way and it is determined that the building design complies with the intent of creating an inviting streetscape environment oriented towards and connected to pedestrian traffic. The use of tree wells and alternative spacing may be permitted.

SECTION 7.09 | PARKING

All parcels, sites, lots, and buildings, shall be required to meet the off-street parking requirements of Article 43 with the following modifications:

A. No ground or surface level parking is permitted between the building and any public or private roadway, except on a corner lot where the secondary frontage is permitted to have parking facing the roadway.

B. Buildings facing Interstate 75 or 675 may have parking towards the Interstates.

C. Buildings with two road frontages shall have the parking towards the secondary road frontage. For the purposes of this Section, Interstate 75 and Interstate 675 shall be considered to be a secondary road frontage.

D. Shopping centers may have parking between the building and primary road frontage only when at least seventy-five percent (75%) of the parking field is blocked by other primary structures located along the road frontage.

SECTION 7.10 | SIGNAGE

All parcels, sites, lots, and buildings, shall be required to meet the signage requirements of Article 41.

ARTICLE 8 | "A" AGRICULTURAL DISTRICT

PREAMBLE

This district has been established to provide for agricultural activities and related uses and is intended to protect and preserve, areas for continued agricultural and agriculturally related uses, natural features, and the rural character of the agricultural district.

SECTION 800 | AGRICULTURAL ADVISORY

Lands within the Agricultural District contain active farming activities. Purchases of property adjacent to commercial agricultural production areas within this district may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to: noise, odors, dust; the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, herbicides and pesticides. Owners, residents and users of property within and adjacent to this district should, therefore, be prepared to accept these conditions as well as the fact that these type operations take place on a yearly twenty-four hour basis, and are hereby placed on official notice that "right to farm" provisions within the Ohio Revised Code may bar them from obtaining a legal judgment against such normal agricultural operations.

SECTION 801 | PRINCIPAL PERMITTED USES.

A. Agriculture, including the principal dwelling unit.

B. Single family dwelling located on a lot not less than one and one-quarter (1.25) acres in area.

C. The following uses shall be located on a lot not less than three (3) acres in area.

1. Churches, chapels, temples, synagogues or other buildings for religious worship, not including a rescue mission or temporary revival activity, provided that such use shall have direct vehicular access to and from a collector street or arterial street and shall not be located so as to interfere with any proposed public right-of-way extension or realignment.

2. Publicly owned and operated buildings and facilities.

3. Schools, primary, intermediate, and secondary, both public and private.

D. Public parks, playgrounds, and community centers less than two (2) acres in size.

SECTION 802 | ACCESSORY USES.

A. Farm markets, provided that:

1. Fifty percent (50%) or more of the gross income received from the market is derived on farms owned or operated by the market operator in a normal crop year.

2. The maximum area of the structure shall be two hundred (200) square feet.

3. There shall not be more than one such stand per lot.

4. The structure shall be located a minimum of fifty (50) feet from an adjacent property line.

5. The minimum setback for such structure shall be fifty (50) feet from the right-of-way as shown on the Official Thoroughfare Plan for Montgomery County, Ohio.

6. A minimum of one thousand (1,000) square feet shall be provided for off street parking.

B. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.

C. Private garage, parking space or stable.

D. The keeping of animals and/or fowl as pets or for domestic use.

SECTION 803 | CONDITIONAL USES.

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

A. Single family residential lots with less than 250 feet of contiguous public road frontage or greater than 400 foot lot depth, which at a minimum comply with the following standards.

1. The lot will not have less than sixty (60) feet of contiguous public road frontage.

2. The lot will be capable of providing safe driveway or roadway ingress and egress. The Board may utilize information provided by a sight distance review by the Ohio Department of Transportation or the Montgomery County Engineer's office and such other information as may be presented in making a finding on this standard.

3. The lot depth shall be the minimum required above 400 feet to achieve a buildable lot or to subdivide an existing farmstead from the original property. This

shall not be utilized to create flag lots or other non-rectangular lots strictly for the purpose of increasing the number of lots that can be created. Lot depths should generally not exceed 600 to 700 feet and should be based upon a 2:1 lot depth to width ratio.

4. The creation of the lot will utilize the last remaining portion of the existing road frontage that is available for subdivision under the standard requirements, unless the Board finds that due to a topographical issue or other mitigating circumstances the creation of lots with less than 250 feet of frontage will provide for a more efficient lot layout while not substantially increasing the total number of lots that could otherwise be created under the standard regulations.

5. The Board may impose such other restrictions as it deems necessary to protect adjoining properties and to protect the public health, safety, and welfare from increases in density resulting from a lowering of the road frontage requirement, including but not limited to screening and open space requirements, modifying proposed lot orientations, modifying the route of proposed roadways, and controlling setbacks from natural features.

   Dead-end private drives shall not exceed one thousand (1,000) feet in length and shall include a turnaround with a minimum radius of 38.5 feet.

B. Airports and Landing Strips.

C. Cemeteries, including mausoleums and crematoria, provided that any mausoleum or crematorium shall be a distance of at least two hundred (200) feet and burial sites at least one hundred (100) feet from adjacent property, street and highway lines, and provided further that any new cemetery shall contain an area of twenty (20) acres or more.

D. Kennels, animal hospitals and veterinary clinics for the raising, breeding, treatment and boarding of dogs or other small animals, provided that all outside runs be at least two hundred (200) feet from any lot in any Residential District.

E. Riding academies, provided that such building or stable shall be a distance of two hundred (200) feet from any lot in a Residential District.

F. Golf courses, swimming pools, tennis courts, gun clubs, playing fields, and similar recreational uses and accessory uses, but not including driving ranges, miniature golf courses and pitch and putt courses, subject to the requirements of Article 45.

G. Agriculturally based meeting halls.

H. Radio, television, or other transmission towers or masts, and the usual accessory buildings, only after their height and location have been approved by the governmental

agency charged with the responsibility for maintaining air safety and provided there is a yard area with a radius of half the height of the tower or mast.

I. Campgrounds, provided sanitary facilities have been approved by the State and/or local Board of Health. Accessory uses, including an office; a public facilities building wherein the basic food needs of the transient guests can be purchased.

J. Special Events: rodeos, festivals, carnivals, circuses, concerts, religious revivals, political rallies, automobile shows, or similar events in accordance with the following:

1. Special Events will take place on a parcel or series of contiguous parcels of no less than twenty (20) acres in size. Depending on the event and number of patrons, the minimum size of twenty (20) acres may not be sufficient to obtain a conditional use certificate.

2. No portion of the event shall take place within fifty (50) feet of a public road right-of-way or private road.

3. No portion of the event shall take place within fifty (50) feet of an adjoining property not included as part of the conditional use.

4. No parking of vehicles or equipment from the event or from spectators attending the event may be parked within twenty-five (25) feet of an adjoining property not included within the conditional use.

5. The event may not last for more than three (3) days without the approval of the Miami Township Board of Zoning Appeals. The conditional use certificate can be for up to two (2) events per year for a length of up to three (3) consecutive years. The special event shall have an annual review by the Staff of Miami Township, and the Miami Township Board of Zoning Appeals reserves the right to call the applicants back at any time to review the conditional use certificate and revoke it if conditions of the certificate are not being met by the applicants or the individuals running the event.

6. The special event may not begin prior to 10:00 a.m. and the event must end by 11:00 p.m.

7. Lights may be left on until 12:00 am (midnight) to clean-up after the event. Clean-up must be finished within seven (7) days of the end of the event. No clean-up done after the event is completed shall take place after dusk.

8. Applicants must show proof they will have emergency responders and ample security at the event. The Miami Township Police Department and Miami Township Fire Department will NOT be the sole provider of emergency and security services for the event, without written consent from the Miami Township Police

Department and Miami Valley Fire District. Prior to the issuance of a conditional use certificate the applicant must get emergency and security approval from the Miami Valley Fire District and Miami Township Police Department.

K. Agricultural Services (commercial activity that primarily serves the farming community) including but not limited to: tractor and farm implement sales, welding shops, grain elevators, doctor and dentist offices, saw sharpening, farming machinery repair including automobiles and trucks, and grocery stores (where the Board of Zoning Appeals determines that such uses are needed and appropriate).

L. Community-Based Social Services Facilities, excluding Residential Re-Entry Centers, subject to the requirements of Article 48.

M. Boats and marine equipment storage within an enclosed building in accordance with the following:

1. No sign shall be displayed.

2. Landscaping shall be provided around all buildings and in all unpaved areas, consistent with the character of the site and its relation to the general area in which it is located.

N. Sales and service of boats and marine equipment within an enclosed building, in accordance with the following:

1. No sign shall be displayed unless the property fronts on a thoroughfare as designated by the Montgomery County Thoroughfare Plan. Such properties may display one sign of no more than fifteen (15) square feet in size per face, with a maximum height of six (6) feet and a setback of fifteen (15) feet from the thoroughfare right-of-way line if free-standing.

2. Outside storage shall be considered temporary and shall be for equipment waiting to be serviced only.

3. Landscaping shall be provided around all buildings and in all unpaved areas consistent with the character of the site and its relation to the general area in which it is located.

4. The Board of Zoning Appeals may issue only a Conditional Use Certificate for a period of one (1) year. Annually, sales and service operations shall be reviewed by the Board of Zoning Appeals, which may or may not renew the temporary Conditional Use Certificate for a period of one (1) year.

O. Bed-and-Breakfast facilities on lots not less than five (5) Acres in area, provided:

1. No alteration and/or addition to the principal structure shall be made which changes the essential appearance thereof as a dwelling (when in reference to an existing building).

2. No construction of any new principal building will be done which has the essential appearance of other than a dwelling.

3. Off-street parking shall be provided in the ratio of one (1) space per rented room plus two (2) spaces for the permanent residents, and must comply with all pertinent requirements contained in Article 43.

4. Signage identifying the facility shall be limited to one (1) free-standing sign, not to exceed two (2) square feet per face nor five (5) feet in height.

   Any such sign may only be illuminated by a residential post light. In addition, a nameplate, not exceeding one (1) square foot in size, shall be permitted when attached to a wall or the entrance door of the establishment.

5. Fifty percent (50%) or more of the gross income received from any retail or produce sales is derived from items or crops related to the property on which the Bed-and-Breakfast is located, and any such sales must be accessory to the Bed-and-Breakfast.

6. The owner or renter of the principal residential structure lives on the premises.

7. No more than five (5) rooms are provided for guest accommodation.

8. Room rentals do not exceed seven (7) consecutive days.

9. Food service is provided only to overnight (or longer) guests.

SECTION 804 | DEVELOPMENT STANDARDS.

In addition to the provisions of Chapter VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and buildings are required in the "A" Agricultural District.

804.01 HEIGHT REGULATIONS.

No structure shall exceed forty (40) feet in height.

804.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed.

Lot Area – One and one-quarter (1.25) acres.

Lot Frontage – 250 contiguous feet along a public roadway, unless lesser

frontage is permitted by the Board of Zoning Appeals.

Maximum Lot Depth: 400 feet, unless modified by the Board of Zoning Appeals.

Yards (minimum).

Front Yard Depth* - 50 feet.

Side Yard - 30 feet each side.

Rear Yard - 50 feet.

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

Minimum Floor Area Per Unit – 1350 square feet.

ARTICLE 9 | "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT

PREAMBLE

This district has been established to provide for single family dwellings on large tracts and areas of open land with a minimum of twenty thousand (20,000) square feet per dwelling unit.

SECTION 901 | PRINCIPAL PERMITTED USES.

A. Single family dwellings.

B. Schools and colleges for academic instruction.

C. Publicly owned and operated buildings and facilities.

D. Places of worship.

E. Public parks, playgrounds, and community centers less than two (2) acres in size.

SECTION 902 | ACCESORY USES.

A. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages and stables; provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity. Stables shall be a distance of two hundred (200) feet from any lot in a Residential District.

B. Home Occupation as defined in Article 2, Subsection 208.02.

C. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

D. Other accessory uses permitted for this District by Article 38.

SECTION 903 | CONDITIONAL USES.

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

A. Private noncommercial golf courses (not including driving ranges, miniature golf courses, and pitch and putt courses), swimming pools and tennis courts, and accessory uses, subject to the requirements of Article 45.

B. Community-Based Social Services Facilities, excluding Residential Re-Entry Centers, Licensed DODD Facilities, Residential Care/Assisted Living Facilities,

Class 2 and Class 3 Residential Facilities, subject to the requirements of Article 48.

C. Telecommunications Towers, subject to the requirements of Article 51.

SECTION 904 | DEVELOPMENT STANDARDS.

In addition to the provision of Chapters VIII and IX, General Provisions and special Regulations, the following standards for arrangement and development of land and buildings are required in the "R-1" Single-Family Residential District.

904.01 HEIGHT REGULATIONS.

No structure shall exceed thirty (30) feet in height.

904.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed.

Lot Area	*Lot Frontage*	*Front Yard Depth* Least*	*Side Yard Width*	*Rear Yard Depth*	*Max. Lot Coverage*	*Min. Floor Area / Unit*
20,000 Sq. Ft.	*100 feet*	*40 feet*	*18 feet*	*50 feet*	*25%*	*1,350 S.F.*

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

ARTICLE 10 | "R-2" SINGLE-FAMILY RESIDENTIAL DISTRICT

PREAMBLE

This district has been established to provide for single family dwellings with a minimum of fifteen thousand (15,000) square feet per dwelling unit.

SECTION 1001 | PRINCIPAL PERMITTED USES.

A. Single family dwellings.

B. Schools and colleges for academic instruction.

C. Publicly owned and operated buildings and facilities.

D. Places of worship.

E. Public parks, playgrounds, and community centers less then two (2) acres in size.

SECTION 1002 | ACCESORY USES.

A. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity.

B. Home Occupation as defined in Article 2, Subsection 208.02.

C. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

D. Other accessory uses permitted for this District by Article 38.

SECTION 1003 | CONDITIONAL USES.

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

A. Private noncommercial golf courses (not including driving ranges, miniature golf courses, and pitch and putt courses), swimming pools and tennis courts, and accessory uses, subject to the requirements of Article 45.

B. Community-Based Social Services Facilities, excluding Residential Re-Entry Centers, Licensed DODD Facilities, Residential Care/Assisted Living Facilities, Class 2 and Class 3 Residential Facilities, subject to the requirements of Article 48.

C. Telecommunications Towers, subject to the requirements of Article 51.

SECTION 1004 | DEVELOPMENT STANDARDS.

In addition to the provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and buildings are required in the "R-2" Single-Family Residential District.

1004.01 HEIGHT REGULATIONS.

No structure shall exceed thirty (30) feet in height.

1004.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed.

Lot Area	*Lot Frontage*	*Front Yard Depth* Least*	*Side Yard Width*	*Rear Yard Depth*	*Max. Lot Coverage*	*Min. Floor Area / Unit*
15,000 Sq. Ft.	*90 feet*	*35 feet*	*13 feet*	*40 feet*	*25%*	*1,350 S.F.*

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

ARTICLE 11 | "R-3" SINGLE-FAMILY RESIDENTIAL DISTRICT

PREAMBLE

This district has been established to provide for single family dwellings with a minimum of ten thousand (10,000) square feet per dwelling unit.

SECTION 1101 | PRINCIPAL PERMITTED USES.

A. Single family dwellings.

B. Schools and colleges for academic instruction.

C. Publicly owned and operated buildings and facilities.

D. Places of worship.

E. Public parks, playgrounds, and community centers less than two (2) acres in size.

SECTION 1102 | ACCESSORY USES.

A. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity.

B. Home Occupation as defined in Article 2, Subsection 208.02.

C. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

D. Other accessory uses permitted for this District by Article 38.

SECTION 1103 | CONDITIONAL USES.

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

A. Private noncommercial golf courses (not including driving ranges, miniature golf courses, and pitch and putt courses), swimming pools and tennis courts, and accessory uses, subject to the requirements of Article 45.

B. Community-Based Social Services Facilities, excluding Residential Re-Entry Centers, Licensed DODD Facilities, Residential Care/Assisted Living Facilities, Class 2 and Class 3 Residential Facilities, subject to the requirements of Article 48.

C. Telecommunications Towers, subject to the requirements of Article 51.

SECTION 1104 | DEVELOPMENT STANDARDS.

In addition to the provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and buildings are required in the "R-3" Single-Family Residential District.

1104.01 HEIGHT REGULATIONS.

No structure shall exceed thirty (30) feet in height.

1104.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed.

Lot Area	*Lot Frontage*	*Front Yard Depth* Least*	*Side Yard Least Width*	*Side Yard Total Width*	*Rear Yard Depth*	*Max. Lot Coverage*	*Min. Floor Area / Unit*
10,000 Sq. Ft.	*80 feet*	*25 feet*	*8 feet*	*20 feet*	*30 feet*	*25%*	*1,350 S.F.*

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

ARTICLE 12 | "R-4" SINGLE-FAMILY RESIDENTIAL DISTRICT

PREAMBLE

This district has been established to provide for single family dwellings with a minimum of seventy-five hundred (7,500) square feet per dwelling unit.

SECTION 1201 | PRINCIPAL PERMITTED USES.

A. Single family dwellings.

B. Schools and colleges for academic instruction.

C. Publicly owned and operated buildings and facilities.

D. Places of worship.

E. Public parks, playgrounds, and community centers less than two (2) acres in size.

SECTION 1202 | ACCESSORY USES.

A. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages, provided that such accessory uses shall not involve the conduct of business, trade or industry, or any private way or walk giving access to such activity.

B. Home Occupation as defined in Article 2, Subsection 208.02.

C. Temporary buildings for the uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

D. Other accessory uses permitted for this District by Article 38.

SECTION 1203 | CONDITIONAL USES.

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

A. Private noncommercial golf courses (not including driving ranges, miniature golf courses, and pitch and putt courses), swimming pools and tennis courts, and accessory uses, subject to the requirements of Article 45.

B. Community-Based Social Services Facilities, excluding Residential Re-Entry Centers, Licensed DODD Facilities, Residential Care/Assisted Living Facilities, Class 2 and Class 3 Residential Facilities, subject to the requirements of Article 48.

C. Telecommunications Towers, subject to the requirements of Article 51.

SECTION 1204 | DEVELOPMENT STANDARDS.

In addition to the provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and buildings are required in the "R-4" Single-Family Residential District.

1204.01 HEIGHT REGULATIONS.

No structure shall exceed thirty (30) feet in height.

1204.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed.

Lot Area	*Lot Frontage*	*Front Yard Depth* Least*	*Side Yard Least Width*	*Side Yard Total Width*	*Rear Yard Depth*	*Max. Lot Coverage*	*Min. Floor Area / Unit*
7,500 Sq. Ft.	*60 feet*	*25 feet*	*8 feet*	*20 feet*	*30 feet*	*40%*	*1,350 S.F.*

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

ARTICLE 13 | "R-5" TWO-FAMILY RESIDENTIAL DISTRICT

PREAMBLE

This district has been established to provide for two family dwelling units with a minimum of four thousand (4,000) square feet per dwelling unit for two family dwellings.

SECTION 1301 | PRINCIPAL PERMITTED USES.

A. Single family dwellings as governed by Section 1204.

B. Two family dwellings.

C. Conversions of single family dwellings into two family dwellings, provided these conform with the development standards prescribed for such two family dwellings in this article and with all other applicable requirements under this Zoning Resolution.

D. Schools and colleges for academic instruction.

E. Publicly owned and operated buildings and facilities.

F. Places of worship.

G. Public parks, playgrounds, and community centers less than two (2) acres in size.

SECTION 1302 | ACCESSORY USES.

A. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity.

B. Home Occupation as defined in Article 2, Subsection 208.02.

C. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

SECTION 1303 | CONDITIONAL USES.

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

A. Private noncommercial golf courses (not including driving ranges, miniature golf courses, and pitch and putt courses), swimming pools and tennis courts, and accessory uses, subject to the requirements of Article 45.

B. Community-Based Social Services Facilities, excluding Residential Re-Entry Centers, Licensed DODD Facilities, Residential Care/Assisted Living Facilities, Class 2 and Class 3 Residential Facilities, subject to the requirements of Article 48.
   i. The conditional use may not occur in two-family residential structures or in dwellings adjacent to two-family residential structures.

C. Telecommunications Towers, subject to the requirements of Article 51.

SECTION 1304 | DEVELOPMENT STANDARDS.

In addition to the provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and buildings are required in the "R-5" Two-Family Residential District.

1304.01 HEIGHT REGULATIONS.

No structure shall exceed thirty (30) feet in height.

1304.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed.

Use	*Lot Area*	*Lot Frontage*	*Front Yard Depth* Least*	*Side Yard Least Width*	*Side Yard Total Width*	*Rear Yard Depth*	*Max. Lot Coverage*	*Min. Floor Area / Unit*
Two Family Dwelling	*8,000 Sq. Ft.*	*70 feet*	*30 feet*	*8 feet*	*20 feet*	*40 feet*	*25%*	*750 S.F.*
Other Permitted Uses	*10,000 Sq. Ft.*	*80 feet*	*25 feet*	*8 feet*	*20feet*	*40 feet*	*25%*	*750 S.F.*

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

ARTICLE 14 | "R-6" MULTIPLE-FAMILY RESIDENTIAL DISTRICT

PREAMBLE

This district has been established to provide for multiple family dwelling units with a minimum of three thousand (3,000) square feet per dwelling unit.

SECTION 1401 | PRINCIPAL PERMITTED USES.

A. Single family dwellings as governed by Section 1204.

B. Two family dwellings as governed by Section l304.

C. Multiple family dwellings.

D. Conversions of single family or two family dwellings into multiple family dwellings, provided these conform with the development standards prescribed for such multiple family dwellings in this article and with all other applicable requirements under this Zoning Resolution.

E. Schools and colleges for academic instruction.

F. Publicly owned and operated buildings and facilities.

G. Places of worship.

H. Public parks, playgrounds, and community centers less than two (2) acres in size.

SECTION 1402 | ACCESSORY USES.

A. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry or any private way or walk giving access to such activity.

B. Home Occupation as defined in Article 2, Subsection 208.02.

C. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

SECTION 1403 | CONDITIONAL USES.

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

A. Private noncommercial golf courses (not including driving ranges, miniature golf

courses, and pitch and putt courses), swimming pools and tennis courts, and accessory uses, subject to the requirements of Article 45.

B. Community Based Social Services Facilities, excluding Residential Re-Entry Centers, Licensed DODD Facilities, Residential Care/Assisted Living Facilities, Class 2 and Class 3 Residential Facilities, subject to the requirements of Article 48.
   i. The conditional use may not occur in two-family residential structures or in dwellings adjacent to two-family residential structures.
   ii. The conditional use may not occur in multi-family residential structures or in dwellings adjacent to multi-family residential structures.

C. Telecommunications Towers, subject to the requirements of Article 51.

SECTION 1404 | DEVELOPMENT STANDARDS.

In addition to the provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and buildings are required in the "R-6" Multiple-Family Residential District.

1404.01 HEIGHT REGULATIONS.
No structure shall exceed thirty (30) feet in height.

1404.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.
The following minimum requirements shall be observed.

Use	*Lot Area*	*Lot Frontage*	*Lot Area Per Family*	*Front Yard Depth* Least*	*Side Yard Least Width*	*Side Yard Total Width*	*Rear Yard Depth*
Multiple Family Dwelling	*12,000 Sq. Ft.*	*90 feet*	*3,000 S.F.*	*30 feet*	*10 feet*	*20 feet*	*40 feet*
Other Permitted Uses	*10,000 Sq. Ft.*	*80 feet*	*N/A*	*25 feet*	*8 feet*	*20feet*	*40 feet*

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

1404.03 MAXIMUM LOT COVERAGE.
Forty (40) percent of lot area.

1404.04 MINIMUM FLOOR AREA PER UNIT (SQ.FT.)
Efficiency, 350;
1 Bedroom, 600;

2 Bedroom, 800;
3 Bedroom, 1000;
4 Bedroom, 1200.

ARTICLE 15 | "R-7" MULTIPLE-FAMILY RESIDENTIAL DISTRICT

PREAMBLE

This district has been established to provide for multiple family dwelling units.

SECTION 1501 | PRINCIPAL PERMITTED USES.

A. Single family dwellings as governed by Section 1204.

B. Multiple family dwellings.

C. Interim Housing, provided:

1. No sign is displayed other than one customary for an apartment complex.

2. Less than 15% of the units are used for that purpose.

3. Less than 50% of the units in any one building are used for that purpose.

D. Schools and colleges for academic instruction.

E. Publicly owned and operated buildings and facilities.

F. Places of worship.

G. Public parks, playgrounds, and community centers less than two (2) acres in size.

SECTION 1502 | ACCESSORY USES.

A. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry or any private way or walk giving access to such activity.

B. Home Occupation as defined in Article 2, Subsection 208.02.

C. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

SECTION 1503 | CONDITIONAL USES.

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

A. Private noncommercial golf courses (not including driving ranges, miniature golf

courses, and pitch and putt courses), swimming pools and tennis courts, and accessory uses, subject to the requirements of Article 45.

B. Community-Based Social Services Facilities, excluding Residential Re-Entry Centers, Licensed DODD Facilities, Residential Care/Assisted Living Facilities, Class 2 and Class 3 Residential Facilities, subject to the requirements of Article 48.
   i. The conditional use may not occur in two-family residential structures or in dwellings adjacent to two-family residential structures.
   ii. The conditional use may not occur in multi-family residential structures or in dwellings adjacent to multi-family residential structures

3. Telecommunications Towers, subject to the requirements of Article 51.

SECTION 1504 | DEVELOPMENT STANDARDS.

In addition to the provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and buildings are required in the "R-7" Multiple-Family Residential District.

1504.01 HEIGHT REGULATIONS.
No structure shall exceed thirty (30) feet in height.

1504.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.
The following minimum requirements shall be observed.

Use	*Lot Area*	*Lot Frontage*	*Lot Area Per Family*	*Front Yard Depth* Least*	*Side Yard Least Width*	*Side Yard Total Width*	*Rear Yard Depth*
Multiple Family Dwelling	*10,000 Sq. Ft.*	*90 feet*	*2,500 S.F.*	*30 feet*	*8 feet*	*20 feet*	*40 feet*
Other Permitted Uses	*10,000 Sq. Ft.*	*80 feet*	*N/A*	*25 feet*	*8 feet*	*20feet*	*40 feet*

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

1504.03 MAXIMUM LOT COVERAGE.
Forty (40) percent of lot area.

1504.04 MINIMUM FLOOR AREA PER UNIT (SQ.FT.)
Efficiency, 350;
1 Bedroom, 600;

2 Bedroom, 800;
3 Bedroom, 1000;
4 Bedroom, 1200

ARTICLE 16 | "R-8" MANUFACTURED HOME RESIDENTIAL DISTRICT

PREAMBLE

This district has been established to provide for manufactured homes in Manufactured Home Parks, ten (10) acres or more in land area.

SECTION 1601 | PRINCIPAL PERMITTED USES.

A. Manufactured Home Parks.

   i. Manufactured homes (House Trailers).

SECTION 1602 | ACCESSORY USES.

A. Coin-operated laundry, laundry and dry cleaning pick-up stations for use of tenants only. No external signs of any nature whatsoever shall be permitted.

B. Other accessory uses, buildings or structures customarily incidental to the aforesaid use.

SECTION 1603 | CONDITIONAL USES.

A. Telecommunications Towers, subject to the requirements of Article 51.

SECTION 1604 | DEVELOPMENT STANDARDS.

In addition to State Department of Health requirements, and the provisions of chapters VIII and IX, General Regulations and special Regulations, the following standards for arrangement and development of land and buildings are required in the "R-8" Manufactured Home Residential District.

1604.01 REQUIRED CONDITIONS.

A. Each lot in a Manufactured Home Park shall be served with sanitary sewer and water.

B. The minimum area of a Manufactured Home Park shall be ten (10) acres.

C. A greenbelt shall be located and effectively maintained at all times along all park boundary lines except at established entrances and exits serving the park. Such greenbelt shall be five (5) feet from the lot lines and ten (10) feet from the street right-of-way lines.

D. Each park shall provide a recreational area, or areas, equal in size to at least eight (8) percent of the gross area of the park. Streets, parking areas, park service facility areas and greenbelts shall not be considered as parts of the required recreational area.

E. Each manufactured home lot in a Manufactured Home Park or section thereof shall have a land area of not less than thirty-six hundred (3600) square feet.

F. Each manufactured home in a Manufactured Home Park shall be placed upon the lot so as to provide all of the following with respect to placement of the manufactured home in proximity to other manufactured homes:

1. A manufactured home that is placed side to side with another manufactured home or placed at an angle of less than ninety (90) degrees shall maintain an average distance between the manufactured homes of at least fifteen (15) feet, but in no event shall be placed at a distance of less than twelve (12) feet at any point.

2. A manufactured home that is placed side to end with another manufactured home or placed at an angle of ninety degrees or greater, but less than one hundred and thirty-five degrees, shall maintain a minimum distance of ten (10) feet from the other manufactured home; and

3. A manufactured home that is placed end to end with another manufactured home or placed at a one hundred and thirty-five degree or greater angle shall maintain an minimum distance of five (5) feet from the other manufactured home:

For the purpose of this paragraph, angles shall be measured in relation to each manufactured home's side or longest length. Average distance shall be determined by dividing by two the sum of the distance between each of the two corners of one manufactured home to the closest adjacent corner on the other manufactured home.

G. Each manufactured home in a Manufactured Home Park shall be placed upon the lot so as to provide not less than fifteen (15) feet distance from any building, public roadway, street, alley and any right-of-way designated for vehicular traffic as specified by the Ohio Department of Transportation or other local jurisdiction, and not less than ten (10) feet distance from roadways and parkways within the manufactured home park, and not less than ten (10) feet distance from the manufactured home park property line.

H. Each manufactured home site shall be provided with a stand consisting of a solid concrete slab or two (2) concrete ribbons of a thickness and size adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are used, the area between the ribbons shall be filled with a layer of crushed rock.

I. Accessory uses shall be located at least one hundred (100) feet from the greenbelt.

1604.02 REQUIRED CONDITIONS FOR EXISTING MANUFACTURED HOME PARKS.

No enlargements or extensions to any Manufactured Home Park shall be

permitted unless the enlargement or extension is made to conform with all the requirements for new parks.

1604.03 HEIGHT REGULATIONS.

A. No manufactured home shall exceed fifteen (15) feet in height.

B. Other permanent structures shall not exceed thirty (30) feet in height.

1604.04 MAXIMUM LOT COVERAGE.
Forty (40) percent of lot area.

1604.05 MINIMUM FLOOR AREA PER UNIT (SQ. FT.).
Five hundred (500).

ARTICLE 16-A | "R-9" SINGLE-FAMILY RESIDENTIAL DISTRICT

PREAMBLE

This District has been established to provide for additions to existing, or the construction of new, single family dwellings within existing small lot subdivisions.

SECTION 16-A01 | PRINCIPAL PERMITTED USES.

A. Single family dwellings.

B. Schools and colleges for academic instruction.

C. Publicly owned and operated buildings and facilities.

D. Places of worship.

E. Public parks, playgrounds and community centers less than two (2) acres in size.

SECTION 16-A02 | ACCESSORY USES.

A. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages, provided that such accessory uses shall not involve the conduct of business, trade or industry, or any private way or walk giving access to such activity.

B. Home Occupation as defined in Article 2, Subsection 208.02.

C. Temporary buildings for the uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

D. Other accessory uses permitted for this district by Article 38.

SECTION 16-A03 | CONDITIONAL USES.

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

A. Private noncommercial golf courses (not including driving ranges, miniature golf courses, and pitch and putt courses), swimming pools and tennis courts, and accessory uses, subject to the requirements of Article 45.

B. Community-Based Social Services Facilities, excluding Residential Re-Entry Centers, Licensed DODD Facilities, Residential Care/Assisted Living Facilities, Class 2 and Class 3 Residential Facilities, subject to the requirements of Article 48.

C. Telecommunications Towers, subject to the requirements of Article 51.

SECTION 16-A04 | DEVELOPMENT STANDARDS.

In addition to State Department of Health requirements, and the provisions of chapters VIII and IX, General Regulations and special Regulations, the following standards for arrangement and development of land and buildings are required in the "R-9" Single-Family Residential District.

16-A04.01 HEIGHT REGULATIONS.

No structure shall exceed thirty (30) feet in height.

16-A04.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

Minimum Lot Area (for re-subdivided existing parcels): 6,000 sq. ft.

Minimum Lot Frontage (for re-subdivided existing parcels): 45 feet.

Front Yard Depth: The greater of:

1. 15 feet, or
2. The lesser of the setback for the two structures abutting on either side (as of the effective date of this article, March 22, 1989).

Rear Yard Depth: The greater of:

1. 20 feet, or
2. The lesser of the rear yard for the two structures abutting on either side (as of the effective date of this article, March 22, 1989).

Rear Yard Depths for detached accessory structures shall be the same as Side Yards described below.

Side Yards: For all structures (principal structures and detached accessory structures both), the minimum shall be: l foot, plus one foot for each 20 feet of wall length or major fraction thereof, plus l foot for each 12 feet of building height or major fraction thereof.

Min. Floor Area Per Dwelling Unit: 800 sq. ft.

ARTICLE 17 | "O-1" OFFICE-RESIDENTIAL DISTRICT

PREAMBLE

This district has been established to allow a mixture of single family residential and small office or institutional establishments, particularly in transitional districts between differing use types. Properties in this district should front onto a collector or arterial road that provide sufficient access and avoid traffic congestion. Each structure should maintain the size and appearance of a single-family residential neighborhood.

SECTION 17.01 | PRINCIPAL PERMITTED USES.

A. Any use permitted in Section 1201. The requirements of that article shall be applicable.

B. Art galleries, libraries and museums.

C. Artist, sculptor and composer studios.

D. Office buildings of any kind provided that no retail trade with the general public is carried on, and that no stock of goods is maintained for sale to customers

E. Medical and dental clinics.

F. Veterinarians' offices, provided that:

1. Offices shall not emit noise which spills over onto adjacent residential properties, either continuous or intermittent, that is over the level which is customarily found in conjunction with residential uses.

2. Services will be on a strictly "outpatient basis" with no raising, breeding and boarding of dogs or other small animals, except for the confinement of small animals under emergency treatment in facilities within the office.

SECTION 17.02 | ACCESSORY USES.

A. Accessory uses, buildings or other structures customarily incidental to any aforesaid use, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry or any private way or walk, giving access to such activity.

B. Home Occupation as defined in Article 2, Subsection 208.02.

C. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

SECTION 17.03 | CONDITIONAL USES.

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

A. Barber and beauty shops.

B. Schools and studios for music, arts, crafts, dance and photography provided:

1. Such use shall not emit noise which spills over onto adjacent residential properties, either continuous or intermittent, that is over the level which is customarily found in conjunction with residential uses.

C. Community-Based Social Services Facilities and Residential Re-Entry Centers, excluding Child Residential Care/ Child Group Care Facilities, subject to the requirements of Article 48.

SECTION 17.04 | REQUIRED CONDITIONS

No zoning certificate shall be issued for an "O-1" use until the applicant shall have certified to the Zoning Inspector that:

A. Such buildings shall front onto a collector or arterial road with a right-of-way of one hundred twenty (120) feet or more as established on the Official Thoroughfare Plan for Montgomery County.

B. No alteration and/or addition to the principal residential structure shall be made which changes the essential appearance thereof as a dwelling (when in reference to an existing building).

C. No construction of any new principal building will be done which has the essential appearance of other than a dwelling.

D. All primary structures will be constructed with a pitched and shingled roof to maintain the essential appearance of a residential dwelling.

E. Off-street parking shall be in accordance with the requirements contained in Article 43.

F. For all uses other than single family residences, a landscape plan shall be provided in accordance with the requirements contained in Article 45-A.

G. For all uses other than single family residences, a lighting plan shall be provided in accordance with the requirements contained in Article 7.

SECTION 17.05 | DEVELOPMENT STANDARDS.

In addition to State Department of Health requirements, and the provisions of chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and buildings are required in the "O-1" Office Residential District.

17.05(A) HEIGHT REGULATIONS.

No structure shall exceed twenty-five (25) feet or two (2) stories, whichever is the greater.

17.05(B) LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed.

Lot Area	*Lot Frontage Depth**	*Front Yard Width*	*Side Yard Least Width*	*Side Yard Total Width*	*Rear Yard Depth*	*Max Lot Coverage*
7,500 Sq. Ft.	*60 feet*	*35 feet*	*8 feet*	*20 feet*	*40 feet*	*25%*

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

ARTICLE 18 | "O-2" OFFICE DISTRICT

PREAMBLE

This district has been established to provide for the location of office and institutional uses.

SECTION 1801 | PRINCIPAL PERMITTED USES.

A. Art galleries, libraries and museums.

B. Artist, sculptor and composer studios.

C. Banks and financial institutions.

D. Hospitals.

E. Libraries and reading rooms.

F. Medical and dental clinics.

G. Medical research facilities.

H. Nursing homes, rest homes, and convalescent homes.

I. Office buildings of any kind provided that no retail trade with the general public is carried on, and that no stock of goods is maintained for sale to customers.

J. Radio and television broadcasting studios.

K. Research and development laboratories.

L. School and educational services.

M. Veterinarians' offices, provided that:

   1. Offices shall be housed in a completely enclosed and soundproofed building.

   2. Services will be on a strictly "outpatient basis" with no raising, breeding and boarding of dogs or other small animals, except for the confinement of small animals under emergency treatment in facilities within the office.

N. Rooming houses.

O. Interim Housing.

P. Places of worship.

SECTION 1802 | ACCESSORY USES.

A. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use.

B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

SECTION 1803 | CONDITIONAL USES.

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

A. Retail and service uses such as restaurants, drug stores, barber and beauty shops, tobacconists, gift shops, but only:

1. When located entirely within a building or structure containing primarily a principal use or uses permitted in this district.

2. With access for the public provided only through the lobby.

B. Hotels and motels, which may have eating places No. 1 and No. 2, swimming pools, plus other customary incidental facilities.

C. Testing laboratories which are compatible with the other permitted uses.

D. Community-Based Social Services Facilities and Residential Re-Entry Centers, excluding Child Residential Care/ Child Group Care Facilities, subject to the requirements of Article 48.

SECTION 1804 | DEVELOPMENT STANDARDS.

In addition to the provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and buildings are required in the "O-2" Office District.

1804.01 HEIGHT REGULATIONS.

No structure shall exceed forty (40) feet or four (4) stories, whichever is the greater.

1804.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed.

Lot Area	*Lot Frontage Depth**	*Front Yard Width*	*Side Yard Least Width*	*Rear Yard Depth*
10,000 Sq. Ft.	*80 feet*	*25 feet*	*10 feet*	*30 feet*

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

Rooming house: Six hundred (600) square feet per rooming unit.

Nursing homes, rest home, and convalescent homes: Four hundred (400) square feet per bed.

1804.03 MAXIMUM LOT COVERAGE.
Fifty (50) percent of lot area.

1804.04 MAXIMUM FLOOR AREA RATIO.
0.5

ARTICLE 19 | BUSINESS DISTRICTS

SECTION 19.01 | PREAMBLE

The following regulations are hereby established to promote the health, safety and general welfare of the Business Districts in Miami Township; to provide long term, professional employment growth in a consistently landscaped environment; to provide multi-modal access for residents and visitors; and to promote orderly growth in a manner consistent with the goals and objectives of the Dayton Mall Area Master Plan.

SECTION 19.02 | PURPOSE / INTENT

It is the intent of Miami Township to have existing and new development within the Business Districts provide high quality buildings, landscaping, and pedestrian connections to ensure that development:

A. Provides attractive and adequate on-site facilities to meet the demands of residents, employees, and visitors;

B. Assures and promotes convenient and safe pedestrian and bicycle access to public and private spaces;

C. Mitigates the potential for any adverse impacts on surrounding properties and neighborhoods;

SECTION 19.03 | GENERAL REGULATIONS

No zoning certificate shall be issued for any Business District – “B-1”, “B-2”, “B-3”, or “B”-4” until the applicant shall have certificated to the Zoning Inspector that the below is true.

A. The site and structures proposed conform to the standards of Article 7.

B. All business shall be of retail, service, or office character.

C. No manufacturing, processing, packaging, repair or treatment of goods shall be carried on, except when incidental or accessory to the performance of services or the sale of goods to the public on the premises.

D. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any property located in a Residential District or upon any public street.

E. All premises shall be furnished with all-weather hard surface walks of a material such as bituminous or portland cement concrete, wood, tile, terrazzo or similar material, and, except for parking areas, the grounds shall be planted and landscaped.

F. Where the property lines separate a Business District from a residentially used property, or portion thereof, a visual and mechanical barrier, a minimum of six (6) feet in height, shall be provided along the common lot line, which may consist of any of the

following:

1. An evergreen hedge in conjunction with a 3.5' solid wood or vinyl fence.

2. A fence of a non-deteriorating material.

3. A Masonry wall.

G. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 44.

H. No emission of toxic or noxious matter, which is injurious to human health, comfort and enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.

I. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Combined Health District. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving or other acceptable means.

J. There will be no emission of odors or odor-causing substances which can be detected without the use of instruments at or beyond the lot lines.

K. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.

L. Prohibited is the open storage of (but not limited to): junk, refuse, miscellaneous discarded items, inoperative items, inoperative or unlicensed motor vehicles and recreational equipment, auto parts and accessories, or inoperative appliances.

M. No commercial vehicle over one (1) ton rated capacity and more than seven (7) feet in height, and not owned by or associated with an existing business on a subject property, may be parked on any commercial lot, except for commercial vehicles making service calls or deliveries to or from a subject property.

SECTION 19.04 | SITE AND DESIGN REVIEW REQUIRED

All Business District parcels, sites, lots, and buildings, shall be required to meet the site and design review criteria of Article 7 as applicable based upon the classification of the proposed construction.

"B-1" NEIGHBORHOOD BUSINESS DISTRICT

This Section was previously listed as Article 19 and as such all references to Article 19 throughout the Zoning Resolution shall refer to the following Sections (19.05 through 19.09).

SECTION 19.05 | PURPOSE – "B-1"

This district has been established to provide for relatively small business and service establishments which may be placed in a residential or rural area to serve primarily nearby residents.

SECTION 19.06 | PRINCIPAL PERMITTED USES – "B-1"

A. Any use permitted in Section 1701. The requirements of that article shall be applicable.

B. Bake goods shop, retail only.

C. Barber and beauty shops.

D. Candy and ice cream stores.

E. Drug stores.

F. Pick-up stations for dry cleaning and laundry.

G. Dry cleaning and laundromats of the self-service type.

H. Grocery and delicatessen stores.

SECTION 19.07 | ACCESSORY USES – "B-1"

A. Accessory uses, buildings or other structures customarily incidental to any of the foregoing permitted uses.

B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

SECTION 19.08 | REQUIRED CONDITIONS – "B-1"

No zoning certificate shall be issued for a "B-1" use until the applicant shall have certified to the Zoning Inspector that the below is true in addition to all standards of Section 19.3. Failure to comply with any of the Required Conditions by property owners or users will be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

A. The business activity is open to the public only between the hours of 6:00 A.M. and 11:00 P.M.

B. The business activity shall be conducted wholly within a completely enclosed building.

C. The business establishment shall not offer goods, service, food, beverages or make sales directly to customers in automobiles, except for drive-in windows for pick-up or delivery and which will be provided with adequate driveway space on the premises for waiting vehicles.

SECTION 19.09 | DEVELOPMENT STANDARDS – "B-1"

In addition to the provisions of Article 7, Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and buildings are required in the "B-1" Neighborhood Business District.

A. **LOT AREA, FRONTAGE AND FLOOR AREA RATIO.**
The following minimum requirements shall be observed.

Lot Area	Lot Frontage	Maximum Lot Coverage	Maximum Floor Area Ratio
7,500 S.F.	60 Feet	30% of lot area	0.35

B. **SETBACK**
See Article 7, Plan Review criteria.

"B-2" BUSINESS DISTRICT

This Section was previously listed as Article 20 and as such all references to Article 20 throughout the Zoning Resolution shall refer to the following Sections (19.10 through 19.15).

SECTION 19.10 | PURPOSE – "B-2"

This district has been established to provide for business and service establishments serving the needs of consumers beyond the immediate neighborhood.

SECTION 19.11 | PRINCIPAL PERMITTED USES – "B-2"

A. Any use permitted in Section 1801. The Required Conditions of Section 19.14 shall be applicable.

B. Any commercial activity, such as those enumerated below as examples, which fulfills all the requirements of the other sections of this article, and is not listed initially as a permitted or Conditional Use in the "B-3" or "B-4" Business District Sections.

1. Antiques.
2. Appliance sales and service.
3. Art and school supplies.
4. Automobile accessories.
5. Bakeries, retail.
6. Barber and beauty schools.
7. Barber and beauty shops.
8. Bicycle sales, rental, repair.
9. Billiard rooms.
10. Book stores and card shops.
11. Bowling alleys.
12. Bridal consultants.
13. Business machines, sales and service.

14. Cameras - photo supplies.
15. Candy and confectionery.
16. Carpet and floor covering.
17. Catering services.
18. Childcare centers or nursery schools.
19. China, glassware.
20. Cigarettes, cigars, tobacco.
21. Clothing stores and shoes.
22. Community centers.
23. Costume rental.
24. Dairy products - retail.
25. Dancing schools.
26. Delicatessen.
27. Department stores.
28. Draperies.
29. Dressmaking, seamstress.
30. Driver training schools.
31. Drug stores.
32. Dry cleaning and laundromats (self-service).
33. Dry cleaning and laundry pick-up facilities, including package dry cleaning plants.
34. Dry goods.
35. Eating places No. 1.
36. Eating places (carry-out).

37. Equipment rental services (but not including automobiles, trucks and trailers).
38. Exterminating services.
39. Florists.
40. Food stores.
41. Frozen food lockers.
42. Furniture and home furnishings.
43. Furniture and upholstery repair.
44. Gifts and novelties.
45. Hardware.
46. Health studios.
47. Heating, air conditioning, electrical and plumbing sales.
48. Hobby shops.
49. Interior decorating shops.
50. Lawn mower sales.
51. Leather goods, luggage.
52. Locksmiths.
53. Mail order catalogue stores.
54. Music, musical instruments.
55. Newspapers substations.
56. News-stand.
57. Office furniture and supplies.
58. Optical goods.

59. Paint, glass and wallpaper.
60. Party supply.
61. Pet sales and supplies.
62. Photo studios.
63. Radio and television sales and service.
64. Shoe repair.
65. Sporting goods.
66. Tailor shops.
67. Taxidermists.
68. Telegraph message centers.
69. Tennis courts.
70. Tent and awning sales and service.
71. Trading stamp redemption stores.
72. Travel bureaus and ticket offices.
73. Watch, clock and jewelry sales and service.
74. Wig shops.
75. Window cleaning services.

SECTION 19.12 | ACCESSORY USES – "B-2"

A. Accessory uses, buildings or other structures customarily incidental to any of the foregoing permitted uses.

B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

SECTION 19.13 | CONDITIONAL USES – "B-2"

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

SECTION 19.14 | REQUIRED CONDITIONS – "B-2"

No zoning certificate shall be issued for a "B-2" use until the applicant shall have certified to the Zoning Inspector that the below is true in addition to all standards of Section 19.3. Failure to comply with any of the Required Conditions by property owners or users will be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

A. The business activity will be conducted wholly within a completely enclosed building, except for automobile service stations in accordance with Section 19.14.C.

B. The business establishment shall not offer goods, service, food, beverages or make sales directly to customers in automobiles, except for drive-in windows for pick-up delivery and which will be provided with adequate driveway space on the premise for waiting vehicles.

C. Automobile service stations shall be limited to the selling and dispensing of petroleum fuel primarily to passenger vehicles and to such accessory uses as the sale and installation of lubricants, tires, batteries, accessories and supplies, incidental washing and polishing, tune-ups and brake repair. No outdoor dismantling, wrecking or storage of automotive vehicles, parts or accessories shall be permitted. No outdoor storage or rental of trucks, trailers or passenger vehicles shall be permitted.

D. Package dry cleaning plants shall be designed to provide service to customers in the immediate neighborhood. The number of employees working within the plant at any one time shall not exceed a total of four (4).

    1. Cleaning and pressing equipment permitted within the plant may include any or all of the following items but the quantity or rated capacity listed herein shall be the maximum. (One boiler, 15 h.p.; one cleaning machine, perchlorethylene - non-flammable, with air filter and dryer; two presses; one air compressor; and one spotting table).

SECTION 19.15 | DEVELOPMENT STANDARDS – "B-2"

In addition to the provisions of Article 7, Chapters VIII and IX, General Regulations and

Special Regulations, the following standards for arrangement and development of land and buildings are required in the "B-2" Business District.

A. **LOT AREA, FRONTAGE AND FLOOR AREA RATIO.**
The following minimum requirements shall be observed.

Lot Area*	Lot Frontage*	Maximum Lot Coverage	Maximum Floor Area Ratio
10,000 S.F.	80 Feet	40% of lot area	0.4

***Notes:**

1. Lot Area: Or such lesser lot area and frontage as will permit compliance with the Side Yard and Off-street Parking Requirements.
2. If a use is to be serviced from the rear, a yard shall be provided not less than forty (40) feet deep.

B. **SETBACK**
See Article 7, Plan Review criteria.

"B-3" BUSINESS DISTRICT

This Section was previously listed as Article 21 and as such all references to Article 21

throughout the Zoning Resolution shall refer to the following Sections (19.16 through 19.21).

SECTION 19.16 | PURPOSE – "B-3"

This district has been established to provide for commercial and recreational activities (other than retail merchandising and service establishments) which primarily are conducted within an enclosed building.

SECTION 19.17 | PRINCIPAL PERMITTED USES – "B-3"

A. Any use permitted in Section 19.11. The Required Conditions of Section 19.20 shall be applicable.

B. Any commercial activity, such as those enumerated below as examples, which fulfills all the requirements of the other sections of this article, and is not listed initially as a permitted use in Section 19.24 or any Industrial District.

1. Auction house.
2. Automobile repair garages.
3. Automobile laundries.
4. Blueprinting, photo copying and photo finishing service.
5. Eating Places No. 2.
6. Heating, air conditioning, electrical and plumbing service and repair.
7. Hotels and motels.
8. Indoor recreation (wholly enclosed places of recreation or amusement not heretofore appearing as a permitted use) except for adult entertainment facilities.
9. Lawn mower service and repair.
10. Magazine distribution agency.

SECTION 19.18 | ACCESSORY USES – "B-3"

A. Accessory uses, buildings or other structures customarily incidental to any of the foregoing permitted uses.

B. Temporary buildings for uses incidental to construction work, which buildings shall be

removed upon the completion of the construction work.

C. The outdoor sales of live plants, peat moss, bark, fertilizer, marble chips, top soil, sod and other packaged (not bulk) lawn and garden materials, incidental to any of the foregoing permitted uses, and subject to the requirements of Section 19.20.C.4 and Section 19.20.C.5.

SECTION 19.19 | CONDITIONAL USES – "B-3"

A. Adult Entertainment Facilities in accordance with Section 19.22.

SECTION 19.20 | REQUIRED CONDITIONS – "B-3"

No zoning certificate shall be issued for a "B-3" use until the applicant shall have certified to the Zoning Inspector that the following is true in addition to all standards of Section 19.03. Failure to comply with any of the Required Conditions by property owners and users will be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

A. The business activity will be conducted primarily within a completely enclosed building, except for restaurant patio dining, automobile service stations (no outdoor dismantling, wrecking or storage of automotive vehicles, parts or accessories, shall be permitted), and as provided for in Section 19.20.C of this Section.

B. The business establishment shall not offer goods, service food, beverages or make sales directly to customers in automobiles, except for drive-in windows for pick-up or delivery and which will be provided with adequate driveway space on the premises for waiting vehicles.

C. Notwithstanding anything to the contrary in this Zoning Resolution, retail sales activities may be temporarily conducted outside an enclosed building in a "B-3" District subject to the following conditions:

1. A business or non-profit organization shall at least three (3) business days prior to any outside sales activity obtain a certificate issued by the Zoning Inspector for a fee established by the Miami Township Board of Trustees.

2. A business or non-profit organization that engages in a temporary outdoor sales activity shall be limited to the following time schedules:

   a. A promotional sales period not exceeding three (3) days with a frequency of no more than four (4) periods in any calendar year.

   b. The sale of seasonal holiday trees, greenery and tree stands shall be permitted from Thanksgiving Day through December 25th.

c. The set-up time for the above mentioned outdoor sales shall be included within the respective allotted sales time.

3. All cleanup of the area including removal of merchandise fixtures, etc. must be completed within forty-eight hours after the sales activity and by the date specified on the zoning certificate, otherwise no additional certificates will be issued for any outdoor sales activity to be conducted on such parcel of land and to that operator for a period of fifteen (15) months after the date of the violation notice.

4. Sales areas shall be maintained, and allow for adequate pedestrian walkways, with such sales areas not extending into any fire lanes. The placement of the sales areas shall not encroach upon any parking requirements of the district, with the sales activity itself being provided with an appropriate number of off-street parking spaces as specified in Section 4302.

5. Temporary identification signs not to exceed 32 square feet per face in size, with a maximum of 64 square feet total, and non-illuminated, shall be permitted to be displayed for these permitted outdoor sales. Such signs shall: only be displayed on the premises being used for such outdoor sales, be set back a minimum of twenty-five (25) feet from the right of way, be no higher than 10 feet above the street grade toward which the sign is displayed, be unattached from any vehicle parked next to the road in such a manner as to constitute a major identification of the sales activity, and be only constructed of materials equal or greater in durability and rigidity to plywood sheeting.

SECTION 19.21 | DEVELOPMENT STANDARDS – "B-3"

In addition to the provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and buildings are required in the "B-3" Business District.

A. LOT AREA, FRONTAGE AND FLOOR AREA RATIO.

The following minimum requirements shall be observed.

Lot Area*	Lot Frontage*	Maximum Lot Coverage	Maximum Floor Area Ratio
None	80 Feet	40% of lot area	0.4

Notes:

1. Lot Area: Or such lesser lot area and frontage as will permit compliance with the Side Yard and Off-street Parking Requirements.

2. If a use is to be serviced from the rear, a yard shall be provided not less than forty (40) feet deep.

B. **SETBACK**

See Article 7, Plan Review criteria.

SECTION 19.22 | ADULT ENTERTAINMENT FACILITIES

A. No adult entertainment facility shall be established within 500 feet of any area zoned for residential use.

B. No adult entertainment facility shall be established within a radius of 1000 feet of

any school, library, or teaching facility, whether public or private, governmental or commercial, which school, library, or teaching facility is attended by persons under eighteen (18) years of age.

C. No adult entertainment facility shall be established within a radius of 1000 feet of any park or recreational facility attended by persons under eighteen (18) years of age.

D. No adult entertainment facility shall be established within a radius of 1000 feet of any other adult entertainment facility or within a radius of 2000 feet of any two of the following establishments:

1. Cabarets, clubs, or other establishments which feature topless or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

2. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.

3. Pawn shops.

4. Pool or billiard halls.

5. Pinball palaces, halls, arcades, or skating rinks.

6. Dance halls or discotheques.

E. No adult entertainment facility shall be established within a radius of 1000 feet of any church, synagogue, or permanently established place of religious services which is attended by persons under eighteen (18) years of age.

F. Subparagraphs A through E above may be waived by the Board of Zoning Appeals provided that the applicant provides affidavits from 51% of the property owners and resident free-holders within the above described radii, giving their consent to the establishment of all adult entertainment facilities, and if the Board determines:

1. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed.

2. That the proposed use will not enlarge or encourage the development of a "skid row" or similar depressed area.

3. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal, residential or commercial reinvestment, or

renovation of a historical area.

4. That all applicable regulations of this section will be observed.

"B-4" BUSINESS DISTRICT

This Section was previously listed as Article 22 and as such all references to Article 22 throughout the Zoning Resolution shall refer to the following Sections (19.23 through 19.28).

SECTION 19.23 | PURPOSE – "B-4"

This district has been established to provide for commercial and recreational activities (other than retail merchandising and service establishments) which primarily are conducted outdoors.

SECTION 19.24 | PRINCIPAL PERMITTED USE – "B-4"

A. Any use permitted in Section 19.17. The Required Conditions of Section 19.27 shall be applicable.

B. Any commercial activity, such as those enumerated below as examples, which fulfills all the requirements of the other sections of this article and is not listed initially as a permitted use in any Industrial District.

1. Animal hospitals, kennels or pounds, provided the kennel structure and runs are fifty (50) feet from any "R" District.

2. Eating places (drive-in).

3. Garden stores, garden centers, greenhouses and nurseries.

4. Hay, grain and feed stores.

5. Outdoor recreation (non-enclosed places of recreation or amusement not heretofore appearing as a permitted use).

6. Convenience stores, when the parcel containing the convenience store is located no closer than 2500 ft. to any other parcel on which is located any other convenience store.

7. Small-box discount stores, provided:

i. The parcel containing the small-box discount store is located no closer than 2500 ft. to any other parcel on which is located any other small-box discount store.
ii. The parcel containing the small-box discount store is located no closer than 500 ft. to any parcel engaged in a residential land use.

SECTION 19.25 | ACCESSORY USES – "B-4"

A. Accessory uses, buildings or other structures customarily incidental to any of the foregoing permitted uses.

B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

SECTION 19.26 | CONDITIONAL USES – "B-4"

A. Adult entertainment facilities in accordance with Section 19.22.

B. Agricultural implement, automobile, truck, boat and marine equipment, mobile home, motorcycle, recreational and camping equipment, and utility trailer sales, rental and service, in accordance with the following:

1. A ten (10) foot landscaping strip shall be provided along all property lines.

2. Landscaping shall be provided around all buildings and in all unpaved areas, consistent with the character of the site and its relation to the general area in which it is located.

3. Appropriate screening shall be provided for service areas, and the areas for storage and collection of trash and garbage.

4. Unpaved areas shall not be used for sales, rental, service or storage of vehicles.

SECTION 19.27 | REQUIRED CONDITIONS – "B-4"

No zoning certificate shall be issued for a "B-4" use until the applicant shall have certified to the Zoning Inspector that the following is true in addition to all standards of Section 19.3. Failure to comply with any of the Required Conditions by property owners or users will be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

A. Drive-in windows for pick-up or delivery shall be located on and accessible only from the premises and shall be provided with adequate driveway space for waiting vehicles.

SECTION 19.28 | DEVELOPMENT STANDARDS – "B-4"

In addition to the provisions of Article 7, Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land

and buildings are required in the "B-4" Business District.

A. **LOT AREA, FRONTAGE AND FLOOR AREA RATIO.**
The following minimum requirements shall be observed.

Lot Area*	Lot Frontage*	Maximum Lot Coverage	Maximum Floor Area Ratio
None	80 Feet	50% of lot area	0.4

***Notes:**

1. Lot Area: Or such lesser lot area and frontage as will permit compliance with the Side Yard and Off-street Parking Requirements.

2. If a use is to be serviced from the rear, a yard shall be provided not less than forty (40) feet deep.

B. **SETBACK**
See Article 7, Plan Review criteria.

C. **ADULT ENTERTAINMENT FACILITIES.**
Those standards set forth in Section 19.22 shall apply.

MIAMI TOWNSHIP ZONING RESOLUTION

MIAMI TOWNSHIP
MONTGOMERY COUNTY, OHIO

ARTICLE 20 | FOR FUTURE USE

SECTION 20.1 | Previous Article for "B-2" Business District

This Article was previously listed as "B-2" Business District. All language pertaining to the "B-2" Business District has been moved to Article 19, Sections 19.5 through 19.9. Any remaining references to Article 20 shall therefore refer to Article 19, Section 19.5 through 19.9.

ARTICLE 21 | FOR FUTURE USE

SECTION 21.1 | Previous Article for "B-3" Business District

This Article was previously listed as "B-3" Business District. All language pertaining to the "B-3" Business District has been moved to Article 19, Sections 19.16 through 19.21. Any remaining references to Article 21 shall therefore refer to Article 19, Section 19.16 through 19.21.

ARTICLE 22 | FOR FUTURE USE

SECTION 22.1 | Previous Article for "B-4" Business District

This Article was previously listed as "B-4" Business District. All language pertaining to the "B-4" Business District has been moved to Article 19, Sections 19.23 through 19.28. Any remaining references to Article 22 shall therefore refer to Article 19, Section 19.23 through 19.28.

ARTICLE 23 | "I-1" LIGHT INDUSTRIAL DISTRICT

This district has been established to accommodate industrial uses which will have a minimum impact upon their environment.

SECTION 2301 | PRINCIPAL PERMITTED USES.

A. The manufacturing, compounding, assembling or treatment (or any combination of such processes) of articles or products from the following substances: bone, canvas, cellophane, clay, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious stone or metal, sheet metal, shell, textiles, tobacco, wax, wire, and wood, but not including as a principal operation, the manufacturing of such substances.

B. Any industrial activity, such as those enumerated below as examples, which fulfills all the requirements of the other sections of this article, and is not listed initially as a permitted use in Article 24 and 25.

1. The manufacturing or assembling of the following:

    b. Medical, dental, optical and similar precision instruments.

    c. Musical instruments.

    d. Novelties, toys, rubber products.

    e. Orthopedic or medical appliances.

    f. Watches, clocks, including clock operated devices.

2. Machine shops and tool and die shops.

3. Manufacturing, assembling or repairing of electrical and electronic products, components and equipment.

4. Compounding, processing and packaging of meat, dairy and food products, exclusive of slaughtering.

5. Automobile service stations as regulated by Subsection 2004-F.

6. Awning company.

7. Bakeries, wholesale.

8. Beverage distributors manufacturing, bottling plants.

9. Carpenter and cabinet shops.
10. Carpet and rug cleaning plants.
11. Commercial radio and television transmitting stations, antenna towers and other electronic equipment requiring outdoor towers.
12. Electric supply company.
13. Fence company.
14. Glass distributors.
15. Labor union meeting halls.
16. Laundries, dry cleaning plants and linen supply.
17. Mail order houses.
18. Monument sales and finishing.
19. Offices.
20. Printing, publishing, binding and typesetting plants.
21. Research and engineering laboratories.
22. Self-storage or mini storage
23. Sign painting and manufacturing.
24. Wholesale houses and storage facilities.
25. Warehouses which may have a maximum lot coverage of 75% and a maximum floor area ratio of 0.75.

SECTION 2302 | ACCESSORY USES.

A. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use.

B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

C. Accessory storage and use of chemical products, i.e. housekeeping products, small quantities of lubricants for machinery, and other products not used as a primary component of any process or stored as part of a warehousing operation or for resale as a finished product, except for items sold in conjunction with an onsite cafeteria or infirmary. Ammonia and other hazardous substances used as part of large-scale refrigeration equipment or similar processes is not to be considered an accessory use.

SECTION 2303 | CONDITIONAL USES.

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

A. Truck and motor freight terminals and hauling services.

B. Equipment rental, sales and service, including automobiles, trucks and trailers, in accordance with the following:

1. A ten (10) foot landscaping strip shall be provided along all property lines.

2. Landscaping shall be provided around all buildings and in all unpaved areas, consistent with the character of the site and its relation to the general area in which it is located.

3. Appropriate screening shall be provided for service areas, and the areas for storage and collection of trash and garbage.

4. Unpaved areas shall not be used for sales, rental, service or storage of vehicles.

C. Eating places No. 1 and No.2 that are directed towards the local industrial service area.

1. Landscaping shall be provided per Article 45, Section 45-A01 through 45-A04.

2. Appropriate screening shall be provided for service areas, and the areas for storage and collection of trash and garbage.

3. Signage and other building features that identify the establishment must be appropriately screened from Federal highways.

D. Manufacturing, compounding, processing, packaging, warehousing, or bulk storage (other than accessory storage or utilization) of chemical products, but not including any materials which decompose by detonation.

1. At the time of application for a conditional use certificate, the applicant shall provide a letter certifying that the facility will meet the required conditions of Section 2304.

2. Any future expansion, which involves an enlargement or increase in intensity of

chemical manufacturing, compounding, processing, packaging, warehousing, or bulk storage (other than accessory storage or utilization) shall require a new conditional use certificate.

SECTION 2304 | REQUIRED CONDITIONS.

No zoning certificate shall be issued for a "I-1" use until the applicant shall have certified to the Zoning Inspector that:

A. The industrial activity will be conducted wholly within a completely enclosed building, except for automobile service stations; drive-in restaurants; equipment rental, sales and service, including automobiles, trucks and trailers; truck and motor freight terminals and hauling services.

B. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 44.

C. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken.

D. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Combined Health District. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means.

E. There will be no emission of odors or odor-causing substances which can be detected without the use of instruments at or beyond the lot lines.

F. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.

G. Where the property lines separate an Industrial District from a residentially used property, or portion thereof, a visual and mechanical barrier, a minimum of six (6) feet in height, shall be provided along the common lot line, which shall consist of the following:

   1. A line of evergreen trees per Article 45-A, Section 45A-03; and,

   2. A fence of non-deteriorating material; or,

   3. A masonry wall.

H. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon

property located in any Residential District or upon any public street.

I. No building or structure shall be used for residential purposes except that a watchman or custodian may reside on the premises.

J. No raw materials shall be processed into any of the following basic products: metal of any kind, glass, plastic, textiles, leather or paper.

K. All premises shall be furnished with all-weather hard surface walks of a material such as bituminous or portland cement concrete, wood, tile, terrazzo, or similar material, and except for parking areas, the grounds shall be planted and landscaped.

L. The storage, utilization and manufacture of solid, liquid and gaseous chemicals and other materials shall be permitted subject to the following conditions and Section 2303, if listed as a conditional use:

1. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted; but only if said materials or products are stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

2. All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire fighting and suppression equipment and devices standard to the industry involved.

3. The storage, utilization or manufacture or pyrophoric and explosive powders and dusts, and of materials and products which decompose by detonation is prohibited.

4. The manufacture of flammable liquids or materials which produce flammable or explosive vapors or gases is prohibited.

5. The storage and utilization of flammable liquids or materials that produce flammable or explosive vapors or gases shall be in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshal for the Manufacture, Storage, Handling, Sale and Transportation of Flammable and Combustible Liquids." The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in strict conformance with:

a. The applicable regulations of the Nuclear Regulatory Commission and/or Department of Energy.

b. The applicable regulations of any instrumentality of the State of Ohio.

M. Prohibited is the open storage of (but not limited to): junk, refuse, miscellaneous discarded items, inoperative items, inoperative or unlicensed motor vehicles and recreational equipment, auto parts and accessories, or inoperative appliances.

N. Except as provided for in Section 2303, no commercial vehicle over one (1) ton rated capacity and more than seven (7) feet in height, and not owned by or associated with an existing business on a subject property, may be parked on any industrial lot, except for commercial vehicles making service calls or deliveries to or from a subject property.

O. Failure to comply with any of the Required Conditions by property owners or users will be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

SECTION 2305 | DEVELOPMENT STANDARDS

In addition to provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and buildings are required in the "I-1" Light Industrial District.

2305.01 HEIGHT REGULATIONS.

No structure shall exceed forty (40) feet or four (4) stories, whichever is the greater.

2305.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed.

Lot Area.....None
Lot Frontage.....100 ft.*
Front Yard Depth.....25 ft.**

Side Yard: A side yard shall be required adjacent to a Residential or a Planned Residential District. Such side yard shall be equal to twice the height of the structure with a minimum requirement of twenty (20) feet and a maximum requirement of forty (40) feet.

Rear Yard: A rear yard shall be required adjacent to a Residential or a Planned Residential District. Such rear yard shall be equal to twice the height of the structure with a minimum requirement of twenty (20) feet and a maximum requirement of fifty (50) feet.

2305.03 MAXIMUM LOT COVERAGE.

Fifty (50) percent of lot area.

2305.04 MAXIMUM FLOOR AREA RATIO.
0.5

* Or such lesser frontage as will permit compliance with the Side Yard and Off-street Parking Requirements.

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

ARTICLE 23-A | "AP" AIRPORT DISTRICT

This district has been established to accommodate all Airport uses and other airport related uses which will have similar impact to the Light Industrial District. All uses must be in compliance with Federal and State aviation requirements.

SECTION 23-A01 | PRINCIPAL PERMITTED USES.

A. Airports and heliports.

B. Industrial activities related directly to aviation.

C. Commercial activities related directly to aviation.

D. Eating Places No. 1, No. 2 and Carry-Out that are completely within a terminal or other permitted use.

E. Automobile rental and lease.

F. Offices.

G. Other related uses that develop in a unified manner and that are in accordance with the approved Master Plan of the Dayton-Wright Brothers Airport.

H. Long term commercial parking.

I. Retail Uses completely within a terminal or other permitted use.

SECTION 23-A02 | ACCESSORY USES.

A. Accessory uses of buildings or other structures customarily incidental to any aforesaid permitted use and in compliance with Federal and State Regulations.

B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

SECTION 23-A03 | CONDITIONAL USES.

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

A. Truck and motor freight terminals and hauling services.

B. Truck rental and leasing.

C. Eating Places No. 1, No. 2 and Carry-Out that are exterior and stand-alone facilities.

D. Hotels and motels.

23-A03.01 CONDITIONS.

Any Conditional uses shall be in accordance with the following:

A. A ten (10) foot landscaping strip shall be provided along all property lines.

B. Landscaping shall be provided around all buildings and in all unpaved areas, consistent with the character of the site and its relation to the general area in which it is located.

C. Appropriate screening shall be provided for service areas, and the areas for storage and collection of trash and garbage.

D. Unpaved areas shall not be used for sales, rental, service or storage of vehicles.

E. Uses must be in compliance with State and Federal aviation requirements.

SECTION 23-A04 | REQUIRED CONDITIONS.

No zoning certificate shall be issued for an "AP" District use until the applicant shall have certified to the Zoning Inspector that:

A. Uses must be in accordance with all Federal and state aviation requirements.

B. Uses must be in accordance with the Dayton Wright Brothers Airport Master Plan.

C. The airport activity will be conducted wholly within a completely enclosed building, except for aviation service, airplane and helicopter storage, aviation repair, automobile storage and other activities incidental to airport operations.

D. No building should be used for residential purposes except that a watchman, custodian or safety personal may reside on the premises or in an approved hotel and motel use.

E. Where property lines separate an Airport District from a residentially used property, or portion thereof, a visual and mechanical barrier, a minimum of six (6) feet in height, shall be provided along the common lot line, which may consist of any of the following:

1. An evergreen hedge used with a chain link fence, not less than six (6) feet in height.

2. A fence of non-deteriorating material.

3. Masonry wall.

F. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any Residential District. Or upon any public street.

G. Emission will meet Federal and State Requirements

H. No raw materials shall be processed into any of the following basic products: metal of any kind, glass, plastic, textiles, leather or paper.

I. Prohibited is the open storage of the (but not limited to): Junk, refuse, miscellaneous discarded items, inoperative items, inoperative or unlicensed motor vehicles and recreational equipment, inoperative appliances.

J. All building heights are subject to FAA form 7460 or its successor.

Failure to comply with any of the Required Conditions by property owners or users will be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

SECTION 23-A05 | DEVELOPMENT STANDARDS.

In addition to provisions of Chapter VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and buildings are required in the "AP" Airport District.

23-A05.01 HEIGHT REGULATIONS.

No structure shall exceed fifty (50) feet in height. This restriction is not intended to limit the height of any future control towers or other structures and equipment necessary for safe airport operations. Any structure is subject to Federal and State Height Restrictions and must submit a FAA Form 7460 or its successor.

23-A05.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed.

Lot Area: ..... No Minimum
Lot Frontage: ..... 100 feet
Front Yard Depth ..... 25 feet

Side Yard: A side yard shall be required adjacent to a Residential or a Planned Residential District. Such side yard shall be equal to twice the height of the structure with a minimum of twenty (20) feet and a maximum requirement of fifty (50) feet.

Rear Yard: A rear yard shall be required adjacent to a Residential or a Planned Residential District. Such rear yard shall be equal to twice the height of the structure with a minimum requirement of twenty (20) feet.

23A05.03 MAXIMUM LOT COVERAGE
Fifty (50) percent of lot area as defined in 212.08 of this Resolution.

SECTION 23-A06 | SIGN REGULATIONS.

A. All signs meant to be viewed from public streets are subject to Article 41, Section 4106.

B. Signs that face a runway, taxiway or tarmac that is not meant to be viewed from a public street are subject to Article 41, Section 4109.

ARTICLE 24 | "I-2" GENERAL INDUSTRIAL DISTRICT

This district has been established to accommodate a broad range of industrial activities; diverse in products, operational techniques and size and which have a greater impact upon their environment than those permitted in "I-1".

SECTION 2401 | PRINCIPAL PERMITTED USES.

A. Any use permitted in Section 230l. The Required Conditions of Section 2404 shall be applicable.

B. The manufacturing, compounding, assembling or treatment (or any combination of such processes) of articles or products from the following previously prepared materials:

1. Light metal products, excluding structural steel and foundry products.

2. Pharmaceutical products, including cosmetics, toiletries and the compounding of perfumes, but excluding the manufacture of soap from raw materials.

C. Any industrial activity, such as those enumerated below as examples, which fulfills all the requirements of the other sections of this article and is not listed initially as a permitted use in Article 25.

1. Bus garages, repair and storage.

2. Cement block and formed products manufacturing

3. Building materials sales and storage facilities.

4. Cold storage plants.

5. Concrete mixing plants.

6. Contractor sales, storage and equipment yards, but excluding salvage material or debris.

7. Motor vehicle repair and storage facilities.

8. Sawing and planing mills.

9. Trucking and motor freight terminals.

10. Manufacturing, compounding, processing, and packaging of chemical products, but not including any materials which decompose by detonation.

SECTION 2402 | ACCESSORY USES.

A. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use.

B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

SECTION 2403 | CONDITIONAL USES.

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

A. Bulk storage of corrosive acids and acid derivatives and bulk storage stations for liquid fuels, petroleum products, petroleum and volatile oils, in accordance with Section 2405 hereof.

B. Eating places No. 1 and No.2 that are directed towards the local industrial service area.

1. Landscaping shall be provided per Article 45, Section 45-A01 through 45-A04.

2. Appropriate screening shall be provided for service areas, and the areas for storage and collection of trash and garbage.

3. Signage and other building features that identify the establishment must be appropriately screened from Federal highways.

SECTION 2404 | REQUIRED CONDITIONS.

No zoning certificate shall be issued for a "I-2" use until the applicant shall have certified to the Zoning Inspector that:

A. Where the property lines separate an Industrial District from a residentially used property, or portion thereof, a visual and mechanical barrier, a minimum of six (6) feet in height, shall be provided along the common lot line, which shall consist of the following:

1. A line of evergreen trees per Article 45-A, Section 45A-03; and,

2. A fence of non-deteriorating material; or

3. A masonry wall.

B. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 44.

C. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animals or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken.

D. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Combined Health District. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, oiling or other acceptable means.

E. The emission of odors or odor-causing substances shall not violate the standards and regulations of the Montgomery County Combined Health District.

F. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.

G. Any operation that produces intense glare or heat shall be performed within a completely enclosed building or structure and exposed sources of light shall be screened so as not to be detectable at the lot line.

H. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any Residential District or upon any public street.

I. No building or structure shall be used for residential purposes except that a watchman or custodian may reside on the premises.

J. All premises shall be furnished with all-weather hard surface walks of a material such as bituminous or portland cement concrete, wood, tile, terrazzo, or similar material and, except for parking areas, the grounds shall be planted and landscaped.

K. The storage, utilization and manufacture of solid, liquid and gaseous chemicals and other materials shall be permitted subject to the following conditions:

1. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, but only if said materials or products are stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

2. All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire fighting and suppression equipment and devices

standard to the industry involved.

3. The storage, utilization or manufacture of pyrophoric and explosive powders and dusts, and of materials and products which decompose by detonation is prohibited.

4. The manufacture of flammable liquids or materials which produce flammable or explosive vapors or gases is prohibited.

5. The storage and utilization of flammable liquids or materials that produce flammable or explosive vapors or gases shall be permitted on any lot in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshal for the Manufacture, Storage, Handling, Sale and Transportation of Flammable and Combustible Liquids."

L. The handling of radioactive materials, the discharge of such materials into air and water and the disposal of radioactive wastes shall be in strict conformance with:

1. The applicable regulations of the Nuclear Regulatory Commission and/or Department of Energy.

2. The applicable regulations of any instrumentality of the State of Ohio.

M. Material or merchandise stored or stockpiled in unsheltered storage bins or outside storage piles or pits shall not exceed a height limit of twenty (20) feet above normal ground level at that point and said storage area shall not be located closer than fifty (50) feet from any property zoned for residential purposes.

N. Except as otherwise allowed in this section, prohibited is the open storage of (but not limited to): junk, refuse, miscellaneous discarded items, inoperative items, inoperative or unlicensed motor vehicles and recreational equipment, auto parts and accessories, or inoperative appliances.

O. Except as provided for in this article, no commercial vehicle over one (1) ton rated capacity and more than seven (7) feet in height, and not owned by or associated with an existing business on a subject property, may be parked on any industrial lot, except for commercial vehicles making service calls or delivering to or from a subject property.

Failure to comply with any of the Required Conditions by property owners or users will be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

SECTION 2405 | DEVELOPMENT STANDARDS

In addition to provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and buildings are required in the "I-2" General Industrial District.

2405.01 HEIGHT REGULATIONS.

No structure shall exceed forty (40) feet or four (4) stories, whichever is the greater.

2405.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed.

Lot Area.....None
Lot Frontage.....Minimum 100 ft.*
Front Yard Depth.....50 ft.**

Side Yard: A side yard shall be required adjacent to a Residential or a Planned Residential District. Such side yard shall be equal to twice the height of the structure with a minimum requirement of twenty (20) feet and a maximum requirement of forty (40) feet.

Rear Yard: A rear yard shall be required adjacent to a Residential or a Planned Residential District. Such rear yard shall be equal to twice the height of the structure with a minimum requirement of twenty (20) feet and a maximum requirement of fifty (50) feet.

If a use is to be serviced from the rear, the yard shall be at least fifty (50) feet deep.

2405.03 MAXIMUM LOT COVERAGE.

Fifty (50) percent of lot area.

2405.04 MAXIMUM FLOOR AREA RATIO.

0.5

* Or such lesser frontage as will permit compliance with the Side Yard and Off-street Parking Requirements.

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

ARTICLE 25 | "I-3" HEAVY INDUSTRIAL DISTRICT

This district is established to accommodate industrial uses not provided for in other Industrial Zoning Districts.

SECTION 2501 | PRINCIPAL PERMITTED USES.

A. Any use permitted in Section 2401. the Required Conditions of Section 2505 shall be applicable.

B. Any industrial activity, such as those enumerated below as examples, which fulfills all the requirements of other sections of this article.

1. Asphalt or asphalt products.
2. Ammonia or chlorine manufacturing and storage.
3. Boiler Shops.
4. Celluloid or cellulose products and manufacturing.
5. Cement, lime or lime products manufacturing.
6. Coal tar and creosote manufacturing.
7. Coke ovens.
8. Drop-forge plants.
9. Fat rendering.
10. Fertilizer manufacturing.
11. Foundries and foundry products.
12. Garbage or offal reduction or transfer.
13. Glue manufacturing.
14. Incinerators.
15. Petroleum refining plants.
16. Rubber manufacturing from crude or scrap material or the manufacturing of articles therefrom.

17. Sewage treatment plants.

18. Soap and detergent manufacturing from raw materials.

19. Stockyards, shambles and slaughterhouses.

20. Stone products processing and manufacturing.

21. Turpentine, varnish or paint manufacturing.

SECTION 2502 | ACCESSORY USES.

A. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use.

B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

SECTION 2503 | CONDITIONAL USES.

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

A. The following uses subject to the conditions for Conditional Uses in Subsection 2504-A.

   1. Manufacturing and bulk storage of corrosive acids and derivatives and bulk storage stations for liquid fuels, petroleum products, petroleum and volatile oils.

   2. Manufacturing of flammable liquids or materials which produce flammable or explosive vapors or gases.

   3. Storage, utilization or manufacturing of pyrophoric and explosive powders and dusts and of materials and products which decompose by detonation.

B. The following use subject to the conditions for Conditional Uses in Subsection 2504-B.

   1. Junk yards.

C. Eating places No. 1 and No.2 that are directed towards the local industrial service area.

   1. Landscaping shall be provided per Article 45, Section 45-A01 through 45-A04.

   2. Appropriate screening shall be provided for service areas, and the areas for storage

and collection of trash and garbage.

3. Signage and other building features that identify the establishment must be appropriately screened from Federal highways.

SECTION 2504 | CONDITIONS AND CONDITIONAL USES.

A. Uses of the type exemplified by Subsection 2503-A, shall be confined to tracts located at least one thousand (l000) feet from any property where residences are permitted by this Zoning Resolution.

B. Junk yards subject to the requirements of Subsection 2503-B, shall be confined to tracts located at least six hundred (600) feet from any property zoned for residential purposes, shall observe a fifty (50) foot front yard setback, and shall comply with Chapter 4737 of the Revised Code of the State of Ohio.

SECTION 2505 | REQUIRED CONDITIONS.

No zoning certificate shall be issued for a "I-3" use until the applicant shall have certified to the Zoning Inspector that:

A. Where the property lines separate an Industrial District from a residentially used property, or portion thereof, a visual and mechanical barrier, a minimum of six (6) feet in height, shall be provided along the common lot line, which shall consist of the following:

1. A line of evergreen trees per Article 45-A, Section 45A-03; and,

2. A fence of a non-deteriorating material; or,

3. A masonry wall.

B. No noise from any direction conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 44.

C. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animals or plant life shall be permitted. Where such emissions could be produced as a result of accident to equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken.

D. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Combined Health District. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means.

E. The emission of odors or odor-causing substances shall not violate the standards and regulations of the Montgomery County Combined Health District.

F. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.

G. Any operation that produces intense glare or heat shall be performed within a completely enclosed building or structure; and exposed sources of light shall be screened so as not to be detectable at the lot line.

H. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any Residential District or upon any public street.

I. No building or structure shall be used for residential purposes except a watchman or custodian may reside on the premises.

J. The storage, utilization and manufacture of solid, liquid and gaseous chemicals and other materials shall be permitted subject to the following conditions:

1. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted only if said materials or products are stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

2. All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire fighting and suppression equipment and devices standard to the industry involved.

3. The storage and utilization of flammable liquids or materials that produce flammable or explosive vapors or gases shall be permitted on any lot in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshal for the Manufacture, Storage, Handling, Sale and Transportation of Flammable and Combustible Liquids."

K. The handling of radioactive materials, the discharge of such materials into air and water and the disposal of radioactive wastes shall be in strict conformance with:

1. The applicable regulations of the Nuclear Regulatory Commission and/or Department of Energy.

2. The applicable regulations of any instrumentality of the State of Ohio.

L. Material or merchandise stored or stockpiled in unsheltered storage bins or outside storage piles or pits shall not exceed a height limit of twenty (20) feet above normal ground level at that point and said storage area shall not be located closer than fifty (50) feet from any property zoned for residential purposes.

M. Except as otherwise allowed in this article, prohibited is the open storage of (but not limited to): inoperative or unlicensed motor vehicles and recreational equipment, auto parts and accessories, or inoperative appliances.

N. Except as provided for in this article, no commercial vehicle over one (1) ton rated capacity and more than seven (7) feet in height, and not owned by or associated with an existing business on a subject property, may be parked on any industrial lot, except for commercial vehicles making service calls or deliveries to or from a subject property.

Failure to comply with any of the Required Conditions by property owners or users will be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

SECTION 2506 | DEVELOPMENT STANDARDS

In addition to provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and buildings are required in the "I-3" Heavy Industrial District.

2506.01 HEIGHT REGULATIONS.

No structure shall exceed forty (40) feet or four (4) stories, whichever is the greater.

2506.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed.

Lot Area.....None
Lot Frontage.....Minimum 100 ft.*
Front Yard Depth.....50 ft.**

Side Yard: A side yard shall be required adjacent to a Residential or a Planned Residential District. Such side yard shall be equal to twice the height of the structure with a minimum requirement of twenty (20) feet and a maximum requirement of forty (40) feet.

Rear Yard: A rear yard shall be required adjacent to a Residential or a Planned Residential District. Such rear yard shall be equal to twice the height of the structure with a minimum requirement of twenty (20) feet and a maximum requirement of fifty (50) feet.

If a use is to be serviced from the rear, the yard shall be at least fifty (50) feet

deep.

2506.03 MAXIMUM LOT COVERAGE.
Fifty (50) percent of lot area.

2506.04 MAXIMUM FLOOR AREA RATIO.
0.75

* Or such lesser frontage as will permit compliance with the Side Yard and Off-street Parking Requirements.

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

ARTICLE 26 | "F" FLOOD PLAIN DISTRICT

Certain areas within the unincorporated territory of Montgomery County, Ohio may be subject to periodic flooding and are not readily usable or suitable for residential, commercial or industrial uses.

SECTION 2601 | PRINCIPAL PERMITTED USES.

A. Agricultural operations, according to Article 2, Subsection 201.04, but these shall not include or permit the spreading, accumulation, feeding or use of garbage in any manner on the open surface of the ground.

B. Forestry.

C. Wildlife refuge, fish hatchery, or wildlife propagation.

SECTION 2602 | CONDITIONAL USES.

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

Before taking action on such request, the Board shall secure a written recommendation from the Miami Conservancy District regarding the advisability and approval of the request and setting the necessary standards and conditions for the proper operation of the proposed use.

A. Public and private park recreation areas to include parks, playgrounds, picnic grounds, golf courses and fishing lakes; also, boat docks, private and commercial, including leasing of fishing and recreational equipment and sale of bait.

B. Riding stables, provided that any buildings in which such animals are housed shall be at least five hundred (500) feet distant from any lot or tract in any Residential District.

C. Circus, carnival or similar transient and portable amusement enterprises.

SECTION 2603 | PROHIBITED USES.

A. The open storage of (but not limited to): junk, refuse, miscellaneous discarded items, inoperative items, inoperative or unlicensed motor vehicles and recreational equipment, auto parts and accessories, or inoperative appliances.

ARTICLE 27 | AUSTIN CENTER DISTRICTS

The following regulations are hereby established to promote the health, safety and general welfare of the Austin Center Districts, hereafter referred to as Austin Center (AC); to provide long term, professional employment growth in a highly landscaped campus environment; and to promote orderly growth in a manner consistent with the goals and objectives of the May 2004 Austin Center Land Use and Development Plan.

The AC Districts reserve large parcels of land primarily for mixed use business park development, including research and development facilities, modern (clean, non-nuisance) industrial uses and professional and corporate offices intermixed with a supportive mix of ancillary business support retail and hospitality uses in limited locations.

The permitted uses, dimensional standards, and design guidelines are intended to insure compatibility between adjoining noncommercial areas and between office and modern (clean, non-nuisance) industrial uses permitted in the same development consistent with Ohio Revised Code Section 519. The standards found herein collectively promote high quality and innovative site design to create a premier employment park with collective and private site amenities such as formal outdoor break areas, pedestrian paths, and interesting architecture.

This article further seeks to preserve AC natural features and guide individual development in a cohesive manner to enhance property values, protect real estate investment, spur commercial activity and attract new businesses.

SECTION 2701

The regulations contained herein shall regulate:

A. Article 27-A “AC-1” Austin Center Hospitality District.

B. Article 27-B “AC-2” Austin Center Corporate Office District.

C. Article 27-C “AC-3” Austin Center Business Park District.

D. Article 27-D “AC-4” Austin Center Professional Office District.

E. Article 27-E “AC-5” Austin Center Convenience Commercial District.

The boundaries of which are shown on the Miami Township Zoning Map.

SECTION 2702 | SCOPE.

No land use, development, and/or structure located within the boundaries of any AC District shall be commenced, approved, or occupied except in conformance with the provisions of this Resolution. This Article governs all land use and development within

the AC Districts and shall take precedence over the provisions of the zoning resolution unless expressly provided for otherwise by this Article or the Ohio Revised Code.

SECTION 2703

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this Article conflict with the requirements of any other lawfully adopted rules, regulations, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

SECTION 2704 | PERMITTED LAND USE.

The following uses are permitted in the AC-1 through AC-5 Austin Center Districts. Additional uses are permitted in conformance with Articles 27-A, 27-B, 27-C, 27-D, and 27-E.

A. Professional Offices, provided that goods are not manufactured or sold on the premises, including:

1. Medical and dental.
2. Bank and financial, with drive-thru service not visible from an arterial road.
3. Legal.
4. Accounting.
5. Engineering.
6. Architecture.
7. Interior design.
8. Marketing.
9. Employment service.
10. Administrative and managerial.
11. Medical laboratory.
12. Educational Service.
13. Office equipment and computer service.
14. Telecommunications.

15. Data processing.

16. Corporate and regional sales offices.

17. Investment services office.

18. Child daycare.

B. Retail, business support. Up to 15% of the total land area of every development parcel in the AC-1, AC-3, AC-4, and AC-5 Districts and 10% of every development parcel in the AC-2 District, may develop for business support retail uses and structures as approved on a Development Plan required under Section 2708 provided that no freestanding retail establishment or shopping center may exceed 15,000 square feet in gross floor area.

1. Dry cleaning pick-up and drop-off center.

2. Reprographic service.

3. Travel Agency.

4. Business Machine Sales and Service.

5. Clothing.

6. Beauty Parlor/Barber Shop or tanning salon.

7. Tailor.

8. Shoe sales and repair.

9. Shipping and mail service.

10. Restaurant, standard, no drive through window. Outdoor patio dining is permitted.

11. Pharmacy.

12. Health club/fitness center.

13. Photographic studios.

C. Other similar uses as approved by the Zoning Commission. Any additional use permitted should be added to the Zoning Resolution.

SECTION 2705 | ACCESSORY USES.

The following accessory uses shall be permitted in the AC-1 through AC-5 Austin Center Districts, except as otherwise noted.

A. Cafeteria.

B. Convenience oriented retail and personal services that cater to the needs of employees and guests of the principal use, provided no exterior advertising or signage is displayed, and provided such use does not occupy more than 15% of any structure including:

   1. Beauty and barber shop, fitness center, child care, dry cleaning drop-off and pick-up, travel agency, and tailor.

   2. Pharmacy, convenience, uniform supply.

   3. Restaurant, café, coffee shop.

   4. Any other similar retail or personal service use as determined by the Zoning Commission.

C. Warehousing provided said use does not occupy more than 30% of any structure.

D. Auditoriums and conference facilities.

E. Financial institutions, including banks, credit unions, and saving and loan associations.

F. Above and below ground tank storage of critical material, permitted in the AC-3 District or as part of an approved automobile filling station only. Above ground tanks shall not exceed 20’ in height and shall be painted a neutral color to match or compliment the principal building. Additionally, the first 7 feet of all ground tanks shall be screened by a solid masonry wall.

G. Accessory storage and use of chemical products, i.e. housekeeping products, small quantities of lubricants for machinery, and other products not used as a primary component of any process or stored as part of a warehousing operation or for resale as a finished product, except for items sold in conjunction with an onsite cafeteria or infirmary. Ammonia and other hazardous substances used as part of large-scale refrigeration equipment or similar processes is not to be considered an accessory use.

H. Any other accessory uses, buildings and structures customarily incidental to any of the foregoing permitted uses as permitted by the Zoning Commission.

I. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of construction work.

SECTION 2706 | PROHIBITED LAND USES.

The following uses are prohibited in Articles 27-A through 27-E, AC-1 through AC-5 Austin Center Districts, respectively.

A. Building material sales, including establishments that sell hardware, glass, paint, and lumber, and that may require outdoor retail or wholesale display or sales area. Outdoor storage of materials and equipment shall be prohibited.

B. Outdoor sales of materials or products is prohibited.

C. Any retail establishment larger than 15,000 square feet of gross floor area.

D. The assembly or manufacture of automobiles and automobile bodies.

E. Machine and tool and die shops; metal buffing, plating and polishing shops; metal and plastic molding and extrusion shops, millwork and planing mills; painting and sheet metal shops; undercoating and rustproofing shops; and welding shops.

F. Mini-storage or self-storage facilities of any kind or size, whether for rental or sale.

G. Truck, tractor, and trailer sales, rental, and repair.

H. Truck terminals, truck plazas, and truck stops.

I. Food research, handling, preparation and packaging of fish, sauerkraut, vinegar, yeast, and rendering or refining of fats and oils.

J. Heating and electric power generating stations.

K. Drive-in theaters.

L. Junk, scrap, wrecking yards, or salvage yards.

M. Petroleum or asphalt refining, and or petroleum storage except storage on the premise of, and for the sole use of, an approved automobile filling station or quick oil change and lube station.

N. Sewage disposal plants and landfills.

O. Coal, coke, and fuel yards.

P. Private outdoor recreation uses, such as archery ranges, baseball, football or soccer

fields, tennis courts, motorcross (BMX) tracks, golf driving ranges, and other similar uses except as developed as an accessory use to an approved permitted use. Accessory outdoor recreation uses such as those listed here must be approved as part of a development plan by the Zoning Commission.

Q. Cement, lime, gypsum, or plaster manufacturing.

R. Distillation of bone, coal, tar petroleum, refuse, grain or wood.

S. Manufacturing, storage, or sales of explosives.

T. Fertilizer manufacturing.

U. Compost or storage of garbage, offal, dead animals, refuse, or rancid fats.

V. Incineration, glue manufacturing, or gelatin manufacturing where the processes include the refining or recovery of products from animal refuse or offal.

W. Livestock feeding yards, slaughtering of animals, or stockyards.

X. Smelting or refining of metals or ores.

Y. Steam board hammers and forging presses.

Z. Storage, curing and tanning of raw, green, or salted hides or skins.

AA. Manufacturing involving the use of sulphurous, sulphuric, nitric, picric, carbolic, hydrochloric or other corrosive acids.

BB. Adult oriented businesses and entertainment.

CC. Manufacturing, compounding, processing, packaging, warehousing, or bulk storage (other than accessory storage or utilization) of chemical products, including any materials which decompose by detonation is prohibited. This shall not include the storage and sale of medicines and other related products used as part of and located in the same building as an approved medical or veterinarian facility, or pharmacy.

DD. Automotive, truck, and equipment: sales, rental, or storage.

EE. Check or payroll cashing operations, outside of a full service bank.

FF. Any use not listed as a specifically permitted use or accessory use in Section 2704 and 2705, respectively, or as specifically permitted in Articles 27-A through 27-E, AC-1 through AC-5 Austin Center Districts, respectively.

SECTION 2707 | TIMING OF RETAIL DEVELOPMENT.

The intent of the retail-business support development allowance is to provide support services and products to the office and industrial developments. Unless specifically approved by the Zoning Commission based upon the proximity of adjacent office or industrial uses or other mitigating circumstances retail support projects shall be developed in conjunction with or after the associated office and industrial portions of a project and shall not front on an arterial road.

SECTION 2708 | APPROVALS REQUIRED.

A general development plan shall be required for all lands zoned AC-1 through AC-5, except as provided under Section 2716. Modifications or expansions of previously approved projects within an approved general development plan may be permitted by the Community Development Director and/or their designee provided such modification or enlargement does not involve more than a 10% expansion of or alteration to a structure or façade, parking lot, or other site element. Modifications to fencing, lighting, signage, and landscaping shall not require a new general development plan approval provided all additions or modifications meet the standards of this resolution and a zoning certificate is obtained as required by this resolution. All modifications shall be submitted to staff for review and approval.

A traffic impact study shall be submitted as part of the general development plan application as required by the Ohio Department of Transportation, the Montgomery County Engineer's office, and/or Miami Township.

SECTION 2709 | GENERAL DEVELOPMENT PLAN REVIEW PROCEDURES.

The general development plan review procedures and standards are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the standards contained in this Resolution and other applicable local resolutions and state and Federal laws. It is the intent of these provisions to encourage cooperation and consultation between the Township and the applicant to facilitate development in accordance with the Township's land use objectives. The following procedures shall be followed:

A. Pre-application Meeting.
   The applicant shall meet with the Township Planner and staff prior to submission of a development plan. The intent of this meeting is to discuss early and informally, the purpose and effect of this article and the criteria and standards contained herein. It will also give the developer the opportunity to become familiar with zoning and other applicable regulations, as well as the benefit of any comments on his specific proposal by the Township staff.

B. The Development Plan together with an application and fee shall be filed with the

Community Development Department. The application package must be submitted at least thirty (30) days prior to a regular Zoning Commission meeting to be placed on the next meeting agenda.

C. The Township has the right to refuse an application if required data items are missing. In such case, the Township shall notify the applicant in writing within one week indicating which items are missing if the application is not complete and is being refused.

D. Written comments received from reviewing agencies should specify any deficiencies in the development plan and make recommendations as appropriate. The Township may assume the review agency does not have concerns or comments in the absence of a written response.

E. The Zoning Commission shall review the development plan in relation to applicable standards and regulations, and in relation to the intent and purpose of this Resolution. The Zoning Commission shall consider the comments and recommendations received from Miami Township staff, the Austin Oversight Committee, and any other agency or organization that has submitted comments.

F. If the Zoning Commission determines that revisions are necessary to bring the development plan into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised development plan. The revised development plan and application materials shall be reviewed by the Commission or their designee within forty-five (45) days after the Township receives a complete revised application. The Zoning Commission is authorized to approve, approve subject to conditions, or deny a development plan, as follows:

1. Approval. Upon determination that a development plan is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Commission shall approve the plan.

2. Approval Subject to Conditions. Upon determination that a development plan is in compliance except for minor modifications, the conditions for approval shall be identified and the applicant shall be given the opportunity to correct the site plan. The Commission may waive its right to review the revised plan, and instead recommend the Community Development Director or his designee to review and approve the re-submitted plan if all required conditions have been addressed.

3. Denial. Upon determination that a development plan does not comply with the standards and regulations set forth in this resolution, or requires extensive revision in order to comply with said standards and regulations, the Commission shall deny development plan approval.

G. The Township shall submit a letter to the applicant indicating the Zoning Commission's

decision. The letter shall list all approval contingencies, if any, or the reasons why the application was tabled or denied. A set of approved plans stamped by the Township shall be forwarded to the applicant and one stamped set shall be placed in the Township's files. Development Plan approval does not grant authority to excavate, work in the road right-of-way, install utilities, prepare building foundations or perform other site improvements. The applicant shall first apply for and receive all necessary permits required for but not limited to zoning certificate, engineering, building code approval.

SECTION 2710 | DEVELOPMENT PLAN DATA REQUIREMENTS.

The applicant shall provide a minimum of ten (10) copies of a development. The development plan shall include the following information:

A. The boundary of the proposed development with bearings and distances indicated for all proposed boundary lines. The total area of the proposed Development shall be indicated.

B. The names of all adjacent property owners including those across the street from the proposed development.

C. The zoning of all adjoining properties.

D. Existing features on and within 100 feet of the site including topography at 5 foot intervals, vegetation, wetlands or wet areas, all FEMA designated 100 year flood plain areas, roadways, road rights-of-way, sidewalks, structures, permanent facilities, drainage courses, easements, and all private and public utility lines.

E. The location of existing underground and overhead utilities and easements.

F. Road and lot layout with written and graphic depictions of the amount of area dedicated to each type of land use proposed, including open space. A summary table showing total acres of the proposed development, and the number of acres devoted to each type of land use, including streets and open space, shall be provided on the plan.

G. Road access and circulation plan to include method of traffic control in and out of the site and internal to the project.

H. The types of uses and their extent, size and composition in terms of use, intensity, building height, building and parking lot setbacks and coverage shall be specified.

I. The location of all proposed utility connections and tie in locations.

J. The method and location of on-site storm water detention or retention designed to meet Montgomery County standards.

K. Parking calculations and off-street parking and loading locations. Indicate locations of shared parking lots and cross access easements.

L. Indicate and describe the location of common open space amenities including proposed parks, plazas, outdoor seating, art, formal walkways, paths, and natural areas located on common and private property.

M. Pedestrian circulation system showing paths or sidewalks in existing or proposed right- of-way; internal connections leading from each structure to the existing or proposed external pedestrian system; and internal connections between buildings and parking lots and common areas within the project.

N. Landscape Plan showing the location of buffer yards, landscaping adjacent to road rights-of-way and a general planting plan. The plan shall identify and label tree stands and individual trees to be preserved. Trees shall be identified by family, genus, and species as appropriate. New trees shall be labeled by caliper. Existing trees shall be labeled by diameter breast height.

O. A phasing plan indicating the schedule of improvements for proposed structures, sidewalks, utilities, roadways, and landscape elements, etc. The phasing plans shall clearly indicate the timing of any retail development consistent with Section 2707.

P. Written and/or graphic requirements for proposed building and site architecture. Building elevations shall note each area that meets specific requirements under the Architectural guidelines and how the requirement has been met with exact specifications, colors, textures, etc.

Q. Written and/or graphic requirements for streetscape elements and site lighting. A lighting plan sufficient to show compliance with the lighting requirements shall be provided.

R. Covenants and restrictions indicating proposed management practice and maintenance requirements of all common areas.

S. The location of all proposed fire hydrants and the width of all fire lanes.

T. Other documentation needed for the evaluation of the development plan as may be needed to evaluate the general concept of the proposed development.

SECTION 2711 | EXPIRATION OF DEVELOPMENT PLAN APPROVAL.

A. If a zoning certificate is not obtained within one (1) year of development plan approval, the Zoning Inspector shall not issue a zoning certificate until:

1. The expired development plan is granted an extension, not to exceed six (6) months by the Zoning Commission. The Zoning Commission may grant an extension up to two (2) times if deemed appropriate by the Zoning Commission; or

2. A new development plan is prepared and submitted for approval to the Zoning Commission under the standard procedures of this Section.

3. In the case of phased developments or multi-structure developments, each structure proposed in the overall development plan or phase shall obtain a zoning certificate within the time indicated by the developer and approved by the Zoning Commission at the time of development plan approval. Structures not obtaining a zoning certificate within the agreed upon time frame shall follow the procedures of either item 1 or 2 as noted above.

SECTION 2712 | REQUIRED CONDITIONS.

The following required conditions shall apply to ensure compatibility between research and development, laboratory, large headquarter office and modern non-nuisance industrial uses located in new business parks, and to protect residential areas from the same uses.

A. All businesses, services, manufacturing, processing, assembling, packaging, testing, developing, or other industrial or business activity shall be conducted within a completely enclosed building, unless otherwise specifically permitted.

B. Business establishments shall not offer goods, service, food, beverages or make sales directly to customers in motor vehicles, except as specifically approved by the Zoning Commission.

C. The outside storage of goods, merchandise, inventory, equipment, or raw materials is prohibited.

D. No raw materials shall be processed into any of the following basic products: metal of any kind, glass, plastic, textiles, leather, paper or petroleum products.

E. The use of trailers for storage is prohibited.

F. No commercial vehicle with a Gross Vehicle Weight rated in excess of 10,000 pounds, or more than seven (7) feet in height, and not owned by or associated with an existing business on a subject property, may be parked on any commercial lot, except for commercial vehicles making service calls or deliveries to or from a subject property.

G. Prohibited is the open storage of (but not limited to): junk, refuse, miscellaneous

discarded items, inoperative items, inoperative or unlicensed motor vehicles and recreational equipment, auto parts and accessories, or inoperative appliances.

H. No noise or vibration shall be permitted which is detectable at or beyond the lot lines to the human sense.

I. No emission of toxic or noxious matter, which is injurious to human health, comfort and enjoyment of life and property or to animal or plant life, shall be permitted.

J. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Combined Health District. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving or other acceptable means.

K. There will be no emission of odors or odor causing substances which can be detected without the use of instruments at or beyond the lot lines.

L. Manufacturing activities involving the use, storage, or disposal of radioactive materials are prohibited except for those materials:

1. That do not become an integral part of the manufactured product, or

2. That are exempt from state and/or federal licensing requirements

3. Used for medical diagnosis and therapy, education, or industrial/defense related research and development.

SECTION 2713 | DESIGN AND DEVELOPMENT STANDARDS.

A. **Purpose.** Design and development standards are established to create a unified image for Austin Center. High quality, mixed-use developments located in campus settings with integrated open spaces, streets, parking and pedestrian facilities are desired. To that end, the design and development standards in this Article are further designed to:

1. Utilize decorative and long lasting building designs on all building walls facing public roadways.

2. Develop unique buildings that fit into the overall character and design theme of Austin Center by requiring decorative architectural elements and unique, landmark building designs.

3. Place structures close to I-75 and all surface streets, to create an identifiable image unique to Austin Center with adequate room for tree preservation zones and/or landscape buffers between structures and road rights-of-way.

4. Place parking lots in rear or side yards to make Austin Center's structures the focal point of every development site.

5. Preserve and integrate existing tree stands, open spaces, stream corridors, wetlands, and scenic views on development parcels and along corridors, to maintain Austin Center's natural heritage.

6. Require a non-motorized transportation system for the exclusive use of pedestrians and bicyclists that provides safe linkages between neighborhoods, businesses, recreational, and open space areas.

7. Incorporate sound site design techniques to minimize the intrusion on existing residential neighborhoods by saving existing vegetation where possible, placing buildings and parking lots in appropriate locations, and providing landscape buffer areas.

8. Restrict access to development parcels adjacent to arterial and collector roads by requiring shared service drives, parallel access, or access off of nearby cross streets on roads that are internal to office and industrial parks.

9. Utilize low profile monument signage along all surface streets throughout the Austin Center District and encourage architecturally compatible wall identification signs on building elevations facing I-75.

B. Building Design.

1. **General.** Any building elevation of any structure facing a public roadway shall be considered a front side or façade for design purposes.

2. **Facades.** Facades must include a repeating pattern with an expression of architectural or structural bays through a change in plane greater than or equal to (>=1') wide, such as an offset, reveal, pilaster, projecting ribs, fenestration patterns, or piers.

   Office and retail façade walls must not have a blank, uninterrupted length greater than forty feet (>40') without including the required change in plane and one additional feature such as: changes in texture or pattern, or other equivalent elements that subdivide the wall into human scale proportions. All elements must repeat at intervals of less than or equal to forty-feet (<=40'). Industrial facades shall follow these standards but at an interval of 120 feet.

3. **Façade Base Treatment.** Facades must have a recognizable base with (but not limited to):

a. Thicker walls, ledges or sills;

b. Integrally textured elements such as stone or other masonry;

c. Integrally colored and patterned elements such as smooth-finished stone;

d. Lighter or darker colored elements, mullions or panels; or

e. Planters.

4. Long Walls, exceeding 120 feet in length, visible from a road right-of-way should include at least one change in wall plane, such as projections or recesses, having a depth of at least 3% of the entire length of the façade and extending at least 20% of the entire length of the facade.

5. Side or rear walls facing walkways or visible from a street right-of-way may include false windows and door openings defined by frames, sills and lintels, or similarly proportioned modulations, only when actual doors and windows are feasible because of the building use.

6. **Glass.** The use of glass as an architectural and design element is required but limited to fifty percent (50%) on facades to avoid the excessive use of this element and a dated appearance. The first floor of buildings shall have a minimum of twenty five percent (25%) glass to provide variety, interest, and openness. Glass with a reflection greater than twenty percent (20%) is prohibited. However, retail buildings shall have a minimum window opening of fifty percent (50%) on the ground floor façade with clear vision glass.

7. **Main Building Entrances.** Building frontages must incorporate a main entrance door. The main public entrance door shall be inviting and pronounced with lighting; high quality building materials; and architectural elements that draw the eye to the opening such as decorative transoms, columns, recesses, or protrusions. Entrances shall combine different colors, textures and the before mentioned architectural elements to emphasize entrances and to break the monotony of large vertical surfaces.

   Public entrance vistas shall be established or preserved by framing the area leading to the entrance with landscaping. It is not the intent of the landscaping or screening requirements found in this Article to block the view of the primary building entrances. Also, entrances should be designed with attention to pedestrian use, as well as automobile drop-off convenience.

8. **Architectural Details.** Incorporate recesses, off-sets, arches, colonnades, columns, pilasters, detailed trim, brick bands, and contrasting courses of material, cornices, or porches to vary building facades.

9. **Accents.** Use canopies, overhangs, raised parapets over the door, archways, awnings, larger openings and display windows, accent colors, and details such as tile work, moldings, pedestrian-scale lighting, and distinctive door pulls to add detail and additional interest to building designs.

10. **Retail and office Building Walls.** In addition to the other standards found herein, retail and office buildings shall incorporate four sided building wall architecture. The intent of this requirement is to provide a pleasant environment on all sides of the development regardless of orientation or location. As such, the side and rear building walls shall incorporate the same building materials, proportionality, and texture as the front façade.

11. **Building Colors.** Building colors must be low-reflecting, muted and neutral or earth-toned. Roof colors must be muted and compatible with the dominant building color. High-intensity colors, bright primary colors, metallic colors, black or fluorescent colors are prohibited. Shiny, glossy or reflective materials, or brighter colors may be used on building trim and accents with a cumulative surface area of less than or equal to one quarter of one percent (<=0.25%) of a wall. Neon lighting as an architectural trim is prohibited.

12. Color changes must occur only at a change of plane or reveal line. Color changes at the outside corners of structures are prohibited.

13. **Building Roofs.** Rooflines must be varied with cantilevers, gables, parapets, and/or cornice lines. The continuous plane of a roofline must be less than or equal to 100 feet (<=100').

B. **Utilities.** All new utilities shall be located below ground to minimize disruptions in utility service, reduce weather related losses, and to enhance the visual appearance of the Austin Center area.

C. **Fences.** The requirements of Article 39, Section 3909 shall apply, except as modified below:

1. All fences used for screening or decorative purposes shall be composed of finished wood, brick, stone, or iron. Chain link or similar fencing is prohibited except as specifically permitted by the Zoning Commission for security and public safety purposes.

2. No retail or office fence shall exceed six (6) feet in height, or three and one-half (3.5) feet if located in a front yard setback.

3. No fencing shall be electrified or constructed of barbed wire.

4. Only ornamental fencing shall be located in the front of a building.

5. All fencing on a single parcel shall have a unified design to provide consistency in appearance throughout the property.

D. **Lighting.** For the purpose of providing consistent site lighting that does not produce glare and reduces the illumination of the night sky. The following lighting standards shall be followed:

1. All non-decorative lighting shall be fully shielded lights that do not emit light rays at angles above the horizontal plane as certified by a photometric test report.

2. Decorative, pedestrian scale lights are encouraged in areas of pedestrian activity. All decorative lights over 10 feet in height shall be shielded to avoid light spillage on adjacent property and road rights-of-way.

3. Where lighting abuts a residentially used property, the maximum illumination at the property line shall not exceed 0.5-foot candles. Where lighting abuts a non-residentially used property, the maximum illumination at the property line shall not exceed 1-foot candle. Lighting shall not exceed 6-foot candles, except gasoline service station pumps, and drive-thru's may be permitted to have lighting not in excess of 10-foot candles, provided the lighting is concentrated for safety and security purposes and not allowed across an entire site or to spill onto adjacent areas.

4. Wall packs must be fully shielded to direct the light downward. They shall not be used to draw attention to the building or to provide general building or site lighting.

5. Bare metal light poles and elevated "sonotube" type concrete bases are prohibited.

6. Light poles shall be consistent with the overall architectural theme of the site.

7. Neon accent lighting is prohibited on buildings.

8. Light poles shall not exceed thirty feet in height.

9. Any light used for advertising purposes in violation of Article 41 is prohibited.

E. Yard and Bulk Requirements.

It is desirable to establish setback requirements to maintain consistency in building placement along major thoroughfares. Building height and bulk should be the highest adjacent to the interchange and decline gradually as the distance away from

the interchange increases.

1. **Front yard setback.** A minimum front yard setback of 60 feet is required for buildings with frontage on Byers Road, Miamisburg-Springboro Pike, and State Route 741. This setback is sufficient to provide the required area for tree preservation zones or landscaped buffer yards next to road rights-of-way as required under Section 2710.G.2. The front yard setback may be reduced to 30 feet if parking is not located between the building and the road right-of-way. A minimum front yard setback of 30 feet is required for all buildings located adjacent to other public roads.

2. **Side yard setback.** Side yard setbacks shall be the minimum required to accommodate required buffer yard widths pursuant to Section 2710.G.3 below. A zero foot setback is permissible with a common building wall.

3. Rear yard setbacks shall be the minimum required to accommodate required buffer yard widths pursuant to Subsection D below.

4. **Setback from Residential Districts.** All nonresidential uses and associated parking lots and loading facilities shall be located not less than seventy-five (75) feet from land zoned for residential purposes.

5. **Coverage and Open Space Requirements.** Not more than seventy-five percent (75%) of the area of any development lot or development parcel shall be covered with any combination of buildings, pavement, or other impervious surfaces. Detention ponds, retention ponds, wetlands and floodplains shall not account for more than 50% of the required 25% open space area. Exceptions can be made to the 50% restriction by the Zoning Commission if extraordinary efforts are proposed to make such areas a positive site amenity by incorporating trails and pedestrian furniture and lighting around and/or through such areas.

6. **Maximum Building Height.** Buildings located adjacent to I-75 or within 500 feet of the Miamisburg Springboro pike overpass at I-75 shall not exceed 8 stories in height. Buildings located between 500 and 1,500 feet from the

   Miamisburg Springboro pike overpass at I-75 shall not exceed six stories. All other buildings shall not exceed 4 stories in height.

7. **Minimum Building Height.** Multi-story structures are required within a 1,000 foot radius from the center of the Miamisburg-Springboro Pike overpass at I-75 to create a pronounced gateway at the Austin Center Interchange.

8. **Maximum Lot Coverage.** The maximum building coverage shall not exceed 50% of the lot area except when a parking garage is proposed. In such case, the maximum lot coverage shall not exceed 75% of the lot area.

F. Landscaping Standards.
Landscaping has a significant impact on the quality of the environment. In addition to visual appeal, landscaping provides an essential buffer and screen for undesirable features such as parking lots and utility structures. The standards of Article 45-A shall apply, except as specifically modified below:

1. **General Requirements.** As a general guideline, a consistent landscape program is required throughout Austin Center including a mix of evergreen trees, canopy trees, ornamental trees, shrubs, and flowering ground covers to provide an inviting environment.

2. **Landscaping Adjacent to Rights-of-Way.** Landscape buffer yards shall be provided adjacent to the Byers Road, Miamisburg-Springboro Pike, Austin Road, SR 741 and I-75 rights-of-way planted with a mixture of shade trees, ornamental trees, bushes and ground cover as required in the below table. A minimum screen height is established to screen parking lots and commercial uses from rights-of-way. Earth mounds, decorative masonry walls, and dense vegetation can be used in any combination to provide the required screening.

Use	Min. Buffer Width	Min. Screen Height	Min. Plant Material
Office, Business	30 feet	30 inches	1 deciduous tree and 4 shrubs for every 20 lineal feet
Light Industrial	30 feet	3 feet	1 deciduous tree and 4 shrubs for every 20 lineal feet

Landscaping adjacent to other public road rights-of-way shall require one (1) large deciduous tree, as defined under Article 45-A, planted for every 35 feet of lot frontage or one medium deciduous tree planted for every 30 feet of lot frontage. The buffer yard shall be a minimum of 10 feet wide.

3. Landscape Buffers between Properties.
The intent of buffer yards is to reserve an appropriate area to screen: (1) different uses of land; (2) screen parking lots from adjacent property; and (3) enhance the long term attractiveness and vitality of Austin Center as an attractive employment center through the judicious use of landscape materials such as trees, bushes, and shrubs in combination with earth mounds, decorative fences and masonry walls. Buffer yards with required landscaping and screening materials shall be provided adjacent to perimeter boundaries and between individual lots as specified in the following tables:

Proposed Use	ADJACENT TO

	Single or Two-Family Residential	Office Use/ District	General Business Use/District	Industrial Use/District
Business	C	A	A	B
Office	C	A	A	B
Industrial	D	B	B	A

Buffer Zone	Minimum Buffer Width	Minimum Screen Height	Minimum Plant Materials
A	10 Feet	- -*	1 deciduous or evergreen tree per every 40 lineal feet
B	20 Feet	3 feet	1 tree per 25 lineal feet with a minimum of 40% evergreen trees.
C	30 Feet	4 feet	1 tree per 20 lineal feet with a minimum of 50% evergreen trees.
D	40 Feet	5 feet	1 tree per 15 lineal feet with a minimum of 70% evergreen trees.

* No minimum screen height is required unless the Zoning Commission finds that screening is needed between similar uses that have varying degrees of density or land use intensity or to screen parking lots from adjacent property.

4. Parking Lot Interior.
   A continuous landscape island should be provided between every fourth double row of parking or, alternatively, at the ends of each parking aisle and between every twelve (12) parking spaces. Trees shall be planted at locations protected from vehicular encroachment. Landscape islands shall be designed to separate parking aisles, direct traffic, and break large expanses of asphalt. The width and area of each landscape island shall be sufficient to protect trees from vehicular encroachment. Each island shall contain shrubs, ground cover and/or mulch at least one required deciduous tree for every 500 square feet of landscape island.

5. The Community Development Director or Zoning Commission may grant modifications to any buffer yard landscaping requirement where existing or proposed vegetation meets the intent of these regulations, or when, because of the unique shape, location, or character of the property, alternative landscaping requirements would produce a more appealing landscape design. However, additional tree plantings or other landscape elements may be required where existing vegetation is sparse and/or the intent of these regulations is not met. Existing plant material used in lieu of the above buffer yard requirements shall be protected by a perpetual conservation easement.

G. Planting Standards. The following guidelines shall be followed:

1. The plant palette should emphasize native trees, shrubs, and ground cover that are hardy to this region.

2. Deciduous trees shall have a DBH (diameter at breast height) of at least 2.5 inches; Ornamental trees shall have a DBH of at least 2.0 inches and evergreen trees shall be at least six feet high at the time of planting. Deciduous and evergreen shrubs shall be a minimum of 18 inches high at the time of planting with no fewer than 6 main branches.

3. Plants shall be salt-spray tolerant, compatible with existing soil conditions and tolerant of a wide range of conditions.

4. Creativity in landscape design is encouraged. The planting design shall use massing or groupings of materials to create a stronger visual impact for high speed areas, use plant diversity for long term health of the plants, use repetition for continuity and create visual interest by incorporating spring and summer flowers and fall color. The design shall incorporate the Community Development Director's or Zoning Commission's desired visual effect and, equally important, the intent of the Township to coordinate landscaping on adjoining properties.

5. New landscaping should be naturalistic looking by being sensitive to Austin Center's existing natural features. New landscaping should blend with existing vegetation and topography. Earth mounds should undulate horizontally and vertically to remove monotony from the landscape and to look as naturalistic as possible.

6. Plants shall not be located where they might interfere with overhead utilities or block visibility for pedestrians and motorists.

H. Screening Standards. Proper placement of utilitarian features enhances the effectiveness of screening. Ground and roof mounted mechanical equipment, trash receptacles, and loading areas shall be screened from view from any public right-of-way or adjacent property through the use of evergreen plantings or enclosures or roof form.

I. Trash receptacles shall be screened on three (3) sides with durable building materials consistent with the colors and materials used on the façade of the principal building. The fourth side shall be screened with a decorative opaque gate with a lockable latch assembly. Bollards shall be provided to protect adjacent vehicles from gate over-swing.

J. Signs. Consistent business signage is necessary for ease of way finding and visual continuity. Low profile monument signs, rather than pole or pylon signs, shall be used throughout the Austin Center District. Such signs should be integrated into the overall site design, consistent in architectural style with the building it advertises.

Article 41 Sign Regulations, shall control the specific sign requirements and prohibitions. Office uses shall follow the standards of Section 4105, and retail and industrial uses shall follow the standards of Section 4106,with the following additional provisions:

1. **Prohibited Signs.** Roof signs, pole signs, pylon signs, billboards, and highway signs are prohibited.

2. **Ground Sign Requirements.** Ground signs shall be monument signs such as no support structures are visible. The sign base shall be constructed of the same materials as the building facade, and the sign style shall be consistent with the architecture of the building it advertises. Landscaping consisting of shrubs, flowers, and accent stones shall be provided around the base of all monument signs. Ground lighting should be flush with the grade or obscured by landscaping. Internally illuminated ground signs are discouraged.

K. **Parking and Loading.** Article 42 Off-street Loading Regulations and Article 43 Off-street Parking Regulations shall govern in addition to the following provisions.

1. **Permitted Parking Lot Locations**. Not more than two rows of parking shall be placed in any front yard of an office and/or industrial development and not more than one row of parking shall be placed in any front yard of a retail development. For the purpose of determining the permitted location of parking lots any yard located adjacent to a road right of way shall be considered a front yard. Parking lots located in front and side yards shall be screened in accordance with subsection (D).

2. **Shared Parking Lots.** Parking lots located on adjacent properties shall be connected by access aisles. Access easements shall be shown on Development Plans and recorded at Montgomery County. The number of required parking spaces may be reduced if shared parking is provided in conjunction with uses that have different peak hour parking demand.

3. **Pedestrian Circulation.** A safe transition shall be provided for people walking from their vehicles to the building, or for pedestrians or bicyclists using a public pathway to the building entrance. The design of the parking lot should minimize areas where vehicular traffic moves in the same space with pedestrians. Walkways shall be curbed and elevated higher than parking lots to place pedestrians at a higher level than vehicular traffic.

4. **Loading Bays.** Loading bays shall not face I-75, Miamisburg Springboro Pike, or SR 741 or be visible from any other right-of-way or residential district. Loading areas shall be screened from view from local streets and residential districts by an opaque barrier consisting of a decorative screen wall consistent in appearance and materials with that of the principal building, continuous

evergreen planting, or some combination thereof.

5. **Bicycle Parking.** Bicycle parking should be provided next to building entrances or at safe and convenient locations within parking lots.

L. **Pedestrian Amenities/Circulation.** Each development shall provide at least one centrally located and well defined pedestrian space. Examples of pedestrian spaces include plazas, patios, and courtyards. Pedestrian spaces shall be located at logical destinations and be anchored by special design features and site furniture such as decorative towers, arcades, porticos, pedestrian scale light fixtures, bollards, art, water features, planting walls, and other elements that define the pedestrian realm. Pedestrian spaces located in isolated areas, located away from buildings, or are sparse with amenities, will not meet the requirements of this section.

M. **Pathways.** Pathways (i.e., bike paths and shared use trails) and/or sidewalks shall extend into each site development from the existing or planned Austin Center bike path and sidewalk system. The intent is to offer a range of non-motorized commuting and recreational options for employees, residents and visitors of the area. The Zoning Commission may reduce the number of off-street parking spaces required for the provision of bicycle parking facilities and a well designed non-motorized circulation system on-site that:

1. Links buildings and main entrances to the public sidewalk system and multi-use paths.

2. Connects office and industrial buildings to nearby common areas, open spaces, plazas, courtyards, and retail areas.

3. Establishes pedestrian connections between employment centers and adjacent neighborhoods.

SECTION 2714 | MODIFICATIONS.

Upon the request of any person, the Zoning Commission may approve modifications of submitted Development Plans and Landscape Plans from the terms of this Article as will not be contrary to the public health, safety, and welfare where, owing to special conditions, a literal enforcement of the provisions of this Article would detract from the stated purpose of this Article. A request for a modification shall be submitted to the Zoning Commission and shall be heard at a regularly scheduled Zoning Commission meeting. The Zoning Commission shall decide the issue within a reasonable time after the hearing. A majority vote of the Zoning Commission shall be required to approve a requested modification. In evaluating a request for a modification, the Zoning Commission shall include, but not be limited to, the following criteria:

A. The specific condition(s) which are unique to the applicants land, and do not exist on other land within the same zone;

B. The manner in which strict application of this Article would deprive the applicant a reasonable use of the land in a manner equivalent to the use permitted other landowners in the same zone;

C. The unique conditions and circumstances are not self-created after the adoption of this Article; and

D. Reasons that the variance shall preserve, not harm the public safety and welfare, and shall not alter the essential character of the surrounding area.

E. The agreed upon Development Plan and/or Landscape Plan substantially complies with the terms and stated purpose of this Article.

SECTION 2715 | VARIANCES.

Any person aggrieved by a decision of the Zoning Commission may apply for a variance or administrative appeal as permitted in Article 4 Board of Zoning Appeals.

SECTION 2716 | NON-CONFORMING USES AND STRUCTURES.

Non-Conforming uses and structures within the AC-1 through AC-5 zoning districts shall be governed by Article 36, except as modified herein.

A. Residential Uses and Structures
The requirements for submission of a general development plan, design, and landscaping standards shall not apply to legal non-conforming residential structures. Legal non-conforming residential uses may construct new, or enlarge existing, accessory uses per the standards of Article 38 and fences per the standards of Article 39, Section 3909. Legal non-nonconforming residential structures may be enlarged or modified per the development standards of Section 1204.

B. Business and Industrial Uses and Structures
Existing non-conforming commercial structures or uses may be enlarged to an extent of 50% of the total gross floor area existing at the time said use or structure is placed into one of the Austin Center zoning districts. A general development plan shall not be required but said enlargement shall be subject to the landscaping standards of Article 45-A and the setback standards of Section 2713. The Board of Zoning Appeals may permit additional enlargements; such enlargement may be permitted in excess of the 25% permitted under Section 3604.04. The Board of Zoning Appeals may require portions of the design and landscape standards of Article 27 to be applied to said structure as part of any approval of an enlargement.

For lots of record at the time of placement into the Austin Center zoning districts the required setback between a business or industrial use, including associated parking lots, loading facilities, and structures, from a residential district shall be 75 feet or 20% of the applicable width or depth of the lot, whichever is the lesser, for the side

adjacent to the residential district.

C. Damage or Destruction

In the event that any building or structure that is devoted in whole or in part to a nonconforming use, other than that of a single family residence, or is itself non-conforming but otherwise devoted to a permitted use, is damaged or destroyed, by any means, to such an extent that the cost of restoration to the condition in which it was before such damage or destruction exceeds fifty (50) percent of the current replacement cost of the entire building or other structure, exclusive of foundation, such building or other structure shall not be restored unless such building or other structure shall thereafter conform to the regulations of the district in which it is located.

Nothing in this Resolution shall be deemed to prevent the total restoration of any legal nonconforming single-family residence, so long as such restoration is actually begun within one year after the date of its damage or destruction.

ARTICLE 27-A | "AC-1" AUSTIN CENTER HOSPITALITY DISTRICT

The purpose of the "AC-1" Austin Center Hospitality District is to promote the development of high quality business park amenities at Austin Center that are highly accessible to local and regional businesses and institutions.

SECTION 27-A01 | PRINCIPAL PERMITTED USES.

A. All uses permitted in Section 2704.

B. Hotel, without exterior room access.

C. Conference center.

D. Banquet hall.

E. Extended stay corporate housing.

F. Automobile filling and service stations and repair garages and associated convenience stores, including quick oil change or lubrication stations.

SECTION 27-A02 | ACCESSORY STRUCTURES AND USES.

Uses, buildings and structures customarily incidental to any of the foregoing permitted uses are permitted as specifically permitted in Section 2705.

SECTION 27-A03 | REQUIRED CONDITIONS.

In all areas zoned AC-1, no building shall be erected, modified or used unless it is in conformance with Section 2712 Required Conditions.

SECTION 27-A04 | DESIGN AND DEVELOPMENT STANDARDS.

All development in the AC-1 District shall meet the Design and Development Standards contained in Section 2713 along with the following additional provisions:

A. Buildings within the AC-1 District shall exhibit integrated design elements and common architectural themes.

B. Hotels, retail shops, and restaurants shall be connected with pedestrian paths and walks that contain lighting and seating. The intent is to create a "park once and walk environment" for travelers and guests.

C. When a public or semi-public space such as the hotel lobby, restaurants, meeting rooms and banquet facilities are sited at the ground level adjacent to a pedestrian path or road right-of-way, these spaces shall be accented with the use of glass and transparent materials between the height of three feet and eight feet above the walkway or street grade.

D. All hotel stairwells, corridors and other circulation components of the building shall be completely enclosed within the building envelope.

E. Automobile Service Bays shall not face directly onto Major Thoroughfares.

F. Gasoline pumps shall be located in rear yards (behind the principal structure).

G. Outside vending machines are prohibited.

SECTION 27-A05 | AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.

Buildings and uses in the AC-1 District are subject to the yard, height, bulk, and placement requirements of Section 2713F.

SECTION 27-A06 | DEVELOPMENT PLAN REQUIRED.

Development Plan review and approval is required for all buildings and uses subject to the requirements of Section 2709.

ARTICLE 27-B | "AC-2" AUSTIN CENTER CORPORATE OFFICE DISTRICT

The purpose of the "AC-2" Corporate Office District is to reserve adequate land for larger scale, campus style corporate office development consistent with the existing corporate office environment located in the SR 741 corridor, north of Miamisburg-Springboro Pike.

SECTION 27-B01 | PERMITTED USES.

A. All uses permitted in Section 2704.

B. National corporate headquarters.

C. Regional corporate headquarters.

D. Hospital.

SECTION 27-B02 | ACCESSORY STRUCTURES AND USES.

Uses, buildings and structures customarily incidental to any of the foregoing permitted uses are permitted as specifically permitted in Section 2705.

SECTION 27-B03 | REQUIRED CONDITIONS.

In all areas zoned AC-2, no building shall be erected, modified or used unless it is in conformance with Section 2712 Required Conditions.

SECTION 27-B04 | DESIGN AND DEVELOPMENT STANDARDS.

All development in the AC-2 District shall meet the Design and Development Standards contained in Section 2713 along with the following additional provisions:

A. Retail developed in the AC-2 District shall be centrally located to provide convenient pedestrian access from adjacent office complexes.

B. Retail shall be highly integrated into the overall business park campus design with well defined but separated pedestrian and vehicular connections.

C. Four sided architecture with consistent building materials used on all elevations is required.

SECTION 27-B05 | AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.

Buildings and uses in the AC-2 District are subject to the yard, bulk, height, and placement requirements of Section 2713F.

SECTION 27-B06 | DEVELOPMENT PLAN REQUIRED.

Development Plan review and approval is required for all buildings and uses subject to the requirements of Section 2709.

ARTICLE 27-C | "AC-3" AUSTIN CENTER BUSINESS PARK DISTRICT

The purpose of the Austin Center Business Park District is to establish areas where industrial activities, laboratories, and clean, quiet operations can coexist with office uses within the context of a master planned, business park setting. Manufacturing uses involving the primary production of commodities from raw materials shall be expressly prohibited in the AC-3 District. Greater flexibility in use controls is desired to allow greater responsiveness to regional business markets and land needs and to increase the competitiveness of Austin Center as an employment node.

SECTION 27-C01 | PERMITTED USES.

A. All uses permitted in Section 2704.

B. Non-nuisance manufacturing and fabrication that can meet the minimum performance standards of Section 2712.

C. Manufacturing, assembling, testing and repair of component devices, equipment and systems of an electrical, electronic or electromagnetic nature.

D. Manufacture testing, repair and assembly of optical devices, equipment and systems.

E. Manufacture testing, repair and assembly of testing equipment.

F. Testing laboratories and facilities.

G. Prototype development.

H. Industrial Research and development uses including research relating to product development in conjunction with testing, laboratory, and minor fabricating and assembly operations.

I. Telephone or telegraph communications operations including service and repair operations.

J. Medical equipment supply.

K. Education supply.

L. Commercial trades and services, excluding personal services.

M. Bakeries.

N. Food catering services, not including banquet halls.

SECTION 27-C02 | ACCESSORY STRUCTURES AND USES.

Uses, buildings and structures customarily incidental to any of the foregoing permitted uses are permitted as specifically permitted in Section 2705.

SECTION 27-C03 | REQUIRED CONDITIONS.

In all areas zoned AC-3, no building shall be erected, modified or used unless it is in conformance with Section 2712 Required Conditions.

SECTION 27-C04 | DESIGN AND DEVELOPMENT STANDARDS.

All development in the AC-3 District shall meet the Design and Development Standards contained in Section 2713 along with the following additional provisions:

A. Retail developed in the AC-3 District shall be centrally located to provide convenient pedestrian access from adjacent office and clean industrial complexes.

B. Retail shall be highly integrated into the overall office park campus design with well defined but separated pedestrian and vehicular connections.

C. Four sided architecture with consistent building materials used on all building elevations is required.

SECTION 27-C05 | AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.

Buildings and uses in the AC-3 District are subject to the yard, bulk, height, and placement requirements of Section 2713F.

SECTION 27-C06 | DEVELOPMENT PLAN REQUIRED.

Development Plan review and approval is required for all buildings and uses subject to the requirements of Section 2709.

ARTICLE 27-D | "AC-4" AUSTIN CENTER PROFESSIONAL OFFICE DISTRICT

The purpose of the Austin Center Professional Office District is to provide professional support services to corporate office and industrial uses located at Austin Center and the greater region.

SECTION 27-D01 | PERMITTED USES.

A. All uses permitted in Section 2704.

B. Veterinarian office without outdoor kennel.

SECTION 27-D02 | ACCESSORY STRUCTURES AND USES.

Uses, buildings and structures customarily incidental to any of the foregoing permitted uses are permitted as specifically permitted in Section 2705.

SECTION 27-D03 | REQUIRED CONDITIONS.

In all areas zoned AC-4, no building shall be erected, modified or used unless it is in conformance with Section 2712 Required Conditions.

SECTION 27-D04 | DESIGN AND DEVELOPMENT STANDARDS.

All development in the AC-4 District shall meet the Design and Development Standards contained in Section 2713.

SECTION 27-D05 | AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.

Buildings and uses in the AC-4 District are subject to the yard, bulk, height, and placement requirements of Section 2713F.

SECTION 27-D06 | DEVELOPMENT PLAN REQUIRED.

Development Plan review and approval is required for all buildings and uses subject to the requirements of Section 2709.

ARTICLE 27-E | "AC-5" AUSTIN CENTER CONVENIENCE COMMERCIAL DISTRICT

The purpose of the Austin Center Convenience Commercial District is to provide small commercial areas that cater to the daily convenience shopping and service needs of Austin Center employees and residents of nearby neighborhoods.

SECTION 27-E01 | PERMITTED USES.

A. All uses permitted in Section 2704.

B. Automobile filling and service stations and repair garages and associated convenience stores, including quick oil change or lubrication stations.

C. Video sales and rental.

D. Drug store.

E. Grocery store.

F. Book store.

G. Floral shop.

H. Hardware.

I. Jewelry.

J. Private Service club.

K. Library.

L. Art galleries/Picture framing.

M. Bicycle sales and service.

N. Ice cream parlor.

O. Carry-out restaurant.

SECTION 27-E02 | ACCESSORY STRUCTURES AND USES.

A. Accessory uses, buildings and structures customarily incidental to any of the foregoing permitted uses are permitted.

B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of construction work.

SECTION 27-E03 | REQUIRED CONDITIONS.

In all areas zoned AC-5, no building shall be erected, modified or used unless it is in conformance with Section 2712 Required Conditions.

SECTION 27-E04 | DESIGN AND DEVELOPMENT STANDARDS.

All development in the AC-5 District shall meet the Design and Development Standards contained in Section 2713 along with the following additional provisions:

A. Automobile Service Bays shall not face directly onto Major Thoroughfares.

B. Gasoline pumps shall be located in rear yards (behind the principal structure).

C. Outside vending machines are prohibited.

SECTION 27-E05 | AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.

Buildings and uses in the AC-5 District are subject to the yard, bulk, height, and placement requirements of Section 2713F.

SECTION 27-E06 | DEVELOPMENT PLAN REQUIRED.

Development Plan review and approval is required for all buildings and uses subject to the requirements of Section 2709.

ARTICLE 28 | "NR" NATURAL RESOURCES DISTRICT

The "NR" Natural Resources District is designated with the recognition that the sand and gravel deposits within the Township's land area are unrenewable material resources necessary and beneficial to the economy of the Township and the regional area about it and the welfare of its citizens. To provide for the utilization of this resource in a manner compatible with nearby residential areas, and to insure complete restoration of the sand and gravel areas ready for another land use at the conclusion of excavation and treatment, this Natural Resource District is hereby established.

SECTION 2801 | PRINCIPAL PERMITTED USES.

A. Extraction of sand and gravel.

B. Processing of sand and gravel.

C. Mining of deposits of limestone or other similar material.

SECTION 2802 | CONDITIONAL REQUIREMENTS.

No zoning certificate shall be issued for a "NR" use until the applicant shall have certified to the Zoning Inspector that he meets the following requirements of this and subsequent sections of Article 28.

The removal of sand, gravel, limestone, or similar materials by excavation, stripping, mining, or otherwise taking and including on-site operations appurtenant to the taking including washing, grading sorting, grinding operations shall be carried on within the limits of the "NR" District. All extraction from new pits begun subsequent to the effective date of this Resolution shall be washed, graded, and further processed and/or stored within the limits of the "NR" District; no material resource extracted outside the limits of this district shall be brought in for washing, grading, or further processing, except in the event of a public emergency as declared by the Township Board of Trustees requiring the use of said natural resources. Concrete batching plants and asphalt mixing plants shall not be permitted as a part of a Natural Resources District.

SECTION 2803 | APPLICATION, REVIEW, AND PERMIT RENEWAL PROCEDURE.

A. Filing of petition.
   Petitions for the granting of permits for natural resources operations shall be filed with the Zoning Inspector by the owners and lease holders, if any, of the land proposed for natural resources development. Two (2) copies of the petition shall be submitted, fully supplemented by data, maps, and aerial photographs specified, and shall be accompanied by a fee as established by resolution of the Township Trustees.

   A permit for such use shall be issued for a one (l) year period by the Trustees after a

recommendation by the Township Zoning Commission. Unless the owner of the petition ignores and/or violates the restoration plan the permit is automatically renewable for one (l) year periods. Petitions shall be accompanied by the following:

1. Name of the owner or owners of land from which removal is to be made.

2. Name of the applicant making request for such a permit.

3. Name of the person or corporation conducting the actual mining operations.

4. Vertical aerial photograph showing the site, contiguous land and accessible public roads (1" equals 200').

5. Location, description and size of the area from which the removal is to be made (l" equal 200'), drawn by a registered engineer or land surveyor.

6. Location of the processing plant to be used and any accessory or kindred operations that may be utilized in connection with the operation of the processing plant by the mining processor or any other firm, person, or corporation. The processing plant shall be located as to minimize the problems of dust, dirt, and noise, insofar as reasonably possible.

7. A detailed plan and timetable of the type of resources or materials to be removed.

8. Proposed method of removal and whether or not blasting or other use of explosives will be required.

9. General description of the equipment to be used.

10. Method of rehabilitation and reclamation of the mined-out area, including a grading plan showing existing contours in the area to be excavated and the proposed future contours showing the topography of the area after completion. Such plan shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.

11. Report by a qualified soil scientist, soils engineer or geologist regarding the effect the proposed operation will have upon the watershed of the area with particular attention being devoted to the water table, and if water bodies are to be created, the anticipated permanence of such.

SECTION 2804 | DEVELOPMENT STANDARDS.

A. Excavation, washing, and stockpiling of extracted material shall not be carried on closer than fifty (50) feet to any property line, or such greater distance as specified by

the Board, where such is deemed necessary for the protection of adjacent property except that this distance requirement may be reduced by the written consent of the owner or owners of abutting property, but in any such event, adequate lateral support shall be provided for said abutting property.

B. In the event that the site of the mining operation is adjacent to the right-of-way of any public street or road or adjacent to residentially zoned districts, no part of such operation shall take place closer than one hundred and fifty (150) feet to the nearest line of such right-of-way or Residential District, except as may otherwise be provided by Section 4153.11 of the Revised Code of State of Ohio.

C. Any excavated area adjacent to a right-of-way of any public street or road shall be back-filled for a distance of one hundred and fifty (150) feet from the right-of-way line.

D. Each tract of land for Natural Resources development shall have a minimum frontage on a major or secondary thoroughfare of at least two hundred (200) feet which shall provide the only approved access to the property, except that the Township Trustees may approve:

1. A lesser frontage if written consent of the owner in fee of adjacent property is first secured.

2. If the tract has no frontage but is fronted by a natural resource operation properly zoned; if written permission for access to a major or secondary thoroughfare is first secured from the owner in fee and leaseholder, if any.

E. Fencing or other suitable barrier, including the planting of multi-flora rose, shall be erected and maintained around the entire site or portions thereof where in the opinion of the Trustees, such fencing or barrier is necessary for the protection of the public safety and shall be of a type specified by the Trustees.

F. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in a dust-free condition by surfacing or other treatment as may be specified by the Trustees.

G. Quarrying shall not be carried out closer than three hundred (300) feet to any adjoining property line unless the written consent of such adjoining property owner has first been obtained.

H. Hours of operation shall be during daylight hours.

SECTION 2805 | REHABILITATION REQUIREMENTS.

All mined-out areas shall, within a reasonable length of time, be reclaimed and rehabilitated and the Trustees, at their discretion, may fix a bond in a reasonable amount to assure that such rehabilitation and reclamation will be carried out. The Trustees shall

be guided by the following standards with respect to rehabilitation and reclamation of mined-out areas:

A. All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the water mark, or shall be graded or back-filled with non-noxious, non-combustible and non-inflammable solids, to ensure:

   1. That the excavated area shall not collect, and permit to remain therein, stagnant water; or,

   2. That the surface of such area which is not permanently submerged is graded or back-filled as necessary so as to reduce the peaks and depressions thereof so as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.

B. The banks of all sand and gravel excavations in a water producing excavation, and to the pit bottom in a dry operation, shall be sloped to the water line, at a slope which will not be less than three (3) feet horizontal to one (1) foot vertical and said banks shall be restored with vegetation in a manner set forth in paragraph C.

C. Vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of grasses or planting of shrubs and trees in all parts of said mining area where the same is not submerged under water.

D. Proper drainage shall be provided for the mined-out area.

E. All equipment and structures shall be removed from the mined-out area within six (6) months of the completion of the mining there from.

F. The Trustees may impose such other reasonable conditions and restrictions as they may deem necessary for the protection of the public and to encourage the mining and processing of the sand and gravel from the authorized area.

G. Due to the inherent difficulties in reclaiming and rehabilitating areas from which stone has been quarried, the Trustees are hereby empowered to impose such reasonable standards for reclamation as may be necessary to protect the public interest, without unduly restricting the operations of the mine owner.

ARTICLE 29 | OPEN SPACE AND RECREATIONAL DISTRICTS

For the health, safety, economic and general welfare of Miami Township, it is essential that some areas of the Township must be set aside to provide for the population's physical and psychological needs and to maintain natural ecological balances.

The open space and recreational districts have been established to provide a variety of use opportunities for active and passive recreation and to preserve and enhance the unique natural features of the Township. In the public interest and the community's welfare, these districts further provide for the protection, preservation, proper maintenance and use of the open space and recreational areas located in Miami Township.

SECTION 2901 | TYPES OF OPEN SPACE AND RECREATIONAL DISTRICTS.

A. "PS-1" Active Recreational District.

B. "PS-2" Passive Recreational District.

C. "PS-3" Nature and Wildlife Reserve District.

SECTION 2902 | "PS-1" ACTIVE RECREATIONAL DISTRICT.

An area established for active community recreation. Any use not specifically provided for herein shall be prohibited.

2902.01 PRINCIPAL PERMITTED USES.

A. Athletic fields for organized sports Including, but not limited to, baseball, Football, soccer and track.

B. Play lots intended for use by pre-school children.

C. Play grounds for organized use, including team and court sports for both children and adults.

D. Swimming pools, ice rinks, fishing lakes, boating and other water sports.

E. Pitching courses including, but not limited to, horseshoe pitching.

F. Standard and miniature golf courses, pitch and putt courses, but not including driving ranges.

G. Walking, horseback riding, non-motorized bicycle riding, winter sports and picnicking areas.

H. Community centers.

I. Food and soft drink concession stands in locations suitable for such on-site use.

J. Areas for educational programs.

K. Arts and crafts shows; plant sales.

L. Parking spaces for vehicles at the entrance to the area.

2902.02 ACCESSORY USES.

A. Buildings or other structures customarily incidental to any aforesaid permitted use; provided that such accessory use shall not involve the conduct of any business, trade or industry for private profit, or any way or walk giving access to such activity, unless a proper permit has been issued by the Miami Township Board of Trustees or their delegated authority.

B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

2902.03 CONDITIONAL USES.

The following Conditional Uses are subject to approval in accordance with Article 4, Section 406.

A. Roads for mechanized vehicles and bicycles, for ingress and egress only, when the size of the reserve requires them for easy access to the interior. Such roads or bicycle paths shall be so located and so designed as to prevent damage or destruction to trees, plants and wildlife.

B. Organized group camping, provided satisfactory areas and sanitary arrangements are available.

Such camping areas shall be so located and designed as to prevent damage and destruction to trees, plants, and animals. A proper permit issued by the Miami Township Board of Trustees, or their delegated authority, shall be obtained.

C. Fireworks displays, provided proper permits are obtained from all necessary regulatory agencies, the Miami Valley Fire District, and the Miami Township Board of Trustees.

D. Rallies or other public displays, including parades, provided proper permits are obtained from all necessary regulatory agencies and the Miami

Township Board of Trustees.

E. Organized activities of carnivals, musical or drama productions, movies and religious services, provided all required local permits are obtained, with all activities subject to the noise standards of Article 44 of the Miami Township Zoning Resolution and the requirements of Section 2902.04 (Required Conditions).

F. Winter sports other than snowmobile riding.

2902.04 REQUIRED CONDITIONS.

A. The use of all active Recreational Districts shall be in accordance with all State and local regulations.

B. Development shall be confined to locations in the area where a minimal amount of disturbance to vegetation (including trees) will occur. Rare or endangered species of plants and trees shall not be removed. Geological features and scenic vistas shall be preserved where possible.

C. Play-lots, unless part of a general, active recreational park, shall be enclosed with a fence, a minimum of four (4) feet in height and maintained in good condition with a gate and latch to prevent uncontrolled access.

D. Swimming pools shall be a distance of at least one hundred fifty (150) feet from all residential property lines.

E. A swimming pool and bathhouse, or the entire property on which they are located, shall be walled or fenced to prevent uncontrolled access. Said wall or fence shall be not less than five (5) feet in height and maintained in good condition with a gate and lock. Such five (5) foot fence or wall may be an extension of the side walls of the swimming pool.

F. Athletic fields shall not be located closer than one hundred fifty (150) feet from any property line and shall have installed all necessary safety equipment and devices including, but not limited to, backstops and screening, in order to prevent undue injury to spectators and bystanders.

G. Where a property line separates an Active Recreational District from a residentially used property, no building or structure, other than a wall, fence or sign permitted in this "PS-I" Active Recreational District shall be erected closer to such property line than one hundred fifty (150) feet.

H. No building or structure shall be used for residential purposes except that authorized personnel may reside on the premises.

I. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any Residential District or upon any public street or road. Such lighting shall be shaded wherever necessary to avoid casting direct light upon any residentially used property.

J. Signs permitted in a "PS-1" Active Recreational District are those relating to on-site uses and property identification.

1. Identification and directional signs and bulletin boards shall be permitted provided they are no larger than four (4) square feet per face. Such signs, other than directional, shall be limited in number to one (1) per use or activity.

2. One (1) property identification sign, not to exceed thirty-two (32) square feet per face, shall be permitted at each drive or major walkway into the recreational area. Such identification sign may be illuminated and may also contain the following information:

   a. Name of site
   b. Name of the owner
   c. Name of the donor (if any)
   d. Allowable uses, rules and regulations
   e. Whom to contact

3. No sign shall be attached to a tree, except a marker not exceeding four (4) square inches may be attached for tree identification or dedication purposes. Attachment of such markers shall be in such a manner as to not cause injury to the trees.

4. No sign shall be more than eight (8) feet high, measured from grade to the top of the sign face.

5. Monuments, commemorative plaques, flags, emblems and artistic structures shall be subject to approval by resolution of the Miami Township Board of Trustees. The location of such shall not cause damage to trees, plants, wildlife, and geological features or vistas.

K. Loudspeakers, public address systems and electric amplifiers may be permitted by the Miami Township Board of Trustees provided the use of the same does not disturb the peace of other persons or properties in this or any other district. All activities shall be subject to the noise standards of Article 44 of this Zoning Resolution.

L. Receptacles shall be provided for the disposal of materials, paper, garbage,

ashes, embers, refuse or other waste materials.

M. Vehicles shall be permitted only in designated areas.

N. Trails for walking, bridle paths and paths for bicycle riding shall be so located and designed to prevent the abuse and destruction of the ecological value of natural areas.

O. Horses shall be permitted only on bridle paths designated for horseback riding and in stables.

P. Fires shall be permitted in a park only in a fireplace or charcoal burner at designated locations during approved burning times. All fires shall be extinguished by the person or persons building the fire before leaving the vicinity. No wood found in the park shall be burned except wood designated as firewood. No coals shall be scattered or deposited any place in a park other than in a receptacle provided for the purpose.

Q. An Active Recreational Area shall be not less than one (1) acre in size.

R. No structure within an Active Recreational District shall exceed thirty (30) feet in height. (See Article 39, "Height Limits" for exceptions).

2902.05 SUBMISSION OF DEVELOPMENT PLAN

Development shall be in harmony with the surrounding area with a minimal amount of disturbance to vegetation (including trees) where possible. No alteration shall be made to the natural state of the land in an Active Recreational District until a zoning certificate has been obtained. The requirements for obtaining a zoning certificate in this district shall be the filing of an application together with the submission of a plan with the Miami Township Zoning Inspector.

Two (2) copies of the plan shall be required delineating the area to be utilized as specified under Principal Permitted, Accessory and Conditional Uses, and shall include in text and map form:

A. A survey of the location that is to be developed showing all existing physical features of the property, including utility lines, location and identification of rare, fragile and endangered species, scenic views, water courses and wetlands.

B. A site plan showing the location, size and arrangement of all existing and proposed structures within the proposed recreational area, including the following:

1. Location of all proposed temporary uses, structures and improvements incidental to any development of the area.

2. Location of all proposed exterior lighting.

3. Size and location of all proposed signage.

4. The location of all traffic circulation patterns within the developed area.

5. The size and location of all designated parking areas.

6. The areas to be developed or designated for specific recreational activities.

7. Sanitation facilities including drinking fountains.

8. Location of access roads with all points of ingress and egress to the recreational area.

9. The relationship of abutting land uses and zoning districts.

C. Sketches of all proposed buildings, structures and improvements shall be submitted.

D. A brief statement on all proposed maintenance arrangements.

SECTION 2903 | "PS-2" PASSIVE RECREATIONAL AREA.

An area established for limited community recreation which will provide the opportunity to observe and enjoy trees, plants and wildlife in their natural habitat. Any use not specifically provided for herein shall be prohibited.

2903.01 PRINCIPAL PERMITTED USES.

A. Trails for walking and hiking so located and so designed as to prevent damage and destruction to trees, plants and animals.

B. Areas for daylight activities of picnicking when available areas are so designed as to prevent damage or destruction to trees, plants and animals.

C. Areas for educational programs.

D. Fishing areas.

E. Horseback riding on bridle paths specifically provided for such use.

F. Religious services with no sound amplification.

G. Amphitheater activities with no sound amplification.

H. Arts and crafts shows; plant sales.

I. Parking spaces for vehicles at the entrance to the area.

2903.02 ACCESSORY USES.

A. Buildings or other structures customarily incidental to any aforesaid permitted use, exclusive of tents used for public assembly, boat docks, watercraft ramps, and other accessory watercraft uses; provided that such accessory use shall not involve the conduct of any business, trade or industry for private profit, or any way or walk giving access to such activity, unless a proper permit has been issued by the Miami Township Board of Trustees or their delegated authority.

B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the on-site construction work. Such buildings, structures and improvements shall not cause damage to plants or trees; nor cause hardship to wildlife, or their natural habitat.

2903.03 CONDITIONAL USES.

The following Conditional Uses are subject to approval in accordance with Article 4, Section 406.

A. Roads for mechanized vehicles and bicycles, for ingress and egress only, when the size of the reserve requires them for easy access to the interior. Such roads or bicycle paths shall be so located and so designed as to prevent damage or destruction to trees, plants and wildlife.

B. Group camping, provided satisfactory areas and sanitary arrangements are available. Such camping areas shall be so located and designed as to prevent damage and destruction to trees, plants and wildlife. A proper permit issued by the Miami Township Board of Trustees, or their delegated authority, shall be obtained.

C. Food and soft drink concession stands in locations suitable for such on-site use.

D. Live bait and supply buildings when accessory to on-site activities.

E. Canoeing, rowing, sailing and other boating activities under the condition that no boats or other water vehicles have greater than seven and one half (7 1/2) horsepower engines. Watercraft storage buildings or structures for storage of watercraft customarily used on-site.

2903.04 REQUIRED CONDITIONS.

A. The use of all Passive Recreational Districts shall be in accordance with all State and local regulations.

B. Development shall be confined to locations in the area where a minimal amount of disturbance to vegetation (including trees) will occur. Rare or endangered species of plants and trees shall not be removed. Geological features and scenic vistas shall be preserved.

C. No organized team sports permitted.

D. Where a property line separates a Passive Recreational District from a residentially used property, no building or structure, other than a wall, fence or a sign permitted in this "PS-2" Passive Recreational District shall be erected closer to such property line than one hundred fifty (150) feet.

E. No building or structure shall be used for residential purposes except that authorized personnel may reside on the premises.

F. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any Residential District or upon any public street or road. Such lighting shall be shaded wherever necessary to avoid casting direct light upon any residentially used property.

G. Signs permitted in a "PS-2" Passive Recreational District are those relating to on-site uses and property identification.

1. Identification and directional signs and bulletin boards shall be permitted provided they are no larger than four (4) square feet per face. Such signs, other than directional, shall be limited in number to one (1) per use or activity.

2. One (1) property identification sign, not to exceed thirty-two (32) square feet per face, shall be permitted at each drive or major walkway into the recreational area. Such identification sign may be illuminated and may also contain the following information:

a. Name of the site
b. Name of the owner

c. Name of the donor (if any)
d. Allowable uses, rules and regulations
e. Whom to contact

3. No sign shall be attached to a tree, except a marker not exceeding four (4) square inches may be attached for tree identification or dedication purposes. Attachment shall be in such a manner as not to cause injury to the tree.

4. No sign shall be more than eight (8) feet high measured from grade to the top of the sign face.

5. Monuments, commemorative plaques, flags, emblems and artistic structures shall be subject to approval by resolution of the Miami Township Board of Trustees. The location of such shall not cause damage to trees, plants, wildlife and geological features or vistas.

H. Receptacles shall be provided for the disposal of materials, paper, garbage, ashes, embers, refuse or other waste materials.

I. Vehicles shall be permitted only in designated areas.

J. Trails for walking and bridle paths shall be so located and designed to prevent the abuse and destruction of the ecological value of the natural areas.

K. Horses shall be permitted only on bridle paths designated for horseback riding and in stables.

L. Fires shall be permitted in a Passive Recreational Area only in a fireplace or charcoal burner at designated locations during approved burning times. All fires shall be extinguished by the person or persons building the fire before leaving the vicinity. No wood found in the park shall be burned except wood designated as firewood. No coals shall be scattered or deposited any place in a park other than in a receptacle provided for the purpose.

M. No structure within a Passive Recreational District shall exceed thirty (30) feet in height. (See Article 39, "Height Limits" for exceptions).

2903.05 SUBMISSION OF DEVELOPMENT PLAN.

Development shall be in harmony with the surrounding area with a minimal amount of disturbance to vegetation (including trees) wildlife and geological features or vistas. No alteration shall be made to the natural state of the

land in a Passive Recreational District until a zoning certificate has been obtained. The requirements for obtaining a zoning certificate in this district shall be the filing of an application together with the submission of a plan with the Miami Township Zoning Inspector.

Two (2) copies of the plan shall be required delineating the area to be utilized as specified under Principal Permitted, Accessory and Conditional Uses, and shall include in text and map form:

A. A survey of the location that is to be developed showing all existing physical features of the property, including utility lines; location and identification of rare, fragile and endangered species; scenic views; water courses and wetlands.

B. A site plan showing the location, size and arrangement of all existing and proposed structures within the proposed recreational area, including the following:

    1. Location of all proposed temporary uses, structures and improvements incidental to any development.

    2. Location of all proposed exterior lighting.

    3. Size and location of all proposed signage.

    4. The location of all traffic circulation patterns within the developed area.

    5. The size and location of all designated parking areas.

    6. The areas to be developed or designated for specific recreational activities.

    7. Sanitation facilities including drinking fountains.

    8. Location of access roads with all points of ingress and egress to the recreational area.

    9. The relationship of abutting land uses and zoning districts.

C. Sketches of all proposed buildings, structures and improvements shall be submitted.

D. A brief statement on all proposed maintenance arrangements.

SECTION 2904 | "PS-3" NATURE AND WILDLIFE RESERVE DISTRICT.

An area preserved in its natural state and allowed to follow the dictates of nature without alterations by man other than the principal permitted uses which will provide the opportunity to observe and enjoy trees, plants and wildlife in their natural habitat. Any use not specifically provided herein shall be prohibited.

2904.01 PRINCIPAL PERMITTED USES.

A. Trails for walking and hiking so located and so designed as to prevent damage and destruction to trees, plants, wildlife and their natural habitat.

B. Parking spaces for vehicles at the entrance to the reserve.

C. Areas for daylight activities of picnicking when available areas are so designed as to prevent damage or destruction to trees, plants, wildlife and their natural habitat.

2904.02 ACCESSORY USES.

A. Buildings or other structures customarily incidental to any aforesaid permitted use; provided that such accessory use shall not involve the conduct of any business, trade or industry for private profit, or any way or walk giving access to such activity, unless a proper permit has been issued by the Miami Township Board of Trustees or their delegated authority.

B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work. Such buildings, structures and improvements shall not cause damage to plants or trees, or cause hardship to wildlife and their natural habitat.

2904.03 CONDITIONAL USES.

The following Conditional Uses are subject to approval in accordance with Article 4, Section 406.

A. Roads for mechanized vehicles and bicycles, for ingress and egress only, when the size of the reserve requires them for easy access to the interior. Such roads or bicycle paths shall be so located and so designed as to prevent damage or destruction to trees, plants, wildlife and their natural habitat.

B. Group camping, provided satisfactory areas and sanitary arrangements are available. Such camping areas shall be so located and designed as to prevent damage and destruction to trees, plants, wildlife and their

natural habitat. A proper permit issued by the Miami Township Board of Trustees, or their delegated authority, shall be obtained.

2904.04 REQUIRED CONDITIONS.

A. The use of all Nature and Wildlife Reserve Districts shall be in accordance with all State and local regulations.

B. Land in all Nature and Wildlife Reserve Districts shall be kept in its natural state and maintained so it sustains species diversity, plant communities and ecological processes. Natural features which contribute to the public health and welfare, including but not limited to, rare, threatened, or endangered plants, trees, wildlife, and significant plant communities, as well as wooded and wetland areas shall be preserved. Alterations to the site shall not disturb the natural qualities of the area.

C. Limited collecting or other research activities shall be allowed for scientific or educational purposes only after it has been determined that the special qualities or features of the natural area will not be damaged; and only after a permit for such activity has been issued by the authority exercising control over such property.

D. In areas that receive public use, sensitive portions shall be protected from trampling. Hiking and walking shall be limited to trails and paths or boardwalks constructed so as not to interfere with fragile areas.

E. Structures, roads, buildings, parking and picnic areas, bird houses, trails, paths, fences, bridges, dams, watercraft docks and sanitation or other facilities may be built only if it has been determined by an Interpretive Naturalist that the integrity of the area will not be damaged. Such facilities shall be kept simple and no larger than necessary for the intended use. Buildings and structures shall blend into the natural setting of the landscape.

F. Public use activity areas for picnics, sanitary facilities, access roads, trails, walks and fences may be maintained by (a) tree branch and limb removal when such are diseased or damaged to the extent of being a hazard to public safety; (b) mowing; provided such maintenance does not endanger the natural qualities of the reserve.

G. Where a property line separates a Nature and Wildlife Reserve District from a residentially used property, no building or structure, other than a wall, fence or identification sign shall be erected closer to the property line than one hundred fifty (150) feet.

H. No building or structure shall be used for residential purposes except that authorized personnel may reside on the premises.

I. Exterior lighting shall be confined to the principal access and parking areas only. Such lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any Residential District or upon any public street or road. Such lighting shall be shaded wherever necessary to avoid casting direct light upon any residentially used property.

J. Signs permitted in a "PS-3" Nature and Wildlife Reserve District are those relating to on-site uses and property identification.

1. Identification and directional signs and bulletin boards shall be permitted provided they are no larger than two (2) square feet per face. Such signs, other than directional, shall be limited in number to one (1) per use or activity.

2. One (1) property identification sign not to exceed thirty-two (32) square feet per face shall be permitted at each drive or major walkway into the recreational area. Such identification sign may be illuminated and may also contain the following information:

   a. Name of the site
   b. Name of the owner
   c. Name of the donor (if any)
   d. Allowable uses, rules and regulations
   e. Whom to contact

3. No sign shall be attached to a tree, except a marker not exceeding four (4) square inches may be attached for tree identification or dedication purposes. Attachment shall be in such a manner as not to cause injury to the tree.

4. No sign shall be more than eight (8) feet high measured from grade to the top of the sign face.

5. Monuments, commemorative plaques, flags, emblems and artistic structures shall be subject to approval by resolution of the Miami Township Board of Trustees.

K. There shall not be any sound amplification.

L. Receptacles shall be provided for the disposal of materials, paper,

garbage, ashes, embers, refuse or other waste materials.

M. Use of bicycles and motorized vehicles of any sort, except over access roads, shall be prohibited.

N. Fires shall be permitted in designated camping and picnic areas of a Nature and Wildlife Reserve District only in a fireplace or charcoal burner during approved burning times. All fires shall be extinguished by the person or persons building the fire before leaving the vicinity. No wood found in the reserve area shall be burned except wood designated as firewood. No coals or ashes shall be scattered or deposited any place other than in a receptacle provided for that purpose.

2904.05 SUBMISSION OF DEVELOPMENT PLAN.

Development shall be confined to locations in the area where a minimal amount of disturbance to vegetation (including trees) will occur. Geological features and scenic views shall be preserved. No alteration shall be made to the natural state of the land in a Nature and Wildlife Reserve District until a zoning certificate has been obtained. The requirements for obtaining a zoning certificate in this district shall be the filing of an application together with the submission of a plan with the Miami Township Zoning Inspector.

Two (2) copies of the plan shall be required, delineating the area (s) to be utilized as specified under Principal Permitted, Accessory and Conditional Uses, and shall include in text and map form:

A. A survey of the location that is to be developed showing all existing physical features of the property, including utility lines; location and identification of vegetation, including rare, fragile and endangered species; scenic views; water courses and wetlands. Rare or endangered species of plants and trees shall not be damaged or removed.

B. A site plan showing the location, size and arrangement of all existing and proposed structures, location of existing and proposed lighting, size and location of identification and directional signs, the proposed foot-traffic circulation pattern within the Nature and Wildlife Reserve, the areas to be developed for parking, picnicking and sanitation facilities, the points of ingress and egress, location of access roads, and the relationship of abutting land uses and zoning districts.

C. Sketches of the proposed structures.

D. All drawings shall be signed by an Interpretive Naturalist as designated by the Dayton-Montgomery County Park District, and accompanied by a notarized statement from the Naturalist to the effect that the proposed

alterations to the natural state of the land will not damage or endanger the special qualities or features of the natural area.

ARTICLE 30 | "RO" RESIDENTIAL – OFFICE DISTRICT

This district has been established to provide for residential dwellings in which a limited portion of a dwelling may be used as a small, professional service establishment by the resident, with the residential appearance of the neighborhood maintained, and which shall not create or generate a great amount of traffic and noise.

SECTION 3001 | PERMITTED USES.

A. Any use permitted in Section 1201. The requirements of that article shall be applicable.

B. Professional Service Establishment: the office of a person engaged in any occupation, vocation, or calling which:

   1. Is not purely commercial, mechanical, or agricultural in character; and

   2. Where a professed knowledge or skill in some department of science or advanced learning is utilized by such person in the practical application of his service to the affairs of others; and

   3. Where the practice of the occupation in question is fundamentally based on such person using this professed knowledge or skill in advising others in a way that would serve their best interests and/or welfare.

SECTION 3002 | ACCESSORY USE.

A. Accessory uses, buildings or other structures customarily incidental to any residential use, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry or any private way or walk, giving access to such activity.

B. Home Occupation as defined in Article 2, Subsection 208.02.

C. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

D. Other accessory uses as permitted in Article 38.

SECTION 3003 | CONDITIONAL USES.

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

A. Baby-sitting or child day-care services:

1. Not more than one-third (l/3) of the gross floor area of the dwelling shall be devoted to such service.

2. The maximum enrollment at any given time shall not exceed four (4) children, other than the children of the owner or administrator of the establishment.

3. There shall be an outdoor play area of one hundred and fifty (150) square feet per child.

4. Such play area shall be arranged in accordance with Article 38, Section 3804.

5. Such play area shall be enclosed with a chain-link fence or its equivalent in strength and protective character to a height of four (4) feet, but not more than six (6) feet.

B. Barber and beauty shops provided:

1. The resident, sole operator shall constitute the total number of personnel.

2. It shall be a one-chair, one-dryer operation.

3. It shall not occupy more than 100 square feet of gross floor area.

4. No merchandise shall be sold on the premises.

SECTION 3004 | REQUIRED CONDITIONS.

No zoning certificate shall be issued for an "RO" use until the applicant shall have certified to the Zoning Inspector that:

A. Such buildings shall front onto a collector or arterial with a right-of-way of eighty-two (82) feet or more as established on the Official Thoroughfare Plan for Montgomery County.

B. No alteration and/or addition to the principal residential structure shall be made which changes the essential appearance thereof as a dwelling.

C. The office space, including any area for incidental storage, shall not exceed one-fourth (1/4) of the gross floor area of the structure, in no case exceeding 500 square feet.

D. Personnel occupying the office establishment shall be limited to two persons:

1. One (1) resident.

2. One (1) non-resident employee.

E. Off-street parking shall be in accordance with the requirements contained in Article 43.

F. No sign shall be located on the premises other than one (1) nameplate not to exceed 144 square inches per face provided:

1. It shall be affixed to one (1) wall of the dwelling, or,

2. It shall be located adjacent to a driveway, but not in a right-of-way, securely affixed to the ground in such a manner that its height does not exceed twenty (20) inches.

3. A sign may be attached to a residential-style light post with no additional illumination.

4. No sign shall be illuminated (except as above).

SECTION 3005 | DEVELOPMENT STANDARDS.

In addition to the provision of Chapters VIII and IX, General Provisions and special Regulations, the following standards for arrangement and development of land and buildings are required in the "RO" Residential-Office District.

3005.01 HEIGHT REGULATIONS.

No structure shall exceed twenty-five feet or two (2) stories whichever is the greater.

3005.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed.

Lot Area	*Lot Frontage*	*Front Yard Depth* Least*	*Side Yard Width*	*Rear Yard Depth*
7,500 Sq. Ft.	*60 feet*	*25 feet* *35 feet ***	*8 feet*	*40 feet*

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

*** Per Article 39, Section 3905, Subsection C pertaining to required setbacks from major thoroughfares.*

ARTICLE 31 | PLANNED DEVELOPMENTS

SECTION 3101 | PURPOSE.

This Chapter is intended to describe the procedures for placement of parcels into either one of the previously established Planned Development Districts listed within this Resolution, as authorized and pursuant to Ohio Revised Code (ORC) Section 519.021(A) or into a new Planned-Unit Development, simultaneously adopting regulations that will apply only to that Planned-Unit Development as authorized and pursuant to ORC Section 519.021(B), and the standards by which these districts must adhere. Such districts are to be permitted as amendments to the Zoning Map, on application and approval of specific and detailed plans where tracts suitable in location and character for the uses and structures proposed are to be planned and developed as units. Regulations set forth herein are adapted to unified planning and development in such districts. Applications for Planned Development rezoning will be granted only when the plan for the project is such that the public health, safety and morals will not be jeopardized by a departure from the restrictions on corresponding uses in the standard zoning district. The Planned Development shall further the purpose of promoting the general public welfare.

SECTION 3102 | GENERAL DEVELOPMENT STANDARDS.

A. Application of Standards.

All Planned Developments, whether utilizing the provisions of Articles 32 through 35-A or through the establishment of a new Planned Unit Development pursuant to ORC, Section 519.021 (B), shall require adherence to quality landscaping, lighting, parking and other general standards of Miami Township while providing flexibility to encourage innovation in the planning and building of developments.

In addition to the listed development standards and provisions for the applicable Planned Development District, each Final Development Plan shall adhere to the standards listed below:

1. Article 7: The Building Design and Lighting standards of Article 7 shall apply to commercial buildings and sites, including apartment complexes, as permitted for any PD-1 through PD-5 District, with all other residential buildings, i.e. single-family homes and similar structures, adhering to the approved elevation plans. Site design, screening and other criteria shall be based upon the landscaping requirements and individual provisions of the applicable Planned Development District;
2. Article 38: Accessory uses;
3. Article 41: Sign regulations;
4. Article 42 and Article 43: Parking and loading regulations;
5. Article 44: Noise regulations;
6. Article 45-A: Landscaping regulations;

The Board of Trustees may waive specific elements of an individual standard and such waiver shall be documented either through the approval of a specific alternative standard or a clearly approved plan noting any such approved deviations from the standards of each Article listed above.

It is also recognized that individual Final Development Plans may meet certain criteria through cross guarantees and approvals of adjacent Final Development Plans that are part of the same overall Preliminary Development Plan and such approval of an individual plan on this basis shall be documented and noted in the standards and requirements for each respective Final Development Plan.

B. Existing Planned Developments.

Existing plans which are subsequently modified and do not have an otherwise adopted set of development standards granting a waiver from the provisions of the Articles noted above, shall be subject to the current standards of each article unless approved for such waiver by the Board of Trustees. In the absence of a clear adjustment to a written standard or clearly denoted waiver noted on an approved Final Development Plan, the standards of each article shall apply.

C. Planned-Unit Developments.

In addition to utilizing the existing Planned Development Districts established under this Resolution, the Board of Township Trustees may, upon application of the property owners, establish a new Planned-Unit Development pursuant to ORC Section 519.021 (B) and simultaneously adopt regulations that will apply only to the new Planned-Unit Development.

1. Planned-Unit Developments adopted under these procedures shall be listed below and/or in an appendix to this Resolution by case number along with the respective adopted planned-unit development regulations for that case, until such time as the applicable tract of land is zoned into another zoning designation.

2. Planned Unit-Developments created under the provisions of ORC Section 519.021(B) and adopted after the effective date of this Resolution as amended, shall be given a Special Purpose Planned-Unit Development “SP-PUD” or Special Purpose Master Planned Unit Development “SP-MPUD” designation as applicable on the zoning map.

3. In each case, the architectural, landscaping, lighting and other development standards of this resolution shall be utilized as a basis for development of the SP-PUD and SP-MPUD standards but may be modified as approved under the final PUD standards for each project.

SECTION 3103 | TYPES OF PLANNED DEVELOPMENT.

"PD-A" Planned Agriculture District
"PD-1" Planned Residential District
"PD-2" Planned Office District
"PD-3" Planned Business District
"PD-4" Planned Industrial District
"PD-5" Planned Mixed-Use District
"SP-PUD" Special Purpose Planned Unit Development District
"SP-MPUD" Special Purpose Master Planned Unit Development District

SECTION 3104 | FINDINGS OF FACT FOR PLANNED DEVELOPMENTS.

In each specific case, the Zoning Commission shall not recommend approval of, and the Board of Township Trustees shall not approve, an application for a Preliminary Development Plan, or a Final Development Plan if no preliminary plan was approved under Sections 3106 or 3108, or a Master Planned Unit Development Plan, unless it shall make specific findings of fact directly based upon the particular evidence presented to it, which support conclusions that:

A. The site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development, or the proposed development standards where only the proposed uses and development standards are to be adopted, and provides for pedestrian accessibility and connectivity throughout the design.

B. The proposed development and or development standards adequately address issues related to compatibility with adjacent uses, environmental issues, and overall design compatibility, including lighting and landscaping and do so in a manner that improves upon what would could be achieved under the non-PD zoning standards.

C. The proposed development and or development standards are intended to produce a superior design and construction than what would normally occur under the non-PD zoning standards and will not cause an undue burden on public services and facilities including, but not limited to, fire and police protection;

D. The proposal is in accordance with the goals and policies of the Comprehensive Plan;

E. If the project is proposed to contain non-residential uses, the conditions imposed mitigate any potential significant impacts associated with the proposal, including maintaining a minimum fifty (50) foot distance from a retail, office or other non-industrial business structure or one hundred (100) foot distance from a manufacturing structure to a residential building outside of the Planned Development District with a minimum thirty (30) foot property line setback for a retail, office or other non-industrial business

use and fifty (50) foot property line setback for a manufacturing use along any property lines adjacent to a residentially zoned property.

SECTION 3105 | SUBMISSION OF APPLICATION.

The following procedure shall be followed in placing land in one of the Planned Development or Planned-Unit Development Districts.

A. The owner(s) or lessee(s) of a tract of land may request that the Zoning District Map be amended to include such tract in one of the Planned Development or Planned-Unit Development Districts. Such amendment shall be processed, noticed and heard in the manner prescribed herein.

B. The applicant is encouraged to engage in informal consultations with the Staffs of the Miami Township Zoning Commission and Montgomery County Planning Commission prior to preparing his final plans; however, no statement or representation by members of either Staff shall be binding upon either Commission or upon any zoning body.

C. An application for a Planned Development may be processed, noticed, and heard by the Township Zoning commission concurrently with an application for a proposed subdivision or re-subdivision of the same property pursuant to the subdivision regulations of Montgomery County.

D. The following options are available at the applicant's discretion:

1. Submission of a Preliminary Development Plan, processed in the manner described in Article 6 for District Changes, and the subsequent submission of a Final Development Plan for any portion of the approved Preliminary Development Plan the applicant wishes to develop.

   The Final Development Plan submitted according to this option shall be processed in the manner described in Subsections 3107.01 and 3107.02.

2. Submission of a Final Development Plan without a Preliminary Development Plan, pursuant to Section 3108. A Final Development Plan so submitted shall be processed in the manner described in Article 6 for District Changes.

3. Submission of a Master Planned Unit Development, processed in the manner described in Article 6 for District Changes. Subsequent Master Planned Unit Development site and building approvals shall be processed administratively by the Community Development Department pursuant to and in conformity with the terms of the applicable Master Planned Development Standards and requirements for a zoning certificate of this resolution, except staff shall have a period of fifteen (15) business days to review said plans on a preliminary basis after all plans have been

submitted. This initial preliminary review shall provide time for staff to distribute the plans to other departments and agencies as necessary to obtain additional feedback regarding the efficacy of the plans. Prior to submission to staff, the applicant shall have submitted plans to the designated Master Developer or provided evidence of a submittal to the Master Developer via certified mail receipt. The designated Master Developer shall provide a letter of determination indicating the extent to which the proposed preliminary plan(s) comply with the Master Development Standards.

4. The applicant shall submit a final set of plans to staff upon making any changes required during the initial preliminary review and upon resubmission of plans to the Master Developer. The designated Master Developer shall provide a letter of determination indicating the extent to which the proposed final plan(s) comply with the Master Development Standards. Staff shall have a period of ten (10) business days to either approve or deny the issuance of a zoning certificate for the proposed final plans after receipt of the letter of determination from the Master Developer. Appeals of the staff determination shall be made to the Zoning Commission as a request for Determination of Architectural Compliance and shall follow the hearing and notification procedures of Article 6, Section 603.

E. No Zoning Certificate shall be issued for any property for which Planned Development classification is requested and no construction shall begin until an approved Final Development Plan or Master Planned Unit Development is in effect for that phase or property, whichever of the above options is chosen by the applicant.

SECTION 3106 | SUBMISSION OF PRELIMINARY DEVELOPMENT PLAN.

Specific application materials or data requirements may be waived by the Director of Community Development or his/her designee as not applicable to a specific case, but the Zoning Commission or Board of Trustees may require such data upon review of the application. Unless waived, one (1) full-sized copy drawn to a standard scale of the Preliminary Development Plan, two (2) 8 1/2" x 11" copies of the Preliminary Development Plan, and one digital set of drawings that are to scale, shall be submitted and shall include in text and map form:

A. A survey of the tract that is to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography and physical features.

B. A preliminary site plan showing the approximate areas and arrangement of the proposed uses, proposed development plan phasing, required and proposed yard setbacks and landscape buffers, the relationship of abutting land uses and zoning districts, proposed lots and blocks if any, and proposed public or common open space, if any, including parks, playgrounds, school sites and recreational facilities. Proposed building layouts, footprints, and general locations may be shown on the preliminary site

plan.

C. The proposed development standards for the project including, but not limited to, permitted uses, proposed setback and buffer requirements, general building, landscaping, and lighting standards, a schedule of development related to the entire project and any individual phase, and any deviations from the standard requirements as written in the Miami Township Zoning Resolution at the time of application.

D. Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all ownership and beneficial interests in the tract of land and the proposed development.

E. In the case of a Residential Planned Development or a Mixed-Use Planned Development containing residential uses, the proposed density to which the development shall be limited.

F. In the case of an Office, Business, Industrial or Mixed-Use Planned Development, a statement identifying the principal types of office, business and/or industrial uses that are to be included in the proposed development.

G. Any other information required by the Community Development Department to be provided in text or map format to permit verification of compliance with the planned development standards and to document the proposed standards to be utilized for the specific planned development.

3106.01 ACTION BY THE TOWNSHIP ZONING COMMISSION.

The Township Zoning Commission shall hold a public hearing on the Preliminary Development Plan as provided by Article 6 of this Resolution.

Such public hearing shall consider all aspects of the Preliminary Development Plan including all proposed stages and/or units of development. Within thirty (30) days after the last public hearing on such plan the Commission shall prepare and transmit to the Board of Township Trustees and to the applicant specific findings of fact with respect to the extent to which the Preliminary Development Plan complies with the standards set out in Section 3104 of this Article and the district in which the property is located, together with its recommendations to the Township Trustees with respect to the action to be taken on the Preliminary Development Plan. The Commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions. Copies of the findings and recommendations of the Commission shall be made available to any other interested persons.

3106.02 ACTION BY THE BOARD OF TOWNSHIP TRUSTEES.

The Board of Township Trustees shall hold a public hearing on the Preliminary Development Plan as provided by Article 6 of this Resolution for District Changes.

If the application is granted, the area of land involved shall be re-designated as a “PD-A” "PD-1," "PD-2," "PD-3," "PD-4," "PD-5," or “SP-PUD,” District by resolution and such resolution shall incorporate the Planned Development Regulations, Standards, and Preliminary Plan, including any maps, drawings, exhibits, and conditions or restrictions that may be imposed by the Board of Township Trustees.

SECTION 3106-A | SUBMISSION OF MASTER PLANNED-UNIT DEVELOPMENT PLAN.

A. A Master Planned-Unit Development “MPUD” Plan shall require the highest level of initial review and is reserved for larger parcels intended to have a high level of architectural and structural controls in place to guide the development and ongoing management of the project. The initial submission for approval of a “MPUD” is intended to provide the community with a strong set of guidelines to be subsequently utilized by staff to effectuate an efficient and productive development cycle, but requires a greater level of initial detail from the developer than would otherwise be required or expected on a more traditional planned unit development.

B. A Master Developer shall be designated by the property owner to represent the property throughout development, construction and management of the project. The Master Developer shall be an individual designated by the ownership of the property at the time of initial application for a Master Planned Unit Development and shall be responsible for oversight of the entire Project regardless of any future sale of parcels or portions of the project to other interests. The role of the Master Developer shall be clearly outlined in the covenants and restrictions for the project. Applications for new development or modifications to existing development within the designated MPUD submitted to Miami Township shall be accompanied by a letter from the Master Developer indicating that they have reviewed the proposed plans and approve of said plans, disapprove or recommend specific adjustments. Absent a letter of approval from the Master Developer, the applicant may submit evidence via record of certified mail that the applicant provided said plans to the Master Developer at least ten (10) days prior to submittal to Miami Township. Miami Township retains authority in making a final determination regarding compliance with the standards of this resolution and associated development standards.

C. Specific application materials or data requirements may be waived by the Director of Community Development or his/her designee as not applicable to a specific case, but

the Zoning Commission or Board of Trustees may require such data upon review of the application. Unless waived, one (1) full-sized copy drawn to a standard scale of the Master Planned Unit Development Plan, two (2) 8 1/2" x 11" copies of the Master Planned Unit Development Plan, and one digital set of drawings that are to scale shall be submitted and shall include in text and map form:

1. A survey of the tract that is to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography and physical features.

2. A master site development plan showing the areas and arrangement of the proposed uses, proposed building layouts, area of proposed buildings, including the number of stories and total height, proposed development plan phasing with acreages defined, required and proposed yard setbacks and landscape buffers, the relationship of abutting land uses and zoning districts, proposed lots and blocks if any, and proposed public or common open space, if any, including parks, playgrounds, school sites and recreational facilities.

3. The proposed development standards for the project including, but not limited to:

   a. Permitted uses and classification zones for areas restricted or designated for specific uses;
   b. Setbacks, maximum and minimum building heights and buffer requirements;
   c. Proposed density and number of bedrooms of residential units;
   d. Proposed minimum and maximum allowances by square feet for specific uses;
   e. Parking requirements and requirements or allowances to utilize shared parking within the various areas of the development plan;
   f. Landscape requirements, including typical landscape designs for each element of the overall master site plan, tree preservation areas, etc.;
   g. An overall landscape plan for all public space including roadways, parking lots, parks, bikeways, and other public facilities;
   h. Sign standards for all building, site, wayfinding, temporary signs and other signage to be utilized within the development;
   i. Lighting, Noise, and other general standards of the development, which shall include for example any restricted hours of collection for trash service and such other measures intended to mitigate specific issues for adjacent properties;
   j. Architectural standards for buildings, structures and site elements within the development, including but not limited to screening requirements for mechanical and utility equipment and materials for retaining walls;
   k. Streetscape standards including designs, styles and colors for outdoor furniture, landscaping, crosswalks, and other elements within the streetscape of both public and private roadways within the development;
   l. Modification standards and allowances.

4. MPUD Element Plans: Each of the Element Plans listed below shall also include a descriptive paragraph outlining the intent of the plan, the analysis utilized to develop the plan, and other relevant information necessary to convey the purpose and intent behind the plan and how it should be utilized in evaluating specific construction aspects of the project:

   a. **Construction Phasing Plan**, including any temporary construction entrances and access roads, location of construction trailers, plans for any lands left vacant pending construction, etc.
   b. **Grading Plan** showing existing and proposed grading and clearly denoting areas where retaining walls are anticipated and the typical height of proposed walls in each area.
   c. **Pedestrian Connectivity Plan** describing and showing routing for pedestrian activity throughout the site and around the site perimeters.
   d. **Public Amenities Plan** including any areas reserved for public open space and recreational space and their associated design elements.
   e. **Stormwater Management Plan** including minimum setbacks from adjacent properties, maximum footprints and surface areas, plans for aeration, and any plans for alternative stormwater management measures.
   f. **Traffic Impact Analysis**, including any required improvements to existing roadways with proposed roadway typical sections and pavement details within or adjacent to the proposed Master Planned Development and a schedule for all such improvements
   g. **Utility Plan**, including any easements and restrictions regarding the colocation of other utilities, structures, pavement, landscaping or other facilities of the project within designated utility areas.
   h. **Wetland Delineation Study**, Mitigation and Preservation plan if wetlands exist within the project site.

5. Material Sample Board and Color Palette providing a clear and accurate representation of actual materials to be utilized within the project site.

6. Evidence that the applicant has sufficient control over the tract to affect the proposed plan, including a statement of all ownership and beneficial interests in the tract of land and the proposed development.

7. Designation of the Master Developer and procedures for replacement, removal or substitution of the Master Developer along with the method for recording and enforcement of the Master Developer clause in the private deed restrictions or covenants of the project.

8. Any other information required by the Community Development Department to be provided in text or map format to permit verification of compliance with the planned development standards and to document the proposed standards of the specific

planned development.

3106-A.01 ACTION BY THE TOWNSHIP ZONING COMMISSION.

The Township Zoning Commission shall hold a public hearing on the Master Planned Unit Development Plan pursuant to the terms for District Changes under Article 6 of this Resolution.

Such public hearing shall consider all aspects of the Master Planned Unit Development Plan including all proposed stages and/or units of development. Within thirty (30) days after the last public hearing on such plan the Commission shall prepare and transmit to the Board of Township Trustees and to the applicant specific findings of fact with respect to the extent to which the Master Planned Unit Development Plan complies with the standards set out in Section 3104 of this Article, together with its recommendations to the Township Trustees with respect to the action to be taken on the Master Planned Unit Development Plan. The Commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions. Copies of the findings and recommendations of the Commission shall be made available to any other interested persons.

3106-A.02 ACTION BY THE BOARD OF TOWNSHIP TRUSTEES.

The Board of Township Trustees shall hold a public hearing on the Master Planned Unit Development Plan pursuant to the terms for District Changes under Article 6 of this Resolution.

If the application is granted, the area of land involved shall be designated as a "SP-MPUD," District by resolution and such resolution shall incorporate the Master Planned Unit Development Regulations and Standards, together with the plans, maps and other exhibits encompassing the approval, including any condition or restriction that may be imposed by the Board of Township Trustees.

SECTION 3107 | SUBMISSION OF FINAL DEVELOPMENT PLAN IN ACCORDANCE WITH AN APPROVED PRELIMINARY PLAN.

A Final Development Plan may be filed for any portion of an approved Preliminary Development Plan the applicant wishes to develop and it shall conform substantially to the approved Preliminary Development Plan. The filing fee shall be the same as that required for a change in zoning district. Specific application materials or data requirements may be waived by the Director of Community Development or his/her designee as not applicable to a specific case, but the Zoning Commission or Board of Trustees may require such data upon review of the application. Unless waived, one (1) full-sized copy drawn to a standard scale of the Final Development Plan, two (2) 8 1/2" x 11" copies of the Final Development Plan, and one digital set of drawings that are to scale, shall be submitted and shall include

in text and map form:

A. Any changes necessary to the survey described in Subsection 3106-A.

B. A site plan showing the location and arrangement of all existing and proposed structures including retaining walls and fences, a proposed final grading and stormwater plan as appropriate, the proposed traffic circulation pattern within the development, the areas to be developed for parking, the points of ingress and egress including access streets where required, the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites and recreational facilities. Ownership and control of any designated permanent open space shall be clearly documented and shall be subject to recording and other memorialization requirements as required by the Board of Trustees.

C. A statement of the proposed total gross floor area, and the percentage of the development which is to be occupied by structures.

D. Elevation drawings of the proposed structures, a landscaping and lighting plan, including notes to identify the type of materials and percentage of natural materials to be utilized on exterior surfaces.

E. Perspective drawings including roofline drawings that confirm that no rooftop mechanicals are visible from any roadway and provide a clear understanding of the grade changes on the site including the impact of the building height on neighboring properties.

F. When a Planned Development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. When a Planned Development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Development as the stages or units completed or under development bear to the entire Planned Development.

G. Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development.

H. In the case of an Office, Business, Industrial or Mixed-Use Planned Development, a statement identifying the principal types of office, business and/or industrial uses that are to be included in the proposed development.

I. When a Planned Development includes provisions for common open space or

recreation facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.

J. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development District.

K. Any other information required by the Community Development Department to be provided in text or map format to permit verification of compliance with the planned development standards.

3107.01 ACTION BY THE TOWNSHIP ZONING COMMISSION.

The Township Zoning Commission shall evaluate the Final Development Plan at a regular public meeting. The applicant shall give the Township Zoning Inspector at least ten (10) days written notice of his intent to submit the Final Development Plan, at the same time submitting the names and addresses of property owners appearing on the Montgomery County, Ohio auditor's current tax list at the time the application is submitted with lot lines contiguous to the area within such Plan. Such owners shall be given written notice of this public hearing, said notice being postmarked and mailed at least ten (10) days prior to the date of the public hearing by first class mail. The failure of delivery of that notice shall not invalidate any such final development plan.

The Township Zoning Commission shall hold a public hearing on the Final Development Plan, considering all aspects of the Final Development Plan. Within thirty (30) days after the last public hearing on such Final Development Plan the Zoning Commission shall prepare and transmit to the Board of Township Trustees and to the applicant its findings with respect to the extent to which the Final Development Plan conforms to the approved Preliminary Development Plan and maintains compliance with the standards set out in Section 3104 of this Article and the district in which the property is located, together with its recommendations to the Township Trustees with respect to the action to be taken on the Final Development Plan. The Commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions. Copies of the findings and recommendations of the Commission shall be made available to any other interested persons.

3107.02 ACTION BY THE BOARD OF TOWNSHIP TRUSTEES.

The Board of Township Trustees shall hold a public hearing on the Final Development Plan within thirty (30) days of receipt of the Zoning Commission recommendation. Property owners with lot lines contiguous to the area within the Final Development Plan shall be given ten (10) days advance written notice of this public hearing, said notice being postmarked and mailed at least ten (10) days prior to the date of the public meeting by first class mail. The failure of delivery of that notice shall not invalidate any such final development plan. The Board of Township Trustees shall within twenty (20) days after the final public hearing disapprove, approve, or approve the Final Development Plan with amendments, conditions or restrictions. Upon approval by the Board of Township Trustees, the Final Development Plan will go into immediate effect.

SECTION 3108 | SUBMISSION OF FINAL DEVELOPMENT PLAN WITHOUT AN APPROVED PRELIMINARY DEVELOPMENT PLAN.

The applicant need not file a Preliminary Development Plan if he files a Final Development Plan for the entire site incorporating all requirements of both the Preliminary and Final Development Plans as described in this Section and Section 3106. The Final Development Plan shall be processed, noticed and heard in the manner prescribed in Article 6 for district changes and resolution amendments. Specific application materials or data requirements may be waived by the Director of Community Development or his/her designee as not applicable to a specific case, but the Zoning Commission or Board of Trustees may require such data upon review of the application. Unless waived, one (1) full-sized copy drawn to a standard scale of the Final Development Plan, two (2) 8 1/2" x 11" copies of the Final Development Plan, and one digital set of drawings that are to scale shall be submitted and shall include in text and map form:

A. A survey of the tract that is to be developed showing existing features of the property, including streets, alley, easements, utility lines existing land use, general topography and physical features.

B. A site plan showing the location and arrangement of all existing and proposed structures including retaining walls and fences, a proposed final grading and stormwater plan as appropriate, the proposed traffic circulation pattern within the development, the areas to be developed for parking, the points of ingress and egress including access streets where required, the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites and recreational facilities. Ownership and control of any designated permanent open space shall be clearly documented and shall be subject to recording and other memorialization requirements as required by the Board of Trustees.

C. A statement of the proposed total gross floor area, and the percentage of the development which is to be occupied by structures.

D. Elevation drawings of the proposed structures, a landscaping and lighting plan, including notes to identify the materials to be utilized on exterior surfaces.

E. Perspective drawings including roofline drawings that confirm that no rooftop mechanicals are visible from any roadway and provide a clear understanding of the grade changes on the site including the impact of the building height on neighboring properties.

F. When a Planned Development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. When a Planned Development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Development as the stages or units completed or under development bear to the entire Planned Development.

G. Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development.

H. In the case of an Office, Business, Industrial or Mixed-Use Planned Development a statement identifying the principal types of office, business and/or industrial uses that are to be included in the proposed development, including the proposed total or maximum area in square feet of such proposed uses.

I. When a Planned Development includes provisions for common open space or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.

J. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development District.

K. Any other information required by the Community Development Department to be provided in text or map format to permit verification of compliance with the planned development standards.

3108.01 ACTION BY THE TOWNSHIP ZONING COMMISSION.

The Township Zoning Commission shall hold a public hearing on the Final Development Plan as provided by Article 6 of this Resolution. Such public hearing shall consider all aspects of the Final Development Plan including

any proposed stages and/or units of development. Within thirty (30) days after the last public hearing on such plan the Commission shall prepare and transmit to the Board of Township Trustees and to the applicant specific findings of fact with respect to the extent to which the Final Development Plan complies with the standards set out in Section 3104 of this Article and the district for which the change has been requested, together with its recommendations to the Township Trustees with respect to the action to be taken on the Final Development Plan. The Commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions. Copies of the findings and recommendations of the Commission shall be made available to any other interested persons.

3108.02 ACTION BY THE BOARD OF TOWNSHIP TRUSTEES.

The Board of Township Trustees shall hold a public hearing on the Final Development Plan as provided by Article 6 of this Resolution. If the application is granted, the area of land involved shall be re-designated as a "PD-A", "PD-1," "PD-2," "PD-3," "PD-4," "PD-5", or "SP-PUD" District by resolution and such resolution shall incorporate the Planned Development Regulations or Standards, and the Site or Preliminary Plan, including any condition or restriction that may be imposed by the Board of Township Trustees.

SECTION 3109 | SUBDIVISION PLAT REQUIRED.

A zoning certificate may be issued for a structure in a Planned Development prior to the approval of the final subdivision plat, if one is required for that portion by the proper planning authority, but such zoning certificate shall become null and void and no further construction or development shall take place unless the final subdivision plat for that portion has been approved by the proper planning authority and recorded within 90 days of the issuance of such zoning certificate.

SECTION 3110 | EXPIRATION DATE FOR DEVELOPMENT PLAN APPROVAL AND EXTENSIONS.

A. **Preliminary and Master Development Plans**, but not the underlying planned development standards, shall become null and void and the Board of Trustees may initiate proceedings to rezone the land to its former zoning classification or another classification as provided by law, unless within three (3) years of the date of approval of the Preliminary or Master Development plan all of the following have been completed:

   a. A Final Development Plan or Zoning Certificate for buildings within the first phase of the development have been approved in accordance with the provisions of this Article and Resolution; and

b. The final subdivision plat, when applicable, has been recorded in the records of the Montgomery County Recorder.

B. **Single Stage Final Development Plans.**
The approval of the Final Development Plan shall become null and void unless within twelve (12) months the subdivision plat shall have been recorded in the records of the Montgomery County Recorder, if such platting is required by Montgomery County and if no construction of major project elements have been commenced. The Board of Township Trustees or Township Zoning Commission may, however, at their discretion, initiate action to reclassify the subject property to its former zoning district or another classification as provided by law using the procedure provided in Article 6 of this Resolution.

C. **Multi-Stage Final Development Plans.**
When the recording of the Subdivision Plat for the successive stages falls more than one (1) year behind the schedule submitted under Subsection 3105.05-E, the Final Development Plan shall become null and void for that portion of the tract for which no subdivision plat shall have been recorded; and that portion of the tract shall revert to the approved Preliminary Development Plan.

D. **Extensions of Time Limits.**

a. An extension of the time limits and expiration dates of Preliminary, Final and Master Development Plans may be approved for up to one (1) year at a time by the Miami Township Board of Trustees. Such approval shall be based upon a finding of the purpose and necessity for such extension, compatibility with the then current Miami Township Comprehensive Plan, and evidence of a reasonable effort toward the accomplishment of the Preliminary, Master or Final Development Plan, but the Board of Trustees has no obligation to grant such an extension and the Board of Trustees may grant another extension upon a similar finding prior to the expiration of the first or subsequent extensions.

b. The applicant shall first submit an updated application (with a new associated fee) to the Zoning Commission clearly stating the new timeline for construction. The Zoning Commission shall either recommend approval or denial of the request to the Board of Trustees. Such approval shall be based upon a finding of the purpose and necessity for such extension, compatibility with the then current Miami Township Comprehensive Plan, and evidence of a reasonable effort toward the accomplishment of the Preliminary, Final or Master Development Plan.

SECTION 3111 | MODIFICATIONS.

In order to provide flexibility and efficiency in the planning and development process, while protecting the public safety and welfare of adjoining property owners, an approved Preliminary or Final Development Plan may be amended based upon the following criteria.

Modifications may be initiated by one or more of the property owners within a Planned Development District. A completed application and plan following the standards and requirements for a Preliminary, Final or Master Planned Unit Development Plan application respectively, together with any applicable fees, shall be submitted.

Master Planned Unit Developments shall follow the criteria prescribed under the Master Planned Unit Development regulations for a specific project, but shall follow the criteria below if no such criteria were prescribed.

A. Administrative Minor Modifications

1. Minor modifications to an approved Preliminary, Final, or Master Planned Unit Development plan which become necessary due to field conditions, detailed engineering data, fire and or other life safety requirements, utility conflicts, topography, general changes requested by one or more of the owners, or critical design criteria may be authorized by the Director of Community Development and/or his/her designee (Staff) or successor with the concurrence of the Township Administrator on behalf of the Board of Trustees. In the event the Township Administrator is absent, the Acting Township Administrator, Assistant Township Administrator or the President of the Board of Trustees may offer a concurring signature.

2. Minor Modifications are characterized as minor adjustments to approved features and buildings that comply with the standards of the particular planned development in which they are located. Minor adjustments include but are not limited to the following features:

   a. Driveway locations (not including the addition or removal of driveways);
   b. Curb cuts;
   c. Pedestrian walkways;
   d. Retaining walls;
   e. Utilities and related equipment or structure;
   f. Storm water systems;
   g. Lighting;
   h. Swimming pools or other recreational features;
   i. Fences;
   j. Building placement or configuration and configuration of architectural elements;
   k. Parking area locations;
   l. Landscaping placement and design;
   m. Placement of bike racks and street furniture;
   n. Small (less than 200 square foot) accessory structures that can be placed or screened in such a manner as to have negligible impact upon the overall site design and adjoining property owners and other similar projects.

3. Minor modifications shall be guided by the following standards, shall not alter the general intent or character of the approved planned development and shall not:

   a. Modify an element that is described as a Major Modification or an Amendment to the Planned Development Regulations;

   b. Increase the density of residential units;

   c. Decrease the number of parking spaces below that required by Article 43 or increase the square footage of buildings to the point that the parking standards are not met;

   d. Modify the overall street layout beyond minor adjustments in alignment due to field conditions or safety requirements;

   e. Generally decrease the amount of landscaping provided, without appropriate substitutions based upon either the approved landscape standards or the standards of Article 45-A or reduce required landscape buffers between office/commercial/industrial areas and adjoining residentially zoned districts;

   f. Modify signage standards in a manner that would violate the general spirit and intent of the sign regulations of Article 41 and provided sign standards are adjusted as part of a comprehensive sign package for a building or site. Sign packages shall emphasize low profile signage that complements the architectural style of a site or building and promotes a pedestrian friendly environment but may vary from the standards of Article 41 in order to accommodate the particular layout of a master planned development and associated structures. Modifications to sign standards shall be based upon the placement, manner, duration, and area of sign displays rather than the content of proposed signage; however, staff may specify the ability to display commercial versus non-commercial messages on specific types of signage. Staff may also require that a more comprehensive set of buildings or standards be included as part of any sign modification request in order to provide consistency throughout the planned development. The sign standards of Article 41 and any adopted standards that are part of an approved preliminary or final development plan shall continue to apply, except as specifically modified through this process.

4. Staff may require such substitutions or adjustments in other site elements as necessary to mitigate any proposed modifications. All approved modifications shall be reported to the Zoning Commission and Board of Trustees within sixty (60) days. A completed application form and such other information as required by Miami Township shall accompany all applications.

5. An Administrative Review for minor modifications may be appealed to the Board

of Trustees. An applicant may also choose to apply for review under the procedures for a major modification in lieu of an administrative review and upon payment of all applicable fees for a major modification. All decisions of the staff may also be appealed to the Board of Zoning Appeals following the procedures for an Administrative Appeal under Article 4.

6. Applications for minor modifications may be reviewed concurrently as part of an application for zoning certificate. Fees shall be paid per the fee schedule.

7. Administrative reviews shall occur within fourteen (14) business days of receiving all necessary materials. If such review does not occur within fourteen (14) business days and no further materials have been requested by staff, the applicant may submit said application directly to the Board of Trustees to be heard at the next regularly scheduled meeting. Staff may extend a review period up to fourteen (14) additional business days upon submittal to the applicant of a written letter detailing the need for such extension, i.e. for additional fire, traffic, or other regulatory review. At the end of the initial fourteen (14)-day review period or such permitted extension, staff shall either approve or deny said application.

B. Modifications to residential units within an approved planned development.

The Director of Community Development and/or his/her designee may approve, upon application for a zoning certificate, modifications to single family residences within an approved planned development provided such modifications are limited to those which:

1. Comply with the setback requirements established for the planned unit development

2. Involve the addition or alteration of accessory uses within non-common areas of a single-family residential planned development and comply with the provisions of Article 38 and such other provisions as specified by the final development plan.

3. Do not conflict with other provisions of the planned development.

All other modifications shall follow the procedures described for minor or major modifications. Issuance of a zoning certificate shall suffice as documentation of all approvals under Subsection 3111.B.

C. Major Modifications

It is the intent of this resolution that a modification be considered major when the change is of such significance that the health, safety, or general welfare of adjoining property owners outside of the planned development or residential users inside the

planned development may be harmed and as such should receive notification, or the modification represents a significant deviation from the original design or intent of the planned development district:

1. Major Modifications shall be characterized by the following:

   a. Modifications that involve the relocation of approved buildings and other large features, beyond minor adjustments, as shown on the preliminary or final site plan(s) in compliance with the overall setback, density, or other similar standards of the development while adhering to the general spirit and intent of the approved preliminary or final development plans;

   b. Increasing the size, general location, or placement of detention/retention basins outside of designated retention/detention basin areas or closer to perimeter property lines if no such areas are designated on the approved plans, beyond minor adjustments necessary due to specific field conditions;

   c. A change in the number of lots or size of the phasing plan within the planned development, provided such change does not require adjustment of an approved density standard;

   d. Changes to approved architectural designs beyond minor adjustments to window and door locations or other minor architectural detail modifications, provided such designs fall within the approved architectural design standards. This allowance does not include amendments to approved design standards, such as a series of model home designs.

2. The items to be provided or shown on the application and plans may be modified by Miami Township as noted on the official and current Miami Township application form for a Major Modification.

3. Public Hearing and Decision by the Zoning Commission

   a. Upon receipt of a request for a Major Modification to an approved Preliminary or Final Development Plan the Zoning Commission shall set a date and time for a public hearing that shall not be less than twenty (20) nor more than forty (40) days from the filing date.

   b. Written notice of the public hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days prior to the date of the public hearing to all owners of property situated within three hundred (300) feet of the

proposed area, including all properties within and contiguous to and directly across the street from the area with the Planned Development District. The failure of delivery of such notice shall not invalidate any such modification.

c. The Zoning Commission shall have authority to render a final decision on Major Modifications as these are intended to be modifications that are in keeping with the general spirit and intent of the original plan approvals and standards for the development.

d. The Zoning Commission shall within thirty (30) days following the close of the public hearing either approve, approve with modifications, or deny the Major Modification.

e. The approval of a Major Modification does not exempt the owner from obtaining any required new or revised zoning certificates and such other approvals as may be required by Miami Township or other authorities.

D. Planned Development Regulation Amendments.

Amendments to the adopted standards of a Planned Development shall be noticed and heard at a public hearing in the manner prescribed for zoning map amendments under Article 6 of this Resolution and upon payment of applicable fees and submission of an application by one or more of the property owners within the affected Planned Development.

1. Planned Development Regulation Amendments shall be characterized by:

a. A change in the use of land beyond the permitted land uses described in the approved development plan standards or shown on an approved preliminary or final development plan, including expansion of exterior storage of items previously prohibited or into areas generally not permitted for exterior storage;

b. A change to or adoption of new or revised development standards and any modifications impacting an otherwise required, prohibited or restricted feature of the development plan; such as, but not limited to, a setback standard, prohibited use, required site elements, restricted hours of operation, or other general standards, except as permitted for signage standards under Subsection 3111.A.2(f) above.

c. A reduction in the amount of public open space, pedestrian amenities, or other public amenities that are specifically required as part of an approved plan.

2. Relationship to Preliminary, Final, and Master Planned Development Plan:

a. Upon approval of an amendment to the standards for a specific Planned

Development, the applicable Preliminary, Final, or Master Planned Development Plan (if no preliminary plan was approved) may be updated to reflect any appropriate changes to any listed standards, if so, listed on the plan, without any additional approvals required.

b. Changes that require showing new building locations, roadways, or other geographic changes to the plans shall still require submission of a subsequent modification to the Preliminary or Final Development Plan.

c. A Preliminary, Final or Master Development Plan (if no preliminary plan was approved) may be modified in conjunction with an amendment to the planned development regulations, provided the notice and hearing procedures for District Changes are followed.

d. A Preliminary, Final or Master Development Plan (if no preliminary plan was approved) approved in conjunction with an amendment to the Planned Development Regulations shall not become effective until the effective date of such amendment.

SECTION 3112 | PLANNED DEVELOPMENT DISTRICT BOUNDARIES.

For the purpose of these regulations, the boundary of a planned development district shall be the area covered by a particular preliminary plan or final development plan if no preliminary plan was required pursuant to Section 3108.

ARTICLE 32 | "PD-1" PLANNED RESIDENTIAL DISTRICT

SECTION 3201 | PRINCIPAL PERMITTED USES.

A. Residential uses developed in a unified manner in accordance with the approved Final Development Plan.

B. Other uses may be permitted if specifically approved as part of the Plan, provided that the areas and structures occupied shall be so located and designed as to protect the character of the surrounding property, and provided further that convenience establishments shall be subject to additional requirements as herein specified:

1. Convenience establishments.

   a. Such establishments and their parking areas shall not occupy more than five (5) percent of the total area of the development.

   b. Such establishments shall be limited to those permitted in the "B-l" Business District and shall fulfill all requirements of Article 21.

   c. Such establishments shall be so located, designed and operated as to serve primarily the needs of persons within the Development Plan and not persons residing elsewhere.

   d. Off-street parking and loading requirements shall be appropriate to the particular case based upon the types of convenience establishments permitted and the anticipated proportion of walk-in trade. Multiple use of off-street parking and service areas and access ways for convenience establishments may be permitted, if such multiple use will not lead to congestion or the creation of hazards to pedestrian or vehicular traffic.

C. Interim Housing in accordance with an approved Final Development Plan, provided:

1. No sign is displayed other than one customary to an apartment complex.

2. Less than 15% of the units are used for that purpose.

3. Less than 50% of the units in any one building are used for that purpose.

SECTION 3202 | DEVELOPMENT STANDARDS.

In addition to the provisions of Article 31, Section 3102, General Development Standards, the Final Development Plan must comply with the following:

3202.01 AREA REQUIREMENTS.

No minimum land area shall be required.

3202.02 SITE PLANNING.

The Site Plan, Landscaping Plan, and Lighting Plan shall provide, among other things, for:

A. The physical character of the site shall be suitable for development in the manner proposed without hazards to persons or property on or off the site from probability of flooding, erosion, subsidence, or slipping of the soil or other dangers, annoyances, or inconveniences.

B. The site shall provide access to streets that are of adequate size to handle the proposed traffic from the development. Where possible or as required for the provision of emergency services, the site design should provide multiple connection points to more evenly distribute traffic into and outside of the proposed development area. It must either be so located in relation to utilities and public facilities existing or to be developed so that no additional public expense will be involved.

C. Efficient, safe, convenient, and harmonious grouping of structures, uses, and facilities to protect existing natural features and to screen more intense uses.

D. Location of common open space, existing and protected trees, and other similar site amenities.

E. Protection of pedestrian and traffic visibility.

F. Screening of off-street parking areas, and service areas for loading and unloading vehicles, and areas for storage and collection of trash and garbage.

G. Where the Planned Residential District abuts another Residential District a permanent open space at least twenty-five (25) feet wide shall be provided along the property lines. A patio enclosure or similar type addition to an existing single-family detached residence may extend ten (10) feet into this open space, subject to approval as a Major Modification. A ten (10) foot depth along the property lines shall be maintained in landscaping and no driveway or off-street parking shall be permitted in such area.

H. Location of light poles, bollards, and other fixtures that emit light.

3202.03 PARKING AND LOADING.

Off-street parking and loading spaces shall be required as set forth under

Article 42 and Article 43 of this Resolution.

ARTICLE 32-A | "PD-A" PLANNED AGRICULTURE DISTRICT

This PD-A District is established to encourage open space residential developments in rural areas as a means to preserve rural character, viewsheds, farmland of local importance, environmentally sensitive lands, open space based on community choices, and public health and safety functions and services as defined in Section 218.08 of the Miami Township Zoning Resolution. Such areas are commonly associated with, but not necessarily limited to areas, currently zoned "A" Agriculture. This district provides for flexible land development techniques in terms of the arrangement of dwelling units and roads in order to achieve the following:

1. To maximize the conservation of farmland of local importance, environmentally sensitive areas and open space, and to preserve the quality of life while accepting development and retaining development rights.
2. To establish development review criteria which promote creative design solutions and which results in the timely consideration of an application.

SECTION 32-A01 | AGRICULTURAL ADVISORY.

Due to the possibility that agricultural activity may take place within, adjacent or near to this district, the Agricultural Advisory in Section 800 of the Miami Township Zoning Resolution will apply.

SECTION 32-A02 | GENERAL OPEN SPACE REQUIREMENTS.

The application of this zoning district requires that proportionate amounts of contiguous open space are to be set aside and never developed as part of a residential development. The defined open space may be held in a variety of forms of ownership (as defined herein) with the permitted density of residential development situated in carefully sited, compact patterns which flexibly accommodate natural contours, unique historical and cultural features, and protected rural views and ambiance.

SECTION 32-A03 | PRINCIPAL PERMITTED USES.

Permitted uses and structures in the "PD-A" district include the following, provided the uses and structures are not in conflict with open space and farmland characteristics intended for preservation:

A. Agricultural uses (including livestock) or the construction or use of buildings or structures incident to the use for agricultural purposes or the land on which such buildings or structures are located on lots greater than one acre subject to regulation herein, pursuant to ORC Section 519.21.

B. Dwellings, Single-family detached.

C. Private recreation facilities and open space; however, active recreation facilities and open space shall be subject to additional requirements described in Section 32-

A04.06(G).

D. Publicly-dedicated open space.

E. Uses and structures customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

F. Off-street parking and loading areas.

G. Barns, garages and storage sheds as described in Section 3804 of this Resolution (farm structures may be exempt).

H. Temporary buildings for uses incidental to construction work that are removed upon the completion or abandonment of the construction work.

I. Farm markets as described in Section 802-A of the Miami Township Zoning Resolution.

J. The keeping of animals and pets for domestic use.

SECTION 32-A04 | DEVELOPMENT STANDARDS.

In addition to the provisions of Article 31, Section 3102, General Development Standards, the Final Development Plan must comply with the following:

32-A04.01 MINIMUM PROJECT SIZE.

The minimum gross area of a tract of land proposed for an open space residential subdivision in the Planned Agriculture District shall be twenty (20) acres. The area proposed shall be in single ownership or, if in multiple ownership, all the owners of the included properties shall jointly file the application.

Parcels less than twenty (20) acres in size may be subdivided subject to the restrictions of Article 8, Section 803 of the Miami Township Zoning Resolution.

32-A04.02 MINIMUM LOT AREA.

The minimum lot area shall be determined by whether the development is a conventional, non-clustered development layout or a clustered development layout. The total number of housing units permitted in a development is limited in the manner defined in Section 32-AO4.03 below. For this determination, all dwelling units must also comply with the spacing and yard requirements defined in Section 32-A04.04 below.

A. **Conventional, Non-clustered Development.** The minimum lot area

for a conventional, non-clustered development layout in the PD-A District shall be five (5) acres. Areas within a non-clustered development lot that would be completely undevelopable by virtue of public or private easements, or physical limitations such as steep slopes, water features, wetlands, or other existing environmental constraints to development shall not be included in calculating the size of a lot. Some lots may result in being larger than the required minimum lot size due to the size and shape of the site.

B. **Clustered Development.** For clustered development layouts, the arrangements of residential dwelling units are not required to be on individual lots and there is no minimum lot size per each dwelling. However, when lots are included as part of a clustered development, such lots shall be of sufficient size and shape to accommodate dwelling units in compliance with the Montgomery County Combined Health District regulations as well as the spacing requirements of this Section.

32-A04.03 MAXIMUM DWELLING UNIT REQUIREMENTS.

A. Maximum Dwelling Unit Allowance. The maximum number of dwelling units permitted in a PD-A development shall be determined by producing a conventional, non-clustered development layout plan of the site with new streets and lot sizes that are not less than five (5) acres as required in Section 32-A04.02(A). The resulting number of lots yielded by a conventional, non-clustered development layout shall determine the maximum dwelling units allowed for both non-clustered and clustered development layouts.

B. Lot Bonus. A clustered development site layout may increase the maximum dwelling unit allowance by meeting one or more of the following additional health and safety conservation standards. Each bonus shall be computed by multiplying the sum of all bonus percentages which may apply against the number of lots yielded in 32-A04.03A and then adding this bonus number of lots to the number of lots yielded in 32-A04.03A. Individual bonuses shall only apply one time and the sum of all bonus percentages may not exceed thirty-five (35) percent. When the above formula produces a fractional value, the number shall be rounded to the nearest whole number with a fractional value of 0.5 rounded down to the nearest whole number.

1. Five (5) percent bonus if the selection and design of open space maximizes contiguous linear configuration of sufficient width, generally larger than 100 feet width designed as a single block with

logical, straightforward boundaries, and minimizes fragmentation of open space so that these resource areas are not divided into numerous small parcels located in various parts of the development. Long thin strips of open space shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails.

2. Ten (10) percent bonus if the open space minimizes disturbance to mature or remnant woodlands, wetlands, vegetated riparian corridors and is limited to passive recreation activities such as hiking, biking, horseback riding, fishing or other activities which provide for conservation of environmental quality on the land and limits to five (5) percent of the total open space, golf courses and active recreation uses, such as housed facilities or the extensive use of ball fields.

3. Ten (10) percent bonus if the development maintains or creates an upland buffer of natural native species vegetation of at least one hundred (100) feet in depth on each side of wetlands and surface waters, including creeks, streams, springs, lakes and ponds.

4. Five (5) percent bonus if all required open space is interconnected with all dwellings such that each and every dwelling has direct, adjacent access to the open space system.

5. Five (5) percent bonus if the open space generally abuts existing or potential open space land on adjacent parcels (such as in other subdivisions, public parks, or properties owned by or eased to private land conservation organizations). Such subdivision open space shall be designed as part of larger contiguous and integrated greenway systems.

32-A04.04 MINIMUM YARD REQUIREMENTS.

All Buildings in a PD-A Development District shall be located in compliance with the following development and site planning standards. The applicant shall depict on the development plan the maximum parameters, or building envelopes, to indicate where buildings shall be located, and shall demonstrate that such building locations will be in compliance with the spacing requirements of this section.

A. The minimum setback from an existing perimeter public street shall be fifty (50) feet. These areas must be designed as an aesthetic landscape feature utilizing mounding and attractive landscaping subject to Article 45-A of the Miami Township Zoning Resolution.

B. The minimum setback from the project boundary shall be forty (40) feet.

C. The minimum setback from a proposed local public right-of-way shall be twenty-five (25) feet.

D. The minimum separation between dwellings shall be the greater of twenty (20) feet or one-half the combined height of the adjacent sides of the buildings.

E. Where lots are indicated on a development plan, a side yard setback of one-half the height of the adjacent side of the building shall be required.

32-A04.05 HEIGHT REGULATIONS.

No structure shall exceed forty (40) feet.

32-A04.06 REGULATIONS FOR REQUIRED OPEN SPACE:

Required open space shall be included in the design of a PD-A District development in accordance with the following requirements:

A. **Minimum Area.**
The minimum restricted open space for the site shall be fifty (50) percent of the total site acreage.

B. **Interconnection of Common Open Space**.

1. For conventional, non-clustered development, at least fifty (50) percent of each lot within the site shall be permanently set aside and never developed or subdivided for any purpose.

2. For clustered development, all required open space should be designed to maximize interconnection with all dwellings. Where all lots do not have direct access to the common open space system, a system of sidewalks or trails should provide common access to the open space.

3. In the case of phased developments, a plan for the design of the open space shall be provided in a proportional manner with a developed area.

C. **Pedestrian Circulation In Common Open Space.**
A pedestrian circulation system shall be included in the open space

system to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian system shall provide connections between properties and activities or special features within the common open space system and need not always be located along streets. Trails for which public right of passage has been established should be incorporated in the pedestrian circulation system.

D. **Selection of Open Space.**
Required open space shall be designed and located to conserve ecological integrity and public health and safety functions of the landscape and to preserve and protect rural character and ambiance. Resource protection emphasis shall be placed on the preservation of farmland of local importance, viewshed protection, floodway protection, wetland protection, riparian [river and stream] buffer protection, wellhead protection, sensitive slope preservation, woodlot conservation, and the overall reduction of impervious surfaces. The developer shall provide a rational that describes how the proposed open space system relates to these objectives.

1. The development of sites with features such as woodlots, hedgerows streams, rock outcroppings, heritage trees, or steep slopes should be accomplished by including such features in the required open space so that they will be protected from development.

2. If a particular site lacks such features, the developer shall design the open space system with the establishment of natural prairies, agricultural fields, orchards, landscaped focal points or water features, and shall seek to maintain open view sheds of neighboring features.

3. The placement of housing units so as to be the least visible from existing roadways is encouraged so as to maintain existing rural corridors.

E. **Storm Water Ponds.**
Storm water detention and retention management ponds or basins and/or water supply facilities may be located partially or entirely within restricted open space areas if established with easements for maintenance of such facilities by appropriate parties. Low impact development stormwater methods are preferred. These areas must be designed as an aesthetic landscape feature utilizing mounding and attractive landscaping subject to Article 45-A of the Miami Township Zoning Resolution.

F. **Septic Systems in Open Space.**
Underground leach or drainage fields for individual septic systems or related underground components of on-site sewage disposal septic systems may be located within required open space if approved by the Montgomery County Combined Health District and with appropriate easements to enable the maintenance of these facilities.

G. **Active Recreation Areas.**
Required open space may be used as active recreation areas provided the uses and structures are not in conflict with open space and farmland characteristics intended for preservation. These active recreation areas shall be: of a useable size and shape for the intended purposes; located in areas with the least impact on natural amenities and wildlife habitats; and limited to fifteen percent (15%) of the total acreage devoted to required open space. Active recreation areas may not increase impervious surface of the total site by more than ten (10) percent. These areas, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the general development plan.

H. **Landscaping Disturbed Areas In Open Space.**
Any areas within the required open space, or other common areas such as required setback areas, and both sides of new streets, that are disturbed during construction or otherwise not preserved in its natural state shall be landscaped with vegetation that is compatible with the natural characteristics of the site.

I. **Areas Not Considered Required Open Space.**
In order to encourage the creation of large areas of continuous open space, areas that shall not be considered restricted open space include; public road rights-of-way, parking areas, access ways, and driveways, required setbacks between buildings, parking areas, and project boundaries, required setbacks between buildings and streets, private yards, land that is subject to pre-existing conservation easements or similar limitations on development; and other small fragmented or isolated open space areas that have a dimension less than 75 feet in any direction.

J. **Prohibition of Further Subdivision of Restricted Open Space.**
Restricted open space in an open space residential subdivision shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to Miami Township and duly recorded in the office of the

County Recorder.

Subject to such permanent restriction as set forth herein, restricted, common open space shall be owned and maintained by a private homeowner association, Miami Township, a Land Conservancy, or another conservation organization recognized by Miami Township.

K. **Offer of Dedication.**
Miami Township may, but shall not be required to, accept dedication in the form of fee simple ownership of the restricted open space.

L. **Legal Review.**
Miami Township may require that, the association's declaration, articles of incorporation and either bylaws (for an Association) or code of regulations (for a Homeowners' Association et al), be submitted to the Zoning Commission for review to determine if they demonstrate full compliance with the provisions of this section prior to final development plan approval.

M. **Transfer of Conservation Easements.**
With the permission of Miami Township, the owner(s) of the common open space may, in accordance with the provisions of ORC §5301.67-70, grant a conservation easement to any of the entities listed in ORC §5301.68.

N. **Open Space Monitoring.**
Required open space shall be set aside per the requirements of the Final Development Plan. The Miami Township Community Development Department shall monitor the establishment of required open space and enforce compliance with the required development plan under the authority of the Miami Township Zoning Resolution.

SECTION 32-A05 | CONSIDERATIONS FOR EVALUATING DEVELOPMENT DESIGN.

An application for a PD-A Planned Agricultural District shall only be processed, noticed, and heard by the Township Zoning Commission concurrently with an application for a proposed subdivision or re-subdivision of the same property pursuant to the subdivision regulations of Montgomery County. In addition to the requirements stated in Article 31 of the Miami Township Zoning Resolution, the Zoning Commission shall evaluate whether the submitted Final Development Plan:

A. Illustrates the location of wetlands, prime farmland soils according to the county soil survey, locations of all existing wooded areas, tree lines, hedgerows and specimen trees, existing drainage patterns, identification of unique vistas, along with existing

wells and well sites.

B. Illustrates the location of building footprints or envelopes within which dwelling units are to be constructed. Proposed building envelopes or footprints shall demonstrate that building locations will be in compliance with applicable development and site planning standard requirements.

C. Provides the site with direct access to a major street without creating traffic on minor residential streets outside the development. Intersections between new roadways and existing roadways should be spaced as far apart as possible. Access to future adjacent developments must be provided.

D. Protects rural roadside character, maintains public safety and minimizes impact on vehicular carrying capacity by avoiding development fronting directly onto existing public roads.

E. Proposes road systems that are curvilinear and designed to follow natural topography as closely as possible, avoiding the need for extensive cutting and filling. The construction of new roadways in open fields is generally discouraged in favor of road construction at the edges of open fields, especially when necessary to provide access to home sites in adjacent wooded areas.

F. Cul-de-sac design should create large landscaped islands capable of supporting mature trees and other landscape elements.

G. Protects and preserves all floodplains, vegetated riparian corridors, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the Township for essential infrastructure or active or passive recreation amenities.)

H. Preserves and maintains mature or remnant woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.

I. Designs around existing hedgerows and treelines between fields or meadows, and minimizes impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat, or those not degraded by invasive vines.

    1. Woodlands of any size on highly erodible soils with slopes greater than 10 percent should be avoided.

    2. Woodlands in poor condition with limited management potential can provide suitable locations for residential development.

3. When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, septic disposal fields, etc.) in locations where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.

J. Sites dwellings on the least prime agricultural soils protecting farmland of local importance, or in locations at the far edge of a field as seen from existing public roads, where development must be located on open fields or pastures because of greater constraints in all other parts of the site.

1. In most cases, homes should be in small clusters of units, not a single grouping or multiple large groupings. The number of units in clusters should vary in size and shape, but in most cases, should not exceed 25.

2. The creation of lawn areas greater than 10,000 s.f. should generally be avoided.

K. Leaves prominent or locally significant scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares; Avoids the siting of new construction on prominent hilltops or ridges by taking advantage of lower topographic features.

1. In open agrarian landscapes, a deep “no-build, no-plant” buffer is recommended which utilizes the concept of “foreground meadows” with homes facing the public thoroughfare across a broad grassy expanse.

2. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep “no-build, no-cut” buffer should be respected, to preserve existing vegetation.

L. Landscapes common areas (such as community greens), cul-de-sac islands, and both sides of new streets with native species shade trees and flowering shrubs with high wildlife conservation value. Deciduous shade trees shall be planted at forty-foot intervals on both sides of each street, so that the neighborhood will have a stately and traditional appearance when they grow and mature. These trees shall generally be located between the sidewalk or footpath and the edge of the street, within a planting strip not less than five feet in width.

M. Visually buffers development from existing public roads, such as by a planting screen consisting of a variety of indigenous native trees, shrubs, and wildflowers.

1. Off-street parking for community buildings or similar structures should not be visible from roadways.

2. Parking areas should be located behind buildings or otherwise screened with

mounding or plant material.

3. Any lighting from parking areas should not be visible from an existing public roadway.

4. New trees should mainly be limited to varieties found on the site and/or nearby, and should be planted in a random pattern (not single rows or a single species.)

O. Designs around and preserves sites of historic, archaeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, cellar holes, earthworks, and burial grounds; Existing barns or other agricultural structures should be preserved where possible and incorporated in to the development.

1. Establishes buffer zones along the scenic corridor of rural roads. To help maintain rural character, required open space, historic buildings, stone walls, hedgerows, etc; should be located along existing roadways to act as a buffer between developed land and the roadway.

2. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and the Ohio Natural Heritage Data Base.

3. Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby houselots.

P. Includes a pedestrian pathway system designed to assure that pedestrians can walk safely and easily on the site among all residential properties, open spaces and recreational features. Such a pathway system may or may not be located in a road right-of-way and should provide interconnections between open spaces in a development. All roadside footpaths should connect with off-road trails, which in turn should link with potential common open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels, where applicable.

Q. Controls storm drainage by permanent retention ponds. Ponds designed to hold storm water at all times should be designed as open space amenities. Meter pipes should be incorporated into the drainage system to slow discharge of water into existing waterways. Where possible, storm water should flow through grass swales to retention ponds to slow runoff and filter pollutants.

R. Complies with the requirements of the Miami Valley Fire District.

SECTION 32-A06 | SITE VISITS.

The Miami Township Zoning Commission shall, together with the applicant and the applicant's consultant(s), visit the site to gain a thorough understanding of the characteristics of the site.

SECTION 32-A07 | EXPIRATION DATE FOR DEVELOPMENT PLAN APPROVAL.

Pursuant to Section 3110 of the Miami Township Zoning Resolution, the approval of the Final Development Plan shall become null and void unless within twelve (12) months from the date of approval the subdivision plat shall have been recorded in the records of the Montgomery County Recorder. However, an extension of time may not exceed six months and upon the expiration of time, the subject property shall automatically revert to its former zoning district.

SECTION 32-A08 | DEFINITIONS.

A. Heritage Tree.
A heritage tree is defined as any tree that is 72 inches or greater in circumference when measured 4.5 feet above the natural or established grade or a multi-stemmed tree that has one stem at least 24 inches in circumference. A tree must be considered an outstanding specimen or group of its species by virtue of either its location, health, conformation, age, size, or rarity and must be in a location and state of health that indicates a high possibility of survival.

B. Low Impact Storm Water Methods.
Low impact storm water methods refer to any natural or planted vegetation or nonstructural component of the storm water management plan that provides for or enhances storm water quantity control and/or quality control or other storm water management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

C. Sensitive Slope Preservation.
Sensitive slope preservation refers to measures taken to conserve or protect steep and very steep slopes from inappropriate development, such as excessive grading, landform alteration, or extensive vegetation removal. These measures are designed to avoid potential hazards to property and disruption of ecological balance caused by increased runoff, flooding, soil and sedimentation, lasting and ripping of rock, and landslide failure.

D. Steep Slopes.
Areas of steep slope are characterized by a change in elevation from fifteen (15) to twenty-five (25) percent over a specified distance or contour interval. Areas of very steep slope are characterized by a change in elevation greater than twenty-five (25) percent over a specified distance or contour interval.

E. Viewshed.
A viewshed is a landscape or series of landscapes that is visible from one or more related viewpoints.

ARTICLE 33 | "PD-2" PLANNED OFFICE DISTRICT

SECTION 3301 | PRINCIPAL PERMITTED USES.

A. Office establishments developed, operated and maintained within an organized development of associated office activities in accordance with the approved Final Development Plan.

B. Residential uses developed in a unified manner in accordance with Article 32.

C. Interim Housing in accordance with an approved Final Development Plan. The Board of Trustees may modify the minimum time period specified in Section 209.01.

SECTION 3302 | DEVELOPMENT STANDARDS.

In addition to the provisions of Article 31, Section 3102, General Development Standards, the Final Development Plan must comply with the following:

3302.01 AREA REQUIREMENTS.
No minimum land area shall be required.

3302.02 LAND OCCUPANCY BY BUILDINGS.
Total land occupancy by all buildings for an office park shall not exceed sixty (60) percent of the area of the tract, provided, however, that underground parking structures, the highest portions of which are not more than thirty (30) inches above the level of the centerline of the nearest adjacent street, shall not be included in computations of land occupancy by building.

3302.03 OPEN SPACE REQUIREMENTS.
Open space shall be twenty (20) percent of the land area and shall not be used or occupied by automotive vehicles. Such space shall be reserved for landscaping, and its location, use and other improvements shall be consistent with the character of site and its relation to the general area in which it is located.

3302.04 RELATION TO MAJOR TRANSPORTATION FACILITIES.
There shall be direct access to at least one major thoroughfare, as established on the Official Thoroughfare Plan for Montgomery County, Ohio.

3302.05 SITE PLANNING.
The same requirements applicable to Planned Residential Districts, as set forth in Subsection 3202.02 of Article 32, shall apply to Planned Office Districts. In addition, yards with a minimum width of twenty-five (25) feet shall be provided along all property lines, except where the development adjoins a Business or Industrial District or where the proposed development

fronts a public street or street planned to be publicly dedicated that is or will be across from another portion of the planned development or another business or industrial district. The Board of Trustees may permit structures to project into required yards and buffer areas, where such projection does not extend across more than five (5) percent of the length of such yard or buffer area, measured as the width of the property line against which the yard or landscape buffer is located, and in no case is closer than five (5) feet to the edge of such adjacent property. . Landscaping and use of such yards shall be as follows:

A. Along thoroughfares or collector streets, as established on the Official Thoroughfare Plan for Montgomery County, Ohio, the nearest ten (10) feet to the right-of-way shall be maintained in landscaping, unless turnout or merging lanes are provided, in which case the nearest ten (10) feet to the turnout or merging lane shall be landscaped.

B. Where lots in Residential Districts front onto residential streets at the boundary of a Planned Office District, the nearest twenty-five (25) feet to the right-of-way within the Development Plan shall be maintained in landscaping and no off- street parking shall be permitted in such area, unless the Board determines that such residential homes are of sufficient distance from the proposed development that a projection into the required buffer will not detract from the general residential character of the neighborhood. Such reduction of the buffer requirement should be only for the minimum distance and width necessary to accommodate a projection into the landscape buffer *and should not extend more than ten (10) feet into the required buffer*. Vehicular access through such landscaped strip shall be permitted.

C. All other yards within the Development Plan, except those abutting a Business or Industrial District, shall be maintained in landscaping and not used for parking, to the extent of a ten (10) foot depth along the property lines.

3302.06 PARKING AND LOADING.

Off-street parking and loading spaces shall be required as set forth under Article 42 and Article 43 of this Resolution.

ARTICLE 34 | "PD-3" PLANNED BUSINESS DISTRICT

SECTION 3401 | PRINCIPAL PERMITTED USES.

A. Retail, service and office establishments developed, operated and maintained within an organized development of associated activities in accordance with the approved Final Development Plan.

B. Residential uses developed in a unified manner in accordance with Article 32.

C. Interim Housing in accordance with an approved Final Development Plan. The Board of Trustees may modify the minimum time period specified in Section 209.01.

SECTION 3402 | DEVELOPMENT STANDARDS.

In addition to the provisions of Article 31, Section 3102, General Development Standards, the Final Development Plan must comply with the following:

3402.01 AREA REQUIREMENTS.

No minimum land area shall be required.

3402.02 LAND OCCUPANCY BY BUILDINGS.

Total land occupancy by all buildings for a Planned Business District shall not exceed sixty (60) percent of the area of the tract, provided, however, that underground parking structures, the highest portions of which are not more than thirty (30) inches above the level of the centerline of the nearest adjacent street, shall not be included in computations of land occupancy by buildings.

3402.03 RELATION TO MAJOR TRANSPORTATION FACILITIES.

A. Planned Business Districts less than twenty (20) acres in area shall have direct access to at least one major thoroughfare, as established on the Official Thoroughfare Plan for Montgomery County, Ohio.

B. Planned Business Districts more than twenty (20) acres in area shall have direct access to at least two (2) major thoroughfares as established on the Official Thoroughfare Plan for Montgomery County, Ohio.

3402.04 SITE PLANNING.

The same requirements applicable to Planned Residential Districts, as set forth in Subsection 3202.02 of Article 32, shall apply to Planned Business Districts. In addition, yards with a minimum width of fifty (50) feet shall be provided along all property lines, except where the development adjoins a

Business or Industrial District or where the proposed development fronts a public street or street planned to be publicly dedicated that is or will be across from another portion of the planned development or another business or industrial district. The Board of Trustees may permit structures to project into required yards and buffer areas, where such projection does not extend along, as opposed to into, more than five (5) percent of the length of such yard or buffer area, measured as the length of the property line against which the yard or landscape buffer is located, and in no case is closer than five (5) feet to the edge of such adjacent property. Landscaping and use of such yards shall be as follows:

A. Along thoroughfares or collector streets, as established on the Official Thoroughfare Plan for Montgomery County, Ohio, the nearest twenty (20) feet to the right-of-way shall be maintained in landscaping, unless turnout or merging lanes are provided, which case the nearest twenty (20) feet to the turnout or merging lane shall be landscaped.

B. Where lots in Residential Districts front on residential streets at the boundary of a Planned Business District, the nearest thirty (30) feet to the right-of-way within the Development Plan shall be maintained in landscaping and no off-street parking shall be permitted in such area, unless the Board determines that such residential homes are of sufficient distance from the proposed development that a projection into the required buffer will not detract from the general residential character of the neighborhood. Such reduction of the buffer requirement should be only for the minimum distance and width necessary to accommodate a projection into the landscape buffer *and should not extend more than ten (10) feet into the required buffer*. Vehicular access through such landscaped strip shall be permitted only for the convenience of residents of adjoining residential areas, or for access to dwelling units within the Planned Business District and not for use by the general public.

C. All other yards within the Development Plan, except those abutting a Business or Industrial District, shall be maintained in landscaping and not used for parking, to the extent of a twenty (20) foot depth along the property lines.

D. When residential uses separate the retail, service and office uses from a Residential District, the yard requirements of Article 32 shall be applicable.

3402.05 OFF-STREET PARKING AND LOADING REQUIREMENTS.
Off-street parking and loading space shall required as set forth under Article 42 and 43 of this Resolution.

A minimum of two (2) percent of the area devoted to off-street parking shall be maintained in landscaping in such parking areas.

Off-street loading space shall be provided with area, location and design appropriate to the needs of the shipping center and specific uses within it, and no space designated for off-street parking shall be used as off-street loading space.

ARTICLE 35 | "PD-4" PLANNED INDUSTRIAL DISTRICT

SECTION 3501 | PRINCIPAL PERMITTED USES.

A. Manufacturing, processing, warehousing, and industrial service activities developed, operated and maintained within an organized development of associated activities in accordance with the approved Final Development Plan.

SECTION 3502 | DEVELOPMENT STANDARDS.

In addition to the provisions of Article 31, Section 3102, General Development Standards, the Final Development Plan must comply with the following:

3502.01 AREA REQUIREMENTS.
No minimum land area shall be required.

3502.02 LAND OCCUPANCY BY BUILDINGS.
Total land occupancy by all buildings for a Planned Industrial District shall not exceed sixty (60) percent of the area of the tract.

3502.03 RELATION TO MAJOR TRANSPORTATION FACILITIES.
Industrial parks shall have direct access to at least one major thoroughfare as established on the Official Thoroughfare Plan for Montgomery County, Ohio.

3502.04 SITE PLANNING.
The same requirements applicable to Planned Residential Districts, as set forth in Subsection 3202.02 of Article 32, shall apply to Planned Industrial Districts. In addition, yards with a minimum width of one hundred (100) feet shall be provided along all property lines, except where the development adjoins a Business or another Industrial District or where the proposed development fronts a public street or street planned to be publicly dedicated that is or will be across from another portion of the planned development or another business or industrial district. Landscaping and use of such yards shall be as follows:

A. Along thoroughfare or collector streets, as established on the Official Thoroughfare Plan for Montgomery County, Ohio, the nearest thirty (30) feet to the right-of-way shall be maintained in landscaping, unless turnout or merging lanes are provided, in which case the nearest thirty (30) feet to the turnout or merging lane shall be landscaped.

B. Where lots in Residential Districts front onto residential streets at the boundary of a Planned Industrial District, the nearest fifty (50) feet to the right-of-way within the Development Plan shall be maintained in

landscaping and no off-street parking shall be permitted in such area.

C. All other yards within the Development Plan, except those abutting a Business or another Industrial District shall be maintained in landscaping and not used for parking, to the extent of a thirty (30) foot depth along the property lines.

3502.05 PARKING AND LOADING.

Off-street parking and loading space shall be required as set forth under Articles 42 and 43 of this Resolution.

Off-street loading space shall be provided with area, location and design appropriate to the needs of the Industrial Park and specific uses within it, and no space designated for off-street parking shall be used as off-street loading space.

ARTICLE 35-A | "PD-5" PLANNED MIXED-USE DISTRICT

SECTION 35-A01 | PRINCIPAL PERMITTED USES.

Mixed uses developed in a unified manner in accordance with the approved Final Development Plan.

SECTION 35-A02 | DEVELOPMENT STANDARDS.

In addition to the provisions of Article 31, Section 3102, General Development Standards, the Final Development Plan must comply with the following:

35-A02.01 AREA REQUIREMENTS.

No minimum land area shall be required.

35-A02.02 LAND OCCUPANCY BY BUILDINGS.

Total land occupancy by all buildings for a Mixed-Use Planned Development shall not exceed sixty (60) per cent of the area of the tract, provided, however, that underground parking structures, the highest portions of which are not more than thirty (30) inches above the level of the centerline of the nearest adjacent street, shall not be included in computations of land occupancy by buildings.

35-A02.03 OPEN SPACE REQUIREMENTS.

An open space of at least twenty-five (25) feet shall be provided from any public road right-of-way line, and shall not be used for parking. The open space strip may be reduced in size upon specific recommendation for approval by the Zoning Commission and approval by the Board of Trustees, provided suitable alternative areas are designated within the site for open space improvement and the primary reasons for relaxation of this requirement are to provide for placement of buildings near public roadways and to improve the pedestrian accessibility and experience within the site. The appropriate controlling authority of the roadway in question should review relaxation of this standard and any concerns should be appropriately addressed. Such space shall be reserved for landscaping, and its location, use and other improvements shall be consistent with the character of the site and its relation to the general area in which it is located.

35-A02.04 RELATION TO MAJOR TRANSPORTATION FACILITIES.

There shall be direct access to at least one major thoroughfare, as established on the Official Thoroughfare Plan for Montgomery County, Ohio.

35-A02.05 SITE PLANNING.

The Site Plan shall provide, among other things, for the following:

A. The physical character of the site shall be suitable for development in the

manner proposed without hazards to persons or property, on or off the site from probability of flooding, erosion, subsidence, slipping of the soil or other dangers, annoyances, or inconveniences.

B. The site must have direct access to a major street without creating traffic on minor residential streets outside the district. It must either be so located in relation to utilities and public facilities existing or to be developed so that no additional public expense will be involved.

C. Efficient, safe, convenient, and harmonious grouping of structures, uses, and facilities.

D. Appropriate relation of space inside and outside buildings to intended uses and structural features.

E. Pedestrian ways and vehicular access to streets.

F. Protection of pedestrian and traffic visibility.

G. Location of common open space.

H. Screening of off-street parking areas, service areas for loading and unloading vehicles, and areas for storage and collection of trash and garbage.

ARTICLE 36 | NONCONFORMING LOTS, STRUCTURES AND USES

SECTION 36.01 | CONFORMANCE REQUIRED.

Except as hereinafter specified, no land, building, structure, or premises shall hereafter be used, and no building or part thereof, or other structure, shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located.

SECTION 36.02 | NONCONFORMING LOTS

A. NONCONFORMING VACANT LOTS IN RESIDENTIAL DISTRICTS.

In any district other than the "R-9" Residential District where dwellings are permitted, a single family detached dwelling may be erected on any lot of official record as of the effective date of the Zoning Resolution of Miami Township when by reason of its lot area, width or depth it does not meet minimum requirements for a lot under these regulations; provided, however, that no lot shall be deemed to be less than forty (40) feet wide for the calculation of yard requirements and provided, further:

A. The sum of the yard widths on any such lot of record shall be at least twenty-five (25) percent of the width of the lot.

B. In no case shall the width of any side yard be less than ten (10) percent of the width of the lot, except that on a corner lot, the width of side yard adjoining the side street lot line shall be not less than ten (10) feet.

C. The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case shall it be less than twenty (20) feet.

D. If the width of such lot meets the standards of this Resolution but the depth is such that the total area is less than seven thousand five hundred (7,500) square feet, the rear yard for such lot shall have a minimum of thirty (30) percent of the lot but in no case shall it be less than thirty (30) feet.

B. NONCONFORMING VACANT LOTS IN OTHER DISTRICTS.

In any district, other than a Residential District, a building designed for any permitted use in such district may be erected on any lot of official record as of the effective date of the Zoning Resolution of the Township provided that:

A. Such building shall comply with all regulations applicable in the district in which the lot in question is located; provided, however, the width of any required side yard need not be greater than that derived by applying the following equation, where "X" = the required side yard width:

$$\frac{X}{\text{Actual Lot Width}} = \frac{\text{Minimum side yard required by district regulations}}{\text{Minimum lot width required by district regulations}}$$

C. CONSOLIDATION AND/OR TRANSFERS OF LAND BETWEEN NONCONFORMING LOTS.

In any district, land may be transferred between one or more non-conforming and/or conforming lots (Land Transfers) and whole lots may be consolidated (Lot Consolidations) provided that:

1. The Land Transfer or Lot Consolidation shall not result in any of the following changes to the: dimensions of any of the lots involved in the transfer, the setbacks of any existing structures, required screening or landscape buffers, or the transfer of land between zoning districts, which would increase the degree of nonconformity of any of the lots involved in the transfer, nor violate the spirit and intent of the development standards for the district in which they are located. Land Transfers and Lot Consolidations shall not:

   A. Reduce required road frontage below the development standard minimum for the district in which the lots are located.

   B. Increase the depth of any lot beyond the maximum lot depth, if any, listed under the development standards for the district in which the lots are located.

   C. Decrease the acreage or lot area of any lot below the minimum listed acreage or lot area for the district in which the lots are located.

   D. Reduce the effective setback of any existing structures to the point that they no longer meet the required setbacks of the Miami Township Zoning Resolution.

   E. Reduce the land area of any lot to such a degree that existing structures no longer comply with the stated maximum lot coverage for the district in which they are located.

   F. Involve the transfer of land between lots not located within the same zoning district.

2. This Section shall not be utilized to add land to a lot which has a nonconforming use or otherwise permit a nonconforming use of land to be expanded, enlarged, or increased in intensity.

3. Land Transfers and Lot Consolidations must adjust and comply with any required screening or landscape buffers for the district in which the lots are located.

4. Land Transfers and Lot Consolidations shall not violate or cause a violation of any approved preliminary, final or master planned-unit development plans within planned development districts or any approved plat.

5. Land Transfers or Lot Consolidations meeting the provisions of this Section may be approved administratively, upon receipt of an application for a zoning certificate and may be approved as a Use Permit or as otherwise described on the Official Fee Schedule of Miami Township. Proposed Land Transfers or Lot Consolidations not meeting the provisions of this Section shall require a hearing before the Miami Township Board of Zoning Appeals for any applicable variance or conditional use necessary to permit the proposed transfer or consolidation. The intent of this provision is to administratively permit land transfers and lot consolidations that at a minimum do not increase the degree of nonconformity of any lots involved and may result in lots becoming more conforming to the standards of this Resolution.

SECTION 36.03 | NONCONFORMING STRUCTURES.

A. CONTINUATION.

Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or development standards, may be continued, so long as it remains otherwise lawful, subject to the restrictions of Subsections 3603.02 through 3603.04.

B. ENLARGEMENT, REPAIR, ALTERATIONS.

Any such structure described in Subsection 3603.01 may be enlarged, maintained, repaired or structurally altered; provided, however, that no such enlargement, maintenance, repair or structural alteration shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structures; except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be determined by Subsection 3602.01 or 3602.02, whichever is applicable.

C. DAMAGE OR DESTRUCTION.

In the event that any such structure described in Subsection 3603.01 is damaged or destroyed by any means, to the extent of more than fifty (50) percent of the current replacement cost of the entire structure, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located; provided, that structures located on a lot that does not comply with the

applicable lot size requirements shall not in any event be required to provide a side yard that exceeds the yard requirements in Subsection 3602.01 or 3602.02, whichever is applicable. When a structure is damaged to the extent of fifty (50) percent or less, no repairs or restoration shall be made unless a zoning certificate is obtained and restoration is actually begun within one year after the date of such partial destruction.

D. MOVING.

No structure described in Subsection 3603.0l shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it will be located after being moved.

SECTION 36.04 | NONCONFORMING USES.

A. CONTINUATION.

Any lawfully existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure, may be continued, so long as otherwise lawful, subject to the restrictions of Subsection 3604.02 through 3604.09.

B. REPAIR AND MAINTENANCE.

1. Work may be done on ordinary maintenance and repairs, or on repair or replacement of walls, fixtures, wiring or plumbing; provided, however, that this paragraph "A" shall not be deemed to authorize any violation of Subsection 3604.03 through 3604.09.

2. Nothing in this Resolution shall be deemed to prevent the strengthening or restoring to a safe condition any building or other structure (other than a damaged or destroyed building or other structure subject to the provisions of Subsection 3604.05) in accordance with the order of a public official who is charged with protecting the public safety and who declares such building or other structure to be unsafe and orders its restoration to a safe condition.

3. All nonconforming residential buildings in a Business or Industrial District may be maintained, repaired, improved, modernized or enlarged; provided, however, that no increase in the number of dwelling units shall be permitted. Nonconforming single family residences within any zoning district other than the "R-9" Residential District may be maintained, repaired, improved, modernized or enlarged in accordance with the development standards of Section 1204.

C. STRUCTURAL ALTERATION.

1. Structural alterations to nonconforming single family residences within any zoning district other than the "R-9" Residential District shall be permitted in accordance with the development standards of Section 1204, provided, however, that no increase in the number of dwelling units shall be permitted.

2. No structural alteration to structures other than single family residences shall be made unless the entire building or other structure and the use thereof shall thereafter conform to the regulations of the district in which such structure is located except as provided in Subsections 3604.04, 3604.05 and 3604.07.

D. EXTENSION AND ENLARGEMENT.

The Board of Zoning Appeals may permit a nonconforming building or structure to be extended, expanded, enlarged, or increased in intensity subject to the following conditions:

1. A nonconforming use may be extended throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on the effective date of this Resolution.

2. The Board may permit either an expansion of a nonconforming building or structure, or a substitution of a nonconforming use in such a building or structure, but not both.

3. A nonconforming building or structure may be extended or enlarged upon the lot occupied by such building on the effective date of this Resolution or on an adjoining lot, provided such lot was under the same ownership as the lot in question on the effective date of this Resolution. Such nonconforming building may be enlarged or extended to an extent not exceeding twenty-five (25) percent of the gross floor area of such nonconforming structure or building lawfully existing at the time of adoption of this Resolution.

4. The extension or enlargement of a nonconforming building or structure may not occupy ground space suitable and otherwise available for meeting the off-street parking requirements of this Resolution.

5. A nonconforming use of land may not be extended, enlarged or increased in intensity.

6. Nothing contained in this section shall in any way prohibit a nonconforming use from acquiring additional off-street parking space.

7. Application for an extension or enlargement in accordance with paragraphs A through F shall be noticed and heard in the manner prescribed for appeals in Section 404 hereof.

E. DAMAGE OR DESTRUCTION.

1. Nothing in this Resolution shall be deemed to prevent the total restoration of any legal nonconforming single family residence, so long as such restoration is actually begun within one year after the date of its damage or destruction.

2. In the event that any building or structure that is devoted in whole or in part to a nonconforming use, other than that of a single family residence, is damaged or destroyed, by any means, to such an extent that the cost of restoration to the condition in which it was before such damage or destruction exceeds fifty (50) percent of the current replacement cost of the entire building or other structure, exclusive of foundation, such building or other structure shall not be restored unless such building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located. Moreover, even if such damage is fifty (50) percent or less, no repair or restoration shall be made unless a building permit is obtained, and restoration is actually begun, within one year after the date of such partial destruction.

F. MOVING.

No structure devoted in whole or in part to a nonconforming use, shall be moved to any other location on the same lot or any other lot unless the entire structure and the use thereof shall thereafter conform to the regulations of the district in which it will be located after being so moved. Moreover, no nonconforming land use shall be relocated, in whole or in part, to any other location on the same or any other lot unless such use shall thereafter conform to the regulations of the district in which it is located after being moved.

G. CHANGE.

The Board of Zoning Appeals may permit a substitution for a nonconforming use in a building or structure lawfully existing at the time of the adoption of this Resolution subject to the following conditions:

1. The Board may permit either an expansion of a nonconforming building or structure or a substitution of a nonconforming use, but not both.

2. A nonconforming use of land (as opposed to a building or structure) may not be changed.

3. Application for a substitution in accordance with paragraph "A" shall be noted and heard in the manner prescribed for appeals in Section 404 hereof.

H. DISCONTINUANCE.

1. Discontinuance of nonconforming use of land: In the event that operation of a nonconforming use of land is voluntarily discontinued for a period of two (2) years, such nonconforming use shall not thereafter be reestablished, and any subsequent use or occupancy of such land shall conform to the regulations of the district in which it is located.

2. Discontinuance of nonconforming use of buildings or structures: In the event that operation of a nonconforming use of all or part of a building or other structure is voluntarily discontinued for a period of two (2) years, such nonconforming use shall not thereafter be reestablished, and any subsequent use or occupancy of such building or other structure shall conform to the regulations of the district in which it is located.

I. NONCONFORMING ACCESSORY USES.

No nonconforming accessory use shall continue after the principal use to which it is accessory has been discontinued.

ARTICLE 37 | PROVISIONS AFFECTING AREA, YARDS, AND COURTS

SECTION 3701 | MINIMUM FLOOR AREA FOR DWELLINGS.

See Section 2900 and/or appropriate Districts.

SECTION 3702 | STREET FRONTAGE REQUIRED.

Except as permitted by other provisions of the Zoning Resolution, no lot or parcel shall contain any building used in whole or in part for residential purposes unless the front lot line of such lot abuts fully on a dedicated street. There shall be not more than one principal building for each lot. Each lot shall meet the frontage requirements of the zoning district in which it is located.

SECTION 3703 | TRAFFIC VISIBILITY ACROSS CORNER LOTS.

In any district on any corner lot, no fence or planting shall be erected or maintained within twenty (20) feet of the right-of-way line if it interferes with traffic visibility across the corner.

SECTION 3704 | REDUCTION OF AREA OR SPACE.

No lot, yard, court, parking area or other space shall be reduced in area or dimension, thereby making said area or dimension less than the minimum required by this Zoning Resolution; and, if already less than the minimum required by this Zoning Resolution, said area or dimension shall not be further reduced. No part of a yard, court, parking area, or other space provided about, or for, any building or structure for the purpose of complying with the provisions of this Zoning Resolution, shall be included as part of a yard, court, parking area, or other space required under this Zoning Resolution, for another building or structure.

SECTION 3705 | OFF-STREET PARKING AND LOADING.

In any district, spaces for off-street parking and for loading or unloading shall be provided in accordance with the provisions of Articles 42 and 43.

ARTICLE 38 | ACCESSORY USES

SECTION 38.01 | PURPOSE

A. This section authorizes the establishment of accessory uses that are incidental, related and customarily subordinate to principal permitted uses. For the purpose of this section, the term accessory use shall be used in conjunction with accessory structure or may be used in placement thereof.

B. Accessory uses and structures may be detached or attached to the primary structure. An example of an attached accessory structure is a deck. When determining if an accessory structure is an attached accessory structure or a dwelling addition the following shall be considered:

1. A dwelling addition shall be integrated visually, structurally and architecturally with the principal structure, has an attached roof with similar design to the principal structure, permits access between the principal structure and the addition either internally or under the roof, and/or shares a common wall with the principal structure or is connected to the principal structure by an enclosed space.

2. An attached accessory structure shall be an unenclosed space that may have solid walls no greater than 18 inches in height around its entire exterior. It may have a fence or railings that are not opaque up to 48 inches. It shall not be screened, walled, or provided with glass from floor to ceiling, where the enclosed interior space is completely separated from the outside.

SECTION 38.02 | FINDINGS

In adopting these regulations, the Miami Township Board of Trustees finds that:

A. It is necessary to set back accessory uses from residential property lines in order to provide adequate space to ensure weeds and other nuisance vegetation can be adequately controlled and that drainage flow between and along property lines is not impeded in order to protect the public health and safety.

B. It is necessary to limit the height and extent of accessory uses to ensure that adjoining property owners are not unduly deprived of access to sunlight and air circulation to their property.

C. Accessory uses are to be subordinate in size and appearance to principal permitted structures and therefore should be restricted in size, height and location in order to maintain the integrity of the permitted uses within the various districts and protect property values and the general public welfare.

D. Some accessory uses and their associated activities, while permissible for limited durations, would create an undue impact on neighboring properties if permitted on a permanent basis due either to the size, scope, or general location of such activities.

SECTION 38.03 | GENERAL PROVISIONS

Accessory uses or structures shall be permitted provided:

A. The structure or use is incidental to and customarily found in connection with a principal structure or use permitted in the district in which it is located.

B. It is subordinate to and serves the principal structure or use.

C. It is subordinate in area, extent, or purpose to the principal structure.

D. It is located on the same parcel as the principal structure or use for which it serves.

E. An owner applies for and receives a zoning certificate, unless exempted or not required by this resolution.

F. An accessory use or structure shall not be established unless a principal use has first been established on a site in conformance with the applicable provisions of the zoning resolution.

G. No detached accessory building or structure shall contain facilities used for dwelling purposes. This does not preclude use of a guest house per the standards of Article 38.

H. **Home Occupations.**

1. Except as provided below, no accessory building or structure shall be used to operate a business, store equipment or supplies used for a business, or be a location where employees meet or park, in any standard agricultural district, residential district, or recorded residential subdivision.

2. It is not intended for residential properties to be used for business. As it relates to home occupations a business is defined under ORC 5701.08, “includes all enterprises, except agriculture, conducted for gain, profit, or income and extends to personal service occupations.”

3. The above is true except for:

   a. Accessory structures approved as part of a final development plan within a planned development for an associated business use in a mixed-use development.

   b. Business lawfully established in an agricultural district and used in support of the agricultural use of the property or a business approved as a permitted or

conditional use in an agricultural or residential district, or other lawfully existing legal non-conforming use, subject to the standards for legal non-conforming uses.

SECTION 38.04 | PERMITTED AND PROHIBITED ACCESSORY USES AND STRUCTURES BY DISTRICT

The following accessory uses, as denoted by a square "■" mark, are permitted as indicated in Table 38.04(A), subject to the general standards and any use specific standards as outlined herein. Planned Development Districts and Austin Center Districts shall default to the following groups unless otherwise defined within the adopted planned development standards:

For the purpose of this table the following are grouped together:

- Agricultural and Residential:
  - "A", "R-1" through "R-9", "PD-1" and Residential "PD-5"
- Office:
  - "O-1", "O-2", "RO", "PD-2"
- Business:
  - "B-1" through "B-4", "AC-1" through "AC-5", "PD-3", and non-residential "PD-5"
- Industrial:
  - "I-1" through "I-3", "AP", "PD-4"
- Park:
  - "PS-1" through "PS-3"

TABLE 38.04(A) – Permitted Accessory Uses and Structures by District

Use	Ag/Residential	Office	Business	Industrial	Park
Arbors	■				■
Automatic Teller Machine (ATM)			■		
Barbeque Equipment /Grills	■				
Beekeeping	■				■
Birdhouse	■				■
Carport - Private	■				
Deck	■	■	■	■	■
Donation Collection Containers			■	■	
Exterior Dumpster	■	■	■	■	■
Electric Kiosk			■		
Fences	■	■	■	■	■
Firewood	■				
Flag Poles	■	■	■	■	■
Garage/Storage/Utility Building - Private	■	■	■	■	
Guest House (without kitchen facilities)	■				
Hedges	■	■	■	■	■
Ice Storage Machine			■		
Lawn & Garden Equipment	■				
Lawn Furniture	■				■
Play Equipment	■				■
Playhouse	■				■
Propane Heating Fuel Tanks	■	■	■	■	
Propane Storage/Exchange Areas			■		
Satellite Dish - 1 antenna per Article 2, Section 219.01	■	■	■	■	
Solar Panels/Solar Energy Systems	■	■	■	■	■
Statuary	■	■			■
Storage Structure	■	■	■	■	■
Storm Shelters	■	■	■	■	■
Swimming Pool/Hot Tub	■		■		■

Trash Containers	■	■	■	■	■
Tree House	■				
Trellis	■	■	■	■	■
Vending Machines			■		■
Walls (taller than 24 inches)	■	■	■	■	■

A. **PROHIBITED ACCESSORY USES WITHIN THE AGRICULTURAL, RESIDENTIAL, OFFICE, "F", "NR", ALL "PD", ALL "PS" AND WELLHEAD OPERATION DISTRICTS**

1. No commercial vehicle with a gross vehicle weight rated in excess of 10,000 pounds, based on manufacturer's federal identification decal or serial number, or any commercial vehicle more than seven (7) feet in height, may be parked on any residential lot, except for commercial vehicles making service calls or vehicles being used to move personal goods to or from a subject property. Commercial vehicles used for agriculture are exempt from this requirement when located in the "A" Agriculture District.

2. Open storage of, but not limited to: junk, refuse, miscellaneous discarded items, inoperative items, inoperative or unlicensed motor vehicles and recreational equipment not displaying current valid license tags, or auto parts and accessories, or inoperative appliances.

3. The keeping of livestock, poultry or other fowl, except for commonly accepted household pets, i.e. canines, felines, and bird species housed within the principle structure and excluding chickens and roosters, on lots of one (1) Acre or less. This subsection shall not apply in the "A" Agricultural District.

4. For purposes of this chapter, shipping, portable storage or cargo containers, railroad cars, and bus bodies are not considered accessory uses or structures for use in residentially zoned or residentially developed properties. Only permanent sheds and storage buildings designed for residential use and constructed for the primary purpose of serving as a permanent residential storage building are permitted to be utilized for accessory storage buildings on residentially zoned or used properties.

SECTION 38.05 | STANDARDS

A. LOCATION REQUIREMENT:

1. **Residential and Agricultural Zoned Properties.**
   Accessory structures shall meet the following location restrictions, unless specifically exempted under the exception's clause of this Article.

   a. **Interior Lot.**
   Accessory structures shall be located within the rear yard or in a side yard that is obstructed from direct view from the front lot line by a primary structure provided the accessory structure is placed at least six (6) feet from any lot line as shown in the figures below. Accessory structures located in the viable portion of a side yard as shown below must not extend past the side wall of the principle structure.

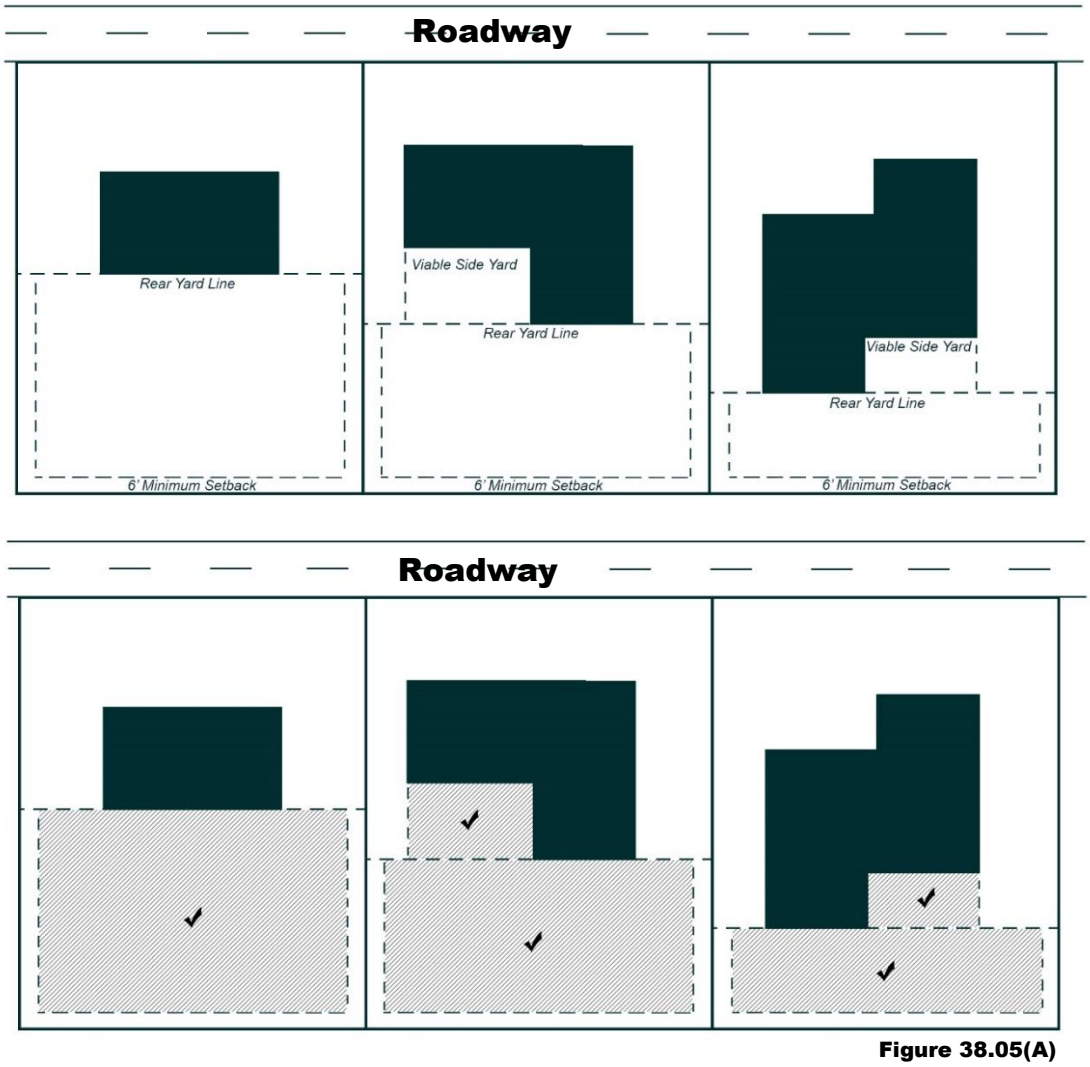


Figure 38.05(A)

b. **Corner Lot.**
Where a lot has frontages on two roadways that intersect, accessory structures shall be placed at least six (6) feet from any lot line and shall be located within one or several of the following:

1.) The rear yard of either roadway one or roadway two. This shall permit the property owner to choose to consider either roadway, but not both, as the primary frontage and the subsequent rear yard shall be permitted to have accessory structures. If existing accessory structures are on the property, the location of these structures shall determine which rear yard is permitted. Removal of all accessory structures shall again permit the property owner to choose which rear yard they would like designated as the permissible yard area.

2.) A side yard that is obstructed from direct view from the front lot line by a primary structure.

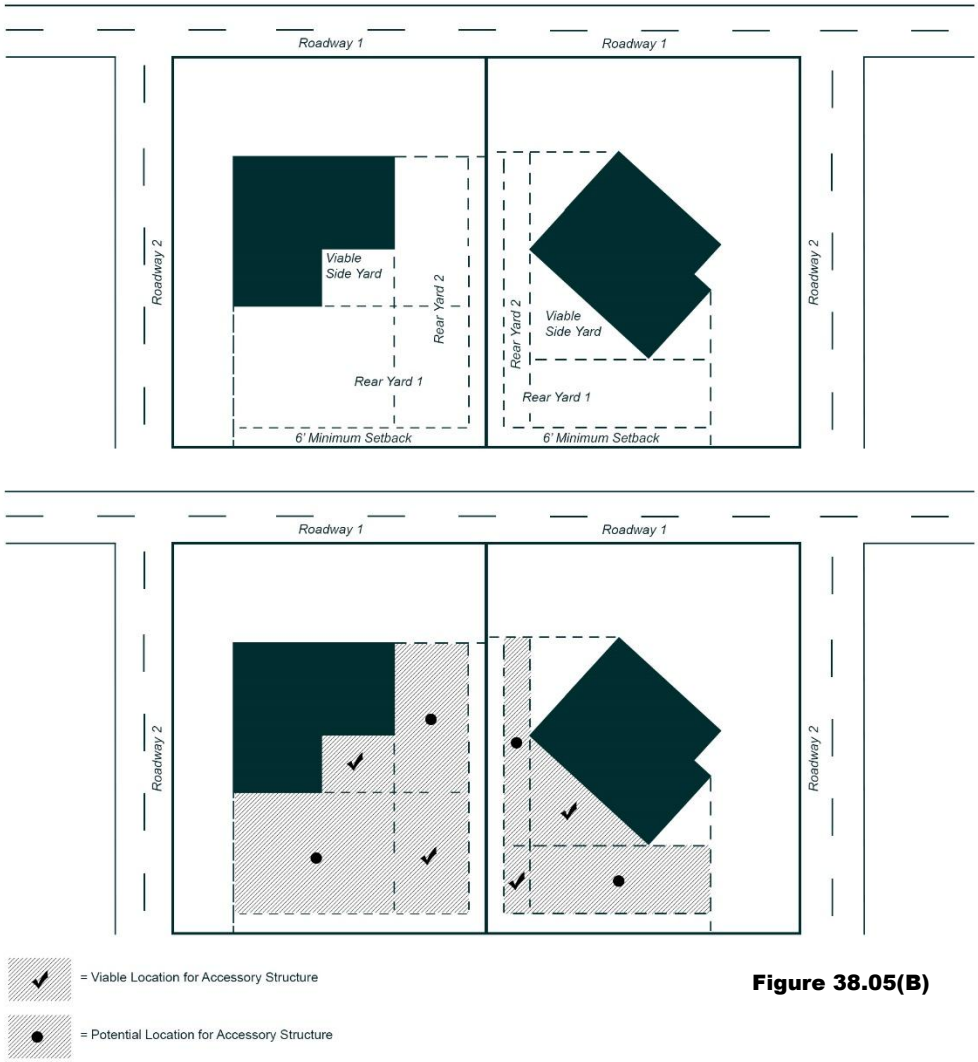


Figure 38.05(B)

c. **Double Frontage Lot.**
Accessory structures shall be placed at least six (6) feet from any lot line and shall be located only within:

1.) The rear yard; or

2.) A side yard that is obstructed from direct view from the front lot line by a primary structure; and

3.) The front lot line shall be determined by the address or by the Community Development Director or his/her designee where no address is present but shall be generally consistent with the lots on either side of the subject building.

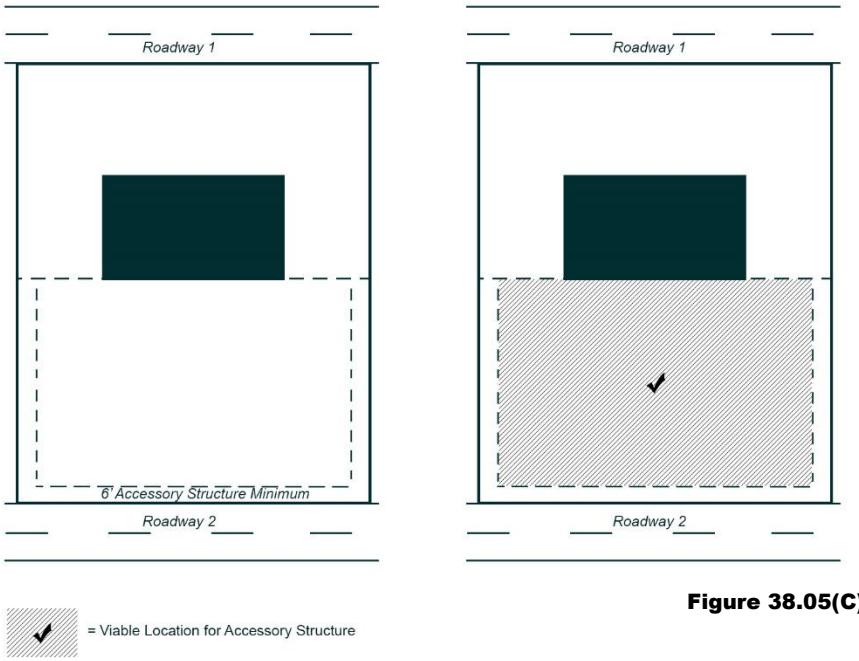


Figure 38.05(C)

2. **Commercial, Industrial, Park or Office Zoned Properties.**
Accessory structures shall meet the following location restrictions, unless specifically exempted under the exception or specific use clauses of this Article.

a. **Interior Lot.**
Accessory structures shall be located within the rear yard or in a side yard provided the accessory structure is placed at least six (6) feet from any lot line.

b. **Corner Lot.**
Where a lot has frontages on two roadways that intersect, accessory structures shall be placed at least six (6) feet from any lot line and shall be located in the rear or side yards.

c. **Double Frontage Lot.**
Accessory structures shall be placed at least six (6) feet from any lot line and shall be located only within:

1.) The rear or side yard; or

2.) The front lot line shall be determined by the address or by the Community Development Director or his/her designee where no address is present but shall be generally consistent with the lots on either side of the subject building.

B. **MAXIMUM REAR YARD COVERAGE**
All accessory structures shall not occupy more than a total of thirty-five (35) percent of the area of the required portion of the rear yard.

C. **MAXIMUM HEIGHT**
A detached accessory structure or structures shall not exceed twenty-five (25) feet in height or the height of the principal building, whichever is the least.

D. **EXCEPTIONS**

1. An accessory structure may be located between a primary structure and a front or side lot line as specifically denoted under the use specific standards of this Article. An attached accessory structure must meet all development standards of the zoning district in which it is located.

2. Retaining walls, mail boxes, and other similar items as ordinarily and customarily found within the front yard of a residential structure in Miami Township. This provision shall not permit placement of items specifically denoted to be stored or constructed in a side or rear yard.

3. Accessory sport fields incidental to a permitted school use, such as practice fields, ball fields, goal posts, bleachers, etc. Stadiums, storage buildings, and other large accessory structures shall either be located in a rear yard or follow the standards for permitted uses for the district in which they are located, provided such structures can meet the required front yard setback for the district in which they are located.

4. One (1) standard, regulation size or smaller basketball pole, hoop and backboard, not to exceed seventeen (17) feet in total height to top of the backboard, may be located in a front yard provided it is located immediately adjacent to and oriented to be used within a paved driveway and is located at least ten (10) feet from the road right of way line.

5. Customary metal trash dumpsters located within a business, office, or industrial district, when fully screened with a fully opaque fence or wall on three sides with a fully opaque gate may be located within a front or side yard area of a business but shall not encroach within a required landscape buffer.

6. One (1) flag pole, provided no such pole exceeds twenty-five (25) feet in height, measured from the lowest adjoining grade for the pole or the lowest adjoining grade for the building to which it is mounted to the top of the pole, when located in an Agricultural or Residential District or the maximum height of the district in which it is located if located in a non-residential district and such pole is setback a minimum of ten (10) feet from the road right of way line and any adjoining property line. Flag poles attached or mounted on buildings shall be limited to these same height limitations.

7. Temporary tents per Subsection 38.07 or 38.08 below.

8. Temporary tents within an Agricultural District for non-commercial purposes only. A minimum twenty-five (25) foot setback from all road rights of way and ten (10) foot setback from all adjacent property lines shall be maintained.

9. In residential districts, one (1) small domestic utility building shall be allowed a setback of not less than three (3) feet from the side or rear lot lines, provided that:

    a. The floor area of any such building is one-hundred (100) square feet or less.

    b. The building in combination with other accessory buildings on the property does not occupy more than thirty-five (35) percent of the required portion of the rear yard as described in Subsection 38.05(C).

    c. The height of any such building does not exceed eleven (11) feet, measured at the roof peak.

    d. Any such building shall primarily serve as additional storage space, with no utilities being extended to it for interior lighting, heating, or sanitary sewer purposes.

    e. Any such building shall not serve as a workshop or for a home occupation.

    f. Any such building shall be located in the rear yard.

E. **USE SPECIFIC STANDARDS**
In addition to the other standards of this resolution the following use specific standards shall be followed:

1. **Automatic Teller Machines (ATM)**

   a. Must be incorporated into a Drive-Thru facility of a Financial Institution; or

   b. Freestanding ATM's are permitted within the front yard of a commercial property. They shall be required to meet the general standards for a free-standing primary structure except for the yard requirements.

2. **Donation/Collection Containers for Paper, Clothes, Videos, Movies, and other similar materials**

   a. No permit will be granted unless the lot on which the container will be placed also contains at least one operating business in a permitted principle building.

   b. No more than two (2) such boxes or containers shall be located on any individual parcel.

   c. Such containers shall not block or impede access to required parking or driveways.

   d. Such collection containers shall not be located within a required parking stall such that locating the collection box would reduce the available site parking below the minimum required for the principle use on the site nor within a required landscape area or parking setback.

   e. Such containers shall at all times have an operable lid and shall be monitored by the property owner to ensure that items are not placed outside of the container and that all lids are closed.

   f. Except in the case where the principle use on the site is a business that is principally based upon the collection and resale of donated items, such collection containers shall be located behind a line extending parallel with the front wall of the principal building and on corner lots shall not be located between the principal building and a roadway.

   g. Signage on any such container shall be limited to one sign that is two square feet of signage per linear foot of width of the largest dimension of the container with a maximum of ten (10) square feet.

3. **Outdoor Kiosk and Exchange Areas.**
Commercial uses are permitted to have a total of three (3) of the following on their

property. They may have three (3) of the same category, or one (1) of multiple categories, but shall not have more than three (3) total. Each machine shall not occupy more than twenty (20) square feet of area and such machines shall be placed immediately adjacent to and against a wall of the principle building.

a. **Electronic Kiosks**. Electronic kiosks include storage lockers and any other information kiosk that has a screen and is intended for interaction with the general public.

b. **Ice Storage Machine.** Storage machines for bags of ice for resale or ice for use by residents of a hotel or motel.

c. **Propane Storage/Exchange Areas.** Storage and exchange equipment for sale of small portable propane containers for use in residential style grills and similar equipment.

d. **Vending Machines, including those vending candy, drinks, movies, toys, and other similar items.** Exterior location prohibited except when exterior to a principal building or use.

4. **Guest House** (without kitchen facilities) or rooms for guests in an accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the principal building, and not as rental units or for permanent occupancy.

5. **Residential open storage** (in Agriculture and Residential zoned districts) of the following items in locations as designated, and subject to the condition that all specific storage locations shall be maintained free from weeds, overgrowth, and debris. All items may be stored within a carport or covered patio if such storage is located adjacent to the wall or walls of such carport and/or covered patio:

   a. **Lawn and patio furniture and lawn and garden equipment** when in usable condition and kept in good repair, if stored in a reasonably condensed and centralized area located in the rear yard;

   b. **Customary trash containers** when in usable condition with securely fitted lids, if stored upright against the building's rear or side wall and screened from view from a public roadway or stored within the rear yard in an area well screened from surrounding properties.

   c. **Metal "dumpster" trash containers** of the type and size customarily found in conjunction with permitted two family, multi-family and office uses, if well screened from surrounding single family residential properties and when located a minimum of six (6) feet away from the adjoining property lines of all abutting single-family residential lots.

d. **Firewood and other solid heating fuels** when stacked or piled in a reasonably compact and orderly fashion within the side or rear yard, except for a side yard toward a road on a corner lot, and when intended for use in the present or upcoming heating season (Such storage shall be subject to all applicable fire regulations).

e. **Liquid and Gas Heating Fuel Containers** when under use and kept in good repair, if stored to the rear or side of a building, or in the rear yard in an area well screened from surrounding properties (Such storage shall be subject to all applicable fire regulations).

6. **Propane or Heating Fuel Tanks**, for use by the principal building to heat or provide cooking fuel for a legal principal use and shall not be used to provide fuel for sale. Such tanks shall be located to the side or rear of the principal building to minimize visibility from a public right way.

7. **Commercial Outdoor Storage** (in Office and Business zoned districts) if permitted by district in which it is to be located and provided such area is in compliance with the following regulations:

   a. Outdoor storage of any kind shall be prohibited on lots where a building does not have tenants or on vacant lots without buildings. Outdoor storage is permitted in a multi-tenant building that has tenants if the outdoor storage is related to the current tenants in the multi-tenant building.

   b. Outdoor storage may be permitted provided that the storage areas are located in the side or rear yard;

   c. Storage of any goods or materials shall not exceed six (6) feet in height;

   d. All outdoor storage areas shall be screened from view of the public right-of-way by a six (6) foot fence in conformance with Subsection 11. Fences, Walls, and Hedges below. Screening shall not be required if the outdoor storage area is located out of view from any public right-of-way.

8. **Solar Panels, Solar Energy Systems.** Roof-mounted solar panels and solar energy systems shall be located in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide ventilation opportunities, and provide emergency egress from the roof.

   a. For buildings with pitched roofs, solar collectors shall be located in a manner that provides a minimum of one (1) three (3) feet wide clear access pathway from the eave to the ridge on each roof slope where solar energy systems are

located as well as one (1) three (3) feet wide smoke ventilation buffer along the ridge.

b. Residential rooftops that are flat shall have a minimum three (3) feet wide clear perimeter and commercial buildings that are flat shall have a minimum four (4) feet wide clear perimeter between a solar energy system and the roofline, as well as a three (3) feet wide clear perimeter around roof-mounted equipment such as HVAC units.

c. Solar energy systems directly fronting on a public right-of-way shall not have a highest finished pitch steeper than the roof pitch on which the system is mounted and shall be no higher than twelve (12) inches above the roof surface. All other systems shall not extend more than three (3) feet above the slope or surface of the roof at any point. No roof mounted system shall extend beyond the edges of the roof upon which they are located.

d. Ground mounted panels shall comply with the setback standards for accessory storage buildings but shall not exceed twenty (20) feet in height or the height of the principle structure, whichever is less, when oriented at maximum tilt and shall not be angled in such a way as to cause direct glare into the windows of any adjoining property or onto any public or private roadway.

e. For purposes of calculating ground coverage area of ground mounted panels, the equivalent ground surface area covered by the panel(s) at minimum tilt shall be utilized.

9. **Swimming pool, bath house, hot tub, and other recreational facilities** designed for the use of the occupants of residential dwellings and their guests, provided that the swimming pool or hot tub, or the entire property on which the pool or hot tub is located, is walled or fenced to prevent uncontrolled access by children. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition with a gate and lock and may be the extension of the side walls of the swimming pool or hot tub. In lieu of a fence or wall, a lockable barrier may be mounted on top of the pool or hot tub structure, with a maximum vertical clearance of four (4) inches between the top of the pool or hot tub structure and the bottom of the barrier.

10. **Trash Dumpsters and storage or collection areas.** Such areas shall be located towards the rear or side of the principal building and shall be screened on three sides by a wall or fence enclosure with an opaque gate on the fourth side.

11. **Fences, Walls, and Hedges.** A fence, wall, hedge, or shrubbery may be erected, placed, maintained or grown along a lot line in all districts or adjacent thereto to a height not exceeding six (6) feet above the ground level for a fence or wall, except in an Industrial District such fence or wall shall not exceed a height of eight (8) feet

and may contain an additional two (2) feet of barbed wire or razor wire, such that total fence or wall height shall not exceed ten (10) feet.

a. No such fence, wall, hedge, or shrubbery which is located in a front or corner side yard setback shall exceed a height of three and one-half feet and shall be subject to the traffic visibility requirement of Article 37, Section 3703, for a corner lot.

b. Each span of any fence or wall shall be uniformly constructed of any commonly used fencing materials, such as: masonry, wood, chain link, wrought iron or wire, "span" being defined as any portion of a fence or wall without corners. Barbed wire, razor wire or electrified fences are prohibited on residential lots of one (1) Acre or less except in the "A" Agricultural District. Fences or walls must be constructed and maintained according to commonly accepted practices.

c. A zoning certificate shall be required prior to the erection of all fences or walls seventeen (17) feet in length or longer, or any fence or wall that encloses any portion of a property or is intended to complete an enclosure. All fences and walls, however, must meet all other provisions of this section.

d. On double-frontage lots (i.e., those with both front and rear yards on a road right-of-way) not on a corner, a fence or wall may be built to a height not exceeding six (6) feet, provided any such fence or wall is at least five (5) feet from the road right-of-way line to the rear of the residence.

12. **Beekeeping.**

a. For the purpose of beekeeping, the following definitions shall be used:

i. Apiary means the assembly of one (1) or more hives or colonies of honey bees at a single location.

ii. Beekeeper means a person who keeps honey bees in hive(s) which meet state approved requirements.

iii. Beekeeping equipment means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

iv. Colony means the entire honey bee family or social unit living together including the queen, workers and drones.

v. Flyway barrier means fencing, dense hedging or a combination of the two (2), which provides a shield or protective barrier from the direction in which the honey bees fly when approaching or leaving a hive.

vi. Hive means a frame or structure used or employed as a domicile for honey bees which meet state approved requirements.

vii. Honey Bee means the common domestic honey bee, limited to the Apis mellifera species, specifically excluding the African honey bee, Apis mellifera scutellata or Africanized honey bee, or any hybrid thereof.

b. Permitted only in all single-family residential and agricultural districts or multi-family districts containing only a detached single-family residence.

c. The lot on which the bees are kept must have a minimum lot area of one-half (0.5) acre and only one principle residence per lot.

d. The number of hives is limited to no more than four (4) hives and no hive shall exceed twenty (20) cubic feet in volume.

e. Hives shall be located at least twenty (25) feet from all lot lines and shall be provided with a flight path barrier consisting of a solid fence, wall, or dense evergreen hedge at least six (6) feet in height, shall be placed along the side of the beehive that contains the entrance to the hive, and shall be located within five (5) feet of the hive and shall extend at least two (2) feet on either side of the hive.

f. A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating on nearby properties.

g. All colonies must be registered with the Montgomery County Agricultural Extension Agent.

h. The maintenance of each colony shall be maintained in movable frames, have adequate space to prevent overcrowding and swarming, and shall be requeened following any swarming or aggressive behavior.

i. No apiary, hive or colony shall be permitted which has been abandoned by the hive or the owner.

13. Any other structure or use customarily found in conjunction with and required for full utilization and enjoyment of the principal use, and which meets the definition of accessory use in Subsection 201.01.

SECTION 38.07 | RESIDENTIAL TEMPORARY USES AND STRUCTURES

The Community Development Director, or his/her designee, may, upon proper application, issue a Zoning Certificate for any of the temporary accessory uses and structures within a residential district as listed below.

A. **General Provisions**

Unless otherwise permitted within Article 38 as part of a permitted event, no temporary use or structure shall be permitted for longer than a total of fourteen (14) days per calendar year. These may be grouped into no more than four (4) events within a calendar year.

B. **Application**

A Zoning Certificate shall be obtained for a temporary use or structure that includes the dates of the event on which the temporary use or structure will occur and must include the set-up and removal periods.

C. **Zoning Certificate Requirement and Exemption.**

A Zoning Certificate shall be required for all temporary structures and uses except the following:

1. Temporary tents placed in the rear yard, for use one (1) day for an outdoor party or event and provided such tent is setup and removed within two (2) days of the event.

    a. Such use shall not exceed three (3) times per calendar year. The use shall be limited to non-commercial event purposes in which no merchandise is displayed for sale and no sales occur, the event is not open to the general public, and no charge or other fee is required for admission to the event.

    b. The purpose of this section is to permit temporary tents for an event for the occupants of the principal building, such as a graduation party, birthday party, retirement party, employee recognition event and other similar functions.

2. Garage sales, per the standards of Subsection 38.07(E)(4) below.

D. **Permitted Temporary Uses and Structures**

1. Residential dwelling units for use as a model or display home within a residential plat, situated on a lot for which a preliminary plat has been approved by the Montgomery County Planning Commission, and provided such unit(s) conform to all requirements for residential uses for the district in which it is located, and no change of title occurs.

2. Garage sales (including patio, basement, yard or block sales) may be held from 8:00 A.M. to sundown.

   a. No sale may extend for more than three consecutive days (or portion thereof). No subsequent sale may occur on the same premises unless at least three (3) days shall have passed from the end of the previous sale.

   b. No more than two (2) garage sales per dwelling unit may be held on any such zoning lot in any calendar year.

   c. No person conducting a garage sale under the provisions of this article shall sell or offer for sale any food or beverage for consumption on the premises. Food or beverage may be provided for such consumption at no cost to the consumer, but only if a permit is obtained in advance from the Combined Health District.

   d. No fee or other charge shall be imposed upon members of the public attending any such sale.

   e. Signage shall be permitted to the extent permitted for temporary signage for the district in which the sale is held, per the terms of Article 41.

   f. Balloons, streamers, special lighting, noise making devices or other similar advertising displays, or notices shall not be used to call attention to the garage sale.

   g. Estate auctions and moving sales shall be permitted not more than one (1) week per calendar year, provided that such estate auction is made necessary for settling the estate of the resident, or provided that such moving sale is made necessary when a resident is moving away from that lot to another dwelling.

3. Temporary Storage or Disposal Containers also commonly referred to as PODS, provided:

   a. Such containers are located solely upon a designated paved hard surface outside of the public right of way.

   b. The containers are removed at the expiration of the temporary zoning certificate which may authorize the placement of a container for a maximum of thirty (30) days, one (1) time per calendar year. A longer period of time may be approved by the Community Development Director and or his/her designee for a container to be located in conjunction with an active construction or remodeling project, or in conjunction with the restoration of a property following fire, flood or other similar damage.

c. The containers are not attached to a foundation or otherwise considered a permanent structure which would be considered a principle or accessory use and subject to the standards of the applicable zoning district.

d. Such containers shall be used solely for storage incidental to the permitted principal use located on the same lot.

SECTION 38.08 | COMMERCIAL TEMPORARY USES, EVENTS, AND STRUCTURES

The Community Development Director, or his/her designee, may, upon proper application, issue a Zoning Certificate on a commercial property for temporary events, accessory uses, and structures as listed below.

A. General Provisions

Unless otherwise permitted within Article 38 as part of a permitted event, no temporary use or structure shall be permitted for longer than a total of fourteen (14) days per calendar year unless otherwise exempted below. These may be divided into no more than four (4) events within a calendar year.

B. Application

A Zoning Certificate shall be obtained for a temporary use or structure that includes the dates of the event on which the temporary use or structure will occur and must include the set-up and removal periods. A site plan that includes all tents, event locations, and parking is required.

C. Zoning Certificate Requirement and Exemption.

A Zoning Certificate shall be required for all temporary structures and uses except the following:

1. **Temporary Tents** placed in the rear yard, for use one (1) day for an outdoor party or event and provided such tent is setup and removed within two (2) days of the event.

   a. Such use shall not exceed three (3) times per calendar year. The use shall be limited to non-commercial event purposes in which no merchandise is displayed for sale and no sales occur, the event is not open to the general public, and no charge or other fee is required for admission to the event.

   b. The purpose of this section is to permit temporary tents for an event for the occupants of the principal building, such as a graduation party, birthday party, retirement party, employee recognition event and other similar functions.

2. **Temporary Sidewalk Merchandise Displays**, occurring only within the "B-2", "B-3" or "B-4" Business Districts, occurring during regular business hours (8:00AM until 8:00 PM) involving small stands or racks of items moved from within the store to the walkway adjacent to the main entrance of the establishment selling the items and which are returned within the store by the close of business each day.

   a. Such stands shall not occupy more than twenty-five (25) square feet of space and shall not obstruct pedestrian traffic along the walkway, nor hinder the ability of people to enter or exit the establishment, nor be in front of an adjoining establishment.

   b. No sales shall occur outside of the establishment and no point of sale operations shall be set up outside of the establishment.

3. **Mobile Offices** for use as office structures on construction sites, provided that such structures shall be located on the lot within the same development project on which construction takes place and shall be removed within fourteen (14) days of the completion of construction or upon the receipt of the certificate of occupancy from the Montgomery County Building Regulations Department, whichever is sooner.

   a. No such structure shall be permitted as or outfitted to serve as a habitation or living space.

   b. No such structure shall be located within six (6) feet of an adjoining property line unless the adjoining property line is within and part of the same planned development and both owners have consented to such office being located closer than six (6) feet to the adjoining line.

D. Permitted Temporary Uses and Structures

1. **Special Outdoor Events**
   Automobile shows, carnivals, circus, festivals, food truck rally's, or such similar events may be permitted one (1) time per calendar year within the "B-3" and "B-4" Business Districts or within a commercial area of a Planned Development as approved through a minor modification for a one-time event and subject to the following stipulations, unless otherwise approved by a final development plan within a planned development:

   a. Special Events will take place on a parcel of no less than three (3) acres in size. No portion of the event shall take place within fifteen (15) feet of a public road right-of-way or private road.

   b. No portion of the event shall take place within fifty (50) feet of an adjoining property not included as part of the special event use.

c. No parking of vehicles or equipment from the event or from spectators attending the event may be parked within twenty-five (25) feet of an adjoining property not included within the application for a zoning certificate. Parking is only permitted within existing paved parking lots and no vehicles or equipment should be parked within landscape areas or rights of way.

d. The event may not last for more than fourteen (14) days, including setup and removal time, past the date indicated in the application for the start of event setup and regardless of whether the event runs for the full fourteen (14) consecutive days.

e. The special event may not begin prior to 8:00 a.m. and the event must end by 11:00 p.m.

f. Lights may be left on until 12:00 am (midnight) to clean-up after the event. Clean-up must be finished within three (3) days of the end of the event.

g. Applicants must show proof they will have emergency responders and ample security at the event. The Miami Township Police and Miami Valley Fire District will NOT be the sole provider of emergency and security services for the event, without written consent from the Miami Township Police Department and Miami Valley Fire District. Prior to the issuance of a zoning certificate the applicant must get emergency and security approval from the Miami Township Police Department and Miami Valley Fire District.

h. A Zoning Certificate for the event shall be an inclusive approval of all tents and associated temporary uses accessory to the event as shown on a submitted site plan.

2. **Outdoor Sales, Display, and Storage Areas.**
Seasonal outdoor sales, quarterly sales events, or similar outdoor displays may be permitted as below.

a. Outdoor sales, display, and storage areas shall not be located in any required setback, parking and circulation area, right-of-way, or required landscape or buffer area.

b. Such sales, display, and storage areas shall be prohibited if they will create any safety hazard for pedestrians. A minimum pathway in areas used for outdoor displays, sales, and storage shall be provided to allow for the flow of pedestrian traffic outside of designated vehicular traffic drives. Such pathways shall have a minimum clearance width of five (5) feet, or the width required to meet the minimum standards of the Americans with Disabilities Act, Montgomery County Building Regulations Department, whichever is greater.

c. Where screening or security fencing is provided or required, decorative cast iron aluminum, wood material, or materials used in the principal building, shall be used for the fencing. Other materials may be permitted with the administrative approval of the Zoning Commission.

d. Chain link fencing, barbed wire fencing, and other wire mesh fencing shall be permitted only where the fencing is not visible from any public right-of-way.

e. All outdoor sales, display, and storage areas shall be maintained free of garbage and other debris.

f. Outdoor sales, display, and storage areas shall be limited to five (5) percent of the gross floor area of the principal structure with a maximum area of 2,500 square feet.

3. **Temporary Storage or Disposal Containers** also commonly referred to as PODS, provided:

a. Such containers are located solely upon a designated paved hard surface outside of the public right of way.

b. The containers are removed at the expiration of the temporary zoning certificate which may authorize the placement of a container for a maximum of thirty (30) days, one (1) time per calendar year. A longer period of time may be approved by the Community Development Director and or his/her designee for a container to be located in conjunction with an active construction or remodeling project, or in conjunction with the restoration of a property following fire, flood or other similar damage.

c. The containers are not attached to a foundation or otherwise considered a permanent structure which would be considered a principle or accessory use and subject to the standards of the applicable zoning district.

d. Such containers shall be used solely for storage incidental to the permitted principal use located on the same lot.

ARTICLE 39 | EXCEPTIONS, MODIFICATIONS, AND INTERPRETATIONS

SECTION 3901 | APPLICATION.

The requirements and regulations specified hereinbefore in this Zoning Resolution shall be subject to the following exceptions, modifications and interpretations.

SECTION 3902 | HEIGHT LIMITS.

Height limitations stipulated elsewhere in this Zoning Resolution shall not apply:

A. To barns, silos or other farm buildings or structures on farms, provided these are not less than fifty (50) feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, masts and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building.

B. To places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that these are located on the first floor of such buildings and may provide that for each three (3) feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

C. To bulkheads, elevator penthouses, water tanks, monitors, scenery lofts, towers, and monuments; to fire towers, hose towers, cooling towers, machinery, grain elevators, elevator shafts, gas holders or other structures where equipment requires a greater height for safety reasons; or where the manufacturing process requires a greater height; provided, however, that, all such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five (25) percent of the area of the lot and shall be distant not less than twenty-five (25) feet in all parts from every lot line.

SECTION 3903 | AREA REQUIREMENTS WITHOUT UTILITIES.

In any district, where neither a public water supply nor public sanitary sewer is accessible, the otherwise specified lot area and frontage requirements, if less than the following, shall be - lot area: twenty thousand (20,000) square feet; lot frontage at building line: two hundred fifty (250) feet; provided, however, that where a public water supply system is accessible and will be installed, these requirements shall be fifteen thousand (15,000) feet, and one hundred (100) feet respectively.

SECTION 3904 | CORNER LOTS.

A. The area of a corner lot shall be twenty (20) percent greater than the minimum area required for an interior lot.

B. When the principal building is located with its greatest depth on the long side of a

corner lot, the required rear yard may be reduced to a minimum of twenty (20) percent of the average lot depth; but in no case shall the shortest distance, measured horizontally between any part of a building, and the rear lot line, be less than twenty (20) feet.

SECTION 3905 | FRONT YARD EXCEPTIONS AND MODIFICATIONS.

A. In Residential Districts "A" through "R-7" inclusive, where the average depth of at least two (2) existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Zoning Resolution, the required depth of the front yard on such lot shall be modified. In such case, this shall not be less than the average depth of said existing front yards, or the average depth of existing front yards of the two (2) lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on any lot shall be at least ten (10) feet including all projections not required to be more than fifty (50) feet.

B. In any Residential District where the natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along said line, of such a degree of percent of slope that it is not practicable to provide a driveway with a grade of twelve (12) percent or less to a private garage conforming to the requirements of this Zoning Resolution, such garage may be located within such front yard, but not in any case closer than ten (10) feet to the street lines.

C. All lots in Residential Districts "A" through "R-7," inclusive, fronting on major thoroughfares shall have a front yard depth of not less than thirty-five (35) feet measured from the street right-of-way line.

SECTION 3906 | DOUBLE FRONTAGE LOTS.

Buildings on lots having frontage on two (2) nonintersecting streets need not have a rear yard if an equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided, however, on both streets.

SECTION 3907 | SIDE YARD EXCEPTIONS OR MODIFICATIONS.

A. Side yard widths may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such case the average width of the side yard shall not be less than the otherwise required least width; provided, however, that such side yard shall not be narrower at any point than one-half (l/2) the otherwise required least width, or narrower than six (6) feet in any zoning district other than the "R-9" Residential District.

B. A side yard along the side street lot line of a corner lot, which lot abuts in the rear,

either directly or across an alley, the side lot line of another in a Residential District, shall have a width of not less than one-half (1/2) the required depth of the front yard on such other lot fronting the side street.

SECTION 3908 | PROJECTIONS INTO REQUIRED YARDS.

Architectural features may project into required yards or into courts as follows:

A. Into any required front or side yard adjoining a side street:

1. Cornices, canopies, eaves, or other architectural features may project a distance not to exceed two (2) feet, six (6) inches.

2. Fire escapes may project a distance not to exceed four (4) feet, six (6) inches.

3. An open stair and necessary landing may project a distance not to exceed six (6) feet.

4. A front porch may project into a front yard a distance not to exceed six (6) feet, provided it is open on three (3) sides, except for railing or banisters.

5. Bay windows, balconies, or chimneys may project into a yard a distance not to exceed (5) feet; provided, however, that the aggregate width of such projections shall not exceed one-third (1/3) of the length of the wall upon which they are located.

B. Subject to the limitations in the preceding subsections, the above named features may project into any required side yard adjoining an interior side lot line, a distance not to exceed one-fifth (1/5) of the required least width of such side yard, but not exceeding three (3) feet in any case.

C. Subject to the limitation in paragraph A, the features named therein may project into any required rear yards or into any required outer court the same distance they are permitted to project into a front yard.

SECTION 3909 | FENCES, WALLS, AND HEDGES.

All references shall refer to the Fences, Walls, and Hedges standards of Article 38.

ARTICLE 40 | EXEMPTIONS FROM ZONING PROVISIONS

SECTION 4001 | ESSENTIAL SERVICES.

Essential services shall be permitted as authorized and regulated by law and other Resolutions of the Township and County, it being the intention hereof to exempt such essential services from the application of this Zoning Resolution.

SECTION 4002 | UNSAFE BUILDINGS.

Nothing in this Zoning Resolution shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by a proper authority.

SECTION 4003 | EXISTING BUILDING PERMITS.

Nothing contained in this Zoning Resolution shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of this Zoning Resolution, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Zoning Resolution, and continued to completion without interruption, except for causes beyond the builder's control.

ARTICLE 41 | SIGN REGULATIONS

Signs are a vital part of Miami Township as sources of information and as components in the landscape. They contribute to the health, safety, and general welfare of the community by giving general information, location, direction, and warning.

A. PURPOSE

It is the intent of Miami Township to have uniform sign standards for the following purposes:

1. To protect the right of free speech, as guaranteed by the Constitution of the United States of America, by permitting non-commercial signs on any property.

2. To regulate the time, place, and manner of signage in order to protect the public health, safety, convenience, comfort, prosperity and general welfare by:

    a. Permitting a variety of non-commercial and commercial signage within Miami Township

    b. Prohibiting signs that cause a hazard to the public due to; but not limited to, the setback, illumination, or movement of a signs message

    c. Protecting public safety by requiring the removal or repair of damaged signs

    d. Limiting visual clutter in order to promote a healthier business and community atmosphere through increased property values by regulating the height, quantity, and placement of signs

    e. Promoting the visibility of adjacent properties and streetscape aesthetics by regulating the height, area, quantity, movement, and landscaping of signage

    f. Establishing conditions under which non-conforming signage must be brought into conformity

B. FINDINGS

In adopting these regulations, the Miami Township Board of Trustees finds that:

1. Miami Township originally enacted sign regulations as part of the enactment of the Zoning Resolution effective November 20, 1972; and

2. Miami Township has not been a defendant in litigation concerning the sign regulations since their enactment; and

3. These regulations will further Miami Township's desire to have sign regulations that will fulfill the purpose and intent stated in these regulations and abide by

Constitutional guarantees concerning free speech and freedom of expression; and

4. Miami Township has retained the firm of Surdyk, Dowd, and Turner Co., L.P.A. to oversee the development of these sign regulations and said firm has expert experience in developing sign regulations based upon protecting Constitutional guarantees of free speech and freedom of expression; and

5. A growing number of non-commercial and commercial freestanding monument signs are abiding by the terms of these regulations, and provisions seeking the removal and replacement of non-conforming signs with conforming signs have been enforced since the original enactment of these regulations. Miami Township has a declining number of non-conforming roof signs, pylon signs, and wall signs; and

6. Greater flexibility is needed in the provision of wall signs and other types of signage within the various non-commercial and commercial areas of the Township; and

7. There is a continued need to have a consistent system of sign standards to ensure the continued safety and attractiveness of non-commercial and commercial areas and to provide a fair and consistent method of sign allowances in order to protect property values and protect the general public welfare; and

8. Establishing specific setback and height standards will promote public safety and general welfare by allowing for future right-of-way and roadway expansions, and restricting signage that will block site visibility for those entering or leaving a property; and

9. Establishing height and area standards will promote uniform sign design, reduce the instances of larger signs visually blocking signs or buildings on adjacent properties, reduce the visual clutter of multiple pylon signs at varying heights and sizes, and permit certain larger signs to accommodate multiple tenants on a single sign in order to consolidate signage; and

10. There is a continued need for standards for the area of signage on buildings in order to provide signage to users in a proportional and consistent manner based upon the size of the wall upon which such signs are to be placed; and

11. Establishing certain landscaping and architectural standards will promote a uniform appearance for the majority of free standing signage to be utilized; and

12. There is a need for a variety of structural and functional signs to provide information to persons on or off a property; and

13. There is a need to maintain appropriate standards for placing address

information on buildings in order to protect the public health and safety; and

14. It is in the interest of public health, safety, and general welfare to provide a process for review of sign packages for large commercial shopping centers due to the number of private drives, unique pedestrian and traffic patterns, and unique building configurations found in such large complexes.

The following minimum regulations are applicable to all districts; and to all "PD" Planned Development Districts, unless the Board of Trustees, as part of a Final Development Plan, approves other standards.

SECTION 4101 | GENERAL PROVISIONS.

The following general provisions are applicable to all signs unless modified by the general requirements or standards of a specific district.

Any sign allowed under this resolution may contain, in lieu of any other copy, any otherwise lawful non-commercial message that does not direct attention to a business or to a commodity or service for sale and that complies with all other provisions of this Resolution, including the specific provisions for signage in the land use category on which the sign is placed. No sign intended, permitted, or regulated as an on premise sign shall display off-premise commercial messages.

This code is written to provide a user-friendly method of identifying the specific standards for each type of sign. Each sign has 5 basic categories, Area, Height, Setback, Quantity, and Special Restrictions. In each case the phrase “provided the following standards are not exceeded” shall mean that no sign face shall exceed the specified area and number of faces, no sign shall exceed the specified height, no sign shall be set closer to the road right-of-way or roadway, whichever is noted, than specified under the setback standard, no sign shall exceed the total number of signs specified under the quantity limitation, and no sign shall violate the special restrictions listed. Standards for specific sign types are also specified under Section 4102 and 4103 and shall be followed, except as specifically modified in the district in which the sign is to be located.

For the purposes of these sign regulations, a “public roadway” shall mean a street that is an improved public right-of-way fifty (50) feet or more in width which provides a public means of access to abutting property or any such right-of-way more than thirty (30) feet and less than fifty (50) feet in width provided it existed prior to the enactment of this Resolution and provided such street has been accepted by Montgomery County. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term. To front on a public roadway a building must have direct frontage between the building and the street that is unobstructed by other properties. In cases where a parcel has no direct frontage on a public street other than Interstate 75 or Interstate 675 and is not adjacent to parcels under the same ownership that have public street frontage, the property shall be considered to have at least one frontage in addition to any interstate frontage.

4101.01 PERMITS

A zoning certificate shall be obtained from the Miami Township Zoning Authority before any sign (except those signs exempted in Subsections A, B, and C below) is located, erected, constructed, reconstructed, enlarged, structurally modified, or used in any zoning district of the unincorporated area of Miami Township. A zoning certificate shall be issued within the time frames prescribed under Article 3 of the Miami Township Zoning Resolution upon receipt of a complete application.

A. Signs within a structure which can be viewed only by persons within such structure and which do not emit light beyond the interior of such structure shall not be subject to the provisions of this Resolution.

B. The following signs shall be subject to the other provisions of this Resolution but shall not require a zoning certificate. Where a sign is erected pursuant to a state statute or a court order, the sign may exceed the size standards of this ordinance or otherwise deviate from the standards set forth in this ordinance to the extent that the statute or court order expressly required the larger size or other deviation. In all other respects, such signs shall conform to the standards of this ordinance:

1. Signs having sign faces of two (2) square feet or less in area per face, except internally illuminated or neon window signs or signs designed to be internally illuminated on windows;

2. Incidental signs per the standards of Subsection 4103.04;

3. Flags per the standards of Subsection 4103.03;

4. Temporary signs 32 square feet or less in area per face;

5. Window and Glass Door signs, except internally illuminated or neon signs or signs designed to be internally illuminated;
6. Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message;

7. Signs installed by employees or officials of a state or federal agency in the course of their governmental duties and bearing no commercial message;

8. Signs required by a state or federal statute;

9. Signs required by an order of a court of competent jurisdiction;

10. Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message is necessary to identify the use; and

11. Signs installed by a transit company with a franchise or other right to operate in Miami Township, where such signs are installed along its routes and relate to schedules or other information about the transit route.

C. The following signs shall be subject to the other provisions of this Resolution, but shall only require completion of a registration form, noting at a minimum, the date the sign is to be erected, the signs location on the property, and the size of the sign.

1. Temporary Signs greater than 32 square feet per face.

D. Face and lettering changes of existing signs shall not require a zoning certificate, but must comply with the other provisions of this Resolution. The intent of this section is to allow changes in content or substitution of non-commercial messages for commercial messages without requiring a certificate when those changes do not result in an increase in sign area, height, location, or place the sign into a different functional sign category. The complete removal of a sign, such as a painted sign, or sign with no sign box expressly dedicated for holding the sign face, shall not constitute a face change and shall require a zoning certificate if it is replaced with a new sign.

4101.02 PROHIBITED SIGNS

A. Pennants, streamers and similar type devices.

B. Signs which have spinning devices or strings of spinning devices or similar type devices.

C. Signs which are not securely affixed to the ground or otherwise affixed in a permanent manner, except temporary signs, to a permanent supporting structure.

D. Projecting Signs.

E. All blinking, flashing, or intermittent lighting, except as hereinafter provided; revolving lights and strings of lights are prohibited, except those strings of lights used for decorative purposes during the Winter holiday season.

F. Beacons and searchlights, except for emergency purposes.

G. Any existing sign which is not a legal nonconforming sign and which has not been previously authorized by either Miami Township or Montgomery County Zoning Authorities.

H. Vehicles on which identification of a business, service or other advertising is displayed, consistently parked or used on the premises in such a manner and for such duration that they constitute a sign.

I. LED, electronic, and digital reader boards not used as part of an approved changeable copy – electronic display or electronic drive through sign.

J. Portable advertising signs which have their supporting structures designed and manufactured for the purpose of being transported from one location to another.

K. Roof Signs.

L. Balloons, including hot air balloons, except for one three-day display for every six month period.

M. Moving, revolving, or rotating signs.

N. Signs displaying off-premise commercial messages, except Advertising Signs as provided for under Subsection 4103.01 and the district in which the sign is to be located.

O. Any sign not expressly permitted by these regulations.

4101.03 LEGAL NONCONFORMING SIGNS

A. Any sign not conforming to the provisions of this Resolution shall be deemed a legal nonconforming sign if it meets one of the following conditions:

1. The sign was erected prior to May 5, 1953, when land zoning became effective in Miami Township, and is maintained in accordance with the provisions as set forth in this subsection (Subsection 4101.03), or

2. The sign, if erected after the above date, conformed to the zoning regulations in effect at the time of construction and all necessary permits were obtained.

B. A legal nonconforming sign shall be maintained in a safe condition but if the sign is damaged to more than one-half (1/2) of its replacement value, it shall not be repaired nor replaced but shall be removed.

C. Any legal nonconforming sign, which is structurally altered, relocated, displaced by natural or artificial causes, or replaced shall comply with all provisions of this Resolution.

D. For the purpose of this section, any free standing support structure shall not be included as part of the sign.

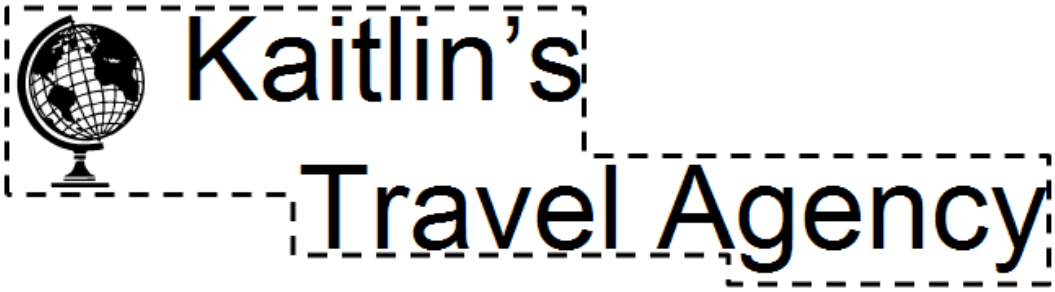
4101.04 MEASUREMENT OF SIGN AREA

A. **Sign Area** - The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character together with any frame, as shown in Figure 1, or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. Channel letters or other sign elements placed on a wall surface without a frame or other background shall include an area sufficient to enclose all lettering and other projections, including the space between letters, words, and other sign elements as shown in the example in Figure 2. The enclosed area may be adjusted using up to 10 (ten) straight horizontal or vertical lines as shown in Figure 2, to accommodate projections of single letters or other elements, but any elements not included in a single enclosure shall be counted as a separate sign.

The area of sign having more than one display surface shall be computed as the total of the exposed exterior display surface area.

Figure 1: Signs with a frame

Figure 2: Signs without a frame or background, i.e. channel letters – sign area enclosed by dashed line



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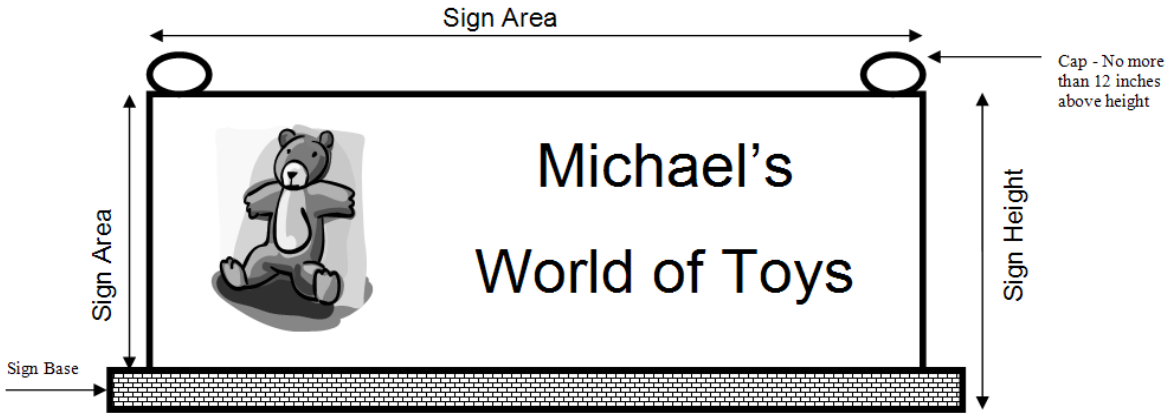
B. **Sign Face** – The surface of the sign upon, against or through which the message of the sign is exhibited.

C. **Sign Height** - Shall be computed as the vertical distance from: (1) the base of the sign at the finished grade or from as shown in Figure 3, (2) the crown of the nearest road to which the sign is oriented and on which the lot has frontage to the top of the highest component of the sign, including the support structure, except decorative caps or similar architectural elements not part of the sign face may extend up to twelve (12) inches above the designated height. Finished grade shall be the grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

Figure 3: Sign Area and Height



4101.05 SIGN LOCATIONS

Sign locations shall be in accordance with the particular regulations of the

zoning district in which the signs are to be located. In addition, the following regulations apply to all signs in all zoning districts of the unincorporated areas of Miami Township.

A. Setback
Unless otherwise specified in the standards of the zoning district where located or otherwise permitted by this section, all signs shall be set back a minimum of twenty (20) feet from the right-of-way as shown on the Official Thoroughfare Plan for Montgomery County.

B. Traffic Hazards

1. No sign shall be erected or located at or near any intersection of any streets; or ingress and egress driveways and any street; or any railway and any street or in any parking lot; in such a manner as to obstruct free and clear vision.

2. No sign shall be located where by reason of position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "Stop," "Look," "Danger," or other word, phase or symbol in such manner as to interfere with, mislead or confuse traffic.

3. Light sources for illuminated signs shall not be of such brightness, nor directed in such a manner as to constitute a hazard to pedestrian or vehicular traffic.

C. Fire Escape Obstruction
No sign shall be located, erected, constructed, reconstructed, enlarged, maintained, modified, or used so as to prevent free ingress to or egress from any door, window, fire escape, walkway or driveway.

D. Prohibited Sign Locations

1. No sign shall be attached or otherwise applied to trees, rocks (except a decorative rock used in conjunction with standards for a street address display), fences (except as specifically permitted in the “A” Agricultural District agricultural advisory displays), utility poles or supporting structures for street signs and other governmental signs without permission of the entity responsible for said pole, support structure or sign, bus shelters, benches, trash receptacles, newspaper vending machines or boxes, or any other portable or temporary supporting device not expressly permitted in the district in which it is located.

2. The following signs, and only the following signs, shall be allowed in the public right-of-way in Miami Township or on parks or other public property controlled by Miami Township:

   a. Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message;

   b. Signs installed by employees or officials of a state or federal agency in the course of their governmental duties and bearing no commercial message;

   c. Signs installed by employees of Miami Township or Montgomery County in the course of their governmental duties and bearing no commercial message;

   d. Signs required by a state or federal statute;

   e. Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message is necessary to identify the use;

   f. Signs installed by a transit company with a franchise or other right to operate in Miami Township, where such signs are installed along its routes and relate to schedules or other information about the transit route;

4101.06 SIGN RESPONSIBILITY.

A. Maintenance and Repair

1. All signs and sign structures, including the component parts of each, shall be kept in repair and in a proper state of preservation by the owners, or those in control of the signs, or the owners of the premises on which the signs are located.

2. All premises immediately surrounding a sign shall be maintained by the owner or person in charge of the premises in a clean, sanitary and inoffensive condition, free and clear of all obnoxious substances, rubbish and weeds.

B. Removal and Disposal

1. The sign owner or the owner of the premises shall be held responsible for the disposal of all abandoned signs.

2. Signs located on a structure or property that refer to a business or other commercial activity no longer located or conducted on the same premises as the sign shall be removed within one-hundred eighty (180) days of departure of such business or other commercial activity unless approved and permitted as a legal and conforming off-premise advertising sign. Removal may include; but is not limited to, the blocking out of painted wall signs, removal of channel letters, and replacement of cabinet sign faces with a blank face or other non-commercial message other than that which pertains to the sale or lease of said property or structure.

3. Any sign that reaches a state of disrepair or is deemed to be unsafe or abandoned, by the Miami Township Zoning Authority, shall be properly renovated or removed within thirty (30) days of notice of such violation.

   a. Disrepair shall include, but is not limited to:

      i. Cracked or broken portions of permanent sign faces, or torn, ripped, or frayed elements of flags or temporary sign faces.

      ii. Broken, non-functional, or malfunctioning lighting.

      iii. Chipped or pealing paint or other coating making up the sign face or other supporting structure.

      iv. Missing or broken elements of the sign face, supporting structure, or other decorative elements.

4101.07 PERMANENT SIGN ATTACHMENT

Except for temporary signs and banners, and painted signs and window signs conforming with the requirements of this Resolution, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure by bolting or other similar method of attachment. Free standing temporary signs must be securely posted into the ground.

4101.08 SEVERABILITY

If any article, section, subsection, paragraph, sentence, or phrase, clause, term, or word of this Resolution is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this resolution. It is the intent of the Board of Trustees of Miami Township to sever and hold intact any such remaining portions of this Resolution.

4101.09 APPEALS

Any person aggrieved by a decision of the zoning inspector may appeal such decision following the provisions prescribed for appeals under Article 4 of the Miami Township Zoning Resolution. Appeals shall be filed with the Miami Township Board of Zoning Appeals within 20 (twenty) days after the decision of the zoning inspector.

SECTION 4102 | PERMITTED STRUCTURAL TYPES OF SIGNS.

If provided for in the regulations for the zoning district in which the sign is to be located, the following structural types of signs are permitted.

4102.01 AWNING, CANOPY, MARQUEE, OR PATIO UMBRELLA

A sign that is mounted on or painted on or attached to an awning, canopy or marquee.

4102.02 FREE-STANDING

A sign suspended or supported by one or more uprights or braces and is permanently affixed to the ground surface.

4102.03 WALL

A sign which is affixed, painted on, or attached to the wall of the building or other structure and which extends not more than twelve (12) inches from the face of the wall upon which it is mounted.

A. Said sign shall not extend above the top of the wall, nor extend beyond the ends of the wall to which it is attached.

B. Said sign may be inclined from the vertical only to the extent necessary for conformity to the general contour of the wall around projections or ornamental features, provided that no part of such sign, except the thickness thereof, shall extend beyond the lines of said projections in any direction.

4102.04 WINDOW AND GLASS DOOR

Any permanent or temporary sign, which is painted, taped, glued or otherwise affixed to either the inside or outside of a window or glass door.

SECTION 4103 | FUNCTIONAL SIGN CATEGORIES.

If provided for in the regulations for the zoning district in which the sign is to be located, the following functional types of signs are permitted.

4103.01 ADVERTISING SIGN

An advertising sign includes any outdoor sign, display, device, figure,

painting, drawing, message, placard, poster, billboard or any other contrivance designed, intended, or used to direct attention to a use, commodity or service not related to the premises on which the sign is located. A non-commercial message may be displayed in lieu of, or in conjunction with, any commercial message.

Each advertising sign shall be permanently identified with the name of the sign owner or agency in control of the sign with letters of sufficient size to be easily read from the nearest roadway, but not more than five (5) square feet. Such permanent identification shall be affixed to the sign structure, bottom of the sign face, or necessary supports or uprights on which such sign is placed and not be part of the advertising copy.

A. Static - Non-Electronic Advertising Signs
Static off-premise commercial advertising displays are intended to be permitted in larger numbers than electronic displays due to the decreased visibility of such static displays and the inability to rapidly modify the message at any single location. This section is intended to size and space such displays at a distance sufficient to not overly intrude upon the visual landscape. Such signs shall meet the following criteria:

1. Advertising signs shall be located only in Business and Industrial Districts, and on lands zoned "A" Agricultural and/or used for agricultural purposes.

2. No such sign shall be placed within three hundred (300) feet of any residential structure in a Residential District.

3. No static or non-electronic advertising sign shall be erected or maintained within six hundred sixty (660) feet of the edge of the right-of-way of a highway on the Interstate and Primary systems in accordance with Chapter 5516 of the Revised Code of the State of Ohio.

4. Size and spacing.
With the exception of signs within the B-3 and B-4 Business District, which signs shall be permitted to have up to one hundred (100) square feet of additional non-commercial display area per side of the sign, no static or non-electronic advertising sign shall be larger than a poster panel, twenty-four and one-half (24 1/2) feet long and twelve and one-quarter (12 1/4) feet high, per supporting structure, with up to two (2) faces per pole or location on a single display panel or split panel with such faces placed back to back, nor shall any advertising sign be placed closer than one thousand (1000) feet to any other advertising sign. .No advertising sign shall exceed forty (40) feet in

height.

5. No static or non-electronic advertising sign shall incorporate an electronic or changeable copy display.

6. Static or non-electronic advertising signs within the B-3 and B-4 Business District shall be subject to the Architectural Review standards and procedures of Subsection 4103.01 B.14.

B. Electronic – Digital Advertising Signs
This section is intended to permit in limited circumstances, large format electronic displays that provide off-premise commercial advertisement or any other non-commercial message. Due to the size, enhanced visibility, and the ability for advertisers to display multiple messages from a single location in rapid succession, it is the intent to require certain design criteria to establish such signs as community features and to ensure that they are architecturally compatible with the core retail district in which they are placed. Such signs shall meet the following criteria:

1. Digital Advertising Signs shall be located only in the "B-3" or "B-4" Business Districts.

2. No such sign shall be placed within three hundred (300) feet of any residential structure in a Residential District.
3. No such sign shall be erected or maintained within six hundred sixty (660) feet of the edge of the right-of-way of a highway on the Interstate system in accordance with Chapter 5516 of the Revised Code of the State of Ohio.

4. No such sign exceeds three hundred seventy eight (378) square feet of digital display area per face with a maximum of two (2) faces placed back to back. An additional display area of one hundred (100) square feet of non-commercial display area may also be placed per side of the sign structure.

5. No such sign shall exceed forty (40) feet in height to the top of the digital display panel. The sign structure may extend to fifty (50) feet in height to accommodate architectural features or a static non-commercial and non-digital display area not exceeding forty (40) square feet.

6. No such sign is located within four thousand (4,000) feet of any other Digital Advertising Sign on the same roadway nor within two thousand (2,000) feet of any other Digital Advertising Sign on any other roadway

7. No such sign shall be located within one thousand (1,000) feet of any other outdoor advertising display unless such display involves the conversion of an existing legal non-conforming advertising display to a Digital Advertising Display meeting the other requirements of this section and at least three hundred (300) square feet of additional legal non-conforming sign area at a separate location within unincorporated Miami Township is removed within a four thousand (4,000) foot radius of the proposed sign.

8. Such signage does not cause a glare and signs shall utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that at no time shall a sign exceed a brightness level of three tenths (0.3) foot candles above ambient light, as measured using a foot candle (Lux) meter and in conformance with the following process:

    a. Light measurements shall be taken with the meter aimed directly at the sign message face, or at the area of the sign emitting the brightest light if that area is not the sign message face, at the following distances:

        i. A sign that is 0 to 100 square-feet in area shall be measured at a distance of 100 feet from the sign area being measured,;

        ii. A sign that is 101 to 378 square-feet in area shall be measured at a distance of 150 feet from the sign area being measured.

    b. An ambient light measurement shall be taken using a foot candle meter at some point between the period of time between thirty (30) minutes past sunset and thirty (30) minutes before sunrise with the sign turned off to a black screen.

    c. Immediately following the ambient light measurement taken in the manner required by this Subsection, an operating sign light measurement shall be taken with the sign turned on to full white copy.
    d. The brightness of a sign conforms with the brightness requirements of this Subsection if the difference between the ambient light measurement and the operating sign light measurement is three tenths (0.3) foot candles or less.
    e. All signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.
    f. The lighting intensity level must be capable of being remotely and

manually adjusted.

9. Such signage is limited to a total of six (6) messages per minute with a minimum ten (10) second delay between messages, to be displayed one at a time; and

10. The entire message changes at once, without scrolling, animation, flashing, blinking or other movement or any other effect that gives the appearance of movement, without noise or other audio messages and without special effects other than printed words, numbers, or images.
11. Such signs shall not have any communication device installed and/or used for the purpose of transmitting or receiving radio, optical, or other similar signals directly or indirectly from vehicles in a manner intended to convey customized advertising or other services to motorists or allow them to interact with a message.

12. Such signs shall employ a minimum physical pixel pitch of twenty (20) millimeters and shall be capable of producing true NTSC (National Television System Committee) color.

13. Architectural Design Review Required. Advertising signs are unique structures within the community in that they are both informational devices but also primary uses and structures due to the use of the devices for off-premise advertising and the size and height of the devices compared to other signs and buildings within the community. Due to the significant visual impact upon the community, the concentration of such devices within the business districts as compared to other districts, and the desire to limit the distractive impacts of advertising displays, all electronic and non-electronic Advertising Signs in the B-3 and B-4 Business District shall be reviewed for architectural design approval by the Miami Township Zoning Commission. The following procedures and standards shall be followed in submission and review of such signage for design compliance:
    a. Such signs shall be submitted to the Zoning Commission by filing a completed Miami Township Digital Gateway Advertising Sign Architectural Review application and submitting the required fee for Architectural Reviews.

    b. Applications shall be reviewed and heard in the order in which they are received and the Zoning Commission may not approve a sign to be located in a manner that would violate the distance requirements of this section, except under the following condition:

i. An approval by the Zoning Commission shall be valid for one year, however; if a zoning certificate is not obtained within six (6) months of approval then the Zoning Commission may hear and approve another sign within the distance limitations of the first sign. If the first sign does not receive a zoning certificate and begin construction within one year from the date of the Zoning Commission approval then the approval of the first sign shall be null and void and the second sign may apply for a zoning certificate. The approval time for a second and subsequent signs shall be determined under the same schedule as the first sign beginning with each signs subsequent Zoning Commission approval date.

c. Each completed application shall be filed with the Miami Township Planning and Zoning Department at least ten (10) business days prior to the Zoning Commission hearing date

d. A complete application shall include the following minimum items:

i. Completed Application Form

ii. Fee

iii. Site plan, noting the exact location of the road right of way upon which the proposed sign will front and the exact distance from said road right of way that the proposed sign will be located, along with the general dimensions of the lot upon which the sign will be located.

iv. Elevation drawings noting the exact dimensions of the sign, including sign height, sign length, sign width, sign depth, the precise dimensions of the digital display portion and all other sign display areas

v. Architectural drawings noting each architectural detail, including materials and colors

vi. Spec sheet noting the type of automatic dimming equipment provided on the proposed sign to regulate light levels, the physical pitch of the digital or electronic display, color capability of the sign, and any other specifications required by this resolution.

vii. Letter of intent - Signed and notarized by the owner of the land, upon which said sign is proposed to be located, indicating that they have agreed to permit the location of the

proposed sign on their property. This shall not be construed to require a final lease agreement on the part of the sign or land owner at the time of application.

e. Notice shall be given to all property owners within three hundred (300) feet of the proposed sign location at least seven (7) days prior to the public hearing in addition to any notification requirements described under Article 6, Section 603 of the Miami Township Zoning Resolution.

f. It is the intent of the following architectural design standards to create sign structures that are both community focal points and represent a blending of traditional architectural design with modern technology. The sign structures should utilize several techniques to create pronounced yet human scale elements that subdivide the structure into distinct sections and create the illusion of a more substantial building. The architectural design shall utilize design elements such as offsets, arches, recesses, protrusions, and integrally textured elements such as decorative stone or brick, in such combination as to create a unique, inviting, and decorative focal point for the community. The architectural design shall encase the support structures of the sign such that the sign appears incorporated into a larger overall decorative structure. Structures shall have a defined base and cap. Colors utilized for the sign structure shall be earth toned and compatible with traditional brick and natural stone colors. The design shall not utilize neon, fluorescent, bright primary colors, metallic colors or other similar high intensity colors. The Zoning Commission may permit small trim areas or specific letters, symbols and figures to utilize glossy, shiny, or other bright colors as will not represent a significant portion of the overall design and will not present a hazard to the travelling public.

C. No such sign shall be placed within three hundred (300) feet of any residential structure in a Residential District.

D. No advertising sign shall be erected or maintained within six hundred sixty (660) feet of the edge of the right-of-way of a highway on the Interstate and Primary systems in accordance with Chapter 5516 of the Revised Code of the State of Ohio.

E. Size and spacing.
No advertising sign shall be larger than a poster panel, twenty-four and one-half (24 1/2) feet long and twelve and one-quarter (12 1/4) feet high, per supporting structure, with up to two (2) faces per pole or location on a single display panel or split panel with such faces placed back to back, nor shall any advertising sign be placed closer than one thousand (1000)

feet to any other advertising sign on or readable from the same roadway. No advertising sign shall exceed forty (40) feet in height.

F. No advertising sign shall incorporate an electronic or changeable copy display.

4103.02 DRIVE-THROUGH SIGN

A sign used to provide information and/or a communication system between employees and customers accessing the establishment with the intent of ordering while in a vehicle. Drive-through signs must be located adjacent to said drive-through lanes. To qualify for such signs, the establishment must have a minimum of one (1) drive through window that is accessed by vehicular traffic and used a minimum of fifty (50) percent of the operating day. Drive-through signs may be electronic or manual changeable copy.

4103.03 FLAG

A display, with or without characters, letters, or illustrations, placed on a rectangular piece of cloth or similar material designed to be mounted to a flag pole in such a manner as to be supported only along one edge and to not be supported along all other sides other than by air flowing across the flag. Flags are permitted in all districts and unless provided for in the district in which the flag is located, shall not be used to direct attention to a business or commodity for sale, but solely to the flag itself. Flagpoles are subject to the height standards for the district in which they are located, but in no case shall exceed 40 feet in height.

4103.04 INCIDENTAL SIGN

A non-commercial sign, generally informational, that has a purpose secondary to use of the subject property on which the sign is to be located, such as “no parking,” “entrance,” “exit,” “loading only,” “telephone,” “tow-away zone,” “office,” and on-site traffic and other directional signs indicating points of entry or exit, handicap parking spaces and similar information and directives and that is permanently affixed to the ground surface or other supporting structure.

4103.05 TEMPORARY SIGNS.

A pennant, poster display, banner or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land for a temporary period of time and which displays a non-commercial message, or as permitted by the district in which the sign is located, directs attention to an object, product, place, person, institution, organization or business and is constructed of cloth, canvas, plastic sheet, cardboard or other like materials.

SECTION 4104 | SIGNS IN RESIDENTIAL DISTRICTS: "A," "R-1" THROUGH "R-9," “PD-A”, "PD-1, RESIDENTIAL USES IN THE “PD-5” DISTRICT;" THE "O-1" ARCHITECTURALLY PRESERVED OFFICE DISTRICT; OPEN SPACE AND RECREATIONAL DISTRICTS "PS-1" THROUGH "PS-3;" FLOOD PLAIN "F" AND NATURAL RESOURCE "NR" DISTRICTS.

4104.01 SPECIFIC REQUIREMENTS AND RESTRICTIONS.

A. The following structural types of signs are permitted in the stated districts within the unincorporated area of Miami Township, unless otherwise stated in this Resolution and provided the following standards are not exceeded except as permitted for specific functional signs under Subsection 4104.01B. All signs authorized to display a commercial message shall display only on-premise commercial messages, except as permitted for advertising signs and any sign may display any non-commercial message:

1. **FREE-STANDING GROUND SIGNS AND WALL SIGNS** are permitted provided the followings standards are not exceeded:

a. **Residences**

i. **Area**
2 (two) square feet per face for the first dwelling unit and 1 (one) square foot per dwelling unit thereafter, up to a maximum of 32 (thirty-two) square feet, with a maximum of 2 (two) faces

ii. **Height**
6 (six) feet when freestanding

iii. **Setback**
15 (fifteen) feet from the road right-of-way, unless attached to a mailbox or residential-style private lamp post and no such sign over 2 (two) square feet in area shall be displayed toward any road right-of-way with a planned width of less than sixty (60) feet, as shown on the Montgomery County Thoroughfare Plan

iv. **Quantity**
1 (one) per road frontage

v. **Special Restrictions**
It is not directly illuminated by artificial lighting, except by a residential-style private lamp post; and

The display does not carry any commercial message except that pertaining to the sale or lease of said premises; and

Provided the requirements for Street Address Displays are followed.

b. **Institutional Uses**

i. **Area**
32 (thirty-two) square feet per face with a maximum of two faces

ii. **Height**
6 (six) feet for freestanding signs, nor extends beyond the height of any roof eave located within 10 (ten) feet of the location of the sign

iii. **Setback**
15 (fifteen) feet from the road right-of-way and no such sign shall be displayed toward any road right-of-way with a planned width of less than sixty (60) feet, as shown on the Montgomery County Thoroughfare Plan

iv. **Quantity**
1 (one) per road frontage

v. **Special Restrictions**
If illuminated, such lighting fixtures do not produce glare and are concealed from view and temporary signage is not directly illuminated except as it may be near or attached to a permanent sign; and up to 16 (sixteen) square feet of the area of a permanent identification sign may be a changeable copy – manual style sign, provided the total square footage does not exceed the totals stated in this section for an identification sign.

c. **For permitted and conditional uses within the "O-1" District:**

i. **Area**
20 (twenty) square feet per face with a maximum of two faces

ii. **Height**
6 (six) feet when freestanding; or
10 (ten) feet when attached to the wall of a building

iii. **Setback**
15 (fifteen) from the road right-of-way

iv. **Quantity**
1 (one) per road frontage

v. **Special Restrictions**
If illuminated, lighting fixtures do not produce glare and are concealed from view; and

Any such sign is strictly an on premise sign.

2. **WINDOW AND GLASS DOOR SIGNS** are permitted, provided the following standards are not exceeded:

a. **Area**
25% of the window surface area or 10 (ten) square feet, whichever is the least

b. **Quantity**
No combined number of signs shall take up more than 25% or 10 (ten) square feet of the total window surface areas for the building face on which the sign is displayed

c. **Special Restrictions**
No commercial message is permitted

B. The following functional types of signs are permitted in the stated districts within the unincorporated area of Miami Township when the listed standards are maintained:

1. **ADVERTISING SIGNS** per Subsection 4103.01 provided:

a. Such signs are located in the "A" Agricultural District, and/or on lands used for agricultural purposes.

2. **FLAGS** per Subsection 4103.03.

3. **INCIDENTAL SIGNS** per Subsection 4103.04 and provided the following standards are not exceeded:

a. **Area**
2 (two) square feet in sign area per face with a maximum of 1 (one) face when located adjacent to a driveway entrance or exit, except as required and conforming to the Ohio Manual of Uniform Traffic Control Devices and the Americans with Disabilities Act, otherwise, no such freestanding sign shall exceed 10 (ten) square feet in sign area per face, with a maximum of 1 (one) face, and no wall sign shall exceed 4 square feet in area per face, with a maximum of 1 (one) face; and

b. Height
3.5 feet when located adjacent to a driveway entrance or exit except as required and conforming to the Ohio Manual of Uniform Traffic Control Devices and the Americans with Disabilities Act; and

10 feet when located on a wall or other freestanding structure

c. **Setback**
Such signs shall not be located in a public right-of-way and shall not obstruct the view of motorists for the purposes of ingress and egress.

d. **Quantity**
1 (one) per property or tenant space, in all districts under Section 4104, except the "A"
Agricultural District, or as required and conforming to the Ohio Manual of Uniform Traffic Control Devices and the Americans with Disabilities Act

e. **Special Restrictions**
No such sign is illuminated by artificial lighting; and

No such sign displays a commercial message; and

Such total signage on a window or glass door shall be counted in conjunction with and abide by the square foot limitation for window and glass door signs

f. **In the "A" Agricultural District**

i. **Area**
6 (six) square feet

ii. **Height**

6 (six) feet

iii. **Setback**
Such signs shall not be located in a public right-of-way and shall not obstruct the view of motorists for the purposes of ingress and egress.

iv. **Quantity**
1 (one) per every 600 feet of road frontage or 250 feet of property line not abutting a public roadway

v. **Special Restrictions**
No such sign is illuminated by artificial lighting; and

No such sign displays a commercial message; and

Such total signage on a window or glass door shall be counted in conjunction with and abide by the square foot limitation for window and glass door signs; and

Such signs may be placed on a fence.

4. **STREET ADDRESS DISPLAYS** per Subsection 4108, and provided the following standards are not exceeded:

   a. Height
   5 (five) feet when attached to a private residential lamp post or curbside mailbox; or
   3 (three) feet when attached to a fence; or
   2 (two) feet when freestanding; or
   10 (ten) feet when displayed as a permitted wall sign

   b. Quantity
   1 (one) non-wall display and
   1 (one) wall display per occupied unit or multi-unit building or multi-family complex

5. **TEMPORARY SIGNS** per Subsection 4103.05, and provided the following standards are not exceeded:

   a. **Area**
   32 (thirty-two) square feet per face with a maximum of two faces back to back; or
   100 (one-hundred) square feet per face with a maximum of two faces back to back

b. **Height**
5 (five) feet when freestanding; or 8 (eight) feet when displayed as a permitted wall sign

c. **Setback**
10 (ten) feet from the edge of the traveled roadway nor within the current right-of-way of any road, whichever is the most restrictive

d. **Quantity**
No such total signage on a property shall exceed 100 square feet per road frontage and only 1 (one) sign per road frontage is permitted for multi-family buildings or projects in which the underlying property is not owned and controlled by the individual residents

e. **Special Restrictions**
No such sign is illuminated by artificial lighting; and

Signs 32 (thirty-two) square feet or less must be removed upon showing signs of deterioration or other maintenance issues as described under Subsection 4101.06; and

No sign over 32 (thirty-two) square feet shall be displayed more than once every 6 (six) months nor for a period of more than 30 (thirty) consecutive days and no such sign shall display a commercial message; and

Only 1 (one) temporary sign per single-family residence and 2 (two) per multi-family complex, not to exceed 6 (six) square feet in area, may display a commercial message. The only commercial messages allowed on temporary signs in these districts are the following:

i. A message pertaining to the sale or lease of the premises; or

ii. A message related to an occasional sale, held lawfully and in accordance with applicable ordinances of the Township; and

iii. Such signs shall be removed within 10 (ten) days after the transfer of title or change of occupancy of the property or within 1 (one) business day of the conclusion of said yard or other lawful occasional sale or as required above due to deterioration or other maintenance issues.

SECTION 4105 | SIGNS IN OFFICE DISTRICTS: "O-2" AND "PD-2"; AND NON-RESIDENTIAL USES IN THE "PD-5" PLANNED MIXED-USE DISTRICT.

4105.01 SPECIFIC REQUIREMENTS AND RESTRICTIONS

A. The following structural types of signs are permitted in the stated districts within the unincorporated area of Miami Township, unless otherwise stated in this Resolution and provided the following standards are not exceeded except as permitted for specific functional signs under Subsection 4105.01B.

All signs authorized to display a commercial message shall display only on-premise commercial messages, except as permitted for advertising signs and any sign may display any non-commercial message:

1. **FREESTANDING SIGNS** are permitted, provided the following standards are not exceeded:

   a. **Area**
   20 (twenty) square feet per face, with a maximum of two faces

   b. **Height**
   6 (six) feet

   c. **Setback**
   15 (fifteen) feet from the road right-of-way

   d. **Quantity**
   1 (one) per road frontage

   e. **Special Restrictions**
   If illuminated, lighting fixtures do not produce glare and are concealed from view; and

   Up to 16 (sixteen) square feet of the area of a sign may be a changeable copy, manual style sign.

2. **WALL SIGNS** are permitted, provided the following standards are not exceeded

   a. **Area**
   2 (two) square feet of area per linear foot of façade up to a maximum of 100 (one-hundred) square feet per face

b. **Quantity**
1 (one) wall sign per road frontage

c. **Special Restrictions**
If illuminated, such lighting fixtures do not produce glare and are concealed from view.

3. **WINDOW AND GLASS DOOR SIGNS** are permitted, provided the following standards are not exceeded:

a. **Area**
PD-5 District
10 (ten) square feet combined area for all signs
O-2 or PD-2 District
2 (two) square feet combined area for all signs

B. The following functional types of signs are permitted in the stated districts within the unincorporated area of Miami Township when the listed standards are maintained:

1. **FLAGS** per Subsection 4103.03, except 1 (one) flag may be utilized to display a commercial message for the property on which the flag is located, provided no such commercial flag is larger than any non-commercial flag displayed on the same pole or property and in no case is such commercial flag more than 24 (twenty-four) square feet in area per face with a maximum of 2 (two) faces

2. **INCIDENTAL SIGNS** per Subsection 4103.04 and further provided the following standards are not exceeded:

a. **Area**
2 (two) square feet in sign area per face with a maximum of 1 (one) face when located adjacent to a driveway entrance or exit, except as required and conforming to the Ohio Manual of Uniform Traffic Control Devices and the Americans with Disabilities Act, otherwise, no such freestanding sign shall exceed 10 (ten) square feet in sign area per face with a maximum of 1 (one) face and no wall sign shall exceed 4 (four) square feet in area per face with a maximum of 1 (one) face; and

b. **Height**
3.5 feet when located adjacent to a driveway entrance or exit, except as required and conforming to the Ohio Manual of Uniform Traffic Control Devices and the Americans with Disabilities Act;

and

10 feet when located on a wall or other freestanding structure, except, when located above a drive thru-lane such signs may be placed at a height not to exceed 15 feet

c. **Setback**
Signs shall not be located in a public right-of-way and shall not obstruct the view of motorists for the purposes of ingress and egress

d. **Special Restrictions**
One sign per driveway entrance or exit and not exceeding 3.5 feet in height may be internally illuminated; and

No such signs shall be illuminated with exposed neon lighting; and

No such sign shall display a commercial message; and

Such total signage on a window or glass door shall be counted in conjunction with and abide by the square foot limitation for window and glass door signs.

3. **Street Address Displays** per Subsection 4108, provided:

a. When detached from a building wall, any such sign is attached to the face of a free-standing sign or a directional sign for such office use, if such free-standing or directional sign exists.

b. When no free-standing sign or directional sign exists, such street address is displayed at a height not exceeding five (5) feet when attached to any private lamp post or curbside mailbox, nor three (3) feet when attached to a fence, nor two (2) feet when left free-standing.

c. Where a group of separate establishments, offices or buildings exist on one property, only one (1) such display is located on a free-standing sign. Any such street address so displayed shall be that of the major establishment on the premises, or the range of street addresses for all the establishments on the premises.

4. **TEMPORARY SIGNS** per Subsection 4103.05 and provided the following standards are not exceeded:

a. **Area**
Small Display
16 (sixteen) square feet per face with a maximum of two faces back to back

Large Display
100 (one-hundred) square feet per face with a maximum of one face

b. **Height**
6 (six) feet when freestanding
20 (twenty) feet when displayed as a permitted wall sign

c. **Setback**
15 (fifteen) from the road right-of-way

d. **Quantity**
2 (two) per property and only
1 (one) per road frontage or building side

e. **Special Restrictions**
No such sign is illuminated by artificial lighting; and

Signs displaying a non-commercial message that are 32 (thirty-two) square feet or less must be removed upon showing signs of deterioration or other maintenance issues as described under Subsection 4101.06; and

1 (one) sign, no more than 32 (thirty-two) square feet in size, may be displayed in conjunction with the sale or lease of the premises on which the sign is located or active construction occurring on the premises. Such signs shall be removed within 10 (ten) days after said sale or lease or completion of construction or as required above due to deterioration or other maintenance issues; and

Except as provided above, no sign displaying a commercial message, 16 (sixteen) square feet or less, shall be displayed more than once every 3 (three) months nor for a period of more than 30 (thirty) consecutive days and no sign displaying a commercial message, larger than 16 (sixteen) square feet, or any sign greater than 32 (thirty-two) square feet shall be displayed more than once every 6 (six) months nor for a period of more than 30 (thirty) consecutive days.

SECTION 4106 | SIGNS IN BUSINESS DISTRICTS: "B-1" THROUGH "B-4"; "PD-3"; AND INDUSTRIAL DISTRICTS: "I-1" THROUGH "I-3"; "PD-4"

4106.01 SPECIFIC REQUIREMENTS AND RESTRICTIONS

A. The following structural types of signs are permitted in the stated districts within the unincorporated area of Miami Township, unless otherwise stated in this Resolution and provided the following standards are not exceeded except as permitted for specific functional signs under Subsection 4106.01B. All signs authorized to display a commercial message shall display only on-premise commercial messages, except as permitted for advertising signs and any sign may display any non-commercial message:

1. **FREE-STANDING SIGNS** are permitted, provided the following standards are not exceeded:

a. **Area**
Single-Occupant Parcels
50 (fifty) square feet per face with a maximum of two faces back-to-back, unless sign faces and property fronts on Interstate 75 or Interstate 675, in which case the sign area shall not exceed 100 (one-hundred) square feet.

Shopping Strips
100 (one-hundred) square feet per face with a maximum of two faces back-to-back

Shopping Centers
200 (two-hundred) square feet per face with a maximum of two faces back-to-back

b. **Height**
Single-Occupant Parcels and all Parcels within the AC-1 through AC-5 Districts
6 (six) feet

Shopping Strips
10 (ten) feet

Shopping Centers
25 twenty-five) feet

c. **Setback**
15 (fifteen) feet from the road right-of-way unless used as a Shopping Strip or Shopping Center Identification sign, in which case the minimum setback shall be twenty (20) feet from the road right-of-way

d. **Quantity**
1 (one) per road frontage

e. **Special Restrictions**
If illuminated, lighting fixtures do not produce glare and are concealed from view; and

Signs utilizing the standards for Shopping Strips or Shopping Centers located on different adjacent properties shall be spaced at least 200 feet apart. Free-standing buildings with single occupants deemed to be part of a shopping center may utilize the shopping center sign for the complex or an individual sign utilizing the standards for single occupant parcels or structures, but not both.

f. **Three Dimensional Figures**
Three-dimensional figures or objects are permitted to be used as a freestanding sign provided no more than one (1) such figure or statue is located on the property. Such figures or objects shall be capable of being enclosed within a box six (6) feet wide by six (6) feet long by six (6) feet high. Any such object must be used in place of or integrated into an otherwise permitted identification sign, but in no case shall the height of the three dimensional sign exceed six (6) feet, measured from the uppermost portion of the figure or object. Any such object shall count towards the otherwise allowable number of signs and area permitted. Any such object shall be a single continuous figure and shall not be used to otherwise circumvent the rules regarding the number of faces permitted.

g. **Landscaping and Design Standard**
Landscaping comprised of grass, flowers, shrubs, or small trees, shall be installed and maintained around the perimeter of the sign in an area equal to the area of the sign face, but the maximum amount of landscaping required around the base of the sign shall not exceed 100 square feet. Such landscaping shall be shown on the plot plan for the sign and installed within the time frames allotted by Article 45-A.

i. Sign bases for all signs 10 (ten) feet or less in height shall have a decorative brick or stone architectural appearance; and

ii. Monument sign bases shall be a minimum average height of 6 inches across the length of the base.

iii. Decorative caps and other architectural features attached to the side of the sign faces may extend above the height of the sign face but in no case shall extend more than 12 (twelve) inches above the otherwise permitted sign height. No portion of the sign face may project past the base of the sign.

iv. The sign face or other skirting must extend upwards from the base of the sign such that no pole or similar support post is visible on all signs 10 (ten) feet or less in height.

2. **WALL, AWNING, CANOPY, MARQUEE, OR PATIO UMBRELLA SIGNS** are permitted, provided the following standards are not exceeded:

a. Quantity of Display Sides per Building - B-1 through B-4 and PD-3 Districts

Permitted Display Sides

Display Sides	Buildings Fronting a Public Roadway	Buildings Not Fronting a Public Roadway	Shopping Center Corner Tenants & Free Standing Buildings
Primary	1 per frontage	1	2
Secondary	1	1	1

Primary wall signs shall only be placed on walls facing a public roadway, or private roadway if no public roadway is available, or on the side with a main public entrance. Only secondary wall signs shall be permitted on walls facing service areas or generally on the rear wall of the building or tenant space.

No building shall be considered to have more than 4 (four) sides for sign display purposes and only 1 (one) side shall be considered to front on any given roadway.

Shopping Centers in excess of 1 million square feet of gross floor area may count 4 (four) sides as Primary Display sides.

b. Quantity of Display Sides per Building - I-1 through I-3 and PD-4 Districts

1 (one) per public road frontage; or

1 (one) per building for buildings not fronting a public roadway

c. Quantity of Signs per Display Side - B-2, B-3, B-4, PD-3 Business Districts

1 (one) sign for every 100 (one-hundred) linear feet of façade on the primary display side and 1 (one) sign per secondary display side; and

Facade length shall be measured by taking the straight horizontal distance between building ends as viewed head-on and rounded down to the nearest whole sign; and

Buildings with a primary display side of less than 200 (two-hundred) feet in length may display on said primary display side one (1) additional sign, with an area of no more than 25% of the permitted total sign area for the otherwise permitted display side on which the sign will be placed, up to a maximum of 40 (forty) square feet. Counted in conjunction with other permitted display signs, said total sign area shall not exceed the otherwise permitted total display area.

d. Quantity of Signs per Building Display Side - I-1, I-2, I-3, and PD-4 Industrial Districts

1 (one) sign per display side.

e. Area of Signs per Display Side:

Primary Display Side - No such total signage (combined total of all wall, awning, canopy, marquee) exceeds:

2 (two) square feet per linear foot of façade up to the first 75 (seventy-five) feet of facade; and

1 (one) square foot per linear foot of façade after the first 75 (seventy-five) square feet of facade; and

No sign shall exceed 300 (three-hundred) square feet; and

In the case of multi-tenant buildings, each tenant that has a dedicated entrance and space separated internally from other tenants or uses, such that no cross access is available, may have a wall sign based upon the amount of building facade that they occupy. All other tenants must utilize and share the sign allowance for the building as a whole.

Secondary Display Side

0.75 square feet per linear foot of façade, up to a maximum of 50 (fifty) square feet.

f. Special Restrictions

If illuminated, such lighting fixtures do not produce glare and are concealed from view. Patio umbrella signs shall not be directly illuminated, but umbrellas may have indirect illumination for the use of those sitting at tables; and

No such sign projects over any portion of the roof or past the edge of any wall, awning, canopy, marquee, or patio umbrella upon which it is placed, or over a sidewalk or terrace further than the width of that sidewalk or terrace.

Patio umbrellas displaying signage must be located in designated patio areas and must be closed when not in use during off-season periods. Umbrellas shall not be larger than necessary to accommodate the seating area for individual tables. Patio umbrella signs are permitted in addition to any permitted wall, awning, canopy or marquee signage.

3. **WINDOW AND GLASS DOOR SIGNS** are permitted, provided the following standards are not exceeded:

a. Area

25% of the combined window display area for the respective display side or 100 (one-hundred) square feet, whichever is the least.

b. Quantity

No combined number of signs shall take up more than 25% or 100 (one- hundred) square feet of the total window surface areas for the respective display side

c. Special Restrictions

No more than 10 (ten) square feet of such window signage may

be directly illuminated with internal or neon lighting or otherwise projected as to create an illuminated image.

B. The following functional types of signs are permitted in the stated districts within the unincorporated area of Miami Township when the listed standards are maintained:

1. **ADVERTISING SIGNS** per Subsection 4103.01, and provided the following standards are not exceeded:

a. **Special Restrictions**
Such signs are not located within the "PD-3" Planned Business District or "PD-4" Planned Industrial District, unless such signs have been approved in the manner described in Article 31.

2. **CHANGEABLE COPY SIGNS, MANUAL OR ELECTRONIC:** manual or electronic changeable-copy displays are permitted provided the following standards are not exceeded:

a. Area
20 (twenty) square feet in area per face with a maximum of two faces, combined with an identification sign, the square footage shall not exceed the totals stated in this section for freestanding signs

Up to 100 (one-hundred) square feet of a permitted wall sign allowance may be substituted for a changeable copy sign, manual or electronic, provided said wall is also displaying an otherwise permitted non-changeable copy wall sign and is only displayed on a primary display side or adjacent to a main public entrance door

b. Height
Subject to the height limitations of the identification sign to which the sign is attached

Such signage on a wall shall not extend more than 10 (ten) feet above the base of the wall.

c. Setback
Subject to the respective setback standards for identification signs

d. Quantity
1 (one) freestanding sign; and
1 (one) wall sign per principal building or use

e. Special Restrictions

Such signage does not cause a glare and is equipped with a photometric sensor or similar device or system to regulate the intensity of light levels throughout a 24-hour period; and

Such signage is limited to a total of 6 (six) messages per minute with a minimum 10 (ten) second delay between messages, to be displayed one at a time; and

The entire message changes at once, without scrolling, animation, flashing, blinking or other movement, without noise and without special effects other than printed words or numbers; and

When freestanding, such signage is used only in conjunction with, and attached to, an identification sign conforming to the standards of this resolution.

3. **DRIVE-THROUGH SIGNS:** per Subsection 4103.02, and provided the following standards are not exceeded:

a. Area

Primary Sign
Thirty-two (32) square feet per face with a maximum of one (1) face

Secondary Sign
Twenty (20) square feet per face with a maximum of one (1) face

b. Height

Six (6) feet in height from finished grade

c. Setback

Twenty (20) feet from the road right-of-way line or property line

d. Quantity

One (1) primary sign and one (1) secondary sign per drive through lane

e. Special Restrictions

Sign lighting intensity shall not exceed zero point three (0.3) foot-candles over ambient lighting conditions when measured by the procedures described in Section 4103.01(B); and

Such signage does not cause a glare and is equipped with a photometric sensor or similar device or system to regulate the

intensity of light levels throughout a twenty-four (24) hour period; and

Such signage is limited to a total of six (6) messages per minute with a minimum ten (10) second delay between messages, to be displayed one at a time, except the primary sign is permitted to change as needed to display customer orders; and

The entire message changes at once, without scrolling, animation, flashing, blinking or other movement, without noise and without special effects other than printed words or numbers

4. **FLAGS** per Subsection 4103.03, except 1 (one) flag may be utilized to display a commercial message for the property on which the flag is located, provided no such commercial flag is larger than any non-commercial flag displayed on the same pole or property and in no case is such commercial flag more than 24 (twenty-four) square feet in area per face with a maximum of 2 (two) faces

5. **INCIDENTAL SIGNS** per Subsection 4103.04 and provided the following standards are not exceeded:

   a. **Area**
   2 (two) square feet in sign area per face with a maximum of 1 (one) face when located adjacent to a driveway entrance or exit, except as required and conforming to the Ohio Manual of Uniform Traffic Control Devices and the Americans with Disabilities Act, otherwise, no such freestanding sign shall exceed 10 (ten) square feet in sign area per face, with a maximum of 1 (one) face, and no wall sign shall exceed 4 (four) square feet in area per face with a maximum of 1 (one) face

   b. **Height**
   3.5 feet when located adjacent to a driveway entrance or exit except as required and conforming to the Ohio Manual of Uniform Traffic Control Devices and the Americans with Disabilities Act; and

   10 feet when located on a wall or other freestanding structure, except, when located above a drive thru-lane such signs may be placed at a height not to exceed 15 feet

   c. **Setback**
   Signs shall not be located in a public right-of-way and shall not obstruct the view of motorists for the purposes of ingress and egress

d. **Special Restrictions**
One sign per driveway entrance or exit and not exceeding 3.5 feet in height may be internally illuminated; and

No such signs shall be illuminated with exposed neon lighting; and

No such sign shall display a commercial message; and

Such total signage on a window or glass door shall be counted in conjunction with and abide by the square foot limitation for window and glass door signs.

6. **Street Address Displays** per Subsection 4108, provided:

a. When detached from a building wall, any such sign is attached to the face of a free-standing sign or a directional sign for such business or industrial use, if such free-standing or directional sign exists.

b. When no free-standing sign or directional sign exists, such street address is displayed at a height not exceeding five (5) feet when attached to any private lamp post or curb-side mailbox, nor three (3) feet when attached to a fence, nor two (2) feet when left free-standing.

c. Where a group of separate establishments, businesses or buildings exist on one property, only one (1) such display is located on a free-standing sign. Any such street address so displayed shall be that of the major establishment on the premises, or the range of street addresses for all the establishments on the premises.

7. **TEMPORARY SIGNS** per Subsection 4103.05 and provided the following standards are not exceeded:

a. Area
Small Display
16 (sixteen) square feet per face with a maximum of two faces back to back

Large Display
100 (one-hundred) square feet per face with a maximum of one face

b. Height
6 (six) feet when freestanding
20 (twenty) feet when displayed as a permitted wall sign

c. Setback
15 (fifteen) from the road right-of-way

d. Quantity
2 (two) per property and only
1 (one) per road frontage or building side

e. Special Restrictions
No such sign is illuminated by artificial lighting; and

Signs displaying a non-commercial message that are 32 (thirty-two) square feet or less must be removed upon showing signs of deterioration or other maintenance issues as described under Subsection 4101.06; and

1 (one) sign, no more than 32 (thirty-two) square feet in size, may be displayed in conjunction with the sale or lease of the premises on which the sign is located or active construction occurring on the premises. Such signs shall be removed within 10 (ten) days after said sale or lease or completion of construction or as required above due to deterioration or other maintenance issues; and

Except as provided above, no sign displaying a commercial message, 16 (sixteen) square feet or less, shall be displayed more than once every 3 (three) months nor for a period of more than 30 (thirty) consecutive days and no sign displaying a commercial message, larger than 16 (sixteen) square feet, or any sign greater than 32 (thirty-two) square feet shall be displayed more than once every 6 (six) months nor for a period of more than 30 (thirty) consecutive days.

4106.02 ARCHITECTURAL SIGN PACKAGE

A. It is recognized that large shopping center complexes have unique physical characteristics, which make the provision of standardized freestanding, wall, and other sign design standards impractical.

1. In order to promote public safety and a more efficient, comprehensive, and aesthetically pleasing collection of signs on large

commercial properties, shopping centers in excess of 100,000 square feet may request approval of an architectural sign package. The architectural sign package shall be reviewed under the provisions of Article 6, Section 603 for architectural reviews.

2. The Zoning Commission may permit such modifications to the general standards contained within Article 41 as necessary to accommodate the purposes outlined above provided that:

   a. Except for blade signs in pedestrian areas, signage that is specifically listed as a prohibited type of sign under this chapter is not permitted; and

   b. The Zoning Commission may require that specific types of signs such as blade signs be used uniformly throughout all or a portion of a site in order to create a consistent architectural appearance; and

   c. No approved sign package shall become effective until a signed affidavit from the property owner(s) acknowledging agreement with the approved standards is filed with Miami Township and recorded with said standards by the applicant with Montgomery County. The affidavit must also state that provisions will be made to inform all tenants or leaseholders of such standards and further acknowledging that all future owner(s) and tenants shall be provided a copy of said standards by the then current owner(s). Such standards shall include architectural design guidelines for each sign type to which each tenant shall be held. No sign package shall be approved without detailed standards for sign height, area, quantity, and permitted locations. The provision of several sign display models for different tenants may be permitted, provided each model details the previously noted items; and

   d. Each sign package shall be reviewed upon its ability to provide for general conformance with the existing sign regulations while accommodating the functional requirements of a large shopping center complex with multiple private roads, pedestrian areas, and general traffic management issues; and

   e. Free standing sign heights should be limited, with preference given to the provision of a larger number of monument signs in lieu of larger pole based signs; and

   f. Wall signs should be proportionate to the wall upon which they

are placed and to other signage within the complex; and

g. Quantities of wall signs should be limited to that required to provide a balanced architectural appearance to the building and other signage in the area; and

h. Free standing sign quantities shall be limited to that required to provide for the display of information at driveway entrances or exits and other traffic management areas throughout the complex; and

i. The Zoning Commission may utilize such information as deemed necessary, such as traffic engineering reports or reviews on sight distance or other hazards, in approving or denying the provision of free-standing ground signs; and

j. Upon approval of an architectural sign package, the property shall be bound to the requirements of the sign package and may no longer utilize the potentially less stringent standards of this resolution, except as specifically provided for in the approved sign package. The property owner(s) of record or Zoning Commission may, at any time, file an application to amend a sign package approval. Such hearing for amendment shall be set per the standards of Article 6, Section 603. The Zoning Commission may approve, deny or modify such request based upon the standards of this section for the original approval of a sign package. All amendments approved by the Zoning Commission shall be recorded with Montgomery County by the applicant initiating such request.

k. Approved sign package standards shall be included as an appendix to the Miami Township Zoning Resolution.

SECTION 4107 | SPECIAL EFFECT DISPLAYS.

A. Wall Graphics/Painted Murals: designs painted on or affixed to a building wall, having a display area in excess of the maximum sign area permitted, may be displayed, provided:

1. Such displays do not extend beyond the established architectural elements of the wall and roof-line of the subject building.

2. Such displays do not qualify as any other functional type of sign otherwise regulated by the provisions of this article.

3. No such display is directly illuminated by artificial lighting in such a way as to serve

to identify the building/premises for a business purpose.

4. Such displays are well maintained.

5. Such displays containing only a non-commercial message are not subject to the provisions of Article 41.

SECTION 4108 | STREET ADDRESS IDENTIFICATION.

A. For the purpose of public safety, all buildings or structures shall display street address numbers in a conspicuous location, in a contrasting color to their background. The numbers must be visible from the street, except as noted below. They may be reflective. All buildings are hereby permitted a display area for address identification sufficient to meet the requirements of the Miami Valley Fire District. Displays in excess of said requirements shall conform to the otherwise permitted sign display areas for the building or structure on which the display is placed.

B. The following guidelines meet the requirements of the Miami Township Zoning Resolution and the Miami Valley Fire District:

1. For a building or structure visible from the street and 25 feet or less from the street right-of-way, the numbers shall be 2" minimum to 10" maximum size Arabic displayed on the building or structure. The mailbox or mailbox post may also display numbers to these specifications.

   a. If multiple mailboxes are present, each building or structure must be numbered in conjunction with the mailbox.

   b. If the mailbox is not readily associated with the building or structure, the access drive must be posted with numbers (for example, two or more access drives are located close together).

2. For a building or structure visible from the street and 25 to 100 feet from the street right-of-way, the numbers shall be 4" minimum to 12" maximum size arabic, displayed on the building or structure. The mailbox or mailbox post may display numbers 2" minimum to 6" maximum size arabic in lieu of or in conjunction with the numbers on the building or structure.

   a. If multiple mailboxes are present, each building or structure must be numbered in conjunction with the mailbox.

   b. If the mailbox is not readily associated with the building or structure, the access drive must be posted with numbers (for example, two or more access drives are located close together).

3. For a building or structure not visible from the street or 100 feet or more from the street right-of-way, the numbers shall be 2" minimum to 6" maximum size arabic, displayed on a mailbox, mailbox post or a separate sign as described in Subsection 4104.01-B-4.

   a. If multiple mailboxes are present, each building or structure must be numbered in conjunction with the mailbox.

   b. If the mailbox is not readily associated with the building or structure, the access drive must be posted with numbers (for example, two or more access drives are located close together).

4. For single apartment buildings or structures, the numbers shall be 2" minimum to 12" maximum size arabic, displayed on each apartment door or identifiable for each apartment.

   Identifications indicating a range of apartment units shall be 10” minimum size arabic.

5. For multiple apartment buildings or structures, the numbers shall be 2" minimum to 12" maximum size arabic, legible on each apartment building or structure. Identifications indicating a range of apartment units shall be 10” minimum size arabic.

6. For commercial buildings or structures, the numbers shall be 10" minimum size arabic, displayed so that the business is readily identified on both front and rear entries as needed.

C. Script numbers and numbers painted on curbs are permitted in conjunction with, but not in lieu of, the above requirements. The sizes of these numbers shall be as described in Subsections A and B.

SECTION 4109 | SIGNS IN AN “AP” AIRPORT DISTRICT.

4109.01 SPECIFIC REQUIREMENTS AND RESTRICTIONS

The following sign types are meant to be viewed from a runway, taxiway or tarmac of an airport; however, Federal and State aviation regulations do apply.

A. The following structural type of signs are permitted in the stated districts within the unincorporated area of Miami Township, unless otherwise stated in this Resolution and provided the following standards are not exceeded except as permitted for specific functional signs under Subsection 4109.01B. All signs authorized to display a commercial message shall display only on-premises messages, except

as permitted for advertising signs and any sign may display any non-commercial message:

1. **FREE-STANDING SIGNS** may be displayed, provided the following standards are not exceeded:

   a. **Area**
   100 (one-hundred) square feet per face with a maximum of two faces back-to-back

   b. **Height**
   10 (ten) feet

c. **Setback**
25 (twenty-five) feet from the face of the building and (15) feet from any public road right-of-way

d. **Quantity**
1 (one) per building

e. **Special Restrictions**
Any such sign is strictly an on-premise sign.

If illuminated, lighting fixtures do not produce glare and are concealed from view.

Any such sign must get approval from airport management before a Zoning Certificate can be issued.

2. **WALL SIGNS** are permitted provided the followings standards are not exceeded:

a. **Area**
Frontage Walls
2 (two) square feet per linear foot of façade up to a maximum of 200 hundred (two-hundred) square feet per frontage wall

Non-Frontage Walls
2 (two) square feet per linear foot of façade up to a maximum of 50 (fifty) square feet per non-frontage wall

b. **Quantity**
1 (one) wall signs per building side directly fronting a public roadway and 2 (two) wall signs per building side fronting a runway, taxiway or tarmac and 1 (one) sign per non-frontage wall

c. Special Restrictions
If illuminated, such lighting fixtures do not produce glare and are concealed from view

Airport management must approve any such sign before a Zoning Certificate can be issued.

3. **WINDOW AND GLASS DOOR SIGNS** are permitted, provided the following standards are not exceeded:

a. Area
25% or 50 (fifty) square feet of the combined window display area for the respective display side, whichever is the least

b. Quantity
No combined number of signs shall take up more than 25% or 50 (fifty) square feet of the window surface area

B. The following functional types of signs are permitted in the stated districts within the unincorporated area of Miami Township when the listed standards are maintained:

1. **FLAGS** per Subsection 4103.03, except 1 (one) flag may be utilized to display a commercial message for the property on which the flag is located, provided no such commercial flag is larger than any non-commercial flag displayed on the same pole or property and in no case is such commercial flag more than 40 (forty) square feet in area per face with a maximum of 2 (two) faces

2. **INCIDENTAL SIGNS** per Subsection 4103.07 and further provided:

a. Area
2 (two) square feet in sign area per face with a maximum of 1 (one) face when located adjacent to a driveway entrance or exit, except as required and conforming to the Ohio Manual of Uniform Traffic Control Devices and the Americans with Disabilities Act, otherwise, no such freestanding sign shall exceed 10 (ten) square feet in sign area per face, with a maximum of 1 (one) face, and no wall sign shall exceed 4 (four) square feet in area per face with a maximum of 1 (one) face; and

b. **Height**
3.5 feet when located adjacent to a driveway entrance or exit except as required and conforming to the Ohio Manual of Uniform Traffic Control Devices and the Americans with Disabilities Act; and

10 feet when located on a wall or other freestanding structure

c. **Setback**
Signs shall not be located in a public right-of-way and shall not obstruct the view of motorists for the purposes of ingress and egress

d. **Special Restrictions**
No such signs shall be illuminated with exposed neon lighting; and

No such sign shall display a commercial message; and

Such total signage on a window or glass door shall be counted in conjunction with and abide by the square foot limitation for window and glass door signs.

Such signs are subject to Federal and State requirements.

ARTICLE 42 | OFF-STREET LOADING AREAS

SECTION 4201 | OFF-STREET LOADING SPACES REQUIRED.

In connection with every building or part thereof hereafter erected, except dwellings, there shall be provided, on the same lot with such buildings, off-street loading spaces or berths, for uses which customarily receive or distribute material or merchandise by vehicle, in accordance with the requirements of Section 4202 of this article.

SECTION 4202 | OFF-STREET LOADING REQUIREMENTS.

Off-street loading requirements shall be as follows:

Building Area	Number of Spaces Required
Less than 1,000 sq. ft.	None required.
More than 1,000 sq. ft. but less than 10,000 sq. ft.	One space.
More than 10,000 sq. ft. but less than 40,000 sq. ft.	Two spaces.
40,000 sq. ft. or more	Three spaces, plus one space for each 30,000 sq. ft. over 40,000 sq. ft. of building area.

SECTION 4203 | OFF-STREET LOADING STANDARDS.

1. Dimensions: Each off-street loading space shall be at least ten (10) feet in width by twenty-five (25) feet in length having vertical clearance of fifteen (15) feet or more, plus adequate area for ingress and egress.

2. Surfacing: All open loading spaces shall be graded and improved with bituminous concrete or portland cement concrete.

3. Drainage: All loading spaces shall be provided with adequate facilities as approved by the County Engineer.

4. Location: All required loading space shall be off-street and shall be located on the same lot as the specific use to be served. No loading space shall be located within a required front or side yard when adjacent to a Residential District. No permitted or required loading space shall be located within fifty (50) feet of the nearest point of intersection of any two (2) streets or highways.

ARTICLE 43 | OFF-STREET PARKING

SECTION 4301 | OFF-STREET PARKING REQUIRED.

In connection with every use, there shall be provided, at the time any building or structure is erected, or at the time any use of land is extended, off-street parking as provided in Section 4302 of this article, except that no off-street parking space shall be required for uses in existence as of the effective date of this Zoning Resolution.

SECTION 4302 | OFF-STREET PARKING REQUIREMENTS.

Off-street parking requirements shall be as follows:

Use	Number of Spaces Required
Group No. 1: Dwelling and Lodging Uses	
One and Two Family Dwellings	Two spaces for each dwelling unit
Mobile Home Parks	One and one-half spaces for each dwelling unit
Three or more Dwelling Units	One and one-half spaces for each one-bedroom dwelling unit; two spaces for each dwelling unit containing two or more bedrooms
University Owned or leased housing, fraternities, and sororities	One space for each three occupants calculated on the designed capacity of the building
Hotels and Motels	One space for each rental unit plus one space for each employee on the maximum work shift plus such spaces are required by this Resolution for restaurants, assembly rooms, and affiliated facilities
Housing for the Elderly	One space for each two dwelling units.
Rooming Houses	One space for each two roomers or boarders based on the designed capacity of the building plus two spaces for a resident manager or resident owner
Group No. 2: Business and Commercial	
All business and commercial establishments, except those hereafter	One space for each 300 sq. ft. of floor area
Use	Number of Spaces Required

Retail Stores	One space for each 250 sq. ft. of floor space
Shopping Centers In excess of 1 million square feet total floor area	Retail, office, restaurant, and play and event areas, calculated as defined for individual uses. Kiosks within the interior common areas shall be calculated at the retail use rate. Food court restaurant spaces utilizing only the common food court seating shall be calculated at the retail establishment rate. Common walkways, storage, mechanical, housekeeping and other similar spaces interior to an enclosed center and outside of a defined retail, restaurant, or office establishment shall be calculated at the rate of 1 space per 10,000 sq. ft. of floor space.
Barber shops, beauty parlors, or similar personal service	Four spaces per chair
Eating Place	One space for each 100 sq. ft. of floor area with a minimum of fifteen spaces for eating places - drive in and ten spaces for eating places - carry out
Automobile Service Station	Six spaces, plus one for each employee on the largest shift, except that stations which primarily dispense only petroleum products and have no under-roof facilities for the repair and servicing of motor vehicles will require only two spaces, plus one for each employee on the largest shift
Furniture Stores, Appliance Stores, Automobile salesrooms, and new & used car lots	One space for each 1,000 sq. ft. of enclosed floor area and one space for each 3,000 sq. ft. of open lot area devoted to the sale and display of motor vehicles
Laundromats	One space for each washing or cleaning machine

Private clubs and lodges	One space for each member of the staff, plus one space for each three club members, plus one space for each room which can be used to provide lodging accommodations for members or their guests
Group No. 3: Office	
Administrative or business office	One space for each 300 sq. ft. of floor area
Group No. 4: Medical and Health	
Dental clinics and offices	Two spaces for each examination or treatment room, plus one space for each dentist and other employees
Medical clinics and offices	Three spaces for each examination or treatment room, plus one space for each doctor and other employees
Hospital or similar medical facility	One space for each hospital bed, plus one space for each two employees and staff on the combined major work shifts
Nursing homes, rest homes, and convalescent homes	One space for each two beds.
Funeral Homes	One space for each 50 sq. ft. of floor area in public rooms, plus one space for each vehicle maintained on the premises, plus one space for each employee
Group No. 5: Education	
Elementary Schools, Jr. High Schools, Public or Private	One space for every 30 classroom seats, plus one space for each teacher or other employee
High Schools, public and private	One space for each 6 students based on the design capacity of the building, plus one space for each teacher or other employee
Nursery or Childcare centers	Two spaces, plus one space for each staff member
College and Universities	One space for each 5 classroom seats, plus one space for each 3 seats in an auditorium
Trade or Commercial Schools	One space for each student,

	based on the design capacity of the building, plus one space for each teacher or other employee
Libraries, Museums, Art Galleries, and Public Buildings	One space for each 300 sq. ft. of floor area
Group No. 6: Recreation and Religion	
Churches, Chapels, temples, synagogues, auditoriums, gymnasiums, stadiums, and other places of public assembly	One space for each three seats or bench seating spaces
Theaters	One space for each two seats.
Assembly halls, exhibition halls, or rooms without seats	One space for each 50 sq. ft. of floor area
Golf Courses, swimming pools, or similar places	One space for each three patrons the establishment is designed to serve
Enclosed place of amusement or recreation or similar place of assembly	One space for each 100 sq. ft. of floor area devoted to assembly
Bowling Establishments	Five spaces for each bowling lane, plus such additional space as may be required for affiliated uses
Group No. 7: Industry	
Manufacturing, warehousing, wholesaling, or similar establishments	One space for each two employees on the combined work shifts, plus one space for each 10,000 sq. ft. of floor area, plus one space for each vehicle maintained on the premises.

SECTION 4303 | OFF-STREET PARKING STANDARDS.

4303.01 GENERAL.

A. Utilization.
Required off-street parking facilities as listed in Section 4302 shall be solely for the parking of motor vehicles in operating condition, of patrons, occupants or employees of such uses.

B. Size.
A required off-street parking space shall be at least nine (9) feet in width and at least eighteen (18) feet in length, exclusive of access drives or aisles, ramps, columns, office or work areas.

C. Access.

Each required off-street parking space shall open directly upon an aisle or driveway of such width and design that safe and efficient means of vehicular access to such parking space is provided. Such aisle or driveway shall not be used for parking, except that driveways leading to residences may be used as permitted off-street parking spaces, provided:

1. Only one (1) vehicle shall be permitted to be parked on each nine (9) foot wide portion of a paved residential driveway section located within the required front yard setback.

D. Required Yards.
Structures and buildings containing off- street parking shall be subject to the yard requirements applicable in the district in which located. Off-street parking areas open to the sky may be located on any yard, except that:

1. Except for the front yard parking allowance given in paragraph C of this section, no off-street parking shall be permitted to be located within any required front yard area in any "A," "R," "RO," or "O-l" District.

2. In any "A," "R," "RO" and "O-1" or "B" District on a corner lot devoted to a residential use, the off-street parking shall not be located closer to the side lot line bounding a street than the minimum side yard width prescribed by the development standards for the district.

3. If a lot is devoted to a non-residential use and if its front lot line, side lot line or rear lot line separates the lot from a lot in a Residential District, the off-street parking facilities located thereon shall not be closer to such lot line than the minimum front yard depth, side yard width, or rear yard depth prescribed by the development standards for the district.

E. Location.
All required parking spaces shall be located as follows:

1. In any "A," "R," "RO" and "O-l" or "B-l" District on the same lot as the building or use served, or a contiguous parcel, or within three hundred (300) feet of the nearest point of the principal structure.

2. In a Business District (except a "B-l" District) on the same lot as the building or use served or a contiguous parcel, or within four hundred (400) feet of the principal structure.

3. In any Industrial District on the same lot as the building or use served, or a contiguous parcel or within one thousand (l000) feet of the nearest point of the principal structures; provided, however, that no off-street parking facilities for a business or industrial use shall be located in a Residential District.

F. Restricted Parking Lots-Conditional Use.
Notwithstanding the provisions of Subsection 4303.0l-E, the Board of Zoning Appeals may permit the use of land lying in a zoning district in which parking lots otherwise are not a permissible use as restricted parking lots.

1. The Board's approval of a restricted parking lot must be based on a finding that:

   a. The parcel to be used is located not more than fifty (50) feet from the parcel on which is located the land use requiring such parking facilities.

   b. The parking lot or parking lots shall be for use in connection with a permissible use in an adjacent zoning district (whether such adjacent district is within the territory subject to this Resolution or is within a territory subject to the zoning restrictions of another zoning authority). Such parking lot shall be used solely for the parking of private passenger vehicles.

   c. The parking lot shall not be used for repair work or vehicle servicing or loading of any kind, and no advertising signs of any kind shall be erected on the lot.

   d. The parking lot shall be closed between ll P.M. and 7 A.M.; except as may be otherwise permitted by the Board of Zoning Appeals.

2. Application for a Conditional Use Certificate shall be treated, processed, noticed and heard in the manner prescribed for in Section 406 hereof.

3. The Board shall impose further conditions, such as screening and landscaping, as may be deemed necessary and appropriate, in order to reduce the adverse effect of a parking lot upon the preservation of the residential character and development of a Residential District in which a parking lot is proposed to be located.

4303.02 MAINTENANCE.

A. Surfacing.
For residential tracts less than 40,000 sq. ft. in the "A" Agricultural District, and all tracts in "R" Districts, all open off-street parking areas shall be graded and surfaced with bituminous concrete (asphalt), portland cement concrete, brick, cobble-stone or similar hard surface, except a space required for recreational or camping equipment as described in Article 38, Section 380l. Tracts with nonconforming gravel driveways may have gravel parking areas, but in no case shall a landscaped area (i.e., neither paved nor graveled) be used as an open off-street parking area.

All driveway or off-street parking area surfaces must be constructed and maintained according to commonly accepted practices.

B. Separation.
All open off-street parking areas shall be separated from public sidewalks by a space at least four (4) feet in width, and a six (6) inch high barrier (curb) shall be provided on the parking lot side of the four (4) foot width.

C. Screening.
When any open off-street parking area used for any non-residential purpose containing more than two (2) parking spaces is not separated from a residentially used property or portion thereof, by a dedicated street, an effective buffer or screen consisting of a solid wall, fence, or dense living hedge, shall be provided at the lot line to protect the privacy of the adjoining residential uses. Such wall, fence, or hedge shall be not less than six (6) feet in height.

D. Lighting.
Any lighting used to illuminate off- street parking areas shall be equipped with suitable shielding or be so designed as to prevent a glare at eye level on surrounding public or private property.

E. Repair and Service.
No motor vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or in association with any off-street parking area.

F. Drainage.
All open off-street parking areas shall be provided with adequate drainage facilities as approved by the County Engineer. Said approval will not be required for off street parking in Districts "A" through "R-5," and the "R-9" Residential District. Single family and two family uses in "R-6" and "R-7" Residential Districts are exempt from this requirement, however.

G. Interior Design.
All parts of open off-street parking areas which are unusable, either for parking or for traffic, shall be paved or landscaped with plantings of grass, flowers, shrubs and/or trees, which shall be continuously maintained.

H. Marking.
Designated parking spaces shall be marked on the surface of the parking area with paint or permanent marking materials and maintained in clearly visible condition.

4303.03 UNITS OR MEASUREMENT.
For the purpose of determining off-street parking requirements, the following units of measurements shall apply:

A. Floor Area.
Floor area for nonresidential purposes shall be the sum of the gross horizontal area of all the floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings.

B. Hospital Bassinets.
In hospitals, bassinets shall not be counted as beds.

C. Places of Public Assembly.

1. Benches.
In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each twenty (20) inches of such seating facilities shall be counted as one seat for the purpose of determining the off-street parking requirements of this Zoning Resolution.

2. Fixed Seats and Assembly Area.
In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

D. Fractions.
When units of measurement determining the number of required parking spaces result in requirement of a fractional space, and fraction up to one-half (1/2) shall be disregarded and fractions of over and including one-half (1/2) shall require one parking space.

4303.04 ADDITIONS AND EXTENSIONS.

Whenever any addition to a building or extension of land use results in an increase in the number of units used to measure required off-street parking spaces, and such addition or extension creates a need for an increase of more than ten (10) percent in the number of required off-street parking spaces, additional off-street parking shall be provided on the basis of the increase in the number of such units of measurement.

A. Exception.
In the case of additional dwelling units created by conversion of an existing dwelling, one off-street parking space shall be required for each additional dwelling unit so created.

4303.05 MIXED OCCUPANCIES AND USES NOT SPECIFIED.

In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Where a use is not specifically mentioned in Section 4302, the requirements for a use which is so mentioned and to which said use is similar shall apply. Off-street parking facilities for one use shall not be considered as providing requirements for any other use, except as specified for joint use.

4303.06 COLLECTIVE PROVISION.

Nothing in this Article shall be construed to prevent collective provision of off-street parking facilities for two (2) or more buildings or uses, provided that the total of such off-street parking spaces supplied collectively shall be not less than the sum of the requirements for the various uses computed separately; provided, however, that the requirements set forth in Subsection 4303.01-E as to maximum distances between parking areas and establishments served shall apply to each establishment participating in the collective provisions of parking.

ARTICLE 44 | NOISE

SECTION 4401 | METHOD OF MEASUREMENT.

For the purpose of measuring the intensity and frequency of sound, the sound level meter, the octave band analyzer, and the impact noise analyzer shall be employed. The flat network and the fast meter response of the sound level meter shall be used. Sounds of short duration as from forge hammers, punch presses, and metal shears which cannot be measured accurately with the sound level meter shall be measured with the impact noise analyzer.

Octave band analyzers calibrated in the Preferred Frequencies (American Standards Association SI, 6-1960, Preferred Frequencies for Acoustical Measurements) shall be used with Table I (A through D). Octave band analyzers calibrated with pre-1960 Octave Band (American Standards Association Z24-10-1953, Octave Band Filter Set) shall use Table II (A through D) in Sections 4404 through 4406, inclusive. For impact sounds measured with the impact noise analyzer, the sound pressure levels set forth in Tables I and II (A through D) may be increased by six (6) decibels in each octave band.

SECTION 4402 | EXEMPTIONS.

The following uses and activities shall be exempt from the noise level regulations:

A. Noises not directly under the control of the property users.

B. Noises emanating from construction and maintenance activities between 7 A.M. and 9 P.M.

C. The noises of safety signals, warning devices, and emergency pressure relief valves.

D. Transient noises of moving sources such as automobiles, trucks, airplanes and railroads.

SECTION 4403 | REQUIRED PERFORMANCE LEVEL.

No operation or activity shall cause or create noise in excess of the sound levels prescribed herewith.

SECTION 4404 | STANDARDS IN THE "B-1" THROUGH "B-4" BUSINESS DISTRICTS AND "I-1" LIGHT INDUSTRIAL DISTRICT.

A. At the District Boundaries.
In the "B-1" through "B-4" and the "I-1" Districts, at no point on or beyond the boundary of the zoning district shall the sound pressure level resulting from any use, operation or activity exceed the maximum permitted sound levels as set forth in Tables 1A and 2A.

TABLE 1A – PREFERRED FREQUENCIES

Center Frequency Cycles Per Second	Maximum Permitted Sound Pressure Level, Decibels
31.5	65
63.0	67
125.0	66
250.0	59
500.0	52
1,000.0	46
2,000.0	37
4,000.0	26
8,000.0	17

TABLE 2A – PRE-1960 OCTAVE BANDS

Octave Band Cycles Per Second	Maximum Permitted Sound Pressure Level, Decibels
20-75	67
75-150	66
150-300	61
300-600	54
600-1200	47
1200-2400	39
2400-4800	29
4800-10KC	20

B. At Lot Lines.
In the "B-1" through "B-4" and the "I-1" Districts, at no point on or beyond the boundary of any lot shall the sound pressure level resulting from any use, operation or activity exceed the maximum permitted decibel levels for the designated octave bands as set forth in Tables 1B and 2B.

TABLE 1B - PREFERRED FREQUENCIES

Center Frequency Cycles Per Second	Maximum Permitted Sound Pressure Level, Decibels
31.5	76
63.0	74
125.0	68
250.0	63
500.0	57
1,000.0	52
2,000.0	45
4,000.0	38
8,000.0	32

TABLE 2B – PRE-1960 OCTAVE BANDS

Octave Band Cycles Per Second	Maximum Permitted Sound Pressure Level, Decibels
20-75	75
75-150	70
150-300	64
300-600	59
600-1200	53
1200-2400	47
2400-4800	40
4800-10KC	34

SECTION 4405 | STANDARDS IN THE "I-2" GENERAL INDUSTRIAL DISTRICT AND "PD-4" PLANNED INDUSTRIAL DISTRICT.

In the "I-2" and the "PD-4" Districts, at no point on or beyond the boundary of the zoning district shall the sound pressure level resulting from any use, operation, or activity exceed the maximum permitted sound levels as set forth in Tables 1C and 2C.

TABLE 1C - PREFERRED FREQUENCIES

Center Frequency Cycles Per Second	Maximum Permitted Sound Pressure Level, Decibels
31.5	76
63.0	74
125.0	68
250.0	63
500.0	57
1,000.0	52
2,000.0	45
4,000.0	38
8,000.0	32

TABLE 2C – PRE-1960 OCTAVE BANDS

Octave Band Cycles Per Second	Maximum Permitted Sound Pressure Level, Decibels
20-75	75
75-150	70
150-300	64
300-600	59
600-1200	53
1200-2400	47
2400-4800	40
4800-10KC	34

SECTION 4406 | STANARDS IN THE "I-3" HEAVY INDUSTRIAL DISTRICT.

In the "I-3" District, at no point on or beyond the boundary of the zoning district shall the sound pressure level resulting from any use, operation, or activity exceed the maximum permitted sound levels, as set forth in Tables 1D and 2D.

TABLE 1D - PREFERRED FREQUENCIES

Center Frequency Cycles Per Second	Maximum Permitted Sound Pressure Level, Decibels
31.5	90
63.0	81
125.0	71
250.0	66
500.0	61
2,000.0	52
4,000.0	50
8,000.0	47

TABLE 2D – PRE-1960 OCTAVE BANDS

Octave Band Cycles Per Second	Maximum Permitted Sound Pressure Level, Decibels
20-75	83
75-150	74
150-300	67
300-600	62
600-1200	57
1200-2400	53
2400-4800	51
4800-10KC	48

Between the hours of 9 P.M. and 7 A.M., the sound levels shall not exceed the maximum permitted sound pressure levels prescribed for the "I-2" and "PD-4" Districts in Section 4405.

ARTICLE 45 | PRIVATE NONCOMMERCIAL GOLF COURSES, SWIMMING POOLS, AND TENNIS COURTS

SECTION 4501 | REQUIRED CONDITIONS.

A. All swimming pools shall be a distance of at least one hundred and fifty (150) feet from all residential property lines, except for a swimming pool for the occupants of a single-family dwelling.

B. Loudspeakers, juke boxes, public address systems and electric amplifiers shall be permitted, if the use of the same is for the occupants of the building only within which such equipment is installed, and does not create a nuisance and disturb the peace of the other persons or properties in the subject or any other district.

C. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any property or upon any public street. All outdoor lighting shall be directed toward and confined to the ground areas of lawns or parking lots.

D. Gun Clubs: The firing line shall be a distance of at least five hundred (500) feet from all residential property lines.

ARTICLE 45-A | LANDSCAPING

Landscaping of unpaved areas of Miami Township promotes the health, safety, and general welfare of the community by reducing soil erosion, controlling water runoff and lessening flood potential, reducing the ability of pollutants to enter waterways, protecting air quality, reducing energy demands for heating and cooling, providing buffers from wind and noise, and protects the natural heritage of the community through the planting and preservation of native plants and trees. The following minimum regulations are applicable to all districts; and to all "PD" Districts unless the Board of Trustees, as part of a Final Development Plan, approves other standards.

SECTION 45-A01 | LANDSCAPING PLAN.

A. A landscaping plan meeting the requirements of this chapter, or as applicable the Austin Center standards of Article 27, shall be required in order to obtain a zoning certificate in any district permitted to have office, business, commercial (including multi-family housing) or industrial uses unless such lot is proposed to be utilized exclusively for agriculture, single family-residential, or two-family residential permitted via the corresponding zoning district development standards. A landscape plan shall also be required in all Planned Development Districts, except the Zoning Commission and Board of Trustees may review alternative designs that meet the spirit and intent of these regulations, while maximining tree preservation and buffering adjacent uses. Total tree requirements for residential planned development projects shall be based on the estimated total building and impervious coverage, exclusive of any public roads, but may also be reduced based upon the preservation of existing trees and unique designs as approved by the Zoning Commission and Board of Trustees. It is not the intent that individual single-family homeowner lots within a planned development subdivision be subject to the landscaping plan requirements beyond their initial inclusion for purposes of calculating the overall development project landscaping requirements, but common areas and buffer zones shall be based upon the applicable approved preliminary, final, or master planned development plans. Landscape plans shall include information regarding areas to be covered by grass and/or ground cover; the number, type, caliper or DBH as appropriate, and height of trees, hedges, and shrubs; information regarding non-living material such as rock or wood, lighting fixtures; fences, walls, hedges or shrubbery as described in Section 3909; and screening. Plans shall include any ponds or water management acres, which are incorporated in the landscaping. Plans shall also show all perennial and intermittent streams and the location of stream banks on site.

1. Landscape plans involving the development of 1,000 square feet or greater of building or other impervious surface area shall be stamped by a registered landscape architect.

2. For all earthen berms used for screening, the plan shall indicate their height and

area, their exact location from the right-of-way and property lines, and the direction of storm water flow.

3. A copy of a wetlands plan or agreement protecting or creating wetlands on site shall be provided with the application if used towards meeting landscaping requirements. The plan must be approved plan through the Army Corps of Engineers or Environmental Protection Agency and provide for monitoring and maintenance of the wetlands area. Wetlands must be clearly denoted on the landscape plan with area expressed in total square feet.

4. Plans must clearly denote all existing trees to be preserved and used toward meeting the requirements of this article. Tree type, size measured by DBH, and location must be clearly shown on the plan as well as how the tree preservation zone will be identified.

SECTION 45-A02 | COMPLETION AND MAINTENANCE.

A. Landscaping shall be installed within sixty (60) days of the completion of the building, structure, or use applied for, or as soon as weather conditions permit if such period falls within the winter months. Landscaping requiring a specific planting time outside of the standard sixty (60) day requirement shall be noted on the plans and installed within thirty (30) days of the time noted. Noted times shall not be longer than six months past the completion of the building.

B. All landscaping areas including those added beyond the requirements of this section shall receive regular maintenance, including trimming, mowing, watering, and replacement of diseased or decayed plant materials when required.

SECTION 45-A03 | LANDSCAPING ZONES.

The intent of the landscaping zones are to provide flexibility in tree location, size, and type and to avoid tree plantings that leave trees with too little soil volume to achieve a mature height and form. Each landscape plan shall meet the following standards:

For the purposes of this Article, the following terms are defined as follows:

Large Tree = Deciduous trees greater than or equal to 50’ at normal full grown height.

Medium Tree = Deciduous trees between 30’ and 50’ at normal full grown height.

Small Tree = Deciduous trees that normally attain a full-grown height of less than 30’.

Evergreen Tree = Minimum six (6) foot high tree that does not lose its leaves during the year and the leaves will remain green throughout the year.

A. **Site Tree Requirement**
The total number of trees required per site shall be based upon the following formula:

1. Site Trees Required = Building Coverage Zone + Impervious Surface & Parking Zone + Frontage Tree Zone Requirement + Screening Requirement (Fractional tree numbers under each zone shall be rounded up to the next whole tree)

B. **Building Coverage Zone**
One (1) large tree shall be planted on the site for every 1,500 square feet of building coverage for sites up to 5.0 acres in size and at a rate of one (1) large tree for every 2,000 square feet of building coverage for sites greater than 5.0 acres in size. Emphasis shall be given to planting trees around the perimeter of the building, in areas to screen dumpsters and loading areas, and along property lines. Trees planted to meet the requirements for building coverage may be planted in additional locations on the site provided each tree has enough space to reach full maturity. Trees planted to meet the frontage zone requirements may be counted towards the requirement for building coverage trees.

C. **Impervious Surface & Parking Zone**

1. One (1) large tree shall be planted for every 1,500 square feet of parking lot coverage, loading and unloading areas, vehicular use areas, and other impervious areas outside of the building coverage and walkways for sites up to 5.0 acres in size and at a rate of one (1) large tree for every 2,000 square feet of such impervious surface coverage for sites greater than 5.0 acres in size.

2. A minimum of 40% of the trees needed to meet the parking area zone requirement shall be planted inside the boundaries of the parking area in landscape islands or other projections that extend into the parking field and are surrounded on at least two sides by parking spaces or other vehicular use areas. The remainder of the trees shall be planted along the perimeter and within 10 feet of the parking area or associated drive aisles.

3. No parking space shall be more than 80 feet from at least two large trees or equivalent number of medium or small tree substitutions.

4. Required trees placed in landscape islands shall be placed in a space containing at least 170 square feet of pervious surface area per tree, with the smallest dimension of pervious surface area being 6 feet, to allow for adequate root aeration and expansion. Islands may contain areas of less than 6 feet outside of the area required for tree plantings.

D. **Frontage Tree Zone**

1. Trees shall be placed at a rate of one large tree for every 35' of road frontage or one medium tree for every 25' of road frontage or one small tree for every 15' of road frontage. A combination of tree sizes may also be utilized.

2. Up to one quarter of the required trees along an interstate route or other public road frontage may be grouped together, provided each tree has adequate space to reach full maturity, in order to provide visibility to signage or building facades. Trees shall otherwise be spaced in a naturalistic or semi-linear fashion along the entire length of the road frontage.

3. The portion of frontage occupied by a legal point of ingress or egress may be excluded but only to the extent required to provide the required access.

4. Frontage trees shall be placed within 20 feet of the road right-of-way of all public roads including interstate highways.

5. Frontage tree zones shall have a minimum width of 5 feet measured from the street right-of-way line as shown on the Thoroughfare Plan, or 10 feet from the district boundary if said boundary adjoins an "A," "R," "PD-A," "PD-I," or "PD-5" (if used for residential purposes) District on the same side of the street and in the same block.

E. **Screening Zones**

1. A screening zone shall be established along the entire length of the district boundary in any zoning district that permits office, business, or industrial uses, or within a site zoned for multi-family housing and not proposed to be utilized exclusively for single family or two family residential via the applicable zoning district development standards, that adjoins any Agriculture, Residential, and Planned Development district containing single family housing. Said buffer shall be a yard landscaped as described in Subsection 212.02, except as may be regulated separately under Article 27 for the Austin Center Districts, and contain a row of large deciduous trees each a minimum caliper of 2 inches at a rate of one tree per 35 lineal feet and a row of evergreens spaced 8'-10' on center and staggered in such a way to form a visual barrier. This barrier shall be planted immediately inside and along the entire length of the common boundary line but not closer than the building setback line to a street right-of-way. Large deciduous trees and 50% of evergreen trees planted to meet the screening zone requirement or used to screen trash collection and utility areas on the site may count towards meeting the requirement for building coverage trees.

F. **Tree Preservation Zone**

1. Prior to construction and grading, perimeter fencing must be erected around

protected trees at a distance of at least 6 feet from the trunk or to the drip line of the tree, whichever is greater.

2. Large parcels containing protected trees and separated from construction or land clearing areas, road rights-of-way and utility easements may be roped off by placing stakes 50 feet or more apart and tying ribbon or rope from stake to stake along the perimeter. Storage or movement of equipment, material, debris or fill, in the tree protection zone is prohibited.

G. **Stream Landscaping Zones**

1. A minimum of 15 feet from bank edge of perennial streams (solid blue line streams as shown on United States Geological Survey (USGS) maps) and shall be landscaped with trees and/or other native vegetation. Landscaping shall extend for the full length of the stream on site and shall be on both sides of banks that fall on the site.

2. Intermittent streams (dashed blue line streams as shown on USGS maps) shall be landscaped for a minimum width of 10 feet from each bank edge. Landscaping shall extend for the full length of the stream on site and shall be on both sides of banks that fall on the site.

3. These regulations do not intend to prohibit the use of stream crossings for vehicular or pedestrian traffic, but such crossings shall be the minimum required both in quantity and width to provide for such traffic and shall not be used for parking areas. The Community Development Director may request that the Montgomery County Engineer provide a recommendation as to the number and width of crossings required for a particular development.

SECTION 45-A04 | LANDSCAPING SUBSTITUTIONS.

The following substitutions are permitted provided the standards for frontage and screening zone requirements are met. Parking zone tree amounts may be substituted once the requirements for 80-foot parking space coverage and a minimum of 40% of the trees being inside the parking field have been met. In no case shall the total number of trees required per site be reduced by more than 50% once all substitutions have been made.

B. Up to 50% of the combined number of large trees required to meet the building and parking zone requirements may be substituted with a small or medium tree, provided the number of trees provided is increased at the rate of 1.25 medium trees/large tree and 1.5 small trees/large tree with all substitutions rounded up to the next whole tree.

C. For every 250 square feet of federally designated wetlands that are preserved or created on site and maintained under an EPA or Army Corps of Engineers approved

wetlands plan, the total number of building or parking zone trees required may be reduced by the equivalent of 1 large tree.

C. Water quality control practices enhance the community by providing filtration of pollutants prior to their entering stream channels and other bodies of water. For each water quality control practice that is installed to provide direct filtration of sediment and other contaminants through the use of landscaping, such as landscaped swales, parking lot runoff collectors, rain gardens, etc. and that are identified and recognized by the Environmental Protection Agency (EPA) as a stormwater best management practice shall qualify for a 5% reduction in the total number of building or parking zone trees required. Each stormwater management practice must be certified by an engineer to separately treat at least 15% of the total runoff of the site and be approved by the Montgomery County Engineer's Office.

D. Where healthy trees of native species are preserved, the number of required building or parking zone trees required may be reduced based upon the following table:

Trunk diameter of single tree measured at DBH	Reduction in number of required new large trees
4-6 inches	1 tree
6-14 inches	2 trees
14-20 inches	3 trees
20 + inches	4 trees

The DBH and type of tree must be clearly shown on a landscape plan that has been stamped by a registered landscape architect.

SECTION 45-A05 | GENERAL LANDSCAPING STANDARDS.

A. All large, medium, and small trees shall have a minimum caliper of 2 inches with the exception of frontage zone trees, which shall have a minimum caliper of 2.5 inches.

B. Evergreen trees used to meet the requirements of this section must be a minimum of 6 feet in height upon planting, as measured from the top of the root ball.

C. In order to reduce the potential for the spread of diseases and to reduce monotony of design, no more than 40% of trees planted shall be from the same genus.

D. A minimum of 50% of trees planted must be native trees. See Appendix B for a list of native trees and other recommended plantings.

E. Soil volumes should be connected to the extent possible to allow trees maximum

root growth and access to water. To the extent possible, approximately 2 cubic feet of usable soil volume should be provided for every one square foot of mature canopy volume. This may be calculated by measuring the area within the projected mature drip line of the tree.

F. All required landscape elements shall be located on the property requiring the landscape plan.

G. Existing trees that are damaged or destroyed due to natural conditions or other natural causes and are part of the approved landscape plan shall be replaced at a rate of 1 large native tree per tree removed or lost due to such natural causes. Trees removed other than due to natural causes shall be replaced at a rate of 1 large native tree for every 2" caliper of trees removed. Trees planted as part of a landscape plan that are damaged, diseased, and/or otherwise in need of removal shall be replaced with an equivalent tree meeting the requirements of this Article.

H. Trees planted to meet the minimum requirements of this Article shall not be topped or otherwise prevented from attaining a natural mature canopy. Directional pruning may be utilized to prevent interference with overhead utility lines. This provision is not intended to prevent the necessary removal of dead or damaged limbs or prevent the removal of limbs near intersections and driveways that are causing a traffic visibility hazard.

SECTION 45-A06 | PROHIBITED TREES & PLANTS.

In order to prevent the spread of disease and reduce the possibility of damage to infrastructure and buildings the following trees are prohibited from new plantings:

A. Apple, Malus punila
B. Bradford Pear, Pyrus calleryana "Bradford"
C. Box Elder, Acer negundo
D. Cottonwood, Aspen
E. Elms (other than approved hybrids)
F. Ginkgo - Female, Ginko biloba
G. Honeysuckle
H. Osage Orange, Hedge Apple, Maclura ponifera
I. Poplar, Populus species
J. Russian Olive
K. Silver Maple, Acer saccharinum
L. Tree-of-Heaven, Ailanthus altissima
M. Ash – Limited to no more than 15% of all new plantings, existing native species may be used towards meeting the native tree preservation standards

SECTION 45-A07 | BUILDING & IMPERVIOUS AREA EXPANSIONS.

The requirements of this section shall apply to all new building and impervious surface area additions in addition to any landscaping requirements for existing sites in Article 7.

All existing sites shall be required to install landscaping meeting the requirements of this section based upon the number of square feet of impervious surface to be added. A minimum of one large tree shall be required unless such addition will not exceed 150 square feet of impervious area within a one-year time frame. Trees may be planted on any portion of the site not meeting current requirements.

Non-conforming sites that will have an existing building remodeled or reconstructed to the extent of 50% or more of the appraised value of the building shall meet the landscaping requirements for the building coverage zone for that building in addition to any requirements pertaining to new construction on the site.

A. Amounts at or above 0.5 shall be rounded to the next whole number and amounts below 0.5 shall be rounded to zero, except as specifically modified by each section.

SECTION 45-A08 | LANDSCAPING DESIGN REVIEW OPTION.

Property owners may elect to submit a landscape plan to the Zoning Commission following the procedures of Section 603. The Zoning Commission may approve a modified plan based substantially upon the standards and intent of this Article but that may address issues of particular hardship due to quantity, spacing, size, or locational requirements for plantings. Variations from the requirements of this article and otherwise permitted substitutions shall not be made without appropriate substitutions through either uniqueness of design, improvement of water filtration aspects of the landscaping design, enhancement of pedestrian amenities beyond standard sidewalk designs, substantial wetland creation, or other landscaping enhancements, such as fountains, that the Zoning Commission finds to merit a variation from the other standards of this article. In no case shall the total number of required large trees or their equivalent be reduced by more than 75% under the Landscape Review Option.

SECTION 45-A09 | NATURAL LANDSCAPING.

A. A landscaping plan shall be required in all districts to obtain the required zoning certificate for native vegetation, including prairie grasses, in planned landscapes and to use such plants in the preservation or restoration of natural plant communities. The intent of this section is not, however, to allow vegetated areas to be unmanaged or overgrown when such growth provides a demonstrated health hazard, or prevents detection of accumulated trash and refuse that constitutes either a direct health hazard or provides a breeding ground for fauna known to create a safety or health hazard.

   The plan shall be in accordance with the following:

   1. The native vegetation area shall be at least 10 feet from an adjacent property line.

2. The native vegetation area shall cover no more than 50% of the subject property. Native vegetation areas covering 5% or less of the subject property shall not be subject to the provisions of this section.

B. The following plants are permitted in a natural landscaping area: Allium cernuum (Nodding Wild Onion), Asclepias incarnate (Swamp Milkweed), Asclepias tuberose (Butterflyweed), Aster laevis (Smooth Aster), Aster novae-angliae (New England Aster), Bidens polylepis (Bur Marigold), Cassia fasciculata (Partridge Pea), Delphinium exaltatum (Tall Larkspur), Echinacea purpurea (Purple Coneflower), Euphorbia corallata (Flowering Spurge), Filipendula rubra (Queen-of-the-Prairie), Heliopsis helianthoides (Oxeye), Heuchera richardsonii (Alum Root), Liatris spicata (Dense Blazing Star), Liatris scariosa (Blazing Star), Lupinus perennis (Lupine), Monarda fistulosa (Bergamot), Penstemon digitalis (Foxglove Beard-tongue), Physostegia virginiana (False Dragonhead), Ratibida pinnata (Grey-headed Coneflower), Rudbeckia fulgida (Orange Coneflower), Rudbeckia hirta (Blackeyed Susan), Silene regia (Royal Catchfly), Silphium terebinthin (Prairie Dock), Silphium trifolium (Whorled Rosinweed), Solidago rigida (Stiff Goldenrod), Andropogan gerardii (Big Blue Stem), Panicum virgatum (Switch Grass), Sorghastrum nutans (Indian Grass), Spartina pectinata (Prairie Cordgrass), Sporobolis heterolepis (Prairie Dropseed), Cichorium intybus (Chicory), Chrysanthemum leucanthemum (Ox-Eye Daisy), Lobelia siphilitica (Great Lobela), Mertensia virginica (Mertensia), Lobelia cardinalis (Cardinal Flower), Phytolacca Americana (Pokeweed), Daucus carota (Queen Anne's Lace), Vernonia altissima (Ironweed), Eupatorium fistulosum (Joe-Pye-Weed), Achillea millefolium (Yarrow), Geranium maculatum (Wild Geranium), Dianthus deltoides (Maiden Pink), Dianthus armeria (Deptford Pink), Tradescantia virginiana (Spiderwort), Sisyrinemium atlanticum (Blue-eyed Grass), Impatiens capensis (Jewelweed), Mitella diphylla (Miterwort), Thalictrum polygamum (Meadowrue), Hesperis matronalis (Dames Rocket), Verbascum thapsus (Common Mullen), and Phacelia purshii (Miami Mist).

Five Rivers MetroParks (Dayton-Montgomery County Park District) shall be the final arbiter regarding the identification of any plants in a natural landscaping area.

C. Unless a valid zoning certificate is held for a natural landscaping area, all other applicable regulations regarding maintenance of vegetation shall apply to the subject property. This section is not intended to pre-empt the Board of Trustees' powers described in Section 505.87 of the Revised Code of the State of Ohio.

SECTION 45-A10 | LANDSCAPING DEFINITIONS.

A. **Caliper:** The diameter or thickness of the trunk of a nursery-grown tree as measured at six inches (6”) above the top of the root mass for calipers up to and including four inches (4”) in diameter and twelve inches (12”) above the top of the root mass for calipers greater than four inches (4”).

B. **Deciduous Tree:** Any tree that naturally loses its leaves in the Fall.

C. **Diameter at breast height (DBH):** The diameter of a tree measured at four and one-half feet above the existing grade at the base of the tree.

D. **Diseased Tree:** Tree weakened by disease, infestation, decay, age or fire, to an extent where there is a risk that the tree may die within five years, split, fall, threaten the viability of healthy trees; and the problem cannot be fixed or healed through normal horticultural practices.

E. **Drip Line:** A vertical line extending from the outermost branches of a tree to the ground.

F. **Evergreen Tree:** Any tree that does not naturally lose its leaves or needles in the Fall and remains green throughout the year.

G. **Native Tree:** Tree species and cultivated varieties originating from species that grew in Ohio or the eastern to central portions of North America prior to the importation and/or transplantation of varieties from outside of North America.

H. **Ornamental Trees:** Trees planted primarily for their aesthetic qualities as opposed to the ability to provide a large degree of shade upon maturity. Examples of ornamental trees would be crab apple, cherry,

I. **Tree Topping:** The severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

J. **Perennial Stream:** A perennial stream is a flowing system continuously recharged by groundwater or surface runoff regardless of weather conditions. It exhibits well-defined geomorphological characteristics and in the absence of pollution, thermal modifications, or other man-made disturbances has the ability to support aquatic life. During hydrological drought conditions, the flow may be impaired.

K. **Intermittent Stream:** An intermittent stream is a flowing system under normal weather conditions. During the dry season and throughout minor drought periods, these streams will not exhibit flow. Geomorphological characteristics are not well defined and are often inconspicuous. In the absence of external limiting factors (pollution, thermal modifications, etc.), biology is scarce and adapted to the wet and dry conditions of the fluctuating water level.

L. **Ephemeral Stream:** An ephemeral stream is a short-lived system for carrying stormwater. Under normal conditions, these systems will not flow. The geomorphology is characteristic of flashy and erosive stormwater events. Biology is limited to terrestrial and upland species.

ARTICLE 46 | FOR FUTURE EXPANSION

ARTICLE 47 | WHEN EFFECTIVE; REPEAL OF CONFLICTING RESOLUTION; VALIDITY

SECTION 4701 | WHEN EFFECTIVE.

This Resolution shall be in full force and effect on or after November 7, 1972, upon certification by the Montgomery County Board of Elections [That certification occurred on November 20, 1972. Until that time, the Montgomery County Zoning Resolution was in effect].

Following certification, this Resolution shall be in effect in the unincorporated portions of Miami Township and provide continuous zoning since same was originally adopted on May 5, 1953.

SECTION 4702 | REPEAL OF CONFLICTING RESOLUTION.

The County Zoning Resolution now in effect in Montgomery County, Ohio, and in conflict with the Zoning Resolutions as they are established herein, is hereby repealed. However, all suits at law or in equity and/or all prosecutions resulting from violation of any Zoning Resolution heretofore in effect, which are now pending in any of the Courts of the State of Ohio or of the United States, shall not be abated or abandoned by reason of the adoption of this Zoning Resolution; but shall be prosecuted to their finality the same as if this Zoning Resolution had not been adopted; and any and all violations of existing Zoning Resolutions, prosecutions for which have not been yet instituted, may be hereafter filed and prosecuted; and nothing in this Zoning Resolution shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.

SECTION 4703 | VALIDITY.

If any article, section, subsection, paragraph, sentence, or phrase of the Resolution is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this Resolution.

ARTICLE 48 | COMMUNITY BASED SOCIAL SERVICES FACILITIES

SECTION 4801 | SUBMISSION REQUIREMENTS.

The operator or agency applying for a Conditional Use Certificate to operate a Community Based Social Services Facility or Residential Re-Entry Center shall submit the following information to aid the Board of Zoning Appeals in its review of the requested facility:

A. Identification of similar facilities presently existing within Miami Township and contiguous jurisdictions and confirmation that the siting of the facility is compatible with the list of existing residential care facilities currently provided by Montgomery County.

B. A license, or evidence of ability to obtain a license, from one or more of the following relevant Ohio licensing agencies:

   a. For Child Residential Care/ Child Group Care Facility: Ohio Department of Job and Family Services and/or Ohio Department of Mental health and Addiction Services
   b. For Class 1, 2, and 3 Adult Residential Care Facilities: Ohio Department of Mental Health and Addiction Services
   c. For Residential Care/Assisted Living Facilities: The Ohio Department of Health
   d. For Licensed Ohio Department of Developmental Disabilities Facilities: Ohio Department of Developmental Disabilities

   Prior to the issuance of a Conditional Use Certificate, and/or a final certificate of occupancy, the occupant, the operator or agency shall provide evidence that a valid license has been issued or is obtainable for the proposed Conditional Use on the subject property. If licensing is not required, an affidavit from the applicant so stating shall be presented.

C. A copy of the sponsoring agency's operational and occupancy standards and detailed plan for services and program.

D. A site plan for the proposed home indicating home structure outline and floor plan, off-street parking provisions, driveway access, landscaping and screening provisions, recreational and open space facilities as well as other pertinent information which the Board may require. Such plan shall include sufficient information to indicate that the proposed use of the site will be compatible with the present character of the neighborhood.

SECTION 4802 | FACILITY REQUIREMENTS.

A. Every room occupied for sleeping purposes within the home shall contain a minimum

of one-hundred and thirty (130) square feet of habitable room area for one occupant, and when occupied by more than one shall contain at least one hundred (100) square feet of habitable room area for each occupant.

B. Indoor and outdoor recreational space shall be provided for the clientele served, based upon standards specified by the licensing authority and/or the sponsoring agency.

   If no standards exist, then the following minimum areas shall apply:

   1. Common indoor area shall consist of at least fifty (50) square feet per individual.

   2. Common outdoor area shall consist of at least one hundred (100) square feet per individual. If a public park or other common open space is available in the immediate vicinity of the facility, the Board may waive the outdoor space requirement.

C. No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures proposed shall be compatible with the surrounding neighborhood.

D. All exterior lighting shall be suitably directed and shaded to prevent any glare upon adjoining residential properties.

E. Off-street parking requirements: One space for each three (3) persons residing in a Community-Based Social Services Facility or Halfway House except for facilities prohibiting ownership or operation of automobiles by occupants of such facilities. In any case, suitably screened off-street parking shall be provided on a one-to-one ratio to the number of autos operated out of the facility. Within neighborhoods in which on-street parking is accepted practice, on-street space directly abutting the subject lot may be substituted for a portion of the required off-street spaces if approved by the Board of Zoning Appeals.

F. No facility shall be permitted within 1500 feet of another Community-Based Social Services Facility or Residential Re-Entry Center, and the siting of the facility shall comply with the Residential Care Opportunities Guide for Montgomery County.

   The Board of Zoning Appeals may reduce this standard if the applicant can show that, due to unique conditions, a reduction of the separation requirement or deviation from the Residential Care Opportunities Guide will not contribute to the concentration of such facilities (e.g., the proposed site is located in a distinctly different neighborhood which is separated from an existing site by an interstate highway, or the site is in an area that does not constitute a typical residential neighborhood due to a diversity of land uses).

G. The facility must be reviewed by the Miami Valley Fire District or a certified Fire Safety

Inspector.

SECTION 4803 | FINDINGS BY THE BOARD OF ZONING APPEALS.

In its review of each proposed facility, the Board of Zoning appeals shall make specific findings of fact relative to the following criteria. Upon finding all such facts to be true, the Board shall grant the Conditional Use. The proposed facility:

A. Complies with all the applicable facilities requirements.

B. It is in fact a Community-Based Social Services Facility or Residential Re-Entry Center licensed by an agency of the State of Ohio and Montgomery County. If such licensing is not required, an affidavit so stating has been presented to document this statement.

C. Is approved by the local agency responsible for supportive services and/or programs to the facility.

D. Will be designed, constructed, and maintained so that such use will not change the general character of the area and be operated in compliance with relevant licensing or certification standards.

E. Will not be within 1500 feet of another Community-Based Social Services Facility or Halfway House, unless this standard is varied by the Board of Zoning Appeals to a lesser distance.

F. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

G. Will have vehicular approaches to the property which shall be designed to prevent any undue interference with traffic on surrounding public streets.

SECTION 4804 | TYPES OF COMMUNITY-BASED SOCIAL SERVICES FACILITIES.

The following classifications of different intensities of the Community-Based Social Services Facility land use are established to differentiate the use intensities which are appropriate for conditional use allowances within specific Zoning Designations:

A. **Child Residential Care/ Child Group Care Facility:** A congregate living environment licensed by a county or state department to provide care to children or adolescents. May provide supervision, social services, and accommodations, but medical treatment services are provided separately.

B. **Residential Facility:** A congregate living environment that provides supervised care to individuals 18 years and older. Includes room and board and may or may not include personal care or mental health services. May also provide supervision, social services, and accommodations, but medical treatment services are provided separately. May or may not be a long-term more permanent housing depending on level of care needed for the resident. Residential Facilities are divided into Class 1, Class 2 and Class 3:

    a. *Class 1:* Provides accommodations, supervision, personal care services, and mental health services for one or more adults with mental illness or one or more children or adolescents with severe emotional disturbances. Owned/operated by a Behavioral Health Agency.

    b. *Class 2:* Provides accommodations, supervision, and personal care services to any of the following:
        i. One or two persons with mental illness;
        ii. One or two adults who are receiving residential state supplement payments; or,
        iii. Three to sixteen adults.

    c. *Class 3:* Provides room and board for five or more adults with mental illness.

C. **Residential Care/Assisted Living Facility:** A home or facility that provides either of the following:

    a. Accommodations for 17 or more unrelated individuals and supervision and personal care services for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment;

    b. Accommodations for three or more unrelated individuals, supervision and personal care services for at least three of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and, to at least one of those individuals, supervision of special diets or application of dressings or provide for the administration of medication to residents to the extent authorized.

D. **Licensed Department of Developmental Disabilities Facility:** Refers to any Ohio Department of Developmental Disabilities-licensed group home or community facility/residential facility where supervision, services and/or accommodations are provided for persons with developmental disabilities.

ARTICLE 49 | "WP" WELLFIELD PROTECTION OVERLAY DISTRICT

The "WP" Wellfield Protection Overlay District is designed to safeguard the public health, safety and welfare of citizens and institutions that are customers of protected public water supplies by regulating the land use and the storage, handling, use and/or production of regulated substances. The areal extent of the zone is described as the land area within Miami Township adjacent to existing and proposed protected public wells which lie within the one (1) year capture area, including a one thousand (1,000) foot strip of land outside of the direct recharge area in locations where the direct recharge area within the one (1) year capture area impinges on the aquifer boundary. The intent of this designation is to protect the region's potable water supply against contamination.

SECTION 4901 | APPLICABILITY OF WELLFIELD PROTECTION OVERLAY DISTRICT TO UNDERLYING ZONING DISTRICTS.

The provisions of this Article shall be applicable to all lands shown as being located within the boundaries of the "WP" Wellfield Protection Overlay District on the zoning map and shall be supplemental to the regulations of the underlying zoning district. Where the requirements of this Article are in conflict with the regulations of the underlying district, the more restrictive regulations shall apply.

SECTION 4902 | DETERMINATION OF APPLICABILITY.

It shall be the responsibility of any person owning real property and/or owning or operating a business within Miami Township to make a determination of the applicability of this Article as it pertains to the property and/or business under his/her ownership or operation and his/her failure to do shall not excuse any violations of this Article.

SECTION 4903 | DEFINITIONS.

A. 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.

B. Direct Recharge Area - That portion of a drainage basin in which water infiltrating vertically from the surface will intercept the water table.

C. Administrator - Shall mean the individual or agency authorized by the County Commissioners to administer and/or enforce the provisions of this Article.

D. One Year Capture Area - The area around the public water supply wellfields delineated by the one year travel time contour. This is defined as one and one-quarter (1¼) miles from the center of the wellfield until such time as further studies recommend changing that distance.

E. Potable Water - Water that is satisfactory for drinking, culinary and domestic

purposes, meeting current drinking water standards.

F. Protected Public Water Supply - A public water system which serves at least fifteen (15) service connections used by year-round residents or regularly services at least twenty-five (25) year-round residents, and having a one-year capture area defined through appropriate hydrologic study.

G. 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.

H. Regulated Substance(s) - Substances to be regulated, hereinafter referred to as regulated substances, are chemicals and mixtures of chemicals which are health hazards. Regulated substances include:

1. Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.

2. Mixtures of chemicals which have been tested as a whole and have been determined to be a health hazard.

3. Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and which comprises one (1) percent or greater of the composition on a weight per unit weight basis, and mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is one tenth of one (0.1) percent or greater of the composition on a weight per unit weight basis.

4. Ingredients of mixtures prepared within the Wellfield Protection Overlay District in cases where such ingredients are health hazards but comprise less than one tenth of one (0.1) percent of the mixture (on a weight per unit weight basis) if non-carcinogenic.

5. Petroleum and non-solid petroleum derivations (except non-PCB dielectric fluids in use in equipment for the transmission of electric power to homes and businesses).

I. Travel Time Contour
A locus of points from which water takes an equal amount of time to reach a given destination such as a well or wellfield.

J. Underground Storage Tank
Any one or combination of tanks (including underground pipes connected thereto)

which is used to contain an accumulation of regulated substances and the volume of which (including the volume of underground pipes connected thereto) is ten (10) percent or more beneath the surface of the ground. Flow-through process tanks are excluded from the definitions of underground storage tanks.

K. Wellfield
A tract of land that contains a number of wells for supply water.

L. Zone of Influence
A zone delineated by iso-travel time contours around wellfields. The zone is calculated, based on the rate of movement of groundwaters in the vicinity of wells with an allowance for the dispersion of a pollutant entering into and moving with the groundwater.

SECTION 4904 | PRINCIPAL PERMITTED USES.

The principal permitted uses allowed within the "WP" Wellfield Protection Overlay District shall be those of the underlying zoning district, provided they meet all requirements of this Article. Uses not specifically mentioned are not permitted.

SECTION 4905 | ACCESSORY USES.

The accessory uses allowed within the "WP" Wellfield Protection Overlay District shall be those of the underlying zoning district, provided they meet all requirements of this Article. Uses not specifically mentioned are not permitted.

SECTION 4906 | CONDITIONAL USES.

The conditional uses allowed within the "WP" Wellfield Protection Overlay District shall be those of the underlying zoning district, provided they meet all requirements of this Article in addition to any applicable requirements established under any other Article.

SECTION 4907 | SPECIFIC PROHIBITED USES.

Sanitary landfills, landfills composed of demolition debris and dry wells are prohibited uses in the "WP" Wellfield Protection District

SECTION 4908 | GROUNDWATER PROTECTION STANDARDS.

4908.01 REGULATED SUBSTANCES MAXIMUM QUANTITIES

Use of regulated substances in conjunction with Permitted and Conditional Uses in this District shall be limited to or as follows:

A. **Aggregate of Regulated Substances**
The aggregate of regulated substances in use may not exceed twenty (20) gallons or one hundred and sixty (160) pounds at any time.

B. **Total Use of Regulated Substances**

The total use of regulated substances may not exceed fifty (50) gallons or four hundred (400) pounds in any twelve (12) month period.

4908.02 LIMITED EXCLUSIONS

Limited exclusions from the provisions of Section 4908.01 are authorized for:

A. **Non-Routine Maintenance or Repair of Property or Equipment**
The use of regulated substances under this exclusion shall be limited to:

1. The aggregate of regulated substances in use may not exceed fifty (50) gallons or four hundred (400) pounds at any time.

2. The total use of regulated substances may not exceed one hundred (100) gallons or eight hundred (800) pounds in any twelve (12) month period.

B. **Medical and Research Laboratory Use**
Excluded regulated substances shall be stored, handled or used in containers not to exceed five (5) gallons or forty (40) pounds of each substance and the aggregate inventory of regulated substances shall not exceed two hundred and fifty (250) gallons or two thousand (2,000) pounds.

C. **Cleaning Agents**
Excluded regulated substances which are cleaning agents shall be packaged for personal or household use or be present in the same form and concentration as a product packaged for use by the general public. The aggregate inventory of such cleaning agents shall not exceed one hundred (100) gallons or eight hundred (800) pounds at any time. In no case shall regulated substances claimed under this exclusion include hydrocarbon or halogenated hydrocarbon solvents, and in no case shall regulated substances claimed under this exclusion include chlorinated solvents and non-chlorinated solvents which are capable of being derived from petroleum or coal tar.

D. The Administrator shall determine the intensity of each use within this district utilizing the Total Maximum Daily Inventory and the Facility Hazard Potential Rating. The two values shall be derived from the Regulated Substance Activity Inventory Report(s) submitted by an existing or proposed new use in accordance with Section 4909.01, and from data collected through inspections. The Hazard Potential Ranking System, Section 4914, shall be used to assist in the determination of the Facility Hazard Potential Rating.

No existing use shall handle an amount of regulated substances in excess of its Total Maximum Daily Inventory, or a type and quality of regulated substances of such hazard that the Facility Hazard Potential Rating assigned to the use is exceeded.

4908.03 UNDERGROUND STORAGE OF FUEL AND LUBRICANTS

With the exception of residential use of heating fuels, the underground storage of fuel and lubricants for vehicle operations and fuel for building and/or process heating in conjunction with permitted and conditional uses in this District shall be secondarily contained and monitored.

4908.04 NONCONFORMING USES

A. **Underground Storage Tanks**

Notwithstanding other provisions in this Article, non-conforming uses in this District presently using underground storage tanks for fuel and lubricants for vehicle operations and fuel for building and/or process heating shall be permitted to replace existing tanks with those constructed as per the specifications of Section 4908.03 above and not exceeding the capacity of existing tanks. Replacement of underground storage tanks for regulated substances other than the above noted fuels and lubricants is not permitted.

B. **Substitutions of Nonconforming Uses**

The Board of Zoning Appeals shall use the Hazard Potential Ranking System, Section 4914 to assist in the determination of intensity of use within this District. No substitutions of a nonconforming use shall be permitted which result in an increase of the Hazard Potential Ranking on a parcel within this District.

4908.05 EXEMPTION OF CERTAIN REGULATED SUBSTANCES

The Administrator is authorized to exclude certain regulated substances, that pose no threat to groundwater, from the provisions of this Article. Prior to authorizing the exemption of any regulated substance, the Administrator shall have such request for exemption reviewed by the Montgomery County Combined Health District. The recommendation of the District shall be binding on the Administrator.

4908.06 TECHNICAL CONSULTANTS

Upon application of a zoning certificate for a use within the “WP” Wellfield Protection Overlay District, the Administrator may employ such technical expertise as needed to ensure compliance with the provisions of this Article. All costs incurred in the compliance review process shall be passed through to the applicant and shall be in addition to those fees

normally charged to review a zoning certificate.

SECTION 4909 | REPORTING REQUIREMENTS.

4909.01 REGULATED SUBSTANCE ACTIVITY INVENTORY

A. Applicability

1. Except as provided in Section 4909.01 B, any owner or occupant of any land in the "WP" Wellfield Protection Overlay District at the effective date of this Article, shall file a Regulated Substance Activity Inventory Report with the Administrator. Said report shall be filed within one hundred and eighty (180) days of the effective date of this Article and at twenty-four (24) month intervals thereafter.

2. Except as provided in Section 4909.01-B, any new owner or occupant of any land in the "WP" Wellfield Protection Overlay District shall file a Regulated Substance Activity Inventory Report prior to receipt of a certificate of occupancy and at twenty-four (24) month intervals following the date of occupancy.

3. Where a person owns, operates or occupies more than one location, Regulated Substance Activity Inventory Reports shall be made for each location.

B. Exclusions to Activity Inventory Reporting

1. Any exclusion set forth in this paragraph shall apply provided that said exclusion does not substantially increase any risk or hazard to the public health, aquifer, water supply, wells or well fields; and provided further that any spill, leak, discharge or mishandling shall be subject to the provision of this Article. Any exclusions granted herein shall not remove or limit the liability and responsibility of any person or activity involved.

2. A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for incidental uses of regulated substances provided the uses are limited as follows:

   a. The aggregate of regulated substances in use may not exceed twenty (20) gallons or one hundred and sixty (160)pounds at any time.

   b. The total use of regulated substances may not exceed fifty (50)

gallons or four hundred (400) pounds in any twelve (12) month period.

3. A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for non-routine maintenance or repair of property in the "WP" Wellfield Protection Overlay District provided the uses are limited as follows:

   a. The aggregate of regulated substances in use may not exceed fifty (50) gallons or four hundred (400) pounds at any time.

   b. The total use of regulated substances may not exceed one hundred (100) gallons or eight hundred (800) pounds in any twelve (12) month period.

4. A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for regulated substances which are cleaning agents provided however, such cleaning agents are packaged for personal or household use and are present in the same form and concentration as a product packaged for use by the general public, and provided that aggregate inventory of such cleaning agents shall not exceed one hundred (100) gallons or eight hundred (800) pounds at any time. In no case shall regulated substances claimed under the exclusion include hydrocarbon or halogenated hydrocarbon solvents.

5. A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for medical and research laboratory uses in the "WP" Wellfield Protection Overlay District, provided however, regulated substances shall be stored, handled or used in containers not to exceed five (5) gallons or forty (40) pounds of each substance and the aggregate inventory of regulated substances shall not exceed two hundred and fifty (250) gallons or two thousand (2,000) pounds.

6. An exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for the transportation of regulated substances through the "WP" Wellfield Protection Overlay District provided that transporting vehicle is in compliance with applicable local, state and laws and regulations, and provided that the regulated substance is fueling the transporting vehicle or the transporting vehicle is in continuous transit, making deliver, or is stopped for a period of time not to exceed seventy-two (72) hours.

7. A limited exclusion from Regulated Substance Activity Inventory

reporting is hereby authorized for owners and occupants of single or two-family residences provided, however, the storage and use of regulated substances as identified in Section 4914-B, Table 2 that are related to the maintenance of the residence or vehicles under control of the occupant and provided waste regulated substances are appropriately disposed of to a permitted solid waste facility or a permitted publicly owned wastewater treatment works.

8. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for office supplies that are used solely for the operation of on-site administrative offices, provided such supplies are prepackaged in a form ready for use by the general public. The manufacture, extraction, repackaging, or warehousing of these products shall not be excluded from reporting.

9. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for Regulated Substances associated with paving, the pouring of concrete, or construction for which all necessary permits have been obtained, provided such regulated substances are present at the construction site for which the permits have been issued and do not pose a real and present danger of contaminating surface and/or ground water.

10. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for materials prepackaged for personal or household use as food or drink for man or other animals.

11. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for regulated substances which are refrigerants contained in equipment used for on-site cooling or contained in household appliances.

12. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for cosmetics as defined by Section 321(i)(1) of Title 21 of the United States Code, provided these products are prepackaged for personal or household use by the general public. The manufacture, extraction, warehousing, or repackaging of these products shall not be excluded from reporting.

13. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for regulated substances that are within containers, such as gas tanks, radiators, transmissions, brake lines and other similar containers that are an integral part of

an operable motor vehicle or boat used specifically and solely for the operation of the vehicle in which the substances are contained. Except as provided for in Section 53.30(B)(6), in no case shall the tanker portion of a tractor trailer be included in this exclusion.

4909.02 SPILLS, LEAKS OR DISCHARGES

A. **Notification**
Any person with direct knowledge of a spill, leak or discharge of a regulated substance within the "WP" Wellfield Protection Overlay District shall, if such a spill, leak or discharge escapes containment, contacts a non-impervious ground surface and is not immediately and completely remediated, give notice to the Miami Township Fire Dispatcher, the Montgomery County Sanitary Department or other operator of an affected public water supply, and the operator on duty at the affected water treatment facility by telephone or in person. The notification shall include at a minimum, the location of the incident, name and telephone number, date and time thereof, type of substance(s), concentration and volume, and control of corrective action taken. Such notification shall in no way alleviate other local, state, and federal reporting obligations as required by law.

B. **Liability**
Any entity or person who spills, leaks or discharges said substances shall be liable for any reasonable expense, loss or damages incurred by the Township in response to such an incident, in addition to the amount of any fines imposed on account thereof under Ohio and Federal law; said entity or person shall document and maintain sufficient records so as to reflect accurately the circumstances related to any such incident and develop and implement procedures to substantially eliminate the likelihood of reoccurrence of such spills, leaks, or discharges as soon as practicable following the incident, but no later than one hundred and eighty (180) days after the incident.

C. **Posting**
Miami Township shall post signs in conspicuous places advising transporters of regulated substances of notification procedures in the event of a spill or accidental discharge.

SECTION 4910 | UNDERGROUND STORAGE TANKS.

With the exception of residential use of home fuel, no storage of regulated substances, other than for vehicle fuel and vehicle lubricants and fuel for building and/or process heating may occur in underground storage tank systems in the "WP" Wellfield Protection Overlay District, five (5) years from the effective date of this Article. With the exception of residential use of home heating fuel, five (5) years from the effective date

of this Article, underground storage tank systems for vehicle fuel and vehicle lubricants and fuel for building and/or process heating in the "WP" Wellfield Protection Overlay District must be secondarily contained and monitored in accordance with plans submitted to and approved by the Administrator.

SECTION 4911 | FALSIFYING INFORMATION.

No person shall make any false statement, representation, or certification in any report or other document filed or required to be maintained pursuant to this Article.

SECTION 4912 | RETENTION OF RECORDS.

Any reports or records compiled or submitted pursuant to this Article shall be maintained by the user for a minimum of five (5) years or so long as enforcement or judicial proceedings are being pursued, whichever is longer.

SECTION 4913 | PUBLIC WATER SUPPLY PROTECTION AUTHORITIES.

A. **Application**

If any activity or use of regulated substance is deemed by the Administrator to pose a real and present danger of contaminating surface and/or groundwater which would normally enter the public water supply, in accordance with Section 303.24 of the Ohio Revised Code the Administrator is authorized to:

1. Cause cessation of said activity or use of the regulated substance.

2. Require the provision of administrative controls and/or facilities sufficient to mitigate said danger; and/or

3. Cause the provision of pollution control and/or abatement activities.

B. **Considerations**

When considering the exercise of any of the above authorities or actions, the Administrator shall consult with the Montgomery County Sanitary Engineer what measures need to be taken to ensure the public water supply is reasonably protected in the present and the future. The Administrator may take into consideration any evidence represented by the entity regarding cost effectiveness and the economic effectiveness and the economic impact imposed by the requirements or actions.

C. **Technical Consultants**

Upon application of a zoning certificate and/or occupancy certificate for a use within the Wellfield Protection Overlay District, the Administrator may employ such technical expertise as needed to ensure compliance with the provisions of this Article. All costs incurred in the compliance review process shall be passed through to the applicant and shall be in addition to those fees normally charged to review a

zoning certificate and/or occupancy certificate.

SECTION 4914 | HAZARD POTENTIAL RANKING SYSTEM.

In order to assess the risk for potential groundwater contamination, a hazard ranking has been developed for various activities categorized by their Standard Industrial activities categorized by their Standard Industrial Classification (SIC) code. This ranking is based on the kinds of materials commonly associated with each use looking only at the most critical hydrologic factors.

A. Table 1 - Hazard Potential by Land Use*

Table 1 lists the site hazard potential by land use activity on a scale of 1 - 9, with 1 being a low hazard and 9 a very high hazard. This rating is based on the intrinsic hazards posed by different land uses and is related to the materials commonly used or stored on the site or the types and amounts of wastes commonly discharged.

B. Table 2 - Hazard Potential by Material*

Table 2 lists the hazard potential determined on the basis of materials known to be used, stored, or disposed of at a specific site.

***** If the two tables referenced above indicate different site hazard potential ratings for the SIC-coded land use activity and the materials found on-site, the higher of the two scores is the rating for the site.

TABLE 1 | CONTAMINANT HAZARD POTENTIAL RANKING CLASSIFIED BY SOURCE

SIC No.		Description of Waste Source	Hazard Potential Initial Rating
01		**Agricultural Production - Crops**	**1-2**
02		**Agricultural Production - Livestock**	
	021	Livestock, except Dairy, Poultry and Animal Specialties	**3 (5 for feedlots)**
	024	Dairy Farms	**4**
	025	Poultry and Eggs	**4**
	027	Animal Specialties	**2-4**
	029	General Farms, Primarily Livestock	**2**
10		**Metal Mining**	
	101	Iron Ores	**4**
	102	Copper Ores	**6**
	103	Lead and Zinc Ores	**5**
	104	Gold and Silver Ores	**6**
	105	Bauxite and Other Aluminum Ores	**5**
	106	Ferroalloy Ores Except Vanadium	**5**
	108	Metal Mining Services	**4**
	1092	Mercury Ore	**6**
	1094	Uranium-Radium-Vanadium Ores	**7**
	1099	Metal Ores No Elsewhere Classified	**5**
11		**Anthracite Mining**	**7**
12		**Bituminous Coal and Lignite Mining**	**7**
13		**Oil and Gas Extraction**	
	131	Crude Petroleum and Natural Gas	**7**
	132	Natural Gas Liquids	**7**
	1381	Drilling Oil and Gas Wells	**5**
	1382	Oil & Gas Field Exploration Services	**1**
	1389	Oil & Gas Field Services Elsewhere Classified	**Variable**
14		**Mining & Quarrying of Non-Metallic Mineral, Except Fuels**	
	141	Dimension Store	**2**
	142	Crushed & Broken Stone including Rip-Rap	**2**
	144	Sand and Gravel	**2**
	145	Clay, Ceramic & Refractory Minerals	**2-5**
	147	Chemical & Fertilizer Mineral Mining	**4-7**
	148	Non-metallic Minerals Services	**1-7**
	149	Miscellaneous Non-Metallic Minerals except fuels	**2-5**
16		**Construction Other than Building Construction**	

	1629	Heavy Construction, Not Elsewhere classified (Dredging, Especially Salt water)	**4**
SIC No.		**Description of Waste Source**	**Hazard Potential Initial Rating**
20		**Food and Kindred Products**	
	201	Meat Products	**3**
	202	Dairy Products	**2**
	203	Canned & Preserved Fruits and Vegetables	**4**
	204	Grain Mill Products	**2**
	205	Bakery Products	**2**
	206	Sugar & Confectionery Products	**2**
	207	Fats & Oils	**3**
	208	Beverages	**2-5**
	209	Miscellaneous Food Preparation & Kindred Products	**2**
22		**Textile Mill Products, All Except List Below**	
	223	Broad Woven Fabric Mills Wool (including dying & finishing)	**6**
	226	Dying & Finishing Textiles, Except Wool Fabrics & Knit Goods	**6**
	2295	Coated Fabrics, not Rubberized	**6**
24		**Lumber & Wood Products Except Furniture**	
	241	Logging Camps & Logging Contractors	**2**
	242	Sawmills & Planing Mills	**2**
	2435	Hardwood Veneer & Plywood	**4**
	2436	Softwood Veneer & Plywood	**4**
	2439	Structural Wood Members not Elsewhere classified (laminated wood-glue)	**3**
	2491	Wood Preserving	**5**
	2492	Particle Board	**4**
	2499	Wood Products, not Elsewhere Classified	**2-5**
26		**Paper and Allied Products**	
	261	Pulp Mills	**6**
	262	Paper Mills Except Building Mills	**6**
	263	Paperboard Mills	**6**
28		**Chemical and Allied Products**	
	2812	Alkalies & Chlorine	**7-9**
	2813	Industrial Gases	**3-8**
	2816	Inorganic Pigments	**3-9**
	2819	Industrial Inorganic Chemicals no elsewhere classified	**6-8**
	2821	Plastic Materials, Synthetic Resins & Nonvulcanizable Elastomers	**6-8**
	2822	Synthetic Rubber (Vulcanizable Elastomers)	**6-8**

	2823	Cellulose Man-Made Fibers	**6-8**
	2824	Synthetic Organic Fibers, Except Cellulosic	**6-9**
SIC No.		**Description of Waste Source**	**Hazard Potential Initial Rating**
	2831	Biological Products	**3-8**
	2833	Medicinal Chemicals & Botanical Products	**5-8**
	2834	Pharmaceutical Preparations	**6-9**
	2841	Soap & Other Detergents, Except Specialty Cleaners	**4-6**
	2842	Specialty Cleaning, Polishing, and Sanitation Preparation	**3-8**
	2843	Surface Active Agents, Finishing Agents, Sulfonated Oils and Assistants	**6-8**
	2844	Perfumes, Cosmetics & Other Toilet Preparations	**3-6**
	2851	Paints, Varnishes, Lacquers, Enamels & Allied Products	**5-8**
	2861	Gum and Wood Chemicals	**5-8**
	2865	Cyclic (coal tar) Crudes, 7 Cyclic Intermediates, Dyes & Organic Pigments (Lakes and Toners)	**6-9**
	2869	Industrial Organic Chemicals not Elsewhere Listed	**3-9**
	2873	Nitrogenous Fertilizers	**7-8**
	2874	Phosphatic Fertilizers	**7-8**
	2875	Fertilizer Mixing Only	**5**
	2879	Pesticides & Agricultural Chemicals not Elsewhere Listed	**5-9**
	2891	Adhesives & Sealants	**5-8**
	2892	Explosives	**6-9**
	2893	Printing Ink	**2-5**
	2895	Carbon Black	**1-3**
	2899	Chemicals & Chemical Preparations not Elsewhere Listed	**3-9**
30		**Rubber & Miscellaneous Plastics Products**	
	301	Tires and Inner Tubes	**6**
	302	Rubber & Plastic Footwear	**6**
	303	Reclaimed Rubber	**6**
	304	Rubber & Plastic Hose & Belting	**4**
	306	Fabricated Rubber Products, not Elsewhere Classified	**4**
31		**Leather & Leather Products**	**8**
	311	Leather Tanning & Finishing Remaining Three-Digit Codes	**1-3**
32		**Stone, Clay, Glass, & Concrete Products**	
	321	Flat Glass	**4**
	322	Glass & Glassware Pressed or Blown	**4**
	324	Cement, Hydraulic	**3**
	3274	Lime	**3**
	3291	Abrasive Products	**3**
	3292	Asbestos	**3**
	3293	Gaskets, Packing & Sealing Devices	**3**

33		**Primary Metal Industries (Except as Noted Below)**	**3**
	3312	Blast Furnaces, Steel Works, and Rolling & Finishing Mills	**6**
	333	Primary Smelting & Refining of Nonferrous Metals	**7**
SIC No.		**Description of Waste Source**	**Hazard Potential Initial Rating**
34		**Fabricated Metal Products, Except Machinery & Transportation Equipment (Except as Noted Below)**	**5**
	347	Coating, Engraving & Allied Services	**8**
	3482	Small Arms Ammunition	**7**
	3483	Ammunition, Except for Small Arms not Elsewhere Classified	**7**
	3489	Ordinance and Accessories not Elsewhere Classified	**7**
	349	Misc. Fabricated Metal Products	**3-6**
35		**Machinery, Except Electrical**	**5-7**
36		**Electrical & Electronic Machinery, Equipment and Supplies (Except as Noted Below)**	
	3391	Storage Batteries	**8**
	3392	Primary Batteries, Dry & Wet	**8**
37		**Transportation Equipment**	**5-8**
38		**Measuring, Analyzing, and Controlling Instruments; Photographic, Medical and Optical Goods; Watches and Clocks (Except as Noted Below)**	**4-6**
	386	Photographic Equipment & Supplies	**7**
39		**Misc. Manufacturing Industries**	**3-7**
49		**Electric, Gas and Sanitary Services**	
	491	Electric Services	**3-5**
	492	Gas Production and Distribution	**3**
	494	Water Supply	**2**
	4952	Sewage Systems	**2-5**
	4953	Refuse Systems (Landfills)	**5-9**
	496	Stream Supply	**2-4**

TABLE 2 | CONTAMINANT HAZARD POTENTIAL RANKING CLASSIFIED BY TYPE

SIC No.	Description of Waste Source	Hazard Potential Initial Rating
	Solids	
1100	Ferrous Metals	1-4
1200	Non-Ferrous Metals	1-7
1300	Resins, Plastics, and Rubber	2
1400	Wood & Paper Materials (except as noted below)	2
1401	Bark	4
1500	Textiles & Related Fibers	2
1600	Inert Materials (except as noted below)	2
1601	Sulfied Mineral-Bearing Mine Tailings	6
1602	Slag and other Combustion Residues	5
1603	Rubble, Construction, and Demolition Mixed Waste	3
1700	Animal Processing Wastes (except as noted below)	2-4
1701	Processing Skins, Hides, and Leathers	6
1702	Dairy Wastes	4
1703	Live Animal Wastes – Raw Manures (Feed Lots)	5
1704	Composts of Animal Waste	2-4
1705	Dead Animals	5
1800	Edible Fruit & Vegetables Remains, Putrescables	2-3
	Liquids	
2000	Organic Chemicals (must be chemically classified)	
2001	Aliphatic (Fatty) Acids	3-5
2002	Aromatic (Benzene) Acids	7-8
2003	Resin Acids	
2004	Alcohols	5-7
2005	Aliphatic Hydrocarbons (petroleum derivatives)	4-6
2006	Aromatic Hydrocarbons (benzene derivatives)	6-8
2007	Sulfonated Hydrocarbons	7-8
2008	Halogenated Hydrocarbons	7-9
2009	Alkaloids	7-9
2010	Aliphatic Amines & Their Salts	1-4
2011	Anilines	6-8
2012	Pyridines	2-6

2013	Phenols	7-9
SIC No.	**Description of Waste Source**	**Hazard Potential Initial Rating**
2014	Aldehydes	6-8
2015	Ketones	6-8
2016	Organic Sulfur Compounds (Sulfides Mercaptans)	7-9
2017	Organometallic Compounds	7-9
2018	Cyanides	7-9
2019	Thiocyanides	2-6
2020	Sterols	
2021	Sugars and Cellulose	1-4
2022	Esters	6-8
2100	Inorganic Chemicals (must be chemically classified)	
2101	Mineral & Meal Acids	5-8
2102	Mineral & Metal Bases	5-8
2103	Metal Salts, Including Heavy Metals	6-9
2104	Oxides	5-8
2105	Sulfieds	5-8
2106	Carbon or Graphite	1-3
2200	Other Chemical Process Wastes Not Previously Listed (must be chemically classified)	
2201	Inks	2-5
2202	Dyes	3-8
2203	Paints	5-8
2204	Adhesives	5-8
2205	Pharmaceutical Wastes	6-9
2206	Petrochemical Wastes	7-9
2207	Metal Treatment Wastes	7-9
2208	Solvents	6-9
2209	Agricultural Chemicals (Pesticides, Herbicides, Fungicides, etc.)	7-9
2210	Waxes & Tars	4-7
2211	Fermentation & Culture Wastes	2-5
2212	Oils, Including Gasoline, Fuel Oil, etc.	5-8
2213	Soaps & Detergents	4-6
2214	Other Organic or Inorganic Chemicals	2-9
2300	Radioactive Wastes	4-8
2301	Conventional Treatment Process	4-8
2302	County / Municipal Sludges from Biological Sewage Treatment	2-5

1. Classification based on material in Environmental Protection Agency Publication, 670-2-75-024, pp. 79-85, prepared by Arthur D. Little, Incorporated, and published in 1975.

2. For individual material ranking, refer to solubility-toxicity tables prepared by Versar, Incorporated, for the Environmental Protection Agency (Source: MDNR, June, 1980).

Source: WMSRDC. A Pollutant Nature Sampling Plan for Groundwater Contamination in Region 14 (Muskegon, Michigan: West Michigan Shoreline Development Commission, November, 1980).

ARTICLE 50 | "WO" WELLHEAD OPERATION DISTRICT

The "WO" Wellhead Operation District is designed to safeguard the public health, safety, and welfare of the customers of protected public water supplies by regulating the land use and the storage, handling, use, and/or production of regulated substances. This District will be mapped on property within Miami Township at the location of any existing or proposed public wells. The intent of this designation is to protect the community's potable water supply against contamination.

SECTION 5001 | DETERMINATION OF APPLICABILITY.

It shall be the responsibility of any person owning real property and/or owning or operating a business within Miami Township to make a determination of the applicability of this Article as it pertains to the property and/or business under his/her ownership or operation and his/her failure to do so shall not excuse any violations of this Article.

SECTION 5002 | PERMITTED USES.

Publicly operated parks; township, municipal, or other public water supply, treatment, and operations facilities in accordance with the Miami Township and/or other public water supply entity's plan for water supply and treatment.

SECTION 5003 | CONDITIONAL USES.

Public utility uses as follows:

A. Electric and telephone substations.

B. Gas regulator and meter station buildings.

C. Police and fire stations.

D. Electric transmission towers and structures.

E. Radio, television, or other transmission towers or masts, and the usual accessory buildings, only after their height and location have been approved by the government agency charged with the responsibility for maintaining air safety and provided there is a yard area with a radius of half the height of the tower or mast.

SECTION 5004 | GROUNDWATER PROTECTION STANDARDS.

A. Use of regulated substances in conjunction with municipal water supply and treatment activities shall not be restricted by this Article.

B. Use of regulated substances in conjunction with conditional uses in this District shall be limited to:

   1. The aggregate of regulated substances in use may not exceed twenty (20)

gallons or one hundred and sixty (160) pounds at any time.

2. The total use of regulated substances may not exceed fifty (50) gallons or four hundred (400) pounds in any twelve (12) month period.

C. A limited exclusion from the provisions of Section 5004 is authorized for non-routine maintenance or repair of property or equipment. The use of regulated substances under this exclusion shall be limited to:

1. The aggregate of regulated substances in use may not exceed fifty (50) gallons or four hundred (400) pounds at anytime.

2. The total use of regulated substances in use may not exceed one hundred (100) gallons or eight hundred (800) pounds in any twelve (12) month period.

D. Storage of regulated substances in conjunction with municipal water supply and treatment activities shall not be restricted by this Article.

E. Storage of fuel and lubricants for vehicle operations in conjunction with Permitted and Conditional Uses in this District shall be in underground tanks placed above the floor surface of a below grade vault. Said vault shall allow access for physical inspection of the tank for leakage and the interior of the vault shall be continuously monitored and alarmed to provide for automatic and immediate detection of any release from the tank.

F. Storage of regulated substances other than fuel and lubricants for vehicle operations in conjunction with permitted and condition uses in this District is prohibited.

G. All uses within this District shall be connected to a public wastewater disposal system, where such a system is available.

H. Nonconformities

1. Notwithstanding other provisions of this Article, nonconforming uses in this District presently utilizing underground storage tanks for fuel and lubricants for vehicle operations shall be permitted to replace existing tanks with those constructed as per the specifications of Section 5004-E, and not exceeding the capacity of existing tanks. Replacement of underground tanks for regulated substances other than fuel and lubricants for vehicle operations is not permitted.

2. The Board of Appeals shall utilize the Hazard Potential Ranking System, Section 4914, to assist in the determination of intensity of use within this District as a part of their findings in review of nonconforming use substitution as provided for within Section 3604.07. No substitutions of a nonconforming use shall be permitted which result in an increase of Hazard Potential Ranking on a parcel within this District.

ARTICLE 51 | PUBLIC UTILITIES

SECTION 51.01 | UTILITIES.

Except in the case of a telecommunications tower as defined in Ohio Revised Code (ORC) Section 519.211, nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any public utilities or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business. All Structures, however, shall conform to yard, height, and setback requirements of this Resolution and other applicable laws and regulations. Telecommunications towers shall be regulated pursuant to the provisions of the following sections of this Resolution.

SECTION 51.02 | TELECOMMUNICATION TOWERS.

The purpose of this Section is to regulate telecommunications towers as defined in the Ohio Revised Code Section 519.211 which are proposed to be located in the unincorporated area of Miami Township in an area zoned for residential use and to acknowledge that such towers located in areas of non-residential use are exempt from the provisions of this resolution. If there is a conflict or difference between the provisions of this Section and other provisions of this Zoning Resolution, the provisions of this Section shall prevail.

A. **New Towers in Residential Districts**

A person proposing to construct a telecommunications tower as defined in the Ohio Revised Code Section 519.211 in an area zoned for residential use shall provide documentation to the Community Development Department that notice has been provided in accordance with Section 519.211 of the Ohio Revised Code. If the Board of Trustees receives notice from a property owner in accordance with ORC Section 519.211 or if a board member makes an objection to the proposed location of the telecommunications tower within fifteen (15) days after the date of mailing of the notice sent under ORC Section 519.211, the board of township trustees shall request that the township fiscal officer send the person proposing to construct the facility written notice that the tower is subject to the power conferred by and in accordance with the Ohio Revised Code. The notice shall be sent no later than five (5) days after the earlier of the date the board of township trustees first receives such a notice from a property owner or the date upon which a board member makes an objection. Upon the date of mailing of the notice to the person, Sections 519.02 to 519.25 of the ORC shall apply to the facility. Such tower or facility shall be subject to a conditional use review pursuant to Article 4 and Article 51 of this Resolution. An area zoned for residential use shall include all land located within the following zoning districts:

1. “R-1” Single-Family Residential District
2. “R-2” Single-Family Residential District
3. “R-3” Single-Family Residential District

4. "R-4" Single-Family Residential District
5. "R-5" Two-Family Residential District
6. "R-6" Multiple-Family Residential District
7. "R-7" Multiple-Family Residential District
8. "R-8" Manufactured Home Residential District
9. "R-9" Single-Family Residential District
10. "PD-1" Planned Residential District
11. "PD-5" Planned Mixed Use District (areas zoned for residential use)

If the board of township trustees receives no notice under ORC Section 519.211 within the time prescribed by that division or no board member has an objection as provided under ORC Section 519.211 within the time prescribed by that division, the tower shall be permitted as-of-right pursuant to the applicable sections of this zoning resolution.

B. **Standards for Conditional Use Telecommunication Towers**

1. New telecommunications towers shall be located on a site of sufficient size so as to contain on-site all ice-fall or debris from tower failure and preserve the privacy of abutting properties, particularly if those properties are in zoning Districts permitting Single Family Dwellings. The following setback requirements must be met:

   a. The base of telecommunications towers shall be set back from all abutting property not less than fifty percent (50%) of the height of the tower and not less than one hundred percent (100%) of the height of the tower from any Dwelling Unit.

   b. Guy wire anchors shall be set back from all abutting property not less than fifty (50) feet.

   c. Accessory Buildings shall be set back from all abutting property not less than the required Rear Yard Setback for the zoning District in which the telecommunications tower is located.

2. The construction of telecommunications towers shall meet the standards of the Miami Township Zoning Code and the following design standards and shall be certified by an engineer registered to practice in Ohio.

   a. Telecommunications towers of two hundred (200) feet or less in height, more than ten thousand (10,000) feet from a feeder airport, and/or more than twenty thousand (20,000) feet from a major airport shall have a galvanized finish or be

painted silver in color.

b. Telecommunication towers of more than two hundred (200) feet in height, less than ten thousand (10,000) feet from a feeder airport, and/or less than twenty thousand (20,000) feet from a major airport shall comply with FAA and ODOT painting and lighting standards for such structures.

c. All telecommunications towers shall be designed to collapse downward and inward in the event of failure instead of over and outward so as to ensure the safety of adjacent structures and properties.

3. All telecommunications towers and related structures located in areas zoned for residential Use shall be landscaped with a solid continuous six (6) foot high planting, hedge, fence or accessory wall. Earth mounding of three (3) feet in height may be used to achieve the overall buffer height of six (6) feet. Natural vegetation shall have a minimum opaqueness of seventy-five percent (75%) during full foliage when viewed from two (2) to five (5) feet above the ground. Full opaqueness shall be achieved not more than three (3) years from time of planting.

   a. All towers located in areas zoned for residential Use and one hundred (100) feet or more in height are also subject to additional landscaping requirements imposed by the Board of Zoning Appeals.

   b. Telecommunication tower bases and all Accessory Structures or the entire perimeter of the site shall be enclosed by fencing of such type as to prevent illegitimate access. Such Fences shall not be less than six (6) feet in height and shall be screened with landscaping as required in paragraph (5) above.

4. Documentation of existing tower capacity. The applicant shall document the nature and location of all existing and approved towers within range of the proposed equipment and certify to the Township Board of Zoning Appeals support documentation that one or more of the following conditions exist:

   a. Planned equipment would exceed the structural capacity of existing and approved towers.

   b. Existing towers and other tall structures do not have space on which a new antenna could function in parity with similar equipment in the area.

   c. The fees and/or costs for shared use are unreasonable.

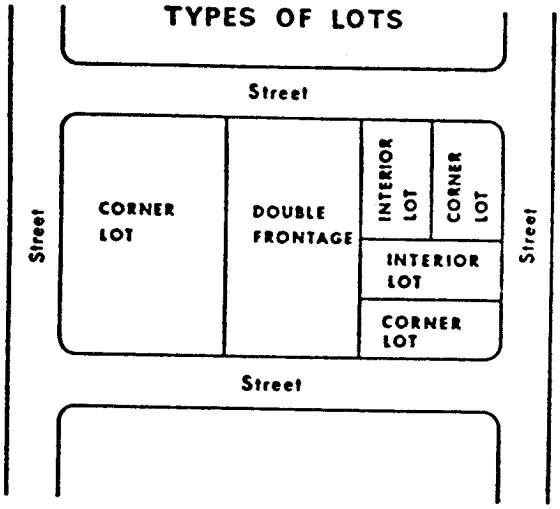
C. **Permitted Modifications to Existing Towers**
The attachment of a telecommunications antenna on either an existing telecommunications tower if the attachment would not increase the tower's height by

greater than twenty percent (20%), or on another existing tall structure if the attachment would top at an aggregate height of less than fifty (50) feet as measured from the base of the tall structure. The term “tall structure” shall be defined as an existing smoke stack, water tower, nonresidential building, or structure over forty (40) feet in height which is not located within one hundred (100) feet of the property line and power transmission lines. Tall structure shall not include any dwelling or any building or structure containing a dwelling unit. The term “telecommunications antenna” refers to any structure, equipment or device used to receive or transmit electromagnetic waves between cellular phones, pagers, commercial mobile services, wireless services and ground-wired communications systems including both directional antennas and omni-directional antennas such as whips and other equipment utilized to serve personal communication services.

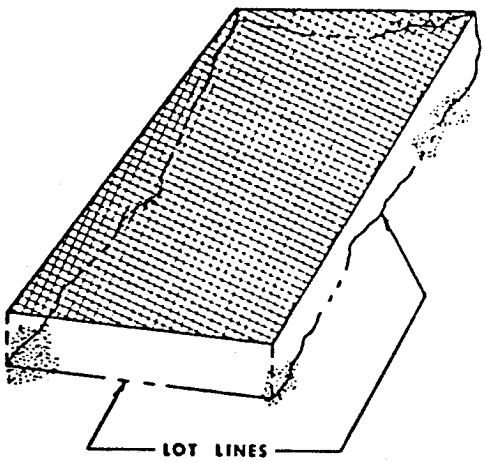
APPENDIX A

The illustrations contained in this Appendix are provided solely to clarify the intent of textual provisions and are not to be considered a part of the Zoning Resolution for purposes of construction, interpretation or otherwise.

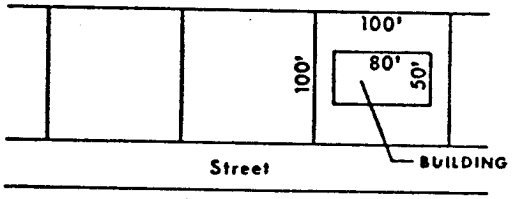
TYPES OF LOTS



LOT AREA

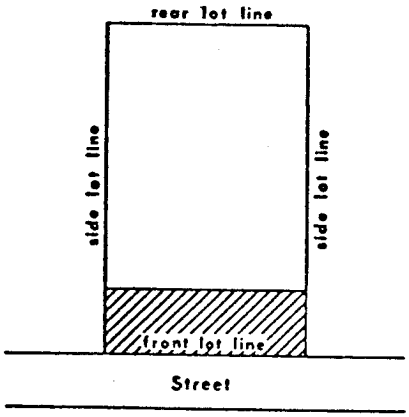


LOT COVERAGE

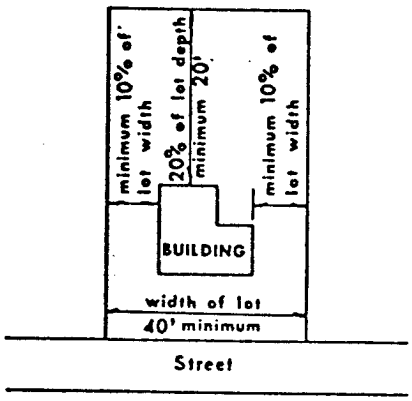


EXAMPLE: WHEN LOT AREA EQUALS 10,000 SQUARE FEET AT 40% COVERAGE, BUILDING MAY NOT EXCEED 4,000 SQUARE FEET. OTHER 60% (6,000 SQUARE FEET) OF LOT IS FOR YARDS, PARKING, ETC.

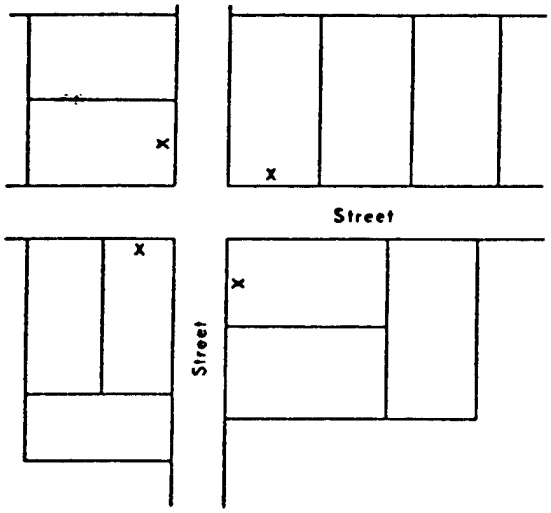
LOT FRONTAGE



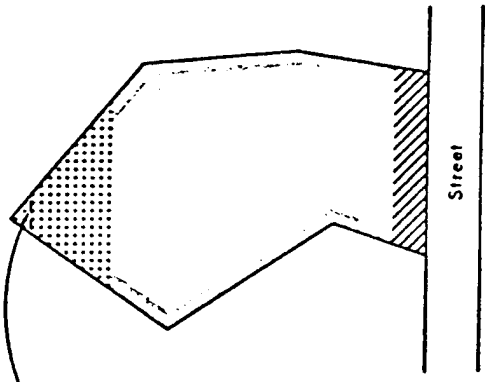
YARD REQUIREMENTS FOR EXISTING LOT OF RECORD



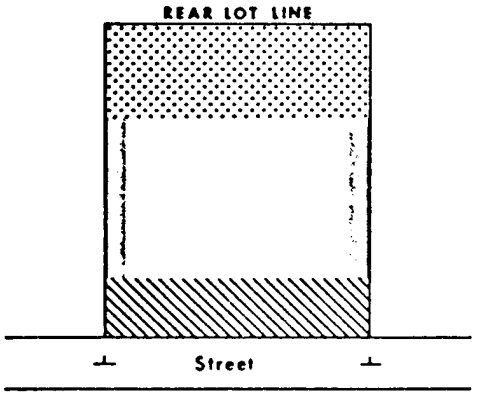
YARDS AND LOT LINES

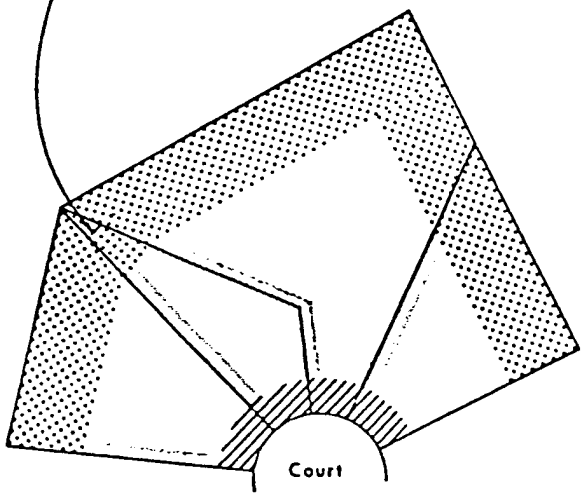


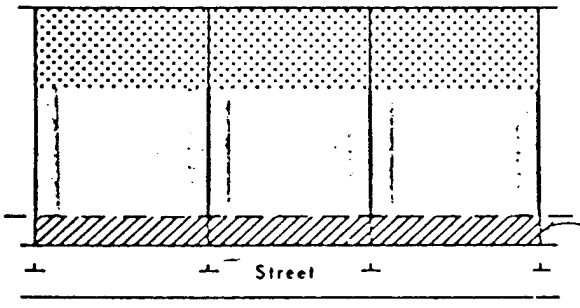
LOT LINE WITH LEAST AMOUNT OF STREET FRONTAGE DETERMINES FRONT YARD.



REAR LOT LINE 15' LONG AND PARALLEL TO FRONT LOT LINE.







FRONT YARD IS MEASURED FROM RIGHT-OF-WAY LINE.

KEY

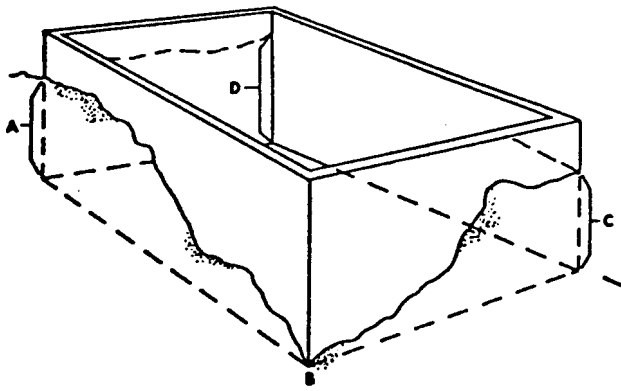
FRONT YARD AREA

SIDE YARD AREA

REAR YARD AREA

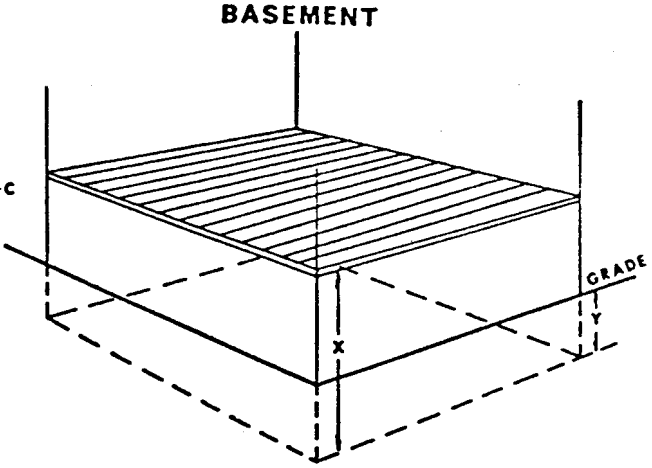
11/20/72

GRADE



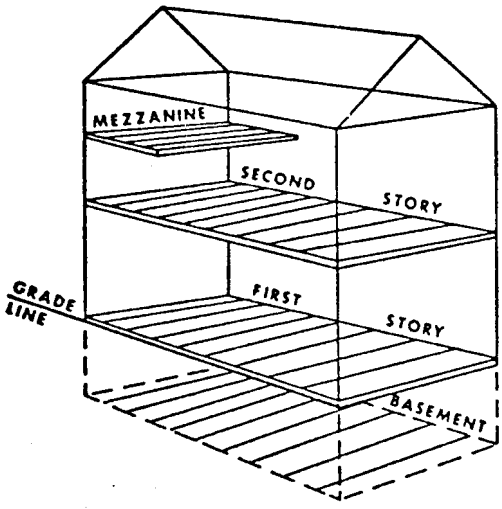
$$\text{GRADE} = \frac{A+B+C+D}{4}$$

BASEMENT



Y = LESS THAN $\frac{1}{2}$ X

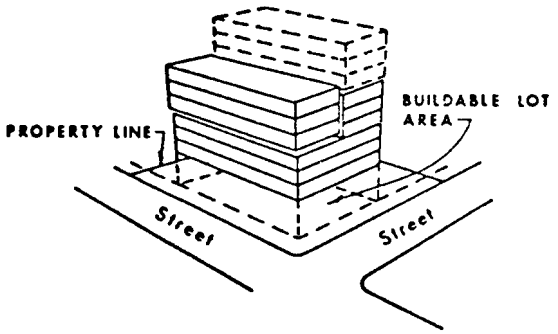
DETERMINING FLOOR AREA FOR FLOOR AREA RATIO



FLOOR AREA

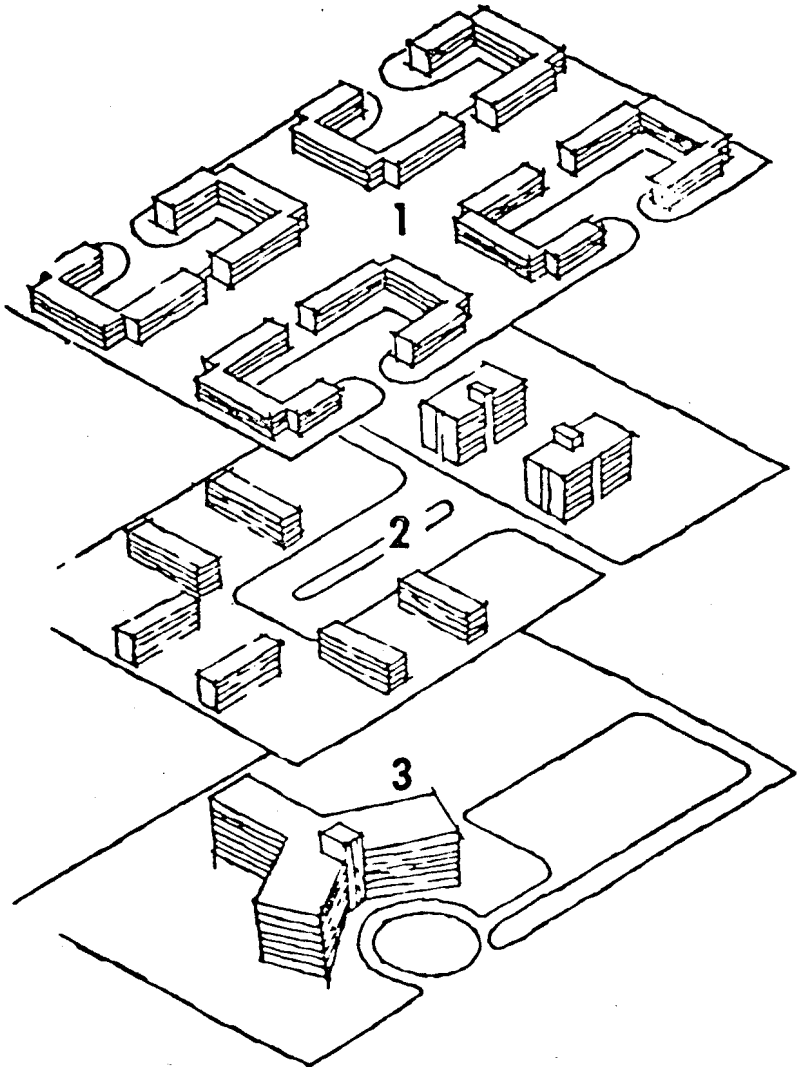
(TO BE MEASURED AS MINIMUM ALLOWABLE)

FLOOR AREA RATIO



MULTIPLY LOT AREA BY F.A.R. VALUE TO DETERMINE MAXIMUM ALLOWABLE FLOOR AREA FOR ANY GIVEN LOT. EXAMPLE: F.A.R. OF 3.0 ON A 10,000 SQUARE FOOT LOT WOULD ALLOW 30,000 SQUARE FEET OF BUILDING AREA.

A CONSTANT FLOOR AREA RATIO ALLOWS AN INCREASE IN HEIGHT WITHOUT INCREASE IN FLOOR AREA.



1 128 TOWNHOUSES

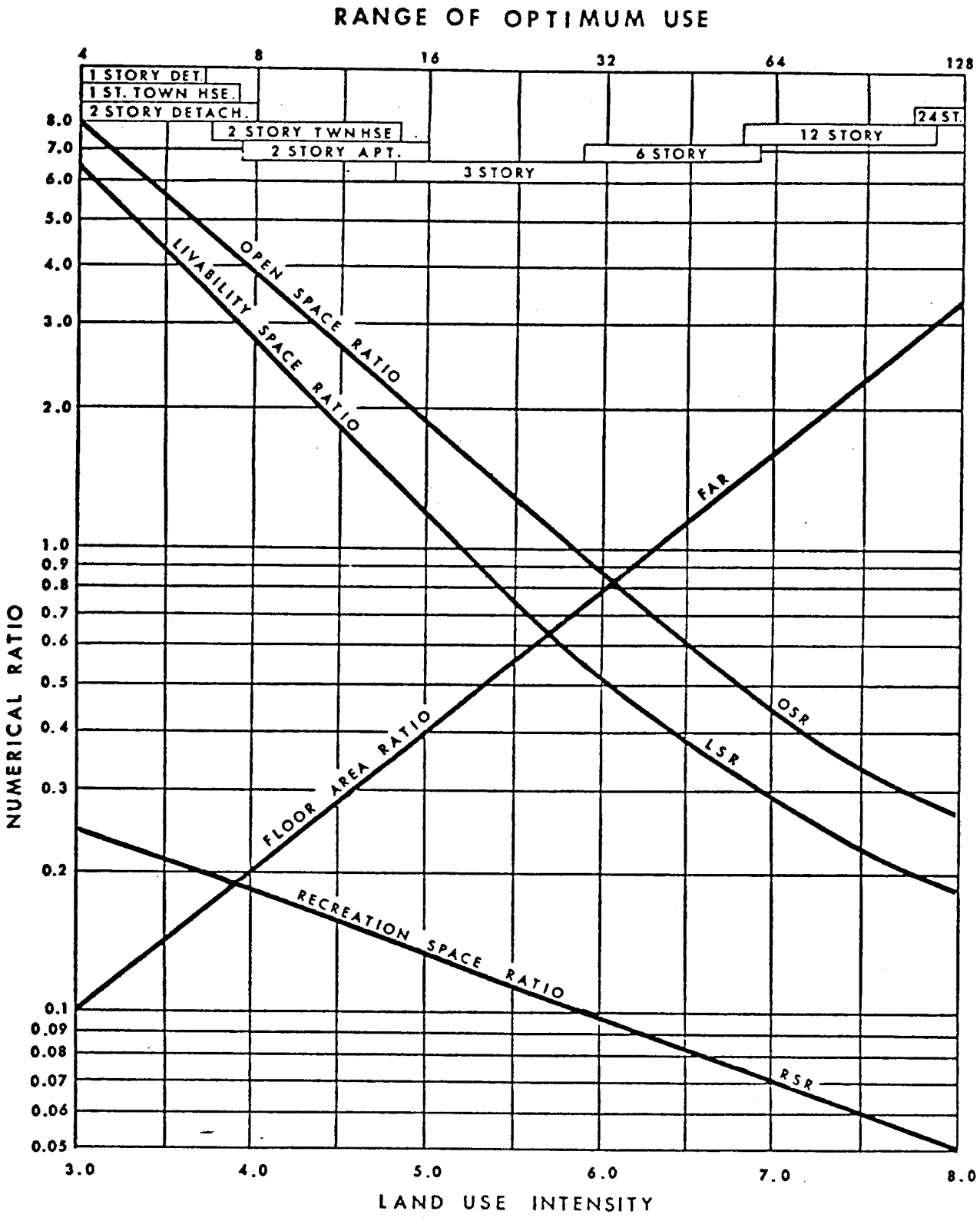
2 2 6·STORY
6 3·STORY

3 7·STORY

VARIED BUILDING TYPES IN AN AREA, WHILE MAINTAINING A CONSTANT LAND USE INTENSITY.

11/20/72

LAND USE INTENSITY SCALE



11/20/72

MAXIMUM NO. OF LIVING UNITS PER ACRE

BY LUI NUMBER FOR FLOOR AREAS 400 SQ FT. – 1700 SQ. FT.

LUI	400	500	600	700	800	900	1000	1100	1200	1300	1400	1500	1600	1700	LUI
3.0	10.9	8.71	7.26	6.22	5.45	4.84	4.36	3.96	3.63	3.35	3.11	2.90	2.72	2.56	3.0
3.1	11.7	9.34	7.78	6.67	5.84	5.19	4.67	4.24	3.89	3.59	3.34	3.11	2.92	2.75	3.1
3.2	12.5	10.0	8.34	7.15	6.26	5.56	5.00	4.55	4.17	3.85	3.57	3.34	3.13	2.94	3.2
3.3	13.4	10.7	8.94	7.66	6.70	5.96	5.36	4.88	4.47	4.13	3.83	3.58	3.35	3.16	3.3
3.4	14.4	11.5	9.58	8.21	7.19	6.39	5.75	5.23	4.79	4.42	4.11	3.83	3.59	3.38	3.4
3.5	15.4	12.3	10.3	8.80	7.70	6.84	6.16	5.60	5.13	4.74	4.40	4.11	3.85	3.62	3.5
3.6	16.5	13.2	11.0	9.43	8.25	7.34	6.60	6.00	5.50	5.08	4.72	4.40	4.13	3.88	3.6
3.7	17.7	14.2	11.8	10.1	8.85	7.86	7.08	6.43	5.90	5.44	5.05	4.72	4.42	4.16	3.7
3.8	19.0	15.2	12.6	10.8	9.48	8.43	7.58	6.90	6.32	5.83	5.42	5.06	4.74	4.46	3.8
3.9	20.3	16.3	13.6	11.6	10.2	9.03	8.13	7.39	6.77	6.25	5.81	5.42	5.08	4.78	3.9
4.0	21.8	17.4	14.5	12.4	10.9	9.68	8.71	7.92	7.26	6.70	6.22	5.81	5.45	5.13	4.0
4.1	23.3	18.7	15.6	13.3	11.7	10.4	9.34	8.49	7.78	7.18	6.67	6.22	5.84	5.49	4.1
4.2	25.0	20.0	16.7	14.3	12.5	11.1	10.0	9.10	8.34	7.70	7.15	6.67	6.26	5.89	4.2
4.3	26.8	21.5	17.9	15.3	13.4	11.9	10.7	9.76	8.94	8.25	7.66	7.15	6.71	6.31	4.3
4.4	28.8	23.0	19.2	16.4	14.4	12.8	11.5	10.5	9.58	8.85	8.21	7.67	7.19	6.77	4.4
4.5	30.8	24.6	20.5	17.6	15.4	13.7	12.3	11.2	10.3	9.48	8.80	8.21	7.70	7.25	4.5
4.6	33.0	26.4	22.0	18.9	16.5	14.7	13.2	12.0	11.0	10.2	9.43	8.80	8.25	7.77	4.6
4.7	35.4	28.3	23.6	20.2	17.7	15.7	14.2	12.9	11.8	10.9	10.1	9.44	8.84	8.32	4.7
4.8	37.9	30.3	25.3	21.7	19.0	16.9	15.2	13.8	12.6	11.7	10.8	10.1	9.48	8.92	4.8
4.9	40.6	32.5	27.1	23.2	20.3	18.1	16.3	14.8	13.6	12.5	11.6	10.8	10.2	9.57	4.9
5.0	43.6	34.8	29.0	24.9	21.8	19.4	17.4	15.8	14.5	13.4	12.4	11.6	10.9	10.2	5.0
5.1	46.7	37.3	31.1	26.7	23.3	20.7	18.7	17.0	15.6	14.4	13.3	12.4	11.7	11.0	5.1
5.2	50.0	40.0	33.4	28.6	25.0	22.2	20.0	18.2	16.7	15.4	14.3	13.3	12.5	11.8	5.2
5.3	53.6	42.9	35.8	30.6	26.8	23.8	21.4	19.5	17.9	16.5	15.3	14.3	13.4	12.6	5.3
5.4	57.5	46.0	38.3	32.8	28.7	25.5	23.0	20.9	19.2	17.7	16.4	15.3	14.4	13.5	5.4
5.5	61.6	49.3	41.1	35.2	30.8	27.4	24.6	22.4	20.5	19.0	17.6	16.4	15.4	14.5	5.5
5.6	66.0	52.8	44.0	37.7	33.0	29.3	26.4	24.0	22.0	20.3	18.9	17.6	16.5	15.5	5.6
5.7	70.8	56.6	47.2	40.4	35.4	31.5	28.3	25.7	23.6	21.8	20.2	18.9	17.7	16.6	5.7
5.8	75.9	60.7	50.6	43.3	37.9	33.7	30.3	27.6	25.3	23.3	21.7	20.2	19.0	17.8	5.8
5.9	81.3	65.0	54.2	46.4	40.6	36.1	32.5	29.6	27.1	25.0	23.2	21.7	20.3	19.1	5.9
6.0	87.1	69.7	58.1	49.8	43.6	38.7	34.8	31.7	29.0	26.8	24.9	23.3	21.8	20.5	6.0
6.1	93.4	74.7	62.2	53.4	46.7	41.5	37.4	34.0	31.1	28.7	26.7	24.9	23.3	22.0	6.1
6.2	100.	80.1	66.7	57.2	50.0	44.5	40.0	36.4	33.4	30.8	28.6	26.7	25.0	23.6	6.2
6.3	107.	85.8	71.5	61.3	53.6	47.7	42.9	39.0	35.8	33.0	30.6	28.6	26.8	25.2	6.3
6.4	115.	92.0	76.6	65.7	57.5	51.1	46.0	41.8	38.3	35.4	32.8	30.6	28.7	27.0	6.4
6.5	123.	98.6	82.1	70.4	61.6	54.8	49.3	44.8	41.1	37.9	35.2	32.8	30.8	29.0	6.5
6.6	132.	106.	88.0	75.5	66.0	58.7	52.8	48.0	44.0	40.6	37.7	35.2	33.0	31.1	6.6
6.7	142.	113.	94.4	80.9	70.8	62.9	56.6	51.5	47.2	43.6	40.4	37.7	35.4	33.3	6.7
6.8	152.	121.	101.	86.7	75.8	67.4	60.7	55.2	50.6	46.7	43.3	40.4	37.9	35.7	6.8
6.9	163.	130.	108.	92.9	81.3	72.2	65.0	59.1	54.2	50.0	46.4	43.4	40.6	38.2	6.9
7.0	174.	139.	116.	99.6	87.1	77.4	69.7	63.4	58.1	53.6	49.8	46.5	43.6	41.0	7.0
7.1	187.	149.	124.	107.	93.4	83.0	74.7	67.9	62.2	57.5	53.4	49.8	46.7	43.9	7.1
7.2	202.	160.	133.	114.	100.	89.0	80.0	72.8	66.7	61.6	57.2	53.4	50.0	47.1	7.2
7.3	215.	172.	143.	123.	107.	95.3	85.8	78.0	71.5	66.0	61.3	57.2	53.6	50.5	7.3
7.4	230.	184.	153.	131.	115.	102.	92.0	83.6	76.6	70.7	65.7	61.3	57.5	54.1	7.4
7.5	246.	197.	164.	141.	123.	110.	98.6	89.6	82.1	75.8	70.4	65.7	61.6	58.0	7.5
7.6	264.	211.	176.	151.	132.	117.	106.	96.0	88.0	81.3	75.5	70.4	66.0	62.1	7.6
7.7	283.	226.	189.	162.	142.	126.	113.	103.	94.4	87.1	80.9	75.5	70.8	66.6	7.7
7.8	303.	243.	202.	173.	152.	135.	121.	110.	101.	93.4	86.7	80.9	75.8	71.4	7.8
7.9	325.	260.	217.	185.	163.	145.	130.	118.	108.	100.	92.9	86.7	81.3	76.5	7.9
8.0	348.	279.	232.	199.	174.	155.	139.	127.	116.	107.	99.6	92.9	87.1	82.0	8.0

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Appendix B – Native Trees and Suggested Tree and Shrub Plantings

Common Name - Native Trees	Latin Name	Classification
American Linden	Tilia americana	Large
Black Gum	Nyssa sylvatica	Large
Elm Hybrids	Ulmus Americana 'Princeton,' 'Frontier,' 'Homestead'	Large
'Heritage' River Birch	Betula nigra 'Heritage'	Large
Thornless Honey Locust	Gleditsia triacanthos 'Skyline' or 'Shademaster'	Medium
Kentucky Coffee Tree	Gymnocladus dioica	Large
Maple Red Sugar	 Acer rubrum Acer saccharum	Large
Oak Burr Oak Chinkapin Northern Pin Pin Red Shingle Shumard Swamp White White	 Quercus macrocarpa Quercus muehlenbergii Quercus ellipsoidalis Quercus palustris Quercus rubra Quercus imbricaria Quercus shumardii Quercus bicolor Quercus alba	Large
Sweet Gum	Liquidambar styraciflua	Large
Tulip Tree	Liriodendron tulipifera	Large
American Hop Hornbeam / Ironwood	Ostrya virginiana	Medium
Dogwood, Flowering	Cornus florida	Small
Dogwood, Pagoda	Cornus alternifolia	Small
Hackberry	Celtis occidentalis	Small
'Winter King' Hawthorn	Crataegus viridis 'Winter King'	Small
Redbud	Ceris canadensis	Small
Serviceberry	Amelanchier arborea	Small
Sweet Bay Magnolia	Magnolia virginiana	Small
Blue Spruce	Picea pungens	Evergreen
White Pine	Pinus strobus	Evergreen
Common Name (Other Suggested Species)	Latin Name	
 Yellowwood Ginkgo English Oak Silver Linden Lacebark Elm 'Green Vase' Japanese Zelkova	 Cladatris kentuckea Ginkgo biloba (male only) Quercus robur Tilia tomestosa Ulmus parvifolia Zelkova serrata 'Green Vase'	Trees Medium Large Large Large Large Large
Hedge Maple Littleleaf Linden	Acer campeste Tilia cordata	Medium Trees
Amur Maple Paperbark Maple	Acer ginnala Acer griseum	Small Trees

Sourwood Persian Parrotia	Oxydendron arboreum Parrotia persica	
White Fir Norway Spruce Serbian Spruce Canadian Hemlock	Abies concolor Picea abies Picea omorika Tsuga canadensis	Evergreen Trees
  ‘Autumn Brilliance’ Serviceberry Kousa Dogwood Crabapple ‘Chancellor’ Callery Pear ‘Ivory Silk’ Japanese Lilac Tree	 Amelanchier x grandiflora Cornus kousa Malus ‘Sugartyme,’ ‘Prairiefire,’ ‘Bob White,’ ‘Adams,’ ‘Red Splendor,’ ‘David’ Pyrus calleryana ‘Chancellor’ Syringa reticulata ‘Ivory Silk’	Flowering / <u>Ornamental Trees</u> Small Medium Small Medium Small
Doublefile Viburnum Burkwood Viburnum Mohican Viburnum	Viburnum plicatum var. tomentosum Viburnum x burkwoodii Viburnum lantana ‘Mohican’	Large Shrubs
Red Chokeberry Spreading Cotoneaster Rockspray Cotoneaster Oakleaf Hydrangea Northern bayberry Meyer Lilac American Cranberrybush Viburnum	Aronia arbutifolia ‘Brilliantissima’ Cotoneaster divaricatus Cotoneaster horizontalis Hydrangea quercifolia Myrica pennyslvanica Syringa meyeri Viburnum trilobum	Medium Shrubs
‘Wintergreen’ Boxwood Cranberry Cotoneaster ‘Anthony Waterer’ Spirea	Buxus microphylia ‘Wintergreen’ Cotoneaster apiculata Spirea x burnalda ‘’Anthony Waterer’	Small Shrubs

Note: The tree and shrub species listed are intended as guidelines only, always check with a qualified arborist or other tree expert prior to purchasing and planting any species as some species may not be suitable due to soil conditions, urban exposure, disease potential, etc. Some species may produce seeds, pods, or have thorns and may not be suitable in all planting locations. Additional species may be suitable for planting beyond those listed in this Appendix. Staff may utilize Five Rivers Metroparks and/or other local arborists as needed to resolve any issues related to expected tree height or appropriateness of tree species.