

**ZONING RESOLUTION FOR THE UNINCORPORATED TERRITORY OF  
MIAMI TOWNSHIP, CLERMONT COUNTY, OHIO**

**A RESOLUTION**, for the purpose of promoting the public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate, but economical provisions of public improvements, all in accordance with a comprehensive plan, the Board of Trustees of this Township find it necessary and advisable to regulate the location, size and use of buildings and other structures; percentages of lot area which may be occupied; setback building lines; size of yards, courts, and other open spaces; and the use of land for trade, industry, residence, recreation or other purposes and for such purposes divides the unincorporated area of the Township into districts or zones.

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF MIAMI TOWNSHIP,  
CLERMONT COUNTY, STATE OF OHIO:**

**CHAPTER 1  
ENACTMENT CLAUSE**

That the purpose of promoting the public health, safety, comfort, and general welfare; conserving the values of property throughout the Township; to facilitate the provisions of water, sewage, schools, and other public requirements; and lessening or avoiding congestion in public streets and highways; it is hereby provided as follows:

**CHAPTER 2  
TITLE**

This resolution shall be known as the Zoning Resolution of Miami Township, Clermont County, Ohio.

## **Chapter 3**

### **DISTRICTS AND ZONING MAP**

#### **3.01 DISTRICTS:**

In order to accomplish the enumerated purposes set forth in Chapter 519 of the Ohio Revised Code including but not limited to the regulation and restriction of the location and use of buildings and land for trade, industry, residence and other purposes; the height and size of buildings hereinafter erected or structurally altered; the size of yards and other open spaces; the amount of parking spaces and the density of populations, Miami Township, Clermont County, Ohio is hereby divided into districts, of which there shall be thirteen (13) in number, known as:

“A”	Agricultural District
“R-1”	Residence District
“R-2”	Residence District
“R-3”	Residence District
“R-4”	Planned Multiple Residence District
“O-1”	Professional Office District
“B-1”	Neighborhood Business District
“B-2”	General Business District
“I”	Planned Industrial Park District
“R-PUD”	Residential Planned Unit Development
“MU”	Mixed Use, Institutional District
“T”	Mobile Home Park District
“H”	Resort District

#### **3.02 DISTRICT MAP:**

The boundaries of the districts are shown upon the map, which is made a part of this resolution, which map is designated as the “District Map”. The District Map and all the notations, references, and other information shown thereon are a part of this resolution and have the same force and effect as if the District Map and all the notations, references and other information shown thereon were fully set forth or described therein, the original of which district map is property attested and is on file with the Township Clerk. Certified copies of the District map may be obtained from the Township Zoning Inspector for a reasonable fee and have the same force and effect as the original district map.

#### **3.03 DISTRICT BOUNDARIES:**

- A. Where the district boundary lies on said map are intended to follow either streets or alleys or lot lines; and where the districts designated on the map are bounded approximately by such street, alley or lot lines, the street or alley or lot shall be construed to be the boundary of the district, unless such boundary is otherwise

indicated on the map. In the case of unsubdivided property, the district boundary lines shall be determined by the use of a scale appearing on the Zoning District Map or by dimensions.

- B. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

### **3.04 VACATION OF STREET ALLEY OR OTHER PUBLIC RIGHT-OF-WAY**

Whenever any street, alley or other public way is vacated by official action, the zoning district adjoining each side of such street, alley or other public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

## **Chapter 4**

### **“A” AGRICULTURAL DISTRICT**

#### **4.01 PRINCIPAL PERMITTED USES:**

- A. Farms
- B. Single Family Dwellings
- C. Cultivation of plants and plantings, including nurseries, when not involving retail sales, or advertising of sales, on the premises.
- D. Specialized raising: poultry, pigeon, rabbit, and other similar animals.
- E. Dog kennels and veterinary establishments, but not nearer than two hundred (200) feet to any zoned residential district, or dwelling other than the dwelling of the lessee or owner of the site.
- F. Public and private forests and wild life reservations.
- G. Churches and other places of worship and Sunday school buildings, located not less than forty (40) feet from any other lot in any residential district.
- H. Schools and colleges for academic instruction, located not less than forty (40) feet and public buildings including libraries, museums and art galleries, located not less than twenty (20) feet from any other lot in a Residential District.
- I. Public parks, playgrounds, recreational and community center buildings and grounds, provided that any principal building used therefore shall be located not less than forty (40) feet from any other lot in a residence district.
- J. Hospitals and institutions of an educational, religious, charitable, or philanthropic nature, provided, however, that such buildings shall not be located upon sites containing an area of less than five (5) acres, may occupy not over ten (10) percent of the total area of the lot, that the building shall be setback from all yard lines a distance not less than two (2) feet for each foot of building height.

#### **4.02 CONDITIONAL USES REQUIRING BOARD AUTHORIZATION:**

- A. Airport or aircraft landing area

- B. Roadside stands offering the sale only agricultural products grown on the premises from any of the uses specified in Section 4.01 above. Roadside stands shall be removed during any season or period when they are not being used.
- C. Country clubs, golf courses and other private non-commercial recreational areas and facilities or recreation centers, including swimming pools, provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any residence district.
- D. Static transformer stations, and other utility station, provided there is no yard or garage for service or storage.
- E. Removal of dirt, top soil, except that such removal shall be limited to areas not less than two hundred (200) feet from street or highway right-of-way lines and not less than fifty (50) feet from property lines, provided that any building housing power driven or power producing machinery or equipment shall be located at least four hundred (400) feet from any lot in any residence district.
- F. Cemetery including crematorium.

**4.03 ACCESSORY USES:**

- A. Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use, including barns, stables, and garages under conditions specified herein, 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. Customary home occupations and professional activities carried on by a member of the immediate family, residing on the premises.
- C. The maximum size of an accessory structure shall be in accordance with the table below:

Description	Size
Lots less than one (1) acre	900 square feet
Lots one (1) acre up to five (5) acres	1,200 square feet
Lots five (5) acres or greater	1,800 square feet

- D. Accessory structures shall not occupy more than 30% of the rear yard

#### **4.04 HEIGHT REGULATIONS:**

- A.** No building shall exceed two and one-half stories or thirty-five (35) feet in height except as provided below.
- B.** Public, semi-public or public service buildings, hospitals (except as otherwise provided), institutions, or schools, when permitted in a District may be erected to a height not exceeding sixty (60) feet, and Churches and Temples may be erected to a height not exceeding seventy-five (75) feet if the building setback from each required yard line at least one (1) foot of each additional building height above the height limit otherwise provided in the District in which the building is built.
- C.** Church spires, domes, flagpoles, aerials, windmills, chimneys, cooling towers, elevator bulkheads, fire towers, belfries, monuments, stacks derricks, conveyors, state towers or scenery lofts, tanks, water towers, silos, farm buildings, or necessary mechanical appurtenances, may be erected to any lawful and safe height.

#### **4.05 FRONT YARD AREA REGULATIONS:**

- A.** There shall be a front yard fifty (50) feet in depth measured from the right-of-way line. The right-of-way of any street shall be deemed to be fifty (50) feet.
- B.** Unless a greater width is proposed in the official highway map of Clermont County. In that case, the front yard shall be measured from the property right-of-way as shown in said map. However, no alignment setback or front yard depth shall be required to exceed the average of the minimum depths of the existing front yards on the lots adjacent on each side, if such lots are within one hundred (100) feet.
- C.** Where lots have a double frontage, the required front yard shall be provided on both streets.
- D.** Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot, except that the buildable width of such lot shall not be reduced to less than forty (40) feet. No accessory building shall project beyond the front yard line on either street.

#### **4.06 SIDE YARD AREA REQUIREMENTS:**

There shall be a side yard on each side of a building, which yard shall have a width of not less than twenty (20) feet.

#### **4.07 REAR YARD AREA REGULATIONS:**

There shall be a rear yard having a depth of not less than forty (40) feet.

#### **4.08 PROJECTIONS INTO REQUIRED YARDS**

- A. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a required yard, provided these projections be distant at least two (2) feet from the adjacent side lot line.
- B. Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into a yard not more than five (5) feet, and the ordinary projections of chimney and flues are permitted.
- C. An open unenclosed or screened porch, or paved terrace may project into a front yard for a distance not exceeding five (5) feet.

#### **4.09 INTENSITY OF USE:**

Every lot or tract of land shall have a minimum width of one hundred and fifty (150) feet at the building line and an area of not less than forty thousand (40,000) square feet.

#### **4.10 OTHER DEVELOPMENT CONTROLS**

- A. Fences are permitted on all lots as described and regulated below:

Interior Lot – less than 40,000 square feet

- Fences are permitted in the rear and side yards
- Fences can be no more than six (6) feet above grade
- Fences are not permitted within the public right-of-way
- Fence gates cannot swing open onto adjacent property or onto the public right-of-way.
- Fences in the rear and side yards may be solid in construction.
- Fences must be of uniform height, material and design
- No fence shall be constructed so that any unfinished portion faces or is visible from an adjacent property or street.

#### Interior Lot – 40,000 square feet or larger

- Fences are permitted in the front, rear and side yards
- Fences in the rear and side yards can be no more than six (6) feet above grade. Fences in the rear and side yard must be of uniform height, material and design
- Fences in the front yard shall be no more than 4 feet above grade and shall have an open face area of no less than 50 %. Fences are not permitted within the public right-of-way
- Fence gates cannot swing open onto adjacent property or onto the public right-of-way.
- Fences in the rear and side yards may be solid in construction.
- No fence shall be constructed so that any unfinished portion faces or is visible from an adjacent property or street.

#### Corner Lot – less than 40,000 square feet

- Fences are permitted in the rear, side and corner side yards
- Fences in the rear and side yard can be no more than six (6) feet above grade
- Fences in the corner side yard can extend half way between the building corner side yard setback and the public right-of-way
- Fences in the corner side yard can be no more than 4 feet above grade and shall have an open face of no less than 50%. Fences in the corner side yard must be of uniform height, material and design.
- If a house on a corner lot has a side entry garage, the fence located in the corner side yard cannot extend beyond the rear corner of the house
- Lots in a platted subdivision shall not have a gate across the driveway
- Fences are not permitted within the public right-of-way
- Fence gates cannot swing open onto adjacent property or onto the public right-of-way.
- Fences in the rear yard may be solid in construction. Fences in the rear yard must be of uniform height, material and design.
- No fence shall be constructed so that any unfinished portion faces or is visible from an adjacent property or street.
- No fence shall be permitted within the required sight distance triangle

#### Corner Lots - 40,000 square feet or larger

- Fences are permitted in the rear, side and corner side yards
- Fences in the rear and side yards can be no more than six (6) feet above grade. Fences in the rear and side yards must be of uniform height, material and design.
- Fences in the front and corner side yard shall be no more than 4 feet above grade and shall have an open face area of no less than 50 %.



- If a house on a corner lot has a side entry garage, the fence located in the corner side yard cannot extend beyond the rear corner of the house
- Lots in a platted subdivision shall not have a gate across the driveway
- Fences are not permitted within the public right-of-way
- Fence gates cannot swing open onto adjacent property or onto the public right-of-way.
- Fences in the rear and side yards may be solid in construction.
- Fences in the front and side corner yards must be of uniform height, material and design.
- No fence shall be constructed so that any unfinished portion faces or is visible from an adjacent property or street.
- No fence shall be permitted within the required sight distance triangle

Revised March 21, 2012 (Fences)

**LOT AREA, BULK YARD AND SCREENING REQUIREMENTS IN THE “A” DISTRICT**

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REQUIREMENTS	"A" DISTRICT
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**A. LOT REQUIREMENTS:**

- |   |                    |
|---|--------------------|
| 1. Minimum Lot Area<br>(Single Family Dwelling) | 40,000 square feet |
| 2. Minimum Lot Width                            | 150 Feet           |

**B. MAXIMUM HEIGHT:**

- |                                      |         |
|--------------------------------------|---------|
| 1. Principal Building                |         |
| a. Stories                           | 2 1/2   |
| b. Height                            | 35 feet |
| Whichever is less                    |         |
| 2. Accessory Structures (note 1)     |         |
| a. 900 square foot building or less  | 15 feet |
| b. 901 to 1,200 square foot building | 18 feet |
| c. 1,201 to 1,800 square feet        | 22 feet |

**A. MINIMUM YARD REQUIREMENTS:**

- |   |                  |
|---|------------------|
| 1. Principal Building   |                  |
| a. Front  | 50 feet          |
| b. Side   | 20 feet          |
| c. Rear   | 40 feet (note 2) |
| 2. Accessory Structure (Minimum setback from side and rear yards) |                  |
| a. 900 square foot building or less                               | 10 feet          |
| b. 901 to 1,200 square foot building                              | 10 feet (note 3) |
| c. 1,201 to 1,800 square feet                                     | 10 feet (note 3) |

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(Note1) Except when the accessory use is for agricultural purposes then the maximum height shall be 35 feet.

(Note 2) For double frontage lots, the required front yard shall be provided on both streets.

(Note 3) An Accessory Building in excess of fifteen (15) feet in height must be setback an additional foot for each additional foot in height.

Effective 3-23-2012

## **Chapter 5**

### **"R-1" RESIDENCE DISTRICT**

#### **5.01 PURPOSE:**

The purpose of the "R-1" Residence District is to provide land for low-density single-family detached housing units.

#### **5.02 PRINCIPAL PERMITTED USES:**

- A. Single family detached dwellings such that there shall be a restriction of one single-family unit per lot, and lot area shall be a minimum of twenty thousand (20,000) square feet.
- B. Public and private forests and wildlife reservations or including the usual buildings similar conservation projects.

#### **5.03 CONDITIONALLY PERMITTED USES:**

The following may be permitted subject to the approval of the Board of Zoning Appeals:

- A. Community and Recreation Centers; Libraries and Museums; Churches and other places of worship, Sunday School Buildings and Parish Houses; Public Offices and Buildings. Except for recreation and community centers serving a specific neighborhood development and under control of a homeowner's association the following conditions shall apply:
  - 1. Minimum Lot Area: Five (5) acres.
  - 2. Access: All sites shall have access from an arterial or collector street or shall provide access in a manner that is compatible with the traffic patterns and traffic volumes customarily found in residential neighborhoods.
  - 3. Setbacks: All structures and active outdoor recreation uses shall be set back a minimum of fifty (50) feet from any residential property, however, any outdoor recreation area with night lighting shall be set back one hundred (100) feet from any residential property.
  - 4. Height: Height shall not exceed sixty (60) feet and churches and towers not to exceed seventy-five (75) feet, provided that the building is set back from each required yard line at least one (1) foot of each additional building height above the height limit otherwise provided in the District in which the building is built.

5. Limitation on Use: Such uses shall not be conducted as a for-profit commercial operation.
6. Site Plan: A site plan is required in accordance with Chapter 27.

B. Day Care Centers and Nursery Schools.

The following shall be permitted:

1. Type B Family Day Care Homes subject to these conditions:
  - a. Home childcare is considered a home occupation.
  - b. There shall be a safe and secure outdoor play area.
  - c. All requirements of Revised Code Section 5104.01 et seq. apply and must be met.

C. Elementary, Junior High and High Schools or Private Schools.

The following conditions shall apply:

1. Minimum Lot Area Five (5) acres.
2. Location: No elementary, junior high or high school may be located within five hundred (500) feet of an industrial or commercial entertainment use.
3. Access: All schools shall have access to an arterial or collector street or access shall be provided in a manner that is compatible with the traffic patterns and traffic volumes customarily found in a residential neighborhood. Primary access should not be through residential subdivision streets and/or local streets.
4. Site Plan: A site plan is required in accordance with Chapter 27.

D. Cemeteries Including Mausoleums

1. Minimum Lot Area: Any new cemetery shall contain an area of twenty (20) acres or more. Extensions to existing cemeteries shall be permitted, providing that they meet the requirements set forth in this section.
2. Setbacks: Mausoleums shall be located no closer than two hundred (200) feet from a street right-of-way and the adjoining lots in Residence Districts.
3. Access: Cemeteries shall have access to an arterial or collector street.
4. Site Plan: A site plan is required in accordance with Chapter 27.

E. Membership Sports, Recreation Clubs and Golf Courses (excluding miniature courses and practice driving tees operated for commercial purposes).

Except for recreation and community centers serving a specific neighborhood development and under control of a homeowner's association, the following conditions shall apply:

1. Minimum Lot Area: Ten (10) acres.
2. Use Limitations: membership sports and recreation clubs excluding skeet, target, primitive weapons and any other shooting clubs shall be used only for the enjoyment of members and their families and guests of members of the association or club under whose ownership or jurisdiction the facilities is operated. All buildings, structures and uses necessary for their operation shall be permitted, except when the chief activity is a service customarily carried on as a business.
3. Setbacks: All structures and active outdoor recreation areas shall be set back a minimum of fifty (50) feet from any residential property; however, any outdoor recreation use with night lighting shall be set back one hundred (100) feet from any adjacent residential property.
4. Accessory Restaurants: Accessory facilities such as snack bars, restaurants and bars may be permitted only if they occupy integral parts of a main structure and there is no display of goods or advertising visible from off the premises.
5. Equipment Performance Standards: Loud speakers, juke boxes, public address systems and electric amplifiers shall be permitted in outdoor pool or recreation areas only if their use is solely for the members of the facility and does not create a public nuisance for nearby persons or properties.
6. Required Fencing/Screening: the entire outdoor pool area, including the area used by bathers, shall be walled or fenced with a security fence or wall at least six (6) feet in height and maintained in good condition to prevent uncontrolled access by children.
7. Illumination: Exterior lighting shall be shaded whenever necessary to avoid casting direct light upon any adjacent property or upon any adjacent public street.
8. Access and Traffic Impact: Access to a membership sports or recreation club shall be from an arterial or collector street.
9. Site Plan: A site plan is required in accordance with Chapter 27.

F. Public Outdoor Recreation.

The following conditions shall apply:

1. Setbacks: No building, playing field or active outdoor recreation area shall be located closer than fifty (50) feet to any residential property, except that if an outdoor recreation area is lit at night, such area shall be set back at least one hundred (100) feet from any residential property.
2. Screening: When any softball, baseball, soccer or football field, tennis court, structured play area or parking area is located less than one hundred fifty (150) feet from any residential property, a continuous planting screen not less than six (6) feet in height shall be provided.
3. Access and Traffic Impact: Access to outdoor public recreation areas shall be from an arterial or collector street.

**5.04 ACCESSORY USES:**

- A. Accessory uses customarily incidental to a principal permitted use on the same lot therewith.
- B. Accessory structures shall be permitted in the rear and side yards provided the accessory structure is behind the front line of the house. On corner lots the accessory building must be behind the front and side line of the house.
- C. Attached and/or detached private garages or parking areas.
- D. Home occupation as defined in Chapter 28.
- E. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- F. Inground and above ground pools which have a depth of over 18 inches, or pools of water intended for swimming or wading by members of the family and their guests if located to the rear of the front line of the house and if located not closer than fifteen (15) feet to any lot line, and if closer than three hundred (300) feet to any lot line shall be guarded against entry by small children by the following manner:
  1. It shall be completely surrounded by a fence having a minimum height of forty-eight (48) inches and maximum interstice cross-section of six inches; and,
  2. All passages through this fence shall be protected by a gate of equal tightness, which is secured in a closed position by means of a fastener which cannot be released by small children.

G. The maximum size of an accessory structure shall be in accordance with the table below:

<u>Description</u>	<u>Size</u>
Lots less than one (1) acre	900 square feet
Lots one (1) acre up to five (5) acres	1,200 square feet
Lots five (5) acres or greater	1,800 square feet

H. Accessory structures shall not occupy more than 30% of the rear yard

I. Uses in accordance with Revised Code 519.21 as follows:

1. For properties in platted subdivisions or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Revised Code that are contiguous to one another or some of which are contiguous to one another and adjacent to one side of a dedicated public road and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate a) on lots of less than one acre. Agricultural uses are limited to the keeping of household pets only. Dog houses or dog runs or other structures designed for the temporary or permanent habitation or containment of household pets shall be located in rear yards only and no closer than 15 feet from side or rear lot lines. Any such house, dog run or structure shall be no larger than 24 square feet.
2. For lots greater than one acre but less than five acres, buildings or structures incident to the use of land for agricultural purposes are regulated as follows:
  - a. Household pets are subject to the conditions forth in Section 5.01 (H) (1).
  - b. The keeping of other animals or fowl is permitted only in suitable structures located a minimum of 200 feet from rear and side lot lines and only in the rear yard of the lot. Any horse, cattle, sheep or hog or other animal exceeding thirty-five (35) pounds in weight shall be sheltered not less than 300 feet from rear and side lot lines. All equipment must be kept inside the structure at all times.

### **5.05 HEIGHT REGULATIONS:**

No building shall exceed two and one-half (2-1/2) stores or as hereinafter thirty-five (35) feet in height, except provided in Section 5.08 of this Chapter.

## **5.06 AREA REGULATIONS:**

- A. Front Yard: There shall be a front yard having a depth of not less than fifty (50) feet from the street right-of-way line.
- B. Side Yard: There shall be a side yard on each side of the building having a width of not less than ten (10) feet except as hereinafter provided in Section 5.08 of this Chapter.
- C. Rear Yard: There shall be a rear yard having a depth of not less than thirty-five (35) feet except as hereinafter provided in Section 5.08 of this Chapter.
- D. Double Frontage: Where lots have a double frontage, the required front yard shall be provided on both streets.
- E. Corner Lots: Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot. No accessory building shall project beyond the front yard line on either street.

## **5.07 INTENSITY OF USE:**

Every lot or tract of land shall have a minimum of one hundred (100) feet at the building line and an area of not less than 20,000 square feet except that all corner lots shall have 30,000 square feet with a minimum dimension on either side facing either street of 150 feet.

## **5.08 OTHER DEVELOPMENT CONTROLS:**

- A. Single family dwellings may be increased in height by not more than ten (10) feet when the side and rear yard are increased over the yard requirements of the District in which they are located by not less than ten (10) feet, but they shall not exceed three (3) stories in height.
- B. Church spires, domes, flagpoles, aerials, chimneys, belfries, monuments, water towers, or necessary mechanical appurtenances may be erected to a lawful and safe height.
- C. Buildings which are not a part of the main building shall be built in the rear yard
- D. Accessory buildings, which are to be used for storage purposes only, may be erected upon a lot prior to construction of the main building, but no accessory buildings shall be used for dwelling purposes.
- E. Every part of a required yard shall be open to the sky unobstructed, except for accessory building in a rear yard, and except for the ordinary projections of chimneys, skylights, sills, belt courses cornices and ornamental features projecting not to exceed thirty (30) inches.



- F. Terraces, porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into the front required yard no more than five (5) feet, provided these projections be distant at least three (3) feet from the adjacent side lot line.
- G. The parking of one transportable structure or vehicle other than a motor vehicle is permitted which meets the following requirements:
1. For recreation only and not for hire or gain;
  2. For use off of the property;
  3. Not to be inhabited while on the property;
  4. Owned legally by the occupant of the property;
  5. Not to be parked forward of the front house line;
  6. Not to be parked within 10 feet of a property line; and
  7. Must be re-licensed within 90 days of expiration of previous licenses.
- H. If a motor vehicle remains unlicensed for thirty days or if it is in the process of being dismantled, it cannot be parked forward of the front house line or within ten (10) feet of a property line and if not garaged, it must remain covered by a tarpaulin or other commonly used screening material. Nor may no more than one such motor vehicle be parked on the property at one time.
- I. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
- J. All roadway, street, parking lot, and walkway lights shall be shielded so that substantially all the directly emitted light falls within the property line.
- K. When forty (40%) percent or more of the frontage on the same side of the street within the same block, but not exceeding two hundred (200) feet in distance, is improved with buildings that have observed a front yard line having a variation in depth of not more than six (6) feet, no building shall project beyond the average front yard so established, but this regulation shall not be interpreted to require a front yard of more than fifty (50) feet nor to permit a front yard of less than ten (10) feet.
- L. Fences are permitted in the front, rear, side and corner side yards Fences are permitted on all lots as described and regulated below:

Interior Lot – less than 40,000 square feet

- Fences are permitted in the rear and side yards
- Fences can be no more than six (6) feet above grade
- Fences are not permitted within the public right-of-way

- Fence gates cannot swing open onto adjacent property or onto the public right-of-way.
- Fences in the rear and side yards may be solid in construction.
- Fences must be of uniform height, material and design
- No fence shall be constructed so that any unfinished portion faces or is visible from an adjacent property or street.

#### Interior Lot – 40,000 square feet or larger

- Fences are permitted in the front, rear and side yards
- Fences in the rear and side yards can be no more than six (6) feet above grade. Fences in the rear and side yard must be of uniform height, material and design
- Fences in the front yard shall be no more than 4 feet above grade and shall have an open face area of no less than 50 %. Fences are not permitted within the public right-of-way
- Fence gates cannot swing open onto adjacent property or onto the public right-of-way.
- Fences in the rear and side yards may be solid in construction.
- No fence shall be constructed so that any unfinished portion faces or is visible from an adjacent property or street.

#### Corner Lot – less than 40,000 square feet

- Fences are permitted in the rear, side and corner side yards
- Fences in the rear and side yard can be no more than six (6) feet above grade
- Fences in the corner side yard can extend half way between the building corner side yard setback and the public right-of-way
- Fences in the corner side yard can be no more than 4 feet above grade and shall have an open face of no less than 50%. Fences in the corner side yard must be of uniform height, material and design.
- If a house on a corner lot has a side entry garage, the fence located in the corner side yard cannot extend beyond the rear corner of the house
- Lots in a platted subdivision shall not have a gate across the driveway
- Fences are not permitted within the public right-of-way
- Fence gates cannot swing open onto adjacent property or onto the public right-of-way.
- Fences in the rear yard may be solid in construction. Fences in the rear yard must be of uniform height, material and design.
- No fence shall be constructed so that any unfinished portion faces or is visible from an adjacent property or street.
- No fence shall be permitted within the required sight distance

### Corner Lots - 40,000 square feet or larger

- Fences are permitted in the rear, side and corner side yards
- Fences in the rear and side yards can be no more than six (6) feet above grade. Fences in the rear and side yards must be of uniform height, material and design.
- Fences in the front and corner side yard shall be no more than 4 feet above grade and shall have an open face area of no less than 50 %.
- If a house on a corner lot has a side entry garage, the fence located in the corner side yard cannot extend beyond the rear corner of the house
- Lots in a platted subdivision shall not have a gate across the driveway
- Fences are not permitted within the public right-of-way
- Fence gates cannot swing open onto adjacent property or onto the public right-of-way.
- Fences in the rear and side yards may be solid in construction.
- Fences in the front and side corner yards must be of uniform height, material and design.
- No fence shall be constructed so that any unfinished portion faces or is visible from an adjacent property or street.
- No fence shall be permitted within the required sight distance triangle

**LOT AREA, BULK YARD AND SCREENING REQUIREMENTS IN THE "R-1" DISTRICT**

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REQUIREMENTS	"R-1" DISTRICT
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**A. LOT REQUIREMENTS:**

- |   |                    |
|---|--------------------|
| 1. Minimum Lot Area<br>(Single Family Dwelling) | 20,000 square feet |
| 2. Minimum Lot Width                            | 100 Feet           |

**B. MAXIMUM HEIGHT:**

- |                                      |                           |
|--------------------------------------|---------------------------|
| 1. Principal Building                |                           |
| a. Stories                           | 2 1/2                     |
| b. Height                            | 35 feet                   |
| whichever is less                    |                           |
| 2. Accessory Structures (note 3)     |                           |
| a. Stories                           | 1                         |
| b. Height                            | 15 feet whichever is less |
| a. 900 square foot building or less  | 15 feet                   |
| b. 901 to 1,200 square foot building | 18 feet                   |
| c. 1,201 to 1,800 square feet        | 22 feet                   |

**C. MINIMUM YARD REQUIREMENTS:**

Principal Building

- |   |                  |
|---|------------------|
| a. Front  | 50 feet (note 1) |
| b. Side   | 10 feet          |
| c. Rear   | 35 feet (note 2) |
| 1. Accessory Structure (Minimum setback from side and rear yards) |                  |
| a. 900 square foot building or less                               | 10 feet          |
| b. 901 to 1,200 square foot building                              | 10 feet (Note 4) |
| c. 1,201 to 1,800 square feet                                     | 10 feet (Note 4) |

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(Note 1) All corner lots shall have an area of 30,000 square feet with a minimum dimension on either side facing either street of 150 feet.

(Note 2) For double frontage lots, the required front yard shall be provided on both streets.

(Note 3) Except when the accessory use is for agricultural purposes then the maximum height shall be 35 feet.

(Note 4) An Accessory Building in excess of fifteen (15) feet in height must be setback an additional foot for each additional foot in height.

Effective 1-21-00; Revised effective 8-15-08; Revised effective March 21, 2012 (Second floor signage)

## **Chapter 6**

### **“R-2” RESIDENCE DISTRICT**

#### **6.01 APPLICABILITY**

All the provisions set forth in the “R-1” Zone District shall apply to the “R-2” Residence District.

#### **6.02 CONDITIONAL USES:**

- A. Purpose and Objectives: To encourage imaginative and creative subdivision design, the Township may allow a reduction in lot size for detached single family dwelling units as a conditional use requiring Board of Appeals’ approval if the Board determines a proposed residential project will satisfy the following design objectives:
  
- B. The development of the site reflects a concept of visual and functional organization wherein the elements of the site are harmoniously and efficiently arranged with respect to natural site features, the size and shape of the plot and the character of adjoining property. More specifically:
  - 1. The design of the vehicular movement system should: mesh with the existing and future street system; contribute to the coherence and order of the site plan; maximize safety and, be adopted to the topography;
  - 2. The desirable physical features of the site should be: minimally disrupted; used to organize housing groups; used to enhance privacy areas and provide for interesting vistas;
  - 3. Lots and the structures located thereon should be oriented to maximize both privacy and social interaction and should not directly abut arterial streets;
  - 4. The elements of the site plan should be arranged to provide a diverse but coherent visual environment, and;
  - 5. The site plan shall satisfy the Clermont County Subdivision Regulations.

C. Specific Design Requirements:

1. the gross density shall not exceed 2.6 units per acre nor shall the typical lot size comprise less than the 12,800 square feet of lot area and a typical lot width at the building line of eighty feet.

2. unless otherwise approved the set backs will be as follows:

front yard..... 50 feet from R/W  
side yard ..... 10 feet  
rear yard ..... 35 feet

D. Review:

The applicant shall submit an application for Conditional Use to Miami Township Community Development Department with an accompanying site plan that satisfies the following requirements:

1. The applicant shall comply with Section 27.03 Site Plan Review Procedures and Requirements.
2. The site plan shall satisfy the requirements for a Concept Plan under the Section 6.02 E.
3. The application form must address all the objectives listed in Section 6.02 B.

The Community Development Director shall review the application and determine if the application meets all the requirements of the Conditional Use. As part of the review the Director shall solicit comments from the County Engineer and the County Department of Community Planning and Development.

E. Concept plan Requirements:

The concept plan shall provide the following information:

- a. For sites less than 25 acres the concept plan shall be drawn to a scale not less than one inch equals one hundred (100) feet. For sites larger than 25 acres an appropriate scale shall be used.
- b. Show all property lines, shape and dimensions for all lots.
- c. Show all proposed street right-of-way
- d. Show and identify any and all open space.
- e. Show existing topography.
- f. Show any and all existing or proposed easements and identify the purpose of each.

- g. Show the total lot area for the subject property
- h. Show the present zoning of the subject property and the adjoining properties.
- i. Show a vicinity map locating the subject property in Miami Township.
- j. Show a north arrow with north being oriented toward the top of the page.
- k. Show the name of the development, name and address of the owner of record, name and address of the person preparing the plan.

F. Time limit on start of construction:

If substantial construction, including construction of roadway, curb, gutter and utilities, has not been started within two (2) years of granting the conditional use then the conditional use shall be deemed null and void. The Community Development Director may extend the construction period if sufficient evidence can be demonstrated that the construction was delayed due to circumstances beyond the control of the applicant, and that the prevailing conditions have not changed appreciably to render the approved plan obsolete.

G. Side yard area regulations:

There shall be a side yard on each side of a building, which yard shall have a width of not less than ten (10) feet.

H. Rear yard area regulations:

There shall be area yard having a depth of not less than thirty (30) feet.

I. Intensity of use:

Every lot or tract of land shall have a minimum width of eighty (80) feet at the building line and an area of not less than twelve thousand eight hundred (12,800) square feet.

## **Chapter 7**

### **"R-3" RESIDENCE DISTRICT**

#### **7.01 PURPOSE**

The purpose of the "R-3" Residence District is to provide land for low-density single-family detached housing units and multi-family housing units.

#### **7.02 PRINCIPAL PERMITTED USES**

- A. Any use permitted in Chapter 5.
- B. Two family dwellings such that there shall be a restriction of one (1) two family unit per lot, and lot area shall be a minimum of thirteen thousand five hundred (13,500) square feet per family for a minimum total of twenty seven thousand (27,000) square feet of lot area per two family unit.
- C. Multiple family dwellings as regulated herein.
- D. Public and private forests similar conservation projects, and wildlife reservations and including the usual buildings therefore.

#### **7.03 CONDITIONALLY PERMITTED USES**

The following may be permitted subject to the approval of the Board of Zoning Appeals:

- A. Community and Recreation Centers; Libraries and Museums; Churches and other Places of Worship, Sunday School Buildings and Parish Houses; Public Offices and Buildings.
- B. Except for recreation and community centers serving a specific neighborhood development and under control of a Homeowner's Association, the following conditions shall apply:
  - 1. Minimum Lot Area: Five (5 acres).
  - 2. Access: All sites shall have access from an arterial or collector street or shall provide access in a manner that is compatible with the traffic patterns and traffic volumes customarily found in residential neighborhoods.
  - 3. Setbacks: All structures and active outdoor recreation uses shall be set back a minimum of fifty (50) feet from any residential property; however, any outdoor recreation area with night lighting shall be set back one hundred (100) feet from any residential property.



4. Height: Height shall not exceed sixty (60) feet and churches and towers not to exceed seventy-five (75) feet, provided that the building is set back from each required yard line at least one (1) foot of each additional building height above the height limit otherwise provided in the District in which the building is built.
5. Limitation on Use: Such uses shall not commercial operation be conducted as a for-profit
6. Site Plan: A site plan is required in accordance with Chapter 27.

#### B. Day care centers and Nursery Schools

Type A and Type B Family day care homes are permitted subject to these conditions:

1. Home child care is considered a home occupation.
2. There shall be a safe and secure outdoor play area.
3. Required Access and Loading/Unloading:
  - a. An on-site drop-off area shall be provided at the main entrance to the facility sufficient to accommodate four (4) automobiles for facilities with twenty (20) or fewer children plus one (1) additional vehicle for each additional ten (10) children served.
  - b. Access to an arterial or collector street is required or access shall be provided in a manner that is compatible with the traffic patterns and traffic volumes customarily found in residential neighborhoods.
4. All requirements of Revised Code Section 5104.01 et seq. apply and must be combined with.
5. Site Plan: A site plan is required in accordance with Chapter 27.

#### C. Elementary, Junior High and High Schools or Private Schools.

The following conditions shall apply:

1. Minimum Lot Area: Five (5) acres.
2. Location: No elementary, junior high or high school may be located within five hundred (500) feet of an industrial or commercial entertainment use.

3. Access: All schools shall have access to an arterial or collector street or access shall be provided in a manner that is compatible with the traffic patterns and traffic volumes customarily found in a residential neighborhood. Primary access should not be through residential subdivision streets and/or local streets.
4. Site Plan: A site plan is required in accordance with Chapter 27.

D. Cemeteries Including Mausoleums.

1. Minimum Lot Area: Any new cemetery shall contain an area of twenty (20) acres or more. Extensions to existing cemeteries shall be permitted, providing that they meet the requirements set forth in this section.
2. Setbacks: Mausoleums shall be located no closer than two hundred (200) feet from a street right-of-way and the adjoining lots in Residence Districts.
3. Access: Cemeteries shall have access to an arterial or collector street.
4. Site Plan: A site plan is required in accordance with Chapter 27.

E. Membership Sports, Recreation Clubs and Golf Courses (excluding miniature courses and practice driving tees operated for commercial purposes).

Except for community and recreation centers serving a specific neighborhood development and under control of a Homeowner's Association, the following conditions shall apply:

1. Minimum Lot Area: Ten (10) acres.
2. Use Limitations: Membership sports and recreation clubs excluding skeet, target, primitive weapons and any other shooting clubs shall be used only for the enjoyment of members and their families and guests of members of the association or club under whose ownership or jurisdiction the facilities is operated. All buildings, structures and uses necessary for their operation shall be permitted, except when the chief activity is a service customarily carried on as a business.
3. Setbacks: All structures and active outdoor recreation areas shall be set back a minimum of fifty (50) feet from any residential property; however, any outdoor recreation use with night lighting shall be set back one hundred (100) feet from any adjacent residential property.
4. Accessory Restaurants: Accessory facilities such as snack bars, restaurants and bars may be permitted only if they occupy integral

parts of a main structure and there is no display of goods or advertising visible from off the premises.

5. Equipment Performance Standards: Loud speakers, jute boxes, public address systems and electric amplifiers shall be permitted in outdoor pool or recreation areas only if their use is solely for the members of the facility and does not create a public nuisance for nearby persons or properties.
6. Required fencing/Screening: The entire outdoor pool area, including the area used by bathers, shall be walled or fenced with a security fence or wall at least six (6) feet in height and maintained in good condition to prevent uncontrolled access by children.
7. Illumination: Exterior lighting shall be shaded whenever necessary to avoid casting direct light upon any adjacent property or upon any adjacent public street.
8. Access and Traffic Impact: Access to a membership sports or recreation club shall be from an arterial or collector street.
9. Site Plan: A site plan is required in accordance with Chapter 27.

#### F. Public Outdoor Recreation

The following conditions shall apply:

1. Setbacks: No building, playing field or active outdoor recreation area shall be located closer than fifty (50) feet to any residential property, except that if an outdoor recreation area is lit at night, such area shall be set back at least one hundred (100) feet from any residential property.
2. Screening: When any softball, baseball, soccer or football field, tennis court, structured play area or parking area is located less than one hundred fifty (150) feet from any residential property, a continuous planting screen not less than six (6) feet in height shall be provided.
3. Access and Traffic Impact: Access to outdoor public recreation areas shall be from an arterial or collector street.

### **7.04 ACCESSORY USES**

- A. Accessory uses customarily incidental to a principal permitted use on the same lot therewith.
- B. Attached and/or detached private garages or parking areas.

- C. Home occupation as defined in Chapter 28.
- D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- E. Inground or above ground swimming pools which have a depth of over 18 inches, or pools of water intended for swimming or wading by members of the family and their guests if located to the rear of the front line of the house and if located not closer than fifteen (15) feet to any lot line, and if closer than three hundred (300) feet to any lot line shall be guarded against entry by small children by the following manner:
  - 1. It shall be completely surrounded by a fence having a minimum height of forty-eight inches and maximum interstice cross-section of six inches; and
  - 2. All passages through this fence shall be protected by a gate of equal tightness, which is secured in a closed position by means of a fastener which cannot be released by small children.
- F. Uses in accordance with Revised Code 519.21 as follows:
  - 1. For properties in platted subdivisions or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Revised Code that are contiguous to one another or some of which are contiguous to one another and adjacent to one side of a dedicated public road and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate a) on lots of less than one acre. Agricultural uses are limited to the keeping of household pets only. Dog houses or dog runs or other structures designed for the temporary or permanent habitation or containment of household pets shall be located in rear yards only and no closer than 15 feet from side or rear lot lines. Any such house, dog run or structure shall be no larger than 24 square feet.
  - 2. For lots greater than one acre but less than five acres, buildings or structures incident to the use of land for agricultural purposes are regulated as follows:
    - a. Household pets are subject to the conditions set forth in Section 7.04 (F) (1).
    - b. The keeping of other animals or fowl is permitted only in suitable structures located a minimum of 200 feet from rear and side lot lines and only in the rear yard of the lot. Any horse, cattle, sheep or hog or other animal exceeding thirty-

five (35) pounds in weight shall be sheltered not less than 300 feet from rear and side lot lines. All equipment must be kept inside the structure at all times.

#### **7.05 HEIGHT REGULATIONS**

- A. No single family or two family building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height.
- B. No multi-family building shall exceed three (3) stories or forty-five (45) feet in height.

#### **7.06 AREA REGULATIONS**

- A. Front Yard: There shall be a front yard having a depth of not less than fifty (50) feet from the street right-of-way line.
- B. Side Yard: There shall be a side yard on each side of the building having a width of not less than ten (10) feet except for lots abutting "R-1" Residential. For multi-family lots abutting "R-1" Residential, side yards shall be thirty-five (35) feet.
- C. Rear Yard: There shall be a rear yard having a depth of not less than thirty-five (35) feet.
- D. Double Frontage: Where lots have a double frontage, the required front yard shall be provided on both streets.
- E. Corner Lots: Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot. No accessory building shall project beyond the front yard line on either street.

#### **7.07 INTENSITY OF USE**

- A. Every lot or tract of land which is used for a single family dwelling shall have a minimum lot width of one hundred (100) feet at the building line and an area of not less than 20,000 square feet.
- B. Every lot or tract of land which is used for a two family or multiple family dwelling shall have a minimum of one hundred (100) feet at the building line and an area of not less than twenty thousand (20,000) square feet for the first dwelling unit and an additional seven thousand (7,000) square feet for each additional family dwelling unit thereafter.
- C. No building shall contain more than 24 dwelling units

## **7.08 OTHER DEVELOPMENT CONTROLS**

- A. Single family dwellings may be increased in height by not more than ten (10) feet when the side and rear yard are increased over the yard requirements of the District in which they are located by not less than ten (10) feet, but they shall not exceed three (3) stories in height.
- B. Church spires, domes, flagpoles, aerials, chimneys, belfries, monuments, water towers, or necessary mechanical appurtenances may be erected to a lawful and safe height.
- C. Access to any buildings which are not a part of the main building shall be built in the rear yard and not less than three (3) feet from the rear and side lot lines. An accessory building which is not a part of the main building shall not occupy more than thirty (30%) percent of the required rear yard and shall be located not less than sixty (60) feet from any front lot line.
- D. Accessory buildings, which are to be used for storage purposes only, may be erected upon a lot prior to construction of the main building, but no accessory buildings shall be used for dwelling purposes.
- E. Every part of a required yard shall be open to the sky unobstructed, except for accessory building in a rear yard, and except for the ordinary projections of chimneys, skylights, sills, belt courses, cornices and ornamental features projecting not to exceed thirty (30) inches.
- F. Terraces, porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into the front required yard no more than five (5) feet, provided these projections be distant at least three (3) feet from the adjacent side lot line.
- G. The parking of one transportable structure or vehicle other than a motor vehicle is permitted which meets the following requirements:
  - 1. For recreation only and not for hire or gain;
  - 2. For use off of the property;
  - 3. Not to be inhabited while on the property;
  - 4. Owned legally by the occupant of the property;
  - 5. Not to be parked forward of the front house line;
  - 6. Not to be parked within 10 feet of a property line; and
  - 7. Must be relicensed within 9 days of expiration of previous license,
- H. If a motor vehicle remains unlicensed for thirty days or if it is in the process of being dismantled, it cannot be parked forward of the front house line or within ten (10) feet of a property line and if not garaged, it must remain covered by a tarpaulin or other commonly used screening material. Nor may no more than one such motor vehicle be parked on the property at one time.

- I. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
- J. All roadway street, parking lot and walkway lights shall be shielded so that substantially all the directly emitted light falls within the property line.
- K. When forty (40%) percent or more of the frontage on the same side of the street within the same block, but not exceeding two hundred (200) feet in distance, is improved with buildings that have observed a front yard line having a variation in depth of not more than six (6) feet, no building shall project beyond the average front yard so established, but this regulation shall not be interpreted to require a front yard of more than fifty (50) feet nor to permit a front yard of less than ten (10) feet.
- H. Fences are permitted in the front, rear, side and corner side yards Fences are permitted on all lots as described and regulated below:

Interior Lot – less than 40,000 square feet

- Fences are permitted in the rear and side yards
- Fences can be no more than six (6) feet above grade
- Fences are not permitted within the public right-of-way
- Fence gates cannot swing open onto adjacent property or onto the public right-of-way.
- Fences in the rear and side yards may be solid in construction.
- Fences must be of uniform height, material and design
- No fence shall be constructed so that any unfinished portion faces or is visible from an adjacent property or street.

Interior Lot – 40,000 square feet or larger

- Fences are permitted in the front, rear and side yards
- Fences in the rear and side yards can be no more than six (6) feet above grade. Fences in the rear and side yard must be of uniform height, material and design
- Fences in the front yard shall be no more than 4 feet above grade and shall have an open face area of no less than 50 %. Fences are not permitted within the public right-of-way
- Fence gates cannot swing open onto adjacent property or onto the public right-of-way.
- Fences in the rear and side yards may be solid in construction.
- No fence shall be constructed so that any unfinished portion faces or is visible from an adjacent property or street.

#### Corner Lot – less than 40,000 square feet

- Fences are permitted in the rear, side and corner side yards
- Fences in the rear and side yard can be no more than six (6) feet above grade
- Fences in the corner side yard can extend half way between the building corner side yard setback and the public right-of-way
- Fences in the corner side yard can be no more than 4 feet above grade and shall have an open face of no less than 50%. Fences in the corner side yard must be of uniform height, material and design.
- If a house on a corner lot has a side entry garage, the fence located in the corner side yard cannot extend beyond the rear corner of the house
- Lots in a platted subdivision shall not have a gate across the driveway
- Fences are not permitted within the public right-of-way
- Fence gates cannot swing open onto adjacent property or onto the public right-of-way.
- Fences in the rear yard may be solid in construction. Fences in the rear yard must be of uniform height, material and design.
- No fence shall be constructed so that any unfinished portion faces or is visible from an adjacent property or street.
- No fence shall be permitted within the required sight distance triangle

#### Corner Lots - 40,000 square feet or larger

- 
- Fences in the rear and side yards can be no more than six (6) feet above grade. Fences in the rear and side yards must be of uniform height, material and design.
- Fences in the front and corner side yard shall be no more than 4 feet above grade and shall have an open face area of no less than 50 %.
- If a house on a corner lot has a side entry garage, the fence located in the corner side yard cannot extend beyond the rear corner of the house
- Lots in a platted subdivision shall not have a gate across the driveway
- Fences are not permitted within the public right-of-way
- Fence gates cannot swing open onto adjacent property or onto the public right-of-way.
- Fences in the rear and side yards may be solid in construction.
- Fences in the front and side corner yards must be of uniform height, material and design.
- No fence shall be constructed so that any unfinished portion faces or is visible from an adjacent property or street.
- No fence shall be permitted within the required sight distance triangle



**LOT AREA, BULK YARD AND SCREENING REQUIREMENTS IN THE “R-3” DISTRICT**

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REQUIREMENTS "R-3" DISTRICT

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A. LOT REQUIREMENTS:

- |   |  |
|---|--|
| 1. Minimum Lot Area<br>(Single Family Dwelling) | 20,000 square feet   |
| 2. Minimum Lot Width<br>(Two Family Dwelling)   | 27,000 Square Feet   |
| 3. Minimum Lot Area<br>(Multi-Family Dwelling)  | 20,000 Square Feet - for first dwelling unit and 7,000 Square Feet for each additional dwelling unit |
| 4. Minimum Lot Width                            | 100 Feet   |

MAXIMUM HEIGHT:

- |                         |         |
|-------------------------|---------|
| 1. Principal Building   |         |
| a. Stories              | 2 1/2   |
| or whichever is less    |         |
| b. Height               | 35 feet |
| 2. Accessory Structures |         |
| a. Stories              | 1       |
| or whichever is less    |         |
| b. Height               | 15 feet |

MINIMUM YARD REQUIREMENTS:

- |          |                  |
|----------|------------------|
| 1. Front | 50 feet (note 1) |
| 2. Side  | 10 feet          |
| 3. Rear  | 35 feet (note 2) |

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(Note 1) For double frontage lots, the required front yard shall be provided on both streets.

(Note 2) For multi-family lots abutting “R-1” residential side yards shall be thirty five (35) feet.

Revised March 21, 2012

## **Chapter 8**

### **“R-4” PLANNED MULTIPLE RESIDENCE DISTRICT**

#### **8.01 PURPOSE**

The purpose of the “R-4” Planned Multiple Residence District is to provide for higher density multi-family development which will be compatible with surrounding uses by means of submitted and approved development plans.

#### **8.02 USES PERMITTED**

A. Multiple family dwellings, attached and clustered family dwelling units.

#### **8.03 HEIGHT**

A. No building shall exceed three (3) stories or forty-five feet in height.

#### **8.04 YARD AND AREA REGULATIONS**

A. For the purpose of computing yard requirements and or setback requirements, a group of multiple-family buildings shall require setbacks for each individual building.

B. The setbacks shall be as follows, unless approved otherwise in the sketch plan or final development plan:

1. Front yards: Minimum 50 feet as measured from the edge of roadway pavement to building line.
2. Rear yard: Minimum of 35 feet as measured from edge of roadway pavement, property line, etc. to building line
3. Side Yards: Minimum of 12 feet as measured from edge of roadway pavement to building line, or should the roadway be a public street, the building line shall be not less than 50 feet from the enter of the right-of-way.

- C. The minimum project area is 10 acres, and is prohibited for 20 acres or more. Projects of 20 acres or more are to be processed as a “Residential - Planned Unit Development” or other applicable zoning district.
- D. The minimum distance between buildings shall be 24 feet.
- E. Twenty (20) per cent of the land developed in any planned development project shall be reserved for common open space recreational facilities for the residents or users of the area being developed. Open space shall not consist of parking lots, buildings or drives.

**8.05 INTENSITY OF USE**

- A. Every lot or tract of land shall have a minimum of 100 feet of width at the building line. Maximum density to be 8 units/gross acre.

**8.06 “R-4” PLANNED MULTIPLE RESIDENCE DISTRICT CONCEPT APPROVAL PROCESS:**

- A. Concept Approval: The developer must meet informally and receive concept approval from the County Planning Commission, Township Zoning Commission and Township Trustees. The purpose of the approval is to reach an understanding on basic design requirements prior to the detailed design. The developer shall submit a sketch plan drawn to scale, though it need not be to the precision of a finished engineering drawing and it shall clearly show the following:
  - 1. The existing topographical features of the site.
  - 2. The location of the various uses of the area in acres
  - 3. The general outlines of the interior roadway system and all existing rights-of-way and easements, whether public or private.
  - 4. Delineation of the various residential areas indicating for each such area and its general extent, size and composition in terms of total number of dwelling units and approximate percentage allocation by dwelling unit type.
  - 5. A calculation of residential density in dwelling units per gross area including interior roadways.
  - 6. Describe any amenities, open space, or landscaping that is planned.
  - 7. Where portions of the site are subject to flooding, the map shall indicate extent and frequency.

8. Principal ties to the community at large with respect to transportation, water supply and sewage disposal.
9. General description of the availability of other community facilities, such as schools, fire protection service, and cultural facilities, if any, and how these facilities are affected by this proposal.
10. General statement as to how any common open space is to be owned and maintained.
11. If the development is to be staged, a general indication of how the staging is to proceed. Whether or not the development is to be stage, the sketch plan shall show the intended total project.
12. The application shall certify that a professional consultant is being utilized in the planning procedure(s). Said consultant shall be involved in the application procedures.
13. The sketch plan would also address the existing land uses within 200 feet of the property under consideration for a zone change to “R-4” Planned Multiple Residence.

B. Factors for Consideration - The County Planning Commission, Township Zoning Commission and Township Trustees review of the concept plan shall include, but is not limited to the following considerations:

1. Whether the proposal meets the intent and objectives of a “R-4” Planned Multiple Residence District as expressed in Section 8.01.
2. Whether the proposal meets all the general requirements of Sections 8.02- 8.06.
3. Whether the proposal is conceptually sound in that it conforms to accepted design principals in the proposed functional roadway system, land use configurations, open space system, drainage system, and scale of the developed elements.
4. Whether there are adequate services and utilities available or proposed to be made available in the construction of the development.

**8.07 “R-4” PLANNED MULTIPLE RESIDENCE DISTRICT ZONING AND SITE PLAN APPROVAL PROCESS (STAGE 2):**

Upon the receipt of concept approval from the County Planning Commission, the Township Zoning Commission and the Township Trustees, the applicant may formally apply for the “R-4” Planned Multi-Family Districting by making application to the Township Zoning Commission. The application shall be considered in accordance with the procedures established under the Ohio revised Code, Section 519.12 and shall include the following:

- A. Application for Zone Change and its accompanying document.
- B. An area map showing adjacent property owners and existing uses within 200 feet of the parcel

C. A preliminary site plan including the following information:

1. Title of drawing, including name and address of applicant.
2. North point, scale and date
3. Boundaries of the property plotted to scale
4. Existing watercourses
5. A site plan showing the location, proposed use and height of all buildings, location of all parking and truck loading areas, with ingress and egress drives thereto; location and proposed development of all open spaces, including parks, playgrounds, and open reservations, location of outdoor storage, if any, location of all existing and proposed site improvements, including drains, culverts, retaining walls and fences, descriptions of method of sewage disposal, and location of such facilities; location and size of all signs; location and design of street and parking lighting; and the amount of building area proposed for non-residential uses, if any.

D. An exhibit showing all soils, areas, and their classifications, and those, if any, with moderate to high susceptibility to flooding, and moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation and tree coverage.

Factors for consideration: Review of a preliminary site plan shall include, but is not limited to, the following consideration:

1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures and traffic controls.
2. Adequacy and arrangement of pedestrian traffic areas and circulation including: separation of pedestrian from vehicular traffic and pedestrian convenience.
3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
4. Location, arrangement, size and placement of building(s) and lighting.
5. Arrangement of landscape features.
6. Adequacy of storm water and sanitary waste disposal facilities.
7. Adequacy of structures, roadways, in areas with moderate to high susceptibility to flooding and ponding and/or erosion.
8. Conformance with other specific changes of the Township Trustees.
9. In its review the County Planning Commission may consult with the County Engineer and other departments and/or officials, as well as with representatives of Federal and State Agencies including (the Soil Conservation Service, and the Department of Conservation). The County Planning Commission may also require such additional

provisions and conditions that appear necessary for the public health, safety and general welfare.

Request for changes in sketch plan: If, in the site plan development it becomes apparent that certain elements of the approved sketch plan, are not feasible and in need of significant modification, the applicant shall then present his solution to the County Planning Commission as his preliminary site plan in accordance with the above procedure. The County Planning Commission shall then determine whether or not the modified plan is still in keeping with the “Intent” of the zoning resolution. If a negative decision is reached, the site plan shall be considered as disapproved. The applicant may then, if he wishes, produce another site plan in conformance with the approved sketch plan. If an affirmative decision is reached, the County Planning Commission shall so notify the Township Trustees stating all the particulars of the matter and its reasons for feeling the project should be continued as modified. Preliminary site plan approval may then be given only with the consent of the Township Trustees.

### **8.08 FINAL DETAILED PLAN APPROVAL (STAGE 3)**

#### **A. Application for Final Detailed Site Plan Approval**

1. After receiving approval or conditional approval from the County Planning Commission, Township Zoning Commission and Township Trustees, on a preliminary site plan, and approval of all necessary permits and curb cuts from state and county officials, the applicant may prepare his final detailed site plan and submit it to the County Planning Commission for final approval.
2. The final detailed site plan shall conform substantially to the approved preliminary site plan. It should incorporate any revisions or other features that may have been recommended by the County Planning Commission and/or Township.

#### **B. Actions on the Final Detailed Plan Application.** Within thirty (30) days of receipt of the application for final site plan approval, the County Planning Commission shall render a decision to the applicant and so notify the Township Trustees. If no decision is made within the thirty-day period, the final site plan shall be considered approved.

1. Upon approval, the County Planning Commission shall endorse its approval on a copy of the final site plan, secure the endorsement and signatures of the Miami Township Trustees on the same copy of the final site plan, and shall forward it to the building inspector who shall then issue a building permit to the applicant if the project conforms to all other applicable requirements.

2. Upon disapproval, the County Planning Commission shall so inform the building inspector. The County Planning Commission shall also notify the applicant and the Township Trustees in writing of its decision and the reasons for disapproval. A copy of the appropriate minutes may suffice for this notice.

#### C. Staging and Plan Changes

1. Any plan, which requires more than twenty-four (24) months to complete, shall be constructed in phases and a phasing plan must be developed. In a phased “R-4” Planned Multi-family Development, it is expected that changes in the approved final plan will be required from time to time. In order to preserve the flexibility, which is fundamental to a “R-4” District plan changes are permitted subject to the limitations listed below.
  - a. The changed plan must meet the basic objectives and all regulations and requirements of this resolution.
  - b. All plan changes must be submitted to the Township Trustees for re-approval. Upon approval by the Trustees, the plan must show such approval by the signature of the Trustees on the plan.

#### D. Final Plan Approval

1. Site plan review under the provisions of this Chapter shall suffice for County Planning Commission review of subdivisions under Clermont County Subdivision Regulations. In the event subdivision review is not required, the final plan shall provide all the information necessary for formal subdivision review under the Clermont County Subdivision regulations.
2. Final site plan approval shall constitute final plat approval under the Clermont County Subdivision regulations

### **8.09 FINANCIAL RESPONSIBILITY**

No building permit shall be issued for construction within a “R-4” District until required public improvements are installed or performance bond posted in accordance with the same procedures as provided for by the Board of County Commissioners. The Board of County Commissioners may also establish other such requirements from time to time.

## **Chapter 9**

### **"O-1" PROFESSIONAL OFFICE DISTRICT**

#### **9.01 PURPOSE**

The purpose of the "O-1" Professional Office District is to provide for planned office districts at appropriate locations throughout the Township.

#### **9.02 PRINCIPAL PERMITTED USES**

- A. Financial institutions including banks, savings and loans, financial companies or other similar offices;
- B. Professional offices,
- C. Medical or dental clinics;
- D. Police and fire stations;
- E. Post offices,
- F. Real estate offices;
- G. General offices of federal, state or local governments;
- H. Individuals or corporations devoted to office use and not used for manufacturing, storage and warehousing, and
- I. Libraries and Museums.

#### **9.03 CONDITIONALLY PERMITTED USES**

The following uses may be permitted subject to the approval of the Board of Zoning Appeals.

- A. Buildings in excess of forty (40) feet in height if the following conditions are met satisfactorily:
  - 1. The increased building height will not adversely affect the adjacent properties,
  - 2. The increased building height is compatible with the existing and future development character and pattern, and
  - 3. The site plan shows that proper mitigation measures have been proposed to address conditions 1 and 2 above

#### **9.04 ACCESSORY USES**

- A. Any accessory uses or structures customary and incidental to any principal permitted use:



- B. Signs as regulated in Chapter 24 of this Zoning Resolution.
- C. Uses as listed below included within and entered from within any office building as a convenience to the occupants thereof, and their patients, clients, or customers providing that the accessory uses shall not exceed ten percent (10%) of the gross floor area of the permitted uses in the building and no exterior advertising displays for any accessory uses shall be visible from outside the building.
  - 1. Barber shop,
  - 2. Coffee shop and refreshment stand,
  - 3. Beauty shop,
  - 4. Eating and drinking places,
  - 5. Laboratories, medical and dental,
  - 6. News and confectionery stand
  - 7. Prescription pharmacy, and
  - 8. Florist shop, and
- D. Nursery and child care facilities when conducted in connection with a principal permitted use for the convenience of the occupants thereof.

**9.05 HEIGHT REGULATIONS**

No building shall exceed Forty (40) feet in height or three (3) stories except as provided in Section 9.03, A of this Chapter.

**9.06 AREA REGULATIONS**

- A. Main Buildings: Multiple main buildings are permitted provided all such main buildings have a unified architectural design and site plan;
- B. Front Yard. There shall be a front yard having a depth of not less than fifty (50) feet from the street right-of-way line,
- C. Side Yard.- There shall be a side yard an each side of the building, which yard shall have a width of not less than fifteen (15) feet,
- D. Rear Yard.- There shall be a rear yard having a depth of not less than thirty-five (35) feet from the adjacent property line, and
- E. Intensity of Use: Every lot or tract of land in the "O-1 " Professional Office District shall have a minimum width at the building setback line of one hundred (100) feet. The minimum lot area shall be twenty thousand (20,000) square feet.

Every lot or tract in the "O-1" District shall be developed with a maximum floor area ratio of .25.

#### **9.07 GENERAL PROVISIONS**

- A. Off-street parking and loading and/or unloading shall be provided in accordance with Chapter 23 of this Zoning Resolution;
- B. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers;
- C. No lighting shall be permitted which would glare from this zone onto any dedicated street, or into any adjacent property,
- D. No motor vehicle which is inoperable or trailer which is usable or unusable shall be stored or used for storage of any items therein on any lot or parcel of ground in this zone unless it is within a completely enclosed building;
- E. No use producing objectionable odors, noise, or dust shall be permitted
- F. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of off-street parking and loading and/or unloading areas; and
- G. A site plan as regulated by Chapter 27 of this Zoning Resolution shall be required for any use permitted or conditionally permitted in this zone, and shall be approved by the Zoning Commission prior to the issuing of a zoning and building permit.

**Lot area, bulk yard and screening Requirements in the “O-1” Professional Office District**

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REQUIREMENTS	"O-1" DISTRICT
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LOT REQUIREMENTS:

- |                      |                    |
|----------------------|--------------------|
| 1. Minimum Lot Area  | 20,000 square feet |
| 2. Minimum Lot Width | 100 feet           |

MAXIMUM HEIGHT:

- |                         |         |
|-------------------------|---------|
| 1. Principal Building   |         |
| a. Stories              | 3       |
| or whichever is less    |         |
| b. Height               | 40 feet |
| 2. Accessory Structures |         |
| a. Stories              | 1       |
| or whichever is less    |         |
| b. Height               | 15 feet |

MINIMUM YARD REQUIREMENTS:

- |          |                  |
|----------|------------------|
| 1. Front | 50 feet          |
| 2. Side  | 10 feet (note 1) |
| 3. Rear  | 35 feet (note 1) |

MAXIMUM FLOOR AREA	.25
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Note 1) Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be provided.

## Chapter 10

### B-1 NEIGHBORHOOD BUSINESS DISTRICT

#### PURPOSE:

The purpose of the B-1 Neighborhood Business District is to establish areas of commercial activity that offer small scale retail goods and personal services that are located in proximity to the residential areas they are intended to serve. These commercial areas shall be located and designed as to encourage the clustering and integration of groups of businesses, to minimize the creation of undue traffic congestion and to minimize impact on adjoining residential.

#### 10.01 USES PERMITTED:

- A. Retail Business
- B. Financial Institutions,
- C. Offices
- D. Personal Services
- E. Restaurants
- F. Bars, Taverns, Cocktail Lounges provided such use is conducted within a completely enclosed building and is located at least one hundred (100) feet from any Residential District.
- G. Medical and Dental Clinics
- H. Government Buildings and Utilities
- I. Car wash
- J. Automotive Service Stations, Repair Shops, Quik Lubes or similar use provided all the following are met:
  - 1. Any and all repairs are performed within a wholly enclosed building.
  - 2. Any vehicle parked and/or stored must either being awaiting repair or has been repaired and is awaiting removal. No vehicle may be parked or stored for parts. Under no circumstances may a vehicle be parked or stored for more than thirty (30) days. All vehicles must have current license plates.
  - 3. There can be no outside display or storage of materials or goods.
- K. Specialty Goods and Services, including photography studio, art gallery, antique store, copy/printing center, plant shop.
- L. Residential provided it is an integral part of the business development project and provided the entire project is part of a Planned Business Development Overlay.
  - 1. This provision will allow for mixed-use projects as well as mixed use buildings in a traditional village setting similar to the Branch Hill and Miamiville neighborhoods of Miami Township.

- a. Mixed-use buildings will be permitted with first floor retail, service and/or office and upper floor residential.
- b. Mixed-use projects will be permitted provided the project is compatible with the surrounding development and zoning; the project is fully integrated into the existing street system and a pedestrian pathway system is constructed providing access to every building within the development.
- c. The gross residential density shall not exceed 6 units per acre.
- d. All projects are subject to the site plan review requirements of Chapter 27.

M. Religious Institutions

**10.02 CONDITIONAL USES:**

The purpose of a conditional use is to permit a use that would not be appropriate generally, but may be allowed with appropriate restrictions upon a finding that 1) the proposed use meets the required conditions as stated in the zoning resolution, and 2) the use or development will not have an adverse impact on adjoining properties.

A. Indoor Commercial Recreation facilities, including arcades:

- 1. Access to the property must be from an arterial or collector roadway.
- 2. The site must be designed to minimize noise and glare emanating from the building. Noise levels shall not exceed the average intensity of street traffic noise at the point of complaint.
- 3. The site design and building design must comply with sections 10.05 and 10.06 of this chapter.
- 4. All projects are subject to the site plan review requirements of Chapter 27.

B. Nursing/Convalescent Homes providing access to the Home is from an arterial or collector street.

- 1. Access to the property must be from an arterial or collector roadway.
- 2. The site design and building design must comply with sections 10.05 and 10.06 of this chapter.
- 3. All projects are subject to the site plan review requirements of Chapter 27.

C. Day Care Centers

- 1. All outdoor play areas shall be located only in the rear and side yards and shall be a minimum of 50 feet from any adjoining residential zoning district.
- 2. A landscape screen must be provided to screen the outdoor play areas from adjoining residential districts.
- 3. A traffic circulation plan shall be submitted to evaluate adverse impacts on the roadway system and to ensure a safe drop-off and pick-up area.
- 4. Access to the property must be from an arterial or collector roadway.

5. The site design and building design must comply with sections 10.05 and 10.06 of this chapter.
6. All projects are subject to the site plan review requirements of Chapter 27.

### **10.03 ACCESSORY USES**

- A. Signs as regulated in Chapter 24 of this Zoning Resolution
- B. Outdoor Dining Area - Outdoor dining areas on private property are permitted as accessory uses provided they are located a minimum of 75 feet from a residential zoning district; are screened with the use of landscaping and/or fencing; provide a minimum four (4) foot wide sidewalk clearance; any fencing or other barricade cannot block the entrance to the restaurant; and no music, recorded or live, or other amplified sound shall be permitted. In a multi-tenant center, any outdoor dining area must be a minimum of 25 feet from the entrance door to any adjoining tenant space. Noise levels shall not exceed typical conversational noise within a restaurant. Site Plan Review will be required for all outdoor dining areas.
- C. Any accessory uses or structures customary and incidental to any principal permitted use.

### **10.04 INTENSITY OF USE**

- A. The intensity of use, setback requirements, and height requirements are shown on the Table titled Lot Area, Bulk and Yard Requirements in the B-1 Neighborhood Business District.

### **10.05 SITE PLAN AND BUILDING DESIGN STANDARDS**

- A. Building Elevations – Architectural design, building materials, color, roof style and detailing should all work together to express harmonious and consistent design. All building facades (exterior walls) shall be designed to reduce scale and add visual interest. There shall be no uninterrupted lengths of blank wall longer than 100 feet. Walls shall be differentiated with recesses, offsets, building height, variations in roofline, windows, awnings, and changes in color or material.
- ~~B.~~ Exterior Building Materials - Exterior building material shall be brick, decorative block, wood, stone, tile or other high quality building material. Tilt-up concrete panels or prefabricated metal panels will not be permitted. Smooth faced concrete block may be permitted only on the service side of a building. The block must be painted to match the prominent sides of the building. The service side of the building is typically not accessed by the general public, has no parking other than limited employee parking and is used primarily for deliveries to tenant businesses. A consistent architectural style shall be applied to all sides of a building except to the service side of a building where the service side is not visible to the general public. Awnings, canopies, recesses and offsets should be incorporated to help enhance the service side of the building.

- C. No single structure shall contain more than 50,000 square feet.
- D. Rooftop Equipment – All rooftop equipment shall be screened from view on all sides visible to the general public, by building parapet walls or other building elements that appear as integral elements of the overall building.
- E. Gasoline Canopies – Canopies, such as those associated with convenience stores with gasoline sales, must be designed in a manner to create a strong association with the primary building. Columns must be primarily masonry. A strong impression of three-dimensional roofs and supporting columns must be incorporated into the design.
- F. Customer Entryways – Entryways shall be clearly articulated and shall be pedestrian scale. Projected or recessed entryways, arches, higher rooflines, change in building material or color, canopies and signage shall be used to identify entryways.
- G. Pedestrian Walkways – Sidewalk shall be provided along all sides of a lot that front a public street or private right-of-way. A continuous pedestrian walkway shall be provided from the public sidewalk to the customer entryway to the building. A minimum 6-foot wide sidewalk shall be provided along all sides of any building where the façade features a customer entryway. The sidewalk shall be raised above the grade creating a curb at the edge of the sidewalk at the parking lot. This sidewalk shall be located at least five feet from the façade of the building to allow space for foundation plantings unless the sidewalk is covered by a canopy, awning, or similar structure.

## **10.06 GENERAL PROVISIONS**

- A. All new development and redevelopment shall be subject to the site plan review requirements of Chapter 27.
- C. There shall be no minimum lot size or lot width required, however, the minimum area required for consideration of rezoning to the B-1 Neighborhood Business District shall be five (5) acres unless the request is for an extension of an existing B-1 District, then a smaller area will be considered.
- D. Except where otherwise indicated in this chapter, all business activities permitted within this District shall be conducted within a fully enclosed building.
- E. The dispensing of gasoline, parking, loading and unloading are permitted activities outside of a fully enclosed building.
- D. No outdoor storage of any material (usable or waste) shall be permitted within this District except in enclosed containers. The containers must be completely screened from the public right-of-way and from adjacent property by means of a wall that matches the building materials and colors. The enclosure must be located in the rear

yard and shall be setback a minimum of 25 feet from any residentially zoned property.

- E. All walkway, parking lot, or driveway lights shall be shielded so that substantially all the directly emitted light falls within the property lines.
- F. No motor vehicle, which is inoperable, or trailer, which is usable or unusable, shall be stored or used for storage of any items, unless it is located within a fully enclosed building.
- G. All uses permitted in this zoning district shall be conducted in such a manner so that no noise, odor, smoke, glare, vibrations, or other impacts are evident from beyond the property line.



## Lot Area, Bulk and Yard Requirements in the B-1 Neighborhood Business District.

Requirements	B-1 District
<hr/>	
A. Lot Requirements	
1. Minimum Area for Rezoning	5 Acres
2. Minimum Lot Area	(Note 1)
3. Minimum Lot Width	(Note 1)
B. Maximum Height	
1. Principal Building	3 stories or 45 feet
2. Accessory Structure	15 feet
C. Minimum Yard Requirements	
1. Front – Primary & Secondary Arterial	110 feet from centerline
2. Front – Collector	90 feet from centerline
3. Front - Local Street	50 feet from r-o-w
4. Side	10 feet (Note 2 & 4)
5. Rear	10 feet (Note 2 & 4)
Accessory Structure	
1. Front	(Note 3)
2. Side	10 feet (Note 4)
3. Rear	10 feet (Note 4)

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Note 1. There shall be no minimum lot area or lot width required, however, the minimum area required for consideration of rezoning to the B-1 Neighborhood Business District is five (5) acres.

Note 2. There shall be a 10 foot minimum side and rear yard setback for properties in this district except when abutting a residential district, then the minimum side and rear yard setbacks shall be 35 feet. A landscape buffer shall be provided by the developer/owner that may include fencing and/or mounding dependent on the intensity of the use. The Township must approve the screening during the site plan review process.

Note 3. Accessory uses must be located in the rear yard of the principal structure.

Note 4. A twenty five (25) foot setback is required when adjoining a Residence District.

Effective: Revised June 14, 2007; August 15, 2008

## Chapter 11 B-2 GENERAL BUSINESS DISTRICT

### 1 PURPOSE

The purpose of the B-2 General Business District is to establish areas of commercial activity that offer a wide variety of retail goods and personal services to the residents of the community. These commercial areas shall be located on primary arterials, and shall be designed as to encourage the clustering and integration of groups of businesses, to minimize the creation of undue traffic congestion and to minimize impact on adjoining residential.

#### 11.01 USES PERMITTED:

- A. Retail Business
- B. Hotels and Motels
- C. Vehicle sales, including automobile, truck, trailer, recreational and farm equipment
- D. Financial Institutions
- E. Offices
- F. Personal Services
- G. Funeral Homes and Mortuaries
- H. Restaurants
- I. Medical and Dental Clinics
- J. Government Buildings and Utilities
- K. Day Care Facilities
- L. Trade or Business School
- M. Bars, Taverns, Cocktail Lounges, night clubs provided such use is conducted within a completely enclosed building and is located at least one hundred (100) feet from any Residential District.
- N. Lumber yard and Building Materials
- O. Indoor Commercial Recreation including, bowling alleys, skating rinks, theaters, provided the use is at least one hundred (100) feet from any Residence District
- P. Veterinary Clinic, Animal Hospital, Kennel provided any structure used for such purpose is at least two hundred (200) feet from any Residential District
- Q. Car Wash
- R. Automotive Service Stations, Repair Shops, Quick Lubes or similar use provided any and all repairs are preformed within a wholly enclosed building and there can be no outside display or storage of materials or goods. All vehicles awaiting service must have current license plates.
- S. Specialty Shops and Services, including photography studio, art gallery, antique shop, copy/printing center, plant shop

T. Residential provided it is an integral part of a mixed use, business development project and provided the entire project is part of a Planned Business Development Overlay.

1. This provision will allow for mixed-use projects as well as mixed use buildings in a traditional village setting similar to the Branch Hill and Miamiville neighborhoods of Miami Township.

a. Mixed-use buildings will be permitted with first floor retail, service and/or office and upper floor residential.

b. Mixed-use projects will be permitted provided the project is compatible with the surrounding development and zoning; the project is fully integrated into the existing street system and a pedestrian pathway system is constructed providing access to every building within the development.

c. The gross residential density shall not exceed 6 units per acre.

d. All projects are subject to the site plan review requirements of Chapter 27.

U. Religious Institutions

## **11.02 CONDITIONAL USE**

The purpose of a conditional use is to permit a use that would not be appropriate generally, but may be allowed with appropriate restrictions upon a finding that 1) the proposed use or development meets the required conditions as stated in the zoning resolution, and 2) the use or development will not have an adverse impact on adjoining properties.

A. Flea Markets or other outdoor sales where vendors rent, lease or acquire space to display and/or market merchandise goods or services, provided the following conditions are met:

1. An off-street parking plan in compliance with the rules and requirements of Chapter 23 is submitted for approval and implemented by the applicant.

2. All entrances and exits shall be limited to those as approved in the required parking plan. Ingress and egress to parking areas shall be limited to not more than one curb cut for every 200 feet of road frontage.

3. All signs, structures, tables, displays, goods, and merchandise or any vehicles used for display purposes shall be setback a minimum of 50 feet from any right-of-way and 200 feet from any Agricultural, Residential or PUD District.

4. Adequate sanitation facilities shall be provided and approved by the Ohio EPA or County Board of Health.

B. Outdoor Commercial Recreation, including swimming pools, golf courses driving ranges and ball fields:

1. All buildings and uses must be located at least two hundred (200) feet from any residential zoning district
2. A 20 foot landscape screen will be provided along all property lines that border a residential zoning district.
3. Access to the property must be from an arterial or collector roadway.
4. The site must be designed to minimize noise from leaving the property. Noise levels shall not exceed the average intensity of street traffic noise at the point of complaint.
5. The site design and building design must comply with sections 11.05 and 11.06 of this chapter.
6. All projects are subject to the site plan review requirements of Chapter 27.

C. Printing, publishing and lithographic shops:

1. The outside storage area shall be located at least seventy-five 75 feet from and residential zoning district. The setback when adjoining a commercial or industrial district shall be the same as the building setback.
2. The outside storage area shall be completely screened from view by a solid fence or wall at least six (6) feet high. Landscaping shall be placed along the outside of the fence to provide for visual breaks. A chain link fence with vinyl slats will not be permitted.
3. The site design and building design must comply with sections 11.05 and 11.06 of this chapter.
4. All projects are subject to the site plan review requirements of Chapter 27

D. Self Storage Facilities:

1. All buildings, drives, and parking must be located at least fifty (50) feet from any residential zoning district and shall be completely screened from view by a solid fence or wall at least six (6) feet high with landscaping placed along the outside of the fence to provide for visual breaks. A chain link fence with vinyl slats will not be permitted.
2. No outside storage will be permitted.
3. The site design and building design must comply with sections 11.05 and 11.06 of this chapter.
4. All projects are subject to the site plan review requirements of Chapter 27.

E. Eating or Drinking Establishments with outside gardens or similar outside facilities or activities:

1. All outside activity must be located at least two hundred (200) feet from any residential zoning district.
2. The site must be designed to minimize noise from leaving the property. Noise levels shall not exceed the average intensity of street traffic noise at the point of complaint.
3. The site design and building design must comply with sections 11.05 and 11.06 of this chapter.
4. All projects are subject to the site plan review requirements of Chapter 27.

F. Nursing/Convalescent Homes:

1. Access to the property must be from an arterial or collector roadway.
2. The site design and building design must comply with sections 11.05 and 11.06 of this chapter.
3. All projects are subject to the site plan review requirements of Chapter 27.

### **11.03 ACCESSORY USES**

- A. Signs as regulated in Chapter 24 of this Zoning Resolution
- B. Outdoor Dining Area - Outdoor dining areas on private property are permitted as accessory uses provided they are located a minimum of 75 feet from a residential zoning district; are screened with the use of landscaping and/or fencing; provide a minimum four (4) foot wide sidewalk clearance; any fencing or other barricade cannot block the entrance to the restaurant; and no music, recorded or live, or other amplified sound shall be permitted. In a multi-tenant center any outdoor dining area must be a minimum of 25 feet from the entrance door to any adjoining tenant space. Noise levels shall not exceed typical conversational noise within a restaurant. Site Plan Review will be required for all outdoor dining areas.
- C. Any accessory uses or structures customarily and incidental to any principal permitted use.

### **11.04 INTENSITY OF USE**

- A. The intensity of use, setback requirements, and height requirements are shown on the Table titled Lot Area, Bulk and Yard Requirements in the B-2 General Business District.

### **11.05 SITE PLAN AND BUILDING DESIGN STANDARDS**

- A. Building Elevations – Architectural design, building materials, color, roof style and detailing should all work together to express harmonious and consistent design. All building facades (exterior walls) shall be designed to reduce scale and add visual interest. There shall be no uninterrupted lengths of blank wall longer than 100 feet. Walls shall be differentiated with

recesses, offsets, building height, variations in roofline, windows, awnings, and changes in color or material.

- B. Exterior Building Materials - Exterior building material shall be brick, decorative block, wood, stone, tile or other high quality building material. Tilt-up concrete panels or prefabricated metal panels will not be permitted. Smooth faced concrete block may be permitted only on the service side of a building. The block must be painted to match the prominent sides of the building. The service side of the building is typically not accessed by the general public, has no parking other than limited employee parking and is used primarily for deliveries to tenant businesses. A consistent architectural style shall be applied to all sides of a building except to the service side of a building where the service side is not visible to the general public. Awnings, canopies, recesses and offsets should be incorporated to help enhance the service side of the building.
- C. Rooftop Equipment – All rooftop equipment shall be screened from view on all sides visible to the general public, by building parapet walls or other building elements that appear as integral elements of the overall building.
- D. Gasoline Canopies – Canopies, such as those associated with convenience stores with gasoline sales, must be designed in a manner to create a strong association with the primary building. Columns must be primarily masonry. A strong impression of three-dimensional roofs and supporting columns must be incorporated into the design.
- E. Customer Entryways – Entryways shall be clearly articulated and shall be pedestrian scale. Projected or recessed entryways, arches, higher rooflines, changes in building material or color, canopies and signage shall be used to identify entryways.
- F. Pedestrian Walkways – Sidewalk shall be provided along all sides of a lot that front a public street or private right-of-way. A continuous pedestrian walkway shall be provided from the public sidewalk to the customer entryway to the building. A minimum 6-foot wide sidewalk shall be provided along all sides of any building where the façade features a customer entryway. The sidewalk shall be raised above the grade creating a curb at the edge of the sidewalk at the parking lot. This sidewalk shall be located at least five feet from the façade of the building to allow space for foundation plantings unless the sidewalk is covered by a canopy, awning, or similar structure.

#### **11.06 GENERAL PROVISIONS**

- A. All new development and redevelopment shall be subject to the site plan review requirements of Chapter 27.
- B. There shall be no minimum lot size or lot width required, however, the minimum area required for consideration of rezoning to the B-2 General Business District shall be ten (10) acres.

- C. Except where otherwise indicated in this chapter, all business activities permitted within this District shall be conducted within a fully enclosed building.
- D. The dispensing of gasoline, parking, loading and unloading are permitted activities outside of a fully enclosed building.
- E. No outdoor storage of any material (usable or waste) shall be permitted within this District except in enclosed containers. The containers must be completely screened from the public right-of-way and from adjacent property by means of a wall that matches the building materials and colors. A chain link fence with vinyl slats will not be permitted. The enclosure must be located in the rear yard and shall be setback a minimum of 25 feet from any residentially zoned property.
- F. All walkway, parking lot, or driveway lights shall be shielded so that substantially all the directly emitted light falls within the property lines.
- G. No motor vehicle that is inoperable or trailer, which is usable or unusable, shall be stored or used for storage of any items, unless it is located within a fully enclosed building.
- H. All uses permitted in this zoning district shall be conducted in such a manner so that no noise, odor, smoke, glare, vibrations, or other impacts are evident from beyond the property line.

## Area, Bulk and Yard Requirements in the B-2 General Business District.

<u>Requirements</u>	<u>B-2 District</u>
A. Lot Requirements	
1. Minimum Area for Rezoning	10 Acres
2. Minimum Lot Area	(Note 1)
3. Minimum Lot Width	(Note 1)
B. Maximum Height	
1. Principal Building (Note 2)	6 stories or 75 feet
2. Accessory Structure	15 feet
C. Minimum Yard Requirements	
1. Front – Primary & Secondary Arterial	110 feet from centerline
2. Front – Collectors	90 feet from centerline
3. Front - Local Street	50 feet from r-o-w
4. Side	10 feet (Note 3 & 5)
5. Rear	10 feet (Note 3 & 5)
Accessory Structure	
6. Front	(Note 4)
7. Side	10 feet (Note 5)
8. Rear	10 feet (Note 5)

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Note 1. There shall be no minimum lot area or lot width required, however, the minimum area required for consideration of rezoning to the B-2 General Business District is ten (10) acres.

Note 2. A building shall not exceed 3 stories or 45 feet when adjoining a Residence District unless it is setback one (1) foot from all properties lines for each two (2) feet of height above 45 feet.

Note 3. - There shall be a 10 foot minimum side and rear yard setback for properties in this district except when abutting a residential district, then the minimum side and rear yard setbacks shall be 35 feet. A landscape buffer shall be provided by the developer/owner that may include fencing and/or mounding dependent on the intensity of the use. The Township must approve the screening during the site plan review process.

Note 4. Accessory uses must be located in the rear yard of the principal structure.

Note 5. A twenty five (25) foot setback is required when adjoining a Residence District.

Effective: Revised June 14, 2007; August 15, 2008



## **Chapter 12**

### **“I” PLANNED INDUSTRIAL PARK DISTRICT**

#### **12.01 PURPOSE**

This Chapter amends the existing I-A and I-B Chapters of the Zoning Resolution to combine them into a unified Zoning District.

The purpose of the “I” Planned Industrial Park District is to provide sites for industrial, manufacturing and warehousing uses at appropriate locations in relation to existing and potential developments of surrounding areas, and to arrange the location of buildings, parking areas, access, screening, and lighting to protect values and to harmonize the development with surrounding areas. The provisions in this District are designed to provide for the establishment and generation of low intensity industrial uses in a manner that minimizes conflict between industrial uses and nearby residential areas.

#### **12.02 PRINCIPAL PERMITTED USES**

The permitted uses shall be as approved by the Zoning Commission and specified as the approved site plan. All required conditions and restrictions as regulated in the “I” district shall apply except as approved on the development:

- A. Business or professional offices;
- B. Research and development establishments;
- C. Manufacturing establishments;
- D. Warehouse and wholesale establishments;
- E. Contractor Shops and Storage Yards
- F. Building materials sales and storage yards
- G. Private, non-commercial recreation areas and establishments;
- H. Recycling Centers.
- I. All uses permitted in Chapters 10 and 11 excluding residential uses.

#### **12.03 CONDITIONALLY PERMITTED USES**

The following may be permitted subject to the approval of the Board of Zoning Appeals:

- A. Buildings in excess of forty (40) feet in height if the following conditions are met satisfactorily:
  - 1. For each foot of height increase in excess of forty (40) feet, buildings must be set back at least an additional two (2) feet from the required minimum setback requirements; and
  - 2. The increased building height will not adversely affect the adjacent properties, and

3. The increased building height is compatible with the existing and future development character and pattern; and
  4. The site plan shows that proper mitigation measures have been proposed to address conditions 2 and 3 above.
  5. In cases where the property is located adjacent to Federal Highways, the setback requirements of Section 12.03 (A) (1) will not apply.
- B. Training facilities; restaurants; hotel/motel; and retail uses, provided the applicant clearly demonstrates to the Board of Zoning Appeals that:
1. The proposed use is primarily intended for the benefit of the tenants of the Industrial Park and compliments the Planned Industrial Park, and
  2. The use shall not exceed ten (10) percent of total allowable floor area within the Planned Industrial Park: and
  3. The use is compatible with and will not adversely impact surrounding land uses.

#### **12.04 ACCESSORY USE**

- A. Customary accessory buildings and uses, including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops, power plants, and machine shops;
- B. Signs, as regulated by Chapter 24 of this Zoning resolution; and
- C. Uses, as listed below, including within and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers providing such accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays shall be visible from outside the building:
1. Cafeterias,
  2. Coffee shops or refreshment stands, and
  3. Soda or dairy bars.

#### **12.05 HEIGHT REGULATIONS**

No building shall exceed three (3) stories or forty (40) feet in height except as provided in Section 12.03 of this Chapter.

#### **12.06 AREA REGULATIONS**

- A. Front yard: As defined in Clermont County's or Miami Township's Thoroughfare Plan, there shall be a front yard having a depth of not less than

seventy-five (75) feet from the street right-of-way line when abutting a major arterial and fifty (50) feet from the street right-of-way on internal roads.

- B. Side Yard. For buildings abutting districts other than residential districts, there shall be a side yard on each side of the building, which yard shall have a width of not less than twenty-five (25) feet. There shall be no side yard required for a building abutting an "I" District or a building adjacent to another building within a Planned Industrial Park District.
- C. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of seventy-five (75) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area, of solid wood fence, masonry wall, hedge or combination of appropriate height so as to effectively screen the view from adjacent residential properties.
- D. Rear Yard. There shall be a rear yard having a depth of not less than forty (40) feet.

#### **12.07 INTENSITY OF USE**

- A. Minimum Tract for Planned Industrial Park: Five (5) acres. However, development of a smaller tract adjacent to an existing approved site may be permitted providing the proposed development conforms to and extends the original development as if the new site has been a part of the originally approved site plan layout.
- B. Minimum Lot Area within Minimum Tract: One (1) acre.
- C. Minimum Lot Width at Building Setback Line. One hundred and fifty (150) feet.
- D. Maximum Floor Area Ratio: .50

#### **12.08 GENERAL PROVISIONS**

- A. Off street parking and loading and/or unloading shall be provided in accordance with Chapter 23 of this Zoning Resolution.
- B. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
- C. All outdoor storage shall be screened so as not to be visible from any street or adjacent property and shall be located at least fifty (50) feet from any residential property or public or private street.

- D. All uses in this zone shall be conducted in such a manner so that no noise, odor, smoke, glare, vibrations, or other impacts are evident from beyond the property lines.
- E. Assurances by the applicant that the use has the ability to comply with all Local, State, and Federal environmental regulations and standards shall be provided with an application for a zoning use certificate. A site plan, as regulated by Chapter 27 of this Zoning Resolution, shall be required for any use in this zone. In cases where the site plan proposes conditional uses, the site plan review shall precede any action by the Board of Zoning Appeals.
- F. Industrial use performance standards
1. No land or uses in these districts shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable nuisance.
  2. The determination of the existence of any dangerous and objectionable conditions shall be made at the location of the use creating the same or at such location where such conditions may be more apparent.
  3. Environmental Requirements: No land or building in any district shall be used or occupied in any manner creating dangerous, injurious noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this ordinance may be undertaken and maintained if acceptable measures and safeguards are taken to reduce dangerous and objectionable conditions to acceptable limits as established by the following:
    - a. Air Pollution - Air pollution shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency.
    - b. Electrical Disturbance - No activities shall be permitted which emit electrical disturbance affecting the operation of any equipment other than that of the creator of such disturbances. Any generated electrical disturbance shall comply with all applicable regulations of the Federal Communications Commission.
    - c. Erosion - No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

- d. Fire and Explosion Hazards - Adequate safety devices shall be provided where there are activities involving burning or storage of flammable or explosive materials, adequate safety devices shall be provided at any point. Adequate safety devices against the hazards of fire and exploding and adequate fire fighting and fire suppression equipment and devices, standard in the industry shall be provided. Burning of waste materials in an open fire is prohibited.
- e. Glare and Heat - Any operation producing intense light or heat, such as high temperature processes like combustion or welding, shall be performed within an enclosed building and shall not be visible beyond any lot line bounding the premises. Welding that is required for exterior construction of a structure shall be exempt from these regulations. No exterior lighting shall be positioned so as to extend glare onto an adjacent property or a public right- of-way.
- f. Liquid or Solid Wastes - no discharge at any point into any public sewer, private sewerage disposal system, stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, shall be permitted, except in accordance with minimum standards approved by the Clermont County Health Department, the Ohio Department of Health, the Ohio Environmental Protection Agency, or such other governmental agency as shall have jurisdiction over such activities. The use of dumpsters or other types of reasonably accessible waste containers for the disposal of potentially dangerous liquid or solid waste materials shall not be permitted.
- g. Odors - No odor shall be emitted by any use permitted in any district in such quantities as to be readily detectable by a person not located on the premises.
- h. Radioactive Materials - No activities shall be permitted which utilize fissionable or radioactive materials if their use results at any time in the release of emission of any fissionable or radioactive material into the atmosphere, the ground, or sewerage systems.

- i. Sound - The sound pressure level of any operation on a lot, other than the operation of bells, motor vehicles, sirens or whistles, shall not exceed the average intensity of the street traffic noise at the point of complaint and no sound shall be objectionable due to intermittence, beat frequency or shrillness. The impact of noise shall be mitigated where necessary through the application of such measures as sound walls, landscape mounds, etc. to deflect sound waves.
- j. Storm Water Drainage - Due consideration shall be given to provisions for drainage, with particular reference to the effect on adjoining and nearby properties and on general drainage systems in the area. Where major drainage volumes appear likely and capacity of available system is found marginal or inadequate, consideration shall be given to possibilities for recharge of ground water supply on the property, temporary retention with gradual discharge, or other remedial measures.
- k. Trash Collection Facility - A trash collection facility shall include a large container such as a dumpster, or a small container such as a garbage can, bag or other similar container. No trash collection facility shall be located or stored in the front yard of a premise. A large trash collection facility shall be situated in a permanent location and placed on a concrete pad of appropriate size and strength. A dumpster pad shall be of a dimension that will allow a dumpster to sit entirely on the pad and permit the wheels of a trash disposal truck to rest on the pad while emptying said dumpster.
- l. Vibration - Every use shall be so operated that ground vibration inherently and recurrently generated is not perceptible, without instruments, beyond any lot line bounding the premises.

**Lot area, bulk yard and screening Requirements in the “I” Planned Industrial Park District**

REQUIREMENTS	“I” DISTRICT
<b>LOT REQUIREMENTS:</b>	
1. Minimum Tract Area	5 acres
2. Minimum Lot Within Tract	1 acre
3. Minimum Lot Width	150 feet
<b>MAXIMUM HEIGHT:</b>	
1. Principal Building	
a. Stories	3
or whichever is less	
b. Height	40 feet (Note 1)
2. Accessory Structures	
a. Stories	1
or whichever is less	
b. Height	15 feet
<b>MINIMUM YARD REQUIREMENTS: (Note 2)</b>	
1. Front	75/50 feet
2. Side	25 feet (note 3,4)
3. Rear	40 feet (note 3,4)
<b>MAXIMUM FLOOR AREA</b>	<b>.50</b>

Note 1. A height increase may be permitted in excess of forty (40] feet as a conditional use according to Section 12.03 of this Chapter.

Note 2. In cases where the property is located adjacent to Federal Highways, the setback requirements will not apply.

Note 3. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of seventy-five (75) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area.

Note 4. No side yard is required for a building abutting an “I” District or a building adjacent to another building within a Planned Industrial Park District.

Effective: 11-19-04

## **Chapter 13**

### **“T” MOBILE HOME PARK DISTRICT**

#### **13.01 USES PERMITTED**

- A. The parking of mobile homes in areas or lots, constructed in accordance with specifications and regulations set forth by the Ohio Department of Health, in the Plan Approval and Design Guide for Manufactured Home Parks dated September 22, 1995 and the Manufactured Home Park Rules dated May 1999.
- B. Office and utility buildings as necessary for the maintenance and operation of the mobile homes in each park.
- C. A building to house the equipment and supplies necessary to maintain the streets and utilities of each park.



## **Chapter 14**

### **“H” RESORT DISTRICT**

#### **14.01 USES PERMITTED**

- A. Any use permitted in the “R-3” Residence district, except that continuous winter occupancy is not permitted.
- B. Summer homes, trailers and cabins, which need not front upon a street or place.
- C. Bathing beaches and bathhouses, but an approval of the location and treatment of these uses must be obtained from the Clermont County Health Department before a zoning certificate can be issued.
- D. Boat docks, private and commercial.
- E. The selling or leasing of fishing equipment and bait.
- F. Accessory buildings and uses customarily incident to any of the above uses, including the sale of food and refreshments.

#### **14.02 HEIGHT REGULATIONS:**

All of the area regulations, including front, side and rear yards and the intensity of use, are the same as those in the “R-3” Residence District.

## Chapter 15

### “R-PUD” RESIDENTIAL PLANNED UNIT DEVELOPMENT

#### 15.01 PURPOSE

This Chapter establishes requirements and procedures for approval of special residential developments designed as single, distinct, integrated units, providing single and/or multifamily residential uses, necessary vehicular and pedestrian circulation, and associated open space and/or recreational uses.

- A. General - It is the purpose of the Residential Planned Unit Development Overlay District (“R-PUD”) to provide a flexible alternative to strict application of certain dwelling unit type, lot area, density and other requirements in Residential and Agricultural Zoning Districts, in order to encourage coherent planned residential development that are in keeping with modern site planning standards, so as to promote the general public health, safety, and welfare, and other general purposes of the Miami Township Zoning Resolution.
- B. Objectives - The "R-PUD" is specifically designed to:
  - 1. Encourage residential land development in consideration of topography, vegetation, community character, and compatibility with surrounding land uses,
  - 2. Encourage creative design in the arrangement of buildings, open space, circulation, and all related factors by permitting maximum flexibility in design;
  - 3. Achieve the most efficient land use by utilizing the special advantages of planned development and coordinated planning and design, and facilitating the economic arrangement of buildings, circulation systems, and utilities;
  - 4. Create high quality living environments that balance certain permitted density increases with preservation of green space and/or provision of recreational amenities: and

Procedures - To achieve these purposes and objectives, special supplemental procedures to those applicable in the conventional Residence Districts are established in this Chapter, under which development plans specifically designed to meet these objectives may be submitted for review and/or approval. These special provisions allow for the planned reduction or averaging of individual lot area requirements or other modifications to further the purposes of the “R-PUD”.

## **15.02 QUALIFYING CONDITIONS**

Any application shall meet the following conditions to qualify for consideration as an "R-PUD" District.

- A. Location - The "R-PUD" site shall be located within all Residence Districts, including the "A" Agriculture District and may not be located in any other zoning district.
- B. Development - The "R-PUD" site shall be no less than five (5) contiguous acres. Subject to Zoning Commission approval, contiguous property of any size, including property of less than five (5) acres may be added to a "R-PUD" at any time, after a final development plan has been approved or after construction of the development has been initiated or completed in phases or in its entirety, provided its design is an integral part of and is harmonized with the character of the preexisting "R-PUD" development. All additional development to an approved "R-PUD" will be processed, reviewed and approved in accordance with the requirements of this Chapter.

No "R-PUD" development shall be permitted except where public water and sanitary sewer facilities are made available.

- C. Single control - At the time of application and throughout the development period, all land included in the "R-PUD" must be under the single control of the applicant or his successor, except for any portions of the development which are finished during phased construction and transferred to private ownership in accordance with the requirements of this Chapter.

## **15.03 USE REGULATIONS**

Contingent upon final development plan approval, as required by the provisions of this Chapter, the following uses may be permitted within the "R-PUD" District:

- A. PERMITTED USES
  - 1. All types of residential housing units (attached or detached) may be permitted within the "R-PUD" Overlay District, including but not limited to single family, two-family, and multifamily residential units.
  - 2. Accessory buildings incidental to the principal use, which do not include any activity conducted as a business.

## B. DENSITY, HEIGHT, YARD AND SETBACK REQUIREMENTS

1. The overall density of the R-PUD shall not exceed the maximum density permitted in the underlying zoning district or the maximum lot yield that can be expected when designing a subdivision that meets the standards of the underlying zoning, whichever is less.
2. Minimum yard, lot size, type of dwelling unit, height and frontage requirement of the underlying district may be varied by the Zoning Commission for the "R-PUD" development, provided that the spirit, intent, conditions and provisions of this Resolution are complied with in a total development plan. The Zoning Commission, at its discretion, may require that adherence to the minimum requirements of the underlying districts be accomplished within all or a portion of the perimeter of the site
3. Height, yards, and setbacks shall be as approved in the development plan, provided the following minimum standards are observed:
  - a. Height: The height of any residential structure within an "R-PUD" district shall not exceed three stories or forty-five (45) feet.
  - b. Minimum Distance Between Buildings: There shall be a minimum distance of fifteen (15) feet maintained between residential structures; and
  - c. Length of Structures: There shall be no continuous structure of townhouses, attached dwellings or apartments, containing more than eight (8) units side by side.
  - d. Decks: Residential housing units are permitted to have decks which extend into the rear yard setback, provided that in such an event the deck shall not extend more than fourteen (14) feet from the rear of the house.

## C. FENCES, WALLS

1. The location, height and type of fences and walls shall be as approved in the development plan.

#### D. OFF STREET PARKING

1. Off-street parking, and when applicable loading, shall be provided in accordance with Chapter 23 of the Miami Township Zoning Resolution and additional standards set forth in this Chapter.

#### E. SIGNS

1. The number, size, and location of signs for an "R-PUD" development plan will be in accordance with Chapter 24 of the Miami Township Zoning Resolution unless otherwise approved by the Zoning Commission.

### **15.04 STANDARDS AND GUIDELINES**

In order to obtain an "R-PUD", the developer must demonstrate that the preliminary development and final development plans meet the following standards:

#### A. SITE PLANNING/OPEN SPACE AND GREEN AREAS

1. To the extent possible, the natural topographic and significant landscape features of the site shall be incorporated into the development in order to preserve the site's natural resources and enhance its visual character;
2. Where appropriate, the design of green areas should incorporate plant materials to define space, provide screening and privacy, define views, serve as focal points, and soften views of buildings and pavement.
3. Whenever possible a R-PUD must be designed so the proposed green areas adjoin the green area of any bordering development or any public park in order to provide an interconnected greenbelt system.

#### B. GRADING AND DRAINAGE

1. Grading should be performed with sensitivity to existing topography and other natural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts.
2. Drainage shall be designed and constructed so as to not detrimentally affect adjacent properties. These systems shall provide for the safety and convenience of occupants and protection of dwellings, other development, and usable lot areas from water damage, flooding, and erosion.

### C. NATURAL RESOURCE PROTECTION AREAS.

The resource protection standards are intended to preserve valuable and unique site natural resources which contribute to the ecological well-being and character of the community, and to prevent damage to the environment and the public health, safety and welfare that may result from loss of vegetation, hillside slippage, flooding, erosion or inappropriate site development.

The applicant is required to identify the natural resources present at the subject site, the limitations they pose to development and the required resource protection areas not be built upon, altered or disturbed by development.

All resource protection areas identified on the subject site shall be properly notated and may be designated as permanent open space and be made an integral part of the required open space in accordance with the provisions of this Chapter.

The types of site natural resources that need to be identified and protected and the preferred method of protection are as follows:

1. Flood plains: The 100-year flood plain and areas of special flood hazard areas as identified by the Federal Emergency Management Agency, and. in accordance with all applicable State and Clermont County regulations.
2. Water Courses: Natural streams, ravines and drainageways, which may or may not have been identified in the Federal Emergency Management Agency Maps. Any alternations of these site resources shall meet the provisions of appropriate Clermont County regulations.
3. Lakes and Ponds: No development or diversion of existing year-round bodies of water should be permitted except to provide required roads.
4. Steep Slopes: Site areas where the land surface is inclined from a horizontal plane twenty percent (20%) or greater characterized by increased runoff, erosion, sedimentation, and slippage hazards if disturbed by construction activities. In order to prevent slippage, loss of vegetation and erosion, the majority of steep slope areas should not be disturbed through the stripping of vegetation or grading. The following standards should guide the protection of steep slopes:
  - a. Steep Slopes of 20% to 30%

- One hundred percent (100%) of such resource protection areas should remain undeveloped when they are incorporated into the open space system for the “R-PUD” project, in accordance with this section.
  - Seventy percent (70%) of such resource protection areas should remain undisturbed.
- b. Steep Slopes of Greater than 30%:
- One hundred percent (100%) of such resource protection areas should remain undeveloped when they are incorporated into the open space system for the “R-PUD” project, in accordance with this section.
  - Eighty-five percent (85%) of such resource protection areas should remain undisturbed.

Development of steep slopes should be done with caution, and excavation and alteration of the ground should be minimized. When steep slopes are being proposed for development, the Zoning Commission may require specific performance standards to be applied to the development in order to mitigate impacts.

5. Woodland Areas: Areas or stands of trees (measured canopy to canopy) covering an area greater than one-quarter (1/4) acre in which:
- a. The majority of the trees are young canopy (4”-16” tree caliper), or
  - b. The majority of the trees are fifteen (15) feet in height or greater and form at least a twenty percent (20%) canopy cover.
  - c. Any grove of trees without regard to a minimum area consisting of mature canopy (16" and greater tree caliper).

All development should be planned, designed and constructed so that existing healthy trees and vegetation are preserved to the maximum extent possible, according to the following:

- a. Young Canopy Woodland: No more than sixty percent (60%) should be cleared.
- b. Mature Canopy Woodland: No more than thirty percent (30%) should be cleared.

#### D. CIRCULATION

1. The street, access and parking system shall provide for the smooth, safe convenient and functional movement of vehicles and pedestrians both on and off-site.
2. Circulation shall:
  - a. Minimize the conflict between pedestrian and vehicular traffic, and
  - b. Minimize the number of vehicular turning movements and points of vehicular conflict, particularly at access points.
3. Vehicular Access:
  - a. Acceleration, deceleration and/or left turn lanes may be required if the Township finds that they are necessary to preserve safety and/or the traffic-carrying capacity of the existing street.

A traffic impact study shall be required for all R-PUD developments.
4. Site Distance Triangles:
  - a. All sites shall be designed so that plants and structures on the site do not interfere with the safe movement of motor vehicle traffic, bicycles or pedestrians.
  - b. The site distance triangle should be determined in accordance with the most recent, relevant and applicable standards. The sight distance triangle should vary depending on the design speed of the street and the width of the street.

#### E. PEDESTRIAN CIRCULATION

1. Sidewalks shall be constructed along all public and private streets. These public sidewalks can be supplemented with pedestrian paths that traverse the common open space.
2. Sidewalks and/or pedestrian paths shall be constructed and located in order to provide a convenient, safe, and visible pedestrian path between parking area and building entrance. Whenever a pedestrian path or a bike path traverses a parking lot, a safe and efficient pedestrian system shall be clearly designated.



3. When deemed necessary for proper pedestrian circulation the Township may require sidewalks and/or pedestrian paths be constructed to provide access from the end of a cul-de-sac to the nearest adjoining street.
4. Whenever a proposed development adjoins a collector street sidewalks shall be constructed along the collector the full length of the subject property.

#### F. LIGHTING

1. On-site exterior lighting should provide illumination adequate to permit safe night-time activities
2. All roadway, street, parking and walkway lights shall be shielded so that substantially all the directly emitted light falls within the property line.

#### G. SCREENING AND BUFFERING

1. Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development.
2. Where vegetative and/or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question every effort shall be made to retain such conditions. In such cases, additional screening may not be required, provided that provision is made for maintenance of such areas.

#### H. LOT REQUIREMENTS

The minimum lot size for a single family home shall be 8,400 square feet with a minimum lot width of 70.

#### I. DESIGN STANDARDS

The Zoning Commission shall consider quality of design when reviewing all R-PUD applications. Design standards shall include:

1. The use of unique street design and landscaping to provide for traffic calming, including but not limited to, landscaped islands, flared sidewalks, or street narrowing.

2. A sufficient number of housing types and models are offered to avoid a monotonous streetscape. Provisions are established to avoid having identical building elevations constructed on adjoining lots.
3. The development offers a variety of lot sizes, housing types and construction material including, but not limited to, brick, stone, vinyl or wood siding.
4. Trees and foundation plantings are proposed for the front yard outside the public right-of-way.

#### J. PERIMETER REQUIREMENTS

If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the “R-PUD” development, the Zoning Commission shall impose either of the following requirements and may impose both:

1. Structures and parking areas located on the perimeter of the “R-PUD” development shall be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses within appropriate buffering as determined by the Zoning Commission.
2. Structures located on the perimeter of the “R-PUD” development shall be permanently screened in a manner, which is sufficient to protect the privacy and amenity of adjacent existing uses.

#### K. COMMON OPEN SPACE RECREATION AREA

The Zoning Commission may recommend approval of the "R-PUD" development if it finds that the development plan contains areas to be allocated for common open space in accordance with the following requirements:

1. Common open space should be set aside for active and/or passive recreation. Central neighborhood greens and smaller pocket parks are encouraged. Active recreation can include such activities as golf courses, swimming pools, tennis courts and playgrounds. Passive recreation can include sitting areas, walking paths, gazebos or similar uses.
2. Streets, rights-of-way, parking areas and public utility easements having a width of 50 feet or more cannot be considered as common open space.

3. For “R-PUD” projects to be developed with one hundred percent (100%) single family units, Twenty percent (20%) of the total (gross) site area of the proposed “R-PUD” development, shall be set aside and be dedicated to a public or private agency as common open space and recreation area in compliance with the covenants attached to final approved development plan.
4. For projects to be developed with one hundred percent (100%) multi-family units, a minimum of thirty percent (30%) of the total gross site area of the proposed “R-PUD” development shall be set aside and be dedicated to a public or private agency as common open space and recreation area in compliance with the covenants attached to the final approved development plan. Required perimeter setbacks and required setbacks between buildings shall not be considered in the calculation of common open space.
5. For “R-PUD” projects to be developed with single family and multifamily units a minimum of twenty percent (20%) of the total (cross] site area of the proposed “R-PUD” development shall be set aside and be dedicated to a public or private agency as common open space and recreation area in compliance with the covenants attached to the final approved development plan.
6. At least thirty percent (30%) of such required common open space areas shall be contiguous; they shall constitute autonomous open space and be exclusive of all streets, structures, single family lots, parking areas, sidewalks, and landscaped areas incidental to the vehicular circulation system. Independent trails and bridle paths of sufficient width and design may be included in the calculation.
7. Such open space areas shall be physically situated so as to be readily accessible, and available to, all residents of the “R-PUD” development.

#### L. ACCESS POINTS

At its discretion and in consideration of special project features, the Zoning Commission may require a specific number of access points to serve the proposed “R-PUD”, development.

#### M. UTILITIES

All utilities shall be located underground.

## 15.05 SPECIAL PUD DEVELOPMENTS

### A. TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)

#### 1. Purpose

The purpose of this section is to provide standards and guidelines for the development of a traditional residential neighborhood. A traditional neighborhood:

- Is compact
- Is designed for human scale
- Provides for a mix of single family and multi-family housing styles, types and sizes in close proximity to each other that creates a sense of community
- Incorporates interconnected streets, alleys, and sidewalks
- Incorporates significant open space, including village greens, active and passive recreation areas, and pocket parks

#### 2. Applicable Zoning District

The underlining zoning for TND developments shall be the “R-3” Residence District.

#### 3. Applicable Development Standards

The development standards set forth within this section are designed to supplement the standards found elsewhere in this chapter. Where there is a conflict, the standards found in this section will apply.

#### 4. Density and Lot Size

The traditional neighborhood development shall have a gross density of not more than four (4) units per acre with single-family lot widths of 40-50 feet.

Multi-family units shall be limited to row style, town homes with main entrances at the public sidewalk, garages to the rear accessed from an alley, and no more than six (6) units in a structure. The design of the multi-family units must be architecturally compatible with the single-family homes. The number of multi-family units shall not exceed 20 percent of the total number of dwelling units.

#### 5. Circulation

- a. Vehicular Circulation – an integrated and interconnected public street system shall be provided. The streets shall be wide enough to accommodate on street parking on one side of the street and still have room for emergency vehicle access. Boulevard entrances into the development are encouraged. Street trees shall be provided throughout the development.
- b. Alleys - Rear alleys shall be provided to access to the garage for each home.

- c. Pedestrian Circulation - sidewalks shall be provided along all public streets

## 6. Architectural Standards

- a. The Traditional Neighborhood Development shall provide for the following:
  - A variety of architectural styles with a mix of one and two story homes
  - Covered front porches on each house. The porch must extend along at least 50% of the front elevation of the house. The porches shall be a minimum depth of six (6) feet.
  - Rear yard garages with access from alleys
  - Varied landscaping to add to the diversity

## 7. Setbacks

- a. Front Yard Setback – the front yard setback shall be no greater than 12 feet from the right-of-way.
- b. Corner lots – on corner lots the maximum setback from the right-of-way shall be 25 feet.
- c. Side Yard Setback – the side yard setback shall be a minimum of 5 feet. Zero Lot line homes will be permitted provided there is access to the rear yard and provided there is an easement on the adjoining property to permit maintenance of the home.
- d. Rear Yard Setback – The rear yard setback for the single-family and multi-family residences shall be 35 feet.
- e. Garage Rear yard Setback – the rear yard setback for the garage shall be 30 feet
- f. Garage Side yard Setback – the side yard setback for the garage shall be 5 feet.

## 8. Open Space

- a. Each TND Development shall have a minimum of 30% open space.
- b. Each TND Development shall preserve natural features such as flood plains, riparian corridors, steep slopes, woodlands, and lakes or ponds,
- c. A Village or Neighborhood Square shall be provided in a central area accessible by walking from anywhere within the development.
- d. Gazebos, gardens and other passive parks areas shall be provided and shall be evenly distributed throughout the development.

## **15.06 APPLICATION AND REVIEW PROCEDURES**

### A. INITIATION

- 1. Application for approval of an “R-PUD” may be initiated only by the owner of the property or his/her agent proposed for designation as an “R-PUD”.

2. Whenever an “R-PUD” is proposed, before a permit for the erection of a permanent building in such “R-PUD” shall be granted, and before a subdivision plat of any part thereof may be filed in the office of the Township Zoning Commission and County Planning Commission, the developer or his authorized agent shall apply for and secure approval of such "R-PUD" in accordance with the procedures set forth in this Chapter.
3. An “R-PUD" may be established by action of the Township Trustees and only after the Trustees' consideration of a recommendation from the Township Zoning Commission in accordance with the requirements and procedures of this Chapter, and all other applicable Ohio Revised Code (ORC) requirements.

## B. PROCEDURE

The application for a “R-PUD” commenced by a property owner, developer or his authorized agent shall be processed in a three-part procedures which requires the owner or agent to:

- Attend a Pre-application Conference,
- Submit a Formal Application, the required Review Fee in accordance with the Fee Schedule, and a Preliminary Development Plan, and
- Submit a Final Development Plan and Subdivision Plat as required.

Zoning Commission and Township Trustees shall act upon the application as prescribed by the following provisions of this chapter and in accordance with all applicable Ohio Revised Code requirements.

1. Pre-application Conference
  - a. Prior to submitting an application for development plan approval, an applicant for a “R-PUD” development shall meet with the Community Development Director to present the concept of the proposed development prior to the preparation of detail plans and to discuss the procedures and standards for development plan approval.
  - b. The pre-application conference is intended to facilitate the filing and consideration of a complete application and no representation made by the Community Development Director during such conference or at any other time shall be binding upon the Township with respect to the application subsequently submitted.

- c. The pre-application conference presentation shall include appropriate information and material necessary to explain the proposed development, including but not limited to, sketch plans and ideas development, tentative public utilities proposals, site location, etc.

## 2. Formal Application and Preliminary Development Plan

- a. An application shall be filed with the Community Development Director by the owner or owners or authorized agent of all property included in the development. A narrative summary of the development objectives shall be prepared and file with the application, completely documenting the opportunities and limitations to development, the facts, and studies supporting the proposed development. Eighteen (18) copies of the application and preliminary development plan shall be filed with the application.
- b. The application must include the written and graphic submittals specified below. Incomplete applications will not be accepted and processed.
- c. The preliminary development shall include all of the following information:
  1. A completed application form provided by the Community Development Director of Miami Township;
  2. The required preliminary development plan review fees in accordance with the Miami Township fee schedule; and
  3. Eighteen (18) copies of the preliminary development plan.
- d. For site plans less than 25 acres, the preliminary development plan shall be drawn for the subject property to a scale not smaller than one (1) inch equals one hundred (100) feet, to be considered complete. For site plans larger than 25 acres, an appropriate scale shall be used. All preliminary development plans shall be dated and shall include the following information as required by this Resolution:
  1. All property lines, shape and dimensions of the lot to be built upon showing directional bearings and distances adjacent streets, and location with reference to identifiable street intersection. A list of the names and addresses of the owners of all property owners located within the subject site, and within two hundred (200) feet in all directions of the subject site, together with corresponding parcel numbers.

2. Name of development, legal description of property north arrow, scale, acreage name and address of record owner and engineer, architect or land planner, or the person responsible for preparing the plan;
3. Vicinity map locating the subject property in Miami Township. Both vicinity map and preliminary development plan shall be oriented with parallel north arrows. North arrow shall be oriented to the top of the page;
4. The total lot area of the subject property;
5. The present zoning of the subject property and all adjacent properties;
6. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated or abandoned;
7. Existing topography, and approximate delineation of any topographical changes shown by contour with appropriate intervals to ensure accurate review;
8. The location of every existing and proposed building with number of floors, gross floor area, and number of dwelling units per building;
9. Any modifications, changes and additions to existing building(s), including floor area, heights and setbacks;
10. The amount of area proposed for common open space and recreational use, including the location and arrangement of recreational facilities, and identification of unique natural features to be retained, and a statement of ownership of such facilities and the means of maintaining all common areas;
11. The proposed finished grade(s) of new buildings supplemented where necessary with spot elevations;
12. Location and dimensions of all curb cuts, driving aisles, off-street parking and loading and/or unloading spaces including number of spaces, angle of stalls;
13. Location of proposed pedestrian walkways, identifying approximate dimensions:



14. Location of proposed streets, identifying approximate dimensions of pavement, right-of-way widths, and grades.
15. Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indicating approximate pipe sizes. Indication should also be given regarding the provision of electric and telephone service, including cable service;
16. Limits of existing flood hazard areas within and adjacent to the property, accurately showing the limits of building encroachments and earth fill within this area, with 100-year water surface elevations and proposed finished floor elevations denoted:
17. Identification of the soil types and subsurface geology of the subject property, indicating anticipated problems and proposed methods of handling said problems;
18. Existing and proposed location(s) of outdoor lighting, signs, screen plantings, fences, and landscaping. Any existing woodlands of mature vegetation, and any other significant natural features, such as water bodies, drainage courses, wetlands, and wildlife habitats, must be included, and every good faith effort made to preserve, maintain, and enhance same;
19. Location and screening or other description to indicate control and handling of solid waste. Indicate dumpster pad where dumpster is to be used;
20. A schedule of development, including the staging and phasing of:
  - a. Streets, utilities, and after public facility improvements, in order of priority, and
  - b. Dedication of land to public use or set aside for common ownership:
21. Elevations of all faces of buildings and structures, at an appropriate scale for the graphic representation of the materials employed. Such elevations must also indicate:
  - a. Heights of buildings and structures
  - b. Roofs and overhangs, and
  - c. Special design features.

22. Additional information or engineering data, in such form and content as necessary, to determine that the preliminary development plan meets the standards of this Chapter and other requirements and performance standards of the Zoning Resolution for Miami Township and of other public agencies in Clermont County, to ensure proper integration of the proposed project in the area and the prevention of adverse and undesirable impacts an the community.
        - c. The aforementioned information required for preliminary development plan review may be combined in any suitable and convenient manner as long as the data required is clearly indicated and comprehended.
        - d. Depending an the nature of the preliminary development plan review application one or more of the aforementioned preliminary development plan requirements may be waived by the Community Development Director. To obtain a waiver the applicant must submit a statement to the Community Development Director indicating reasons why the requirements should be waived. Community Development Director may grant waivers only when the material supplied by the applicant clearly demonstrates that the required information is unnecessary for a full and adequate review of the impact the proposed development shall have an the existing character of the neighborhood and/or the spirit of the Zoning Resolution. The decision of the Community Development Director with respect to the waiver is subject to review upon appeal to the board of Zoning Appeals.
3. Review and Approval of Preliminary Development Plans shall Proceed as follows:
  - a. The Township shall review the required “R-PUD” Preliminary Development Plan and accompanying documents using the procedures, standards, limitations and guidelines set forth in this Chapter. To be considered complete, a Preliminary Development Plan shall identify and provide all the information required under this Section.
  - b. At the time of the filing of an application for review and approval of the “R-PUD” Preliminary Development Plan, the applicant is required to pay the required review fee in accordance with the Township's effective schedule of fees.
  - c. The submittal of the application for an “R-PUD” District and all the required material for review and approval of the Preliminary Development Plan shall proceed as follows:

Step 1 - The applicant shall submit 18 copies of the Preliminary Development Plan to the Community Development Director.

Step 2 - The Community Development Director shall transmit copies of the Preliminary Development Plan and accompanying documents to the following entities:

- The Township Administrator,
- The Clermont County Planning Commission and other appropriate county and state review agencies, and

Step 3 - The Community Development Director shall within thirty (30) days collect reports from the Clermont County Planning Commission and other appropriate review agencies and prepare a staff report and recommendation for the Township Zoning Commission

Step 4 - The Township Zoning Commission shall set a time and place and conduct a public hearing. Notice of such hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in the Township at least fifteen days before the date of such hearing. Written notice of the hearing shall also be mailed by the Zoning Commission by first class mail at least twenty days before the date of the public hearing to all owners of property within the subject site and within two hundred (200) feet in all directions of the subject site.

Step 5a - The Zoning Commission's written report to the Township Trustees within thirty (30) days of meeting held as per Step 5, shall make a recommendation for approval, approval with conditions, or disapproval and shall include the following:

- A statement that the plan is consistent with the intent and purpose-of this section.
- A statement indicating the relationship beneficial or adverse, of the proposed development to the adjacent properties and to the neighborhood in which it is proposed to be established.
- A statement that present or planned utilities, roadways, and other public services will adequately service the overall development.
- A statement that the uses permitted in the development plan serve the area, preserve unique topographic, historical, special environmental or other unique features, and/or meet special requirements set forth in the development objectives.
- Statements that all specific conditions set forth previously in this Chapter are met.

Step 6 - Upon receipt of the Zoning Commission recommendation, the Township Trustees shall either approve, reject, or modify the recommendation of the Zoning Commission after public hearing. The public hearing shall be conducted by the Township Trustees within 30 days of receipt of the of the Zoning Commission recommendation and the Trustees shall render a decision within 20 days of that hearing notice. Notice of such hearing shall be given by the Township Trustees by one publication in one or more newspapers of general circulation in the Township at least fifteen days before the date of such hearing. Written notice of the hearing shall also be mailed by the Township Trustees by first class mail at least twenty days before the date of the public hearing to all owners of property within the subject site and within two hundred (200) feet in all directions of the subject site.

Step 7 - If the Township Trustees grant the “R-PUD” Overlay District, the Official Township Zoning Map shall be so modified and appropriately notated for the subject property by adding the prefix “R-PUD” next to the underlying zoning district letter, with data of approval and case number.

4. Final Development Plan:

- a. Within nine (9) months following the approval of the Preliminary Development Plan and the establishment of the “R-PUD” Overlay District, the applicant shall submit to the Community Development Director all required items to obtain final authorization to proceed with construction. Failure of the applicant to submit the final development plan within nine (9) months shall nullify the approval and shall cause the Zoning Inspector to remove the prefix “R-PUD” from the Official Township Zoning Map.
- b. The applicant shall submit the following items to the Community Development Department:
  - \* Application and Review Fee;
  - \* Final Development Plan;
  - \* Site Plan Map(s)/Elevation and Details, and
  - \* Supporting documentation.
- c. To insure conformance with the purpose and all requirements of the “R-PUD” Overlay District, the Community Development Director may require all necessary detailed plans and documents to perform the adequate review of the Final Development Plan.

- d. As a detailed extension of the approved Preliminary Development Plan, the Final Plan shall contain specifications of all data and information contained in the previous plan of sufficient detail to allow for review and approval for Zoning Certificate.
- e. The final detailed development plan shall conform substantially to the preliminary development plan. No changes, erasures, modifications or revisions shall be made to any approved plan after approval has been given unless said changes erasures, modifications or revisions are first submitted to and approved by the Community Development Director. In determining whether to permit revision of the preliminary development plan after approval, the Community Development Director shall proceed as follows. For minor modifications, which are defined as follows: with respect to Section 15.06 (B) (2) (d) a 10 percent change in existing buildings, floor area heights, and setbacks, and any change under Section 15.06 (B) (2) (d) (2) (3) (15) (16) or (17), the Community Development Director may permit these changes upon determination that the change does not adversely impact upon the adjacent property owners. For major modifications which are any changes in use or in Section 15.06 (B) (2) (d) (1) (4-8) (10-14) and (18-20), the applicant must submit a new preliminary development plan which will be reviewed in accordance with the procedures in Chapter 15.
- f. For developments which are designed to be built in phases and for which the preliminary plan was approved under Chapter 15, further review of the final development plans shall be in accordance with this section.
- g. The Final Development Plan which shall be submitted in twelve (12) copies must be at a scale not smaller than one inch equals fifty feet (1' = 50'). It shall satisfy all corresponding requirements of the preliminary plan and include all necessary detailed information regarding site development and building construction.

#### 4. Record Plat:

All "R-PUD" developments shall conform to the Clermont County Subdivision Regulations. The Community Development Director shall review said record plat for compliance with final "R-PUD" plan.

## **15.06 COMPLIANCE AND ENFORCEMENT**

It shall be incumbent upon the Community Development Director or his/her duly authorized representative to make all inspections and certifications necessary to ensure that development occurs in accordance with the approved final development plan.

In the event that the Community Development Director finds that a construction in accordance with the approved final development plan and record plat(s) is not being done, he/she shall issue a stop work order. It shall be incumbent upon the contractor or developer to correct those items that are in violation before construction may resume. All action required to bring development into compliance with the approved final development plan shall be at the developer's, builder's, or owners expense.

## **15.07 EXPIRATION**

If substantial construction has not been completed within a period of twelve (12) consecutive months from the date of approval of the final development plan, said plan shall be deemed null and void. The Community Development Director may extend the construction period if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicants control: and that prevailing conditions have not changed appreciably to render the approved final development, plan obsolete. For purposes of this Chapter, substantial construction shall mean installation of roadways including curbs and utilities.

Revised – Effective June 14, 2007  
Effective March 21, 2012 (Decks)

## **Chapter 16**

### **“MU” MIXED USE, INSTITUTIONAL DISTRICT**

#### **16.01 PURPOSE**

The purpose of the Mixed Use, Institutional District is to provide for a variety of land uses at appropriate locations that support and complement the objective of providing conference, retreat and educational/religious/cultural/charitable programs by a not for profit organization including a provision for agricultural, conference/educational/office, residential, retail and recreational uses. It is the purpose of this district to provide flexibility in site design and to promote distinct, integrated developments that harmonize with their surroundings.

#### **16.02 PRINCIPAL PERMITTED USES:**

- A. Institutions of an educational, religious, cultural, charitable, or philanthropic nature and associated administrative offices
- B. Farming, including the raising of plants and animals
- C. Sale of agricultural products
- D. Single Family Residences
- E. Conference/Retreat Center including dormitories and retreat cottages
- G. Book Store
- H. Art Gallery
- I. Schools and colleges for academic instruction, located not less than seventy-five (75) feet from a residence district and public buildings including libraries, museums and art galleries, located not less than seventy-five (75) feet from a residence district.
- J. Parks, playgrounds, recreational and community center buildings and grounds, provided that any principal building used therefore shall be located not less than seventy-five (75) feet from a residence district.
- K. Cemetery

### **16.03 CONDITIONAL USES REQUIRING BOARD AUTHORIZATION:**

A. Buildings in excess of thirty-five (35) feet in height if the following conditions are met satisfactorily:

1. For each foot of height increase in excess of thirty-five (35) feet, buildings must be set back at least an additional two (2) feet from the required minimum setback yard requirements; and
2. The increased building height will not adversely affect the adjacent properties, and
3. The increased building height is compatible with the existing and future development character and pattern; and
4. The site plan shows that proper mitigation measures have been proposed to address conditions 2 and 3 above.

B. Restaurants provided the following conditions are met satisfactorily:

1. The restaurant shall be located not less than seventy-five (75) feet from adjoining residential properties.
2. The parking for the restaurant shall be located not less than twenty-five (25) feet from any adjoining residential properties.
3. The parking lot shall be screened with landscaping to obscure its view from adjoining residential properties.
4. Parking lot and other exterior lighting shall be designed to ensure all lighting remains on site and does not spill over onto adjoining properties.
5. The applicant can clearly demonstrate the restaurant will not have an adverse effect on the neighborhood character.

C. Multi-Family Residence provided the following conditions are met satisfactorily:

1. The multi-family development is clearly supports and furthers the purpose of this chapter.
2. The gross density of the multi-family development will not exceed 2 units per acre and the net density will not exceed 8 units per acre.
3. Any building within the multi-family development must be setback at least seventy-five (75) feet from any adjoining single-family residential zoning district.
4. Parking for the multi-family development must be setback at least twenty-five feet from any single-family residential zoning district.



**16.04 ACCESSORY USES:**

- A. Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use, including barns, stables, and garages under conditions specified herein.
- B. Coffee shop when located totally within a book store

**16.05 SITE PLAN REVIEW**

All uses involving new construction and/or additions to existing structures are subject to the requirements of Chapter 27, Site Plan Review.

**16.06 HEIGHT REGULATIONS:**

No building shall exceed two and one-half stories or thirty five (35) feet in height.

**16.07-YARD REQUIREMENTS**

All applicable setbacks for this district are contained in Sections 16.08 through 16.11.

**16.08 FRONT YARD AREA REGULATIONS:**

- A. There shall be a front yard fifty (50) feet in depth measured from the right-of-way line. The right-of-way of any street shall be deemed to be fifty (50) feet unless a greater width is proposed in the official highway map of Clermont County. In that case, the front yard shall be measured from the property right-of-way as shown in said map.
- B. Where lots have a double frontage, the required front yard shall be provided on both streets.
- C. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot, except that the buildable width of such lot shall not be reduced to less than forty (40) feet. No accessory building shall project beyond the front yard line on either street.

**16.09 SIDE YARD AREA REQUIREMENTS:**

There shall be a side yard on each side of a building, which yard shall have a width of not less than twenty (20) feet, except when abutting residential and then the setback shall be seventy-five (75) feet.

**16.10 REAR YARD AREA REGULATIONS:**

There shall be a rear yard having a depth of not less than forty (40) feet, except when abutting residential and then the setback shall be seventy-five (75) feet.

#### **16.11 MINIMUM DISTANCE BETWEEN BUILDINGS**

The minimum distance between buildings shall be fifteen (15) feet unless applicable building or fire codes require a greater separation.

#### **16.12 OFF STREET PARKING**

All off street parking and loading facilities shall be designed in accordance with Chapter 23 of the Miami Township Zoning Resolution, Off Street Parking and Loading Regulations.

#### **16.13 SIGNS**

All signage must be in accordance with Chapter 24 of the Miami Township Zoning Resolution, Signs.

#### **16.14 INTENSITY OF USE:**

- A. Minimum Tract for Mixed Use, Institutional District: Fifty (50) acres. However, development of a smaller tract adjacent to an existing approved site may be permitted providing the proposed development conforms to and extends the original development as if the new site has been a part of the originally approved site plan layout.
- B. Every lot or tract of land shall have a minimum width of one hundred and fifty (150) feet at the building line and an area of not less than forty thousand (40,000) square feet.
- C. For the purpose of this Chapter all Permitted, Conditional and Accessory uses may be constructed on a single parcel of land.

#### **16.15 SCREENING AND BUFFERING**

All retail and conference uses, when within one hundred (100) feet of adjoining residential, must be screened from adjoining properties by a minimum twenty-five (25) foot wide landscape buffer. Existing vegetation may serve as the buffer provided there is sufficient coverage to produce an opaque screen. Where existing vegetation is insufficient to produce an opaque screen then a mixture of deciduous and non-deciduous trees must be planted to achieve the screen. A landscape plan must be submitted to the Township as part of the Site Plan Review process for review and approval.

# **Chapter 17**

## **State Route 28 Urban Village Planned Unit Development**

### **17.01 PURPOSE**

Pursuant to Section 519.021, Paragraph “C” of the Ohio Revised Code, Miami Township is establishing Planned Unit Development Regulations for the purpose of implementing the State Route 28 Redevelopment/Transformation Plan. The purpose of this Zoning District is to allow development and redevelopment of land within the Business SR 28 Corridor in Miami Township consistent with the urban design principles of traditional neighborhoods and town centers and in conformance with the adopted SR 28 Redevelopment/Transformation Plan. The Planned Unit Development District is designed to promote diversity and integration of uses and structures in a planned development through flexible design standards that:

1. Are compact,
2. Are designed for the human scale,
3. Provide a mix of uses, including residential, commercial, civic, and open space uses, in close proximity to one another within the neighborhood,
4. Provide a mix of housing styles, types, and sizes,
5. Incorporate a system of interconnected streets with sidewalks, bikeways, and transit that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those streets to existing and future developments;
6. Incorporate significant environmental features into the design
7. Provide architectural design diversity
8. Are consistent with the SR 28 Redevelopment/Transformation Plan.

### **17.02 LOCATION AND BOUNDARY AREA**

The Planned Unit Development District Site shall be located within the SR 28 Business Corridor and shall have the same boundaries as the SR 28 Redevelopment/Transformation Plan as adopted by the Miami Township Board of Trustees and as shown in Exhibit “A” of this Chapter.

### **17.03 PROCEDURES**

To achieve these purposes and objectives, special supplemental procedures to those applicable in the conventional underlying zoning districts are established in this District, under which development plans specifically designed to meet these objectives shall be submitted for review and/or approval by Miami Township. These special provisions allow for the planned modification of the strict requirements of the underlying zone, an increase in the intensity of development and other modifications to further the purpose of the District.

## 17.04 LAND USES AND SETBACKS BY DISTRICT

The SR 28 Redevelopment/Transformation Plan is divided into specific districts – The Boulevard, The Town Center, The Civic Center, The Neighborhoods, Retail and the Auto Sales/Service Area. Permitted and prohibited uses and setbacks for each district is shown below:

- A. The Boulevard - Principle permitted uses, conditional uses and accessory uses are as follows:
1. All uses permitted in the “B-1” Neighborhood Business District and the “B-2” General Business District, with the addition of residential, institutional, civic, open space and parks, and with the exception of the following; vehicle sales, self storage facilities, outdoor storage, contractor storage yards, landscape businesses,
  2. Structures in the Boulevard District have no minimum setback requirement. All commercial, civic and institutional buildings shall abut a public sidewalk.
    - Exception. A commercial structure may be setback from the public sidewalk when creating a courtyard for uses such as an outdoor café.
- B. The Town Center - Principle permitted uses, conditional uses and accessory uses are as follows:
1. All uses permitted in the “B-1” Neighborhood Business District and the “B-2” General Business District, with the addition of residential, institutional, civic, open space and parks, and with the exception of the following, vehicle sales, self storage facilities, outdoor storage, contractor storage yards, landscape businesses, drive-thru facilities, gas stations/convenience store
  2. Structures in the Town Center District have no minimum setback requirements. All commercial, civic, and institutional buildings shall abut a public sidewalk.
    - Exception. A commercial structure may be setback from the public sidewalk when creating a courtyard for uses such as an outdoor café.
- C. The Civic Center - Principle permitted uses, conditional uses and accessory uses are as follows:
1. All uses permitted in the “B-1” Neighborhood Business District and the “B-2” General Business District, with the addition of residential, institutional, civic, open space and parks, and with the exception of the following, vehicle sales, self storage facilities, outdoor storage, contractor storage yards, landscape businesses,

2. Structures in the Civic Center District have no minimum setback requirements. All commercial, civic and institutional buildings shall front on a public sidewalk.
  - Exception. A commercial structure may be setback from the public sidewalk when creating a courtyard for uses such as an outdoor café.
- C. The Automotive Service/Sales District – Principle permitted uses, conditional uses and accessory uses are as follows:
  1. The purpose of this district is to provide for automobile oriented businesses such as vehicle sales, vehicle service, drive-thru restaurants and similar businesses. Permitted uses within this district include all uses in the “B-2” General Business District.
  2. Setbacks in the automotive service/sales district shall be the same as the setbacks required of the B-2 General Business District.
- D. Retail District - Principle permitted uses, conditional uses and accessory uses are as follows:
  1. The purpose of this district is to provide for general retail, restaurant, commercial and office uses. Permitted uses within this district include all uses in the “B-1” Neighborhood Business District and “B-2” General Business District.
  2. Setbacks in the retail district shall be the same as the setbacks required of the B-2 General Business District.
- E. The Neighborhoods – There are three proposed residential neighborhoods.
  1. Northwest Neighborhood –
    - a. Principle permitted uses, conditional uses and accessory uses are as follows:
      - Single-family Detached Dwellings
      - Single-family Attached Dwellings, including duplexes, townhomes and row houses
      - Live/Work Units
      - Small scale retail and service uses
    - b. Single family detached residences will have a front setback between (0 and 20 feet) and a rear yard setback of at least 30 feet. Provision for zero lot line single family dwellings should be made, provided that a reciprocal access easement is recorded for both lots and townhouses or other attached dwellings, provided that all dwellings have pedestrian

access to the rear yard other than through the principal structure. The minimum distance between single-family detached dwellings shall be 10 feet.

- c. The maximum number of attached single family dwellings, townhomes, or row houses that can be contained in one continuous structure is eight (8) units

## 2. Southern Neighborhood –

- a. Principle permitted uses, conditional uses and accessory uses are as follows:

- Single Family Detached Dwellings
- Single family Attached Dwellings, including duplexes, townhomes and row houses
- Live/Work Units

- b. Single-family detached residences will have a front setback between (0 and 20 feet) and a rear yard setback of at least 30 feet. Provision for zero lot line single family dwellings should be made, provided that a reciprocal access easement is recorded for both lots and townhouses or other attached dwellings, provided that all dwellings have pedestrian access to the rear yard other than through the principal structure. The minimum distance between single-family detached dwellings shall be 10 feet.

- c. The maximum number of attached single family dwellings, townhomes, or row houses that can be contained in one continuous structure is eight (8) units

## 3. North Central Neighborhood –

- a. Principle permitted uses, conditional uses and accessory uses are as follows:

- Single Family Detached Dwellings
- Single family Attached Dwellings, including duplexes, townhomes and row houses

- b. Single-family detached residences will have a front setback between (0 and 20 feet) and a rear yard setback of at least 30 feet. Provision for zero lot line single family dwellings should be made, provided that a reciprocal access easement is recorded for both lots and townhouses or other attached dwellings, provided that all dwellings have pedestrian access to the rear yard other than through the principal

structure. The minimum distance between single-family detached dwellings shall be 10 feet.

- c. The maximum number of attached single family dwellings, townhomes, or row houses that can be contained in one continuous structure is eight (8) units

## **17.05 DEVELOPMENT STANDARDS**

In order to ensure the proposed development meets the intent and spirit of the SR 28 Redevelopment/Transformation Plan the developer must demonstrate the final development plan meets the following standards:

### **A. OPEN SPACE, PLAZAS AND GREEN AREAS**

1. Open space shall include neighborhood parks, playgrounds, town squares, plazas and linear environmental corridors.
2. Where appropriate, the design of green areas should incorporate plant materials to define space, define views, provide screening of parking lots, provide for privacy, serve as focal points, and soften views of buildings and pavement.

### **B. GRADING AND DRAINAGE**

1. Grading should be performed with sensitivity to existing topography and other natural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts.
2. Drainage shall be designed and constructed so as to not detrimentally affect adjacent properties and be in conformance with Clermont County stormwater management requirements. These systems shall provide for the safety and convenience of occupants and protection of dwellings, other development, and usable lot areas from water damage, flooding, and erosion.

### **C. LOT AND BLOCK STANDARDS**

1. Typical street design should provide for blocks that are two hundred forty (240) feet - four hundred (400) feet deep by three hundred sixty (360) feet – four hundred eighty (480) feet wide. Exceptions will be reviewed on a case by case basis.
2. A variety of lot sizes shall be provided in order to facilitate diversity in housing types and building design.
3. Lot widths should create a relatively symmetrical street cross section that reinforces the street as a simple unified public space.

## D. RESIDENTIAL DENSITY

1. Mixed Residential Area – The maximum number of detached single family residences permitted shall be six (6) per net acre.
2. Mixed Residential Area – The maximum number of attached single family residences permitted shall be eight (8) per net acre.
3. Mixed Residential Area – The maximum number of multi-family units permitted shall be twelve (12) units per net acre.
4. Town Center/Mixed Use Areas – The maximum number of attached Single family and multi-family units shall be calculated the same as above.

## E. CIRCULATION

The circulation system shall allow for the following:

- Provide for different modes of transportation.
- Provide functional and visual links with the mixed-use areas, residential neighborhoods and open space.
- Provide links to existing and proposed external developments.
- Shall minimize conflict between vehicular and pedestrian traffic.

### 1. Vehicular Circulation

- a. Vehicular circulation shall be based on a grid street pattern of interconnected streets that includes a hierarchy of streets including thoroughfares, collectors, local streets and alleys.
- b. Street widths shall be consistent with the guidelines set forth in the SR 28 Redevelopment/Transformation Plan.

### 2. Pedestrian Circulation

- a. Sidewalks shall be provided on both sides of all public and private streets. The sidewalk system will be designed to minimize pedestrian-vehicle conflicts and will be provided continuously throughout the Urban Village. Sidewalks are not required along alleys or service ways.
- b. Sidewalks shall provide a connection between business entrances and adjacent public sidewalk to associated parking areas.
- c. Sidewalks shall be a minimum of Five (5) feet wide in the detached single-family residential areas and a minimum of seven (7) feet wide in mixed use or commercial areas. Sidewalks fronting on the main Boulevard area shall be a minimum of 10 feet wide.



### 3. Bicycle Circulation

- a. Bicycle circulation shall be accommodated on the streets and/or on dedicated bicycle paths or shared use paths.

### 4. Transit Stops

- a. Transit or bus stops shall be designed, located and coordinated with Miami Township and appropriate transit authorities.

## F. LIGHTING

1. Street lighting shall be provided along all streets. Generally, more smaller decorative lights, as opposed to fewer high intensity lights should be used. Lighting in all areas shall provide adequate illumination of sidewalks. Thoroughfare and Boulevards will require adequate lighting for vehicular and pedestrian safety.
2. All parking lot and private walkway lights shall be shielded so that substantially all the directly emitted light falls within the property line.

## G. PARKING

1. Except as hereinafter modified the requirements of Chapter 23, Off Street Parking and Loading Regulations, shall apply to this district.
2. In a mixed use area, a commercial use must provide a minimum of one parking space for every 300 square feet of floor area. The minimum size of a parking stall shall be 9 x 18 feet for 90 degree parking. On street parking within 200 feet of the business may be used as part of this calculation. A parking plan is required for any new development or redevelopment within this zoning district.
3. Parking shall be provided to the rear or side of a building. When parking is provided in the side yard, it shall be screened from the public right-of-way by use of landscaping. Such landscaping shall be a minimum of three (3) feet high at planting and shall be at least 50% opaque on a year round basis.
4. Parking lots or garages will not be permitted at street intersections. Residential garages are permitted at the intersection of a street and an alley or service way, provided the garage is loaded from the alley or service way and not the street.
5. Shared parking arrangements are encouraged. When a parking area will serve two or more uses for which the peak parking demand occurs at different times, a parking plan will be submitted to the Community Development Department for review and approval.

## H. DESIGN STANDARDS

Due to the mixed-use nature of the development, architectural compatibility is necessary in order to visually integrate development and allow for proximity of varied uses. Architectural styles shall vary in order to add to the authenticity of the built environment, however architectural design must be within the intent and spirit of the adopted State Route 28 Redevelopment/Transformation Plan. One of the goals of the urban village is to provide for compact development designed for the human scale. This emphasis on design includes being sensitive to walking distances, height of buildings, design of streetlights, signage and sidewalks.

1. The front façade of any building shall front on a public street. A public entrance must be provided from the public street and may be provided from any side or rear parking lots. The front façade shall not be oriented to face directly toward a parking lot.
2. For commercial buildings the architectural features, materials and the articulation of a building shall be continued on all sides visible from a public street.
3. For commercial buildings, a minimum of fifty (50) percent of the front façade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.
4. Buildings with facades over 100 linear feet shall incorporate wall projections or recesses a minimum of 3 foot in depth and a minimum of 20 contiguous feet in length and shall extend over 20% of the façade length.
5. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall define the entrance to all residences.
6. Side and rear yard fences shall be between four (4) and six (6) feet in height as needed for screening.
7. Front loading garages shall not be permitted except in the Northwest Neighborhood. In the Northwest Neighborhood, garages may be accessed as shown in Figure 1. In all other residential neighborhoods, garages shall be accessed from alleys.

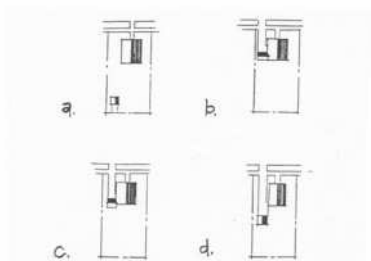


Figure 1

- a. Detached Garage located in the rear yard accessed from the alley.
- b & c. Attached garage recessed behind the front line of the house accessed from the street.
- d. Detached garage located in the rear yard accessed from the street.

## I. SIGNS

All commercial and office uses must submit signage plans in general compliance with the requirements and standards set forth in Section 24.13 of the Zoning Resolution. The Zoning Commission shall review and approve the signage plans as part of the Chapter 27- Site Plan Review at which time appropriate standards shall be determined for the signage plans that are based on the character of the State Route 28 Urban Village and further the purpose of the district as a mixed use walkable community.

## J. UTILITIES

All utilities shall be located underground.

### **17.06 APPLICATION AND REVIEW PROCEDURES**

Application for Development Plan Review for new construction and redevelopment of parcels within this district shall be commenced by the property owner, developer or his authorized agent and shall be processed in accordance with the following procedures:

- Attend a pre-application conference with the Community Development Department,
  - Submit a formal application, development plan and review fee,
  - Review and approval by the Rural Zoning Commission
1. Pre-Application Conference
    - a. Before submitting an application for development plan approval, an applicant shall meet with the Community Development Director to present the concept of the proposed development prior to the preparation of detail plans and to discuss the procedures and standards for development plan approval.
    - b. The pre-application conference is intended to facilitate the filing and consideration of a complete application and no representation made by the Community Development Director during such conference or at any other time shall be binding upon the Township with respect to the application subsequently submitted.
    - c. The pre-application conference presentation shall include appropriate information and material necessary to explain the proposed development, including but not limited to, proposed land use, sketch plans and design ideas, development initiatives, tentative public utility proposals, site location phasing and schedule expectations, etc.
  2. Formal Application and Development Plan Review
    - a. An application shall be filed with the Community Development Director by the owner or owners or authorized agent of all property included in the development. A narrative summary of the development objectives shall be prepared and filed with the application, completely documenting how the

project complies with the intent of the SR 28 Redevelopment/Transformation Plan, and the facts and studies supporting the proposed development. Ten (10) copies of the application and development plan shall be filed with the application.

- b. The application must include the written and graphic submittals specified below. Incomplete applications will not be accepted and processed.
- c. The development plan shall include all the following:
  - i. All property lines, shape and dimensions of the lot to be built upon showing directional bearings and distances adjacent streets, and location with reference to identifiable street intersection.
  - ii. Name of development, legal description of property north arrow, scale, acreage name and address of record owner and engineer, architect or land planner, or the person responsible for preparing the plan;
  - iii. The total lot area of the subject property;
  - iv. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated or abandoned;
  - v. Existing topography, and approximate delineation of any topographical changes shown by contour with appropriate intervals to ensure accurate review;
  - vi. Stormwater management plan consistent with Clermont County standards;
  - vii. The location of every existing and proposed building with number of floors, gross floor area, proposed use and number of dwelling units per building;
  - viii. Any modifications, changes and additions to existing building(s), including floor area, heights and setbacks;
  - ix. The location of any area to be used as common open space or public plaza;
  - x. The proposed finished grade(s) of new buildings supplemented where necessary with spot elevations;
  - xi. Location and dimensions of all curb cuts, driving aisles, off-street parking and loading and/or unloading spaces including number of spaces, angle of stalls, etc;

- xii. Location of proposed sidewalks and pedestrian walkways, identifying approximate dimensions;
- xiii. Location of proposed streets, identifying approximate dimensions of pavement, right-of-way widths, and grades;
- xiv. Location of existing and proposed water, sanitary sewer, and storm drainage lines, indicating approximate pipe sizes. Indication should also be given regarding the location of existing and proposed electric, telephone and cable service;
- xv. Existing and proposed location(s) of outdoor lighting, signs, screen plantings, fencing, and landscaping.
- xvi. Location and screening or other description to indicate control and handling of solid waste. Indicate dumpster pad where dumpster is to be used;
- xvii. Elevations of all faces of buildings and structures, at an appropriate scale for the graphic representation of the materials employed. Such elevations must also indicate: Heights of buildings and structures, roofs and overhangs, and special design features;
- xviii. Additional information or engineering data, in such form and content as necessary, to determine that the development plan meets the standards of this Chapter, the intent of the SR 28 Redevelopment/Transformation Plan and other requirements and performance standards of the Zoning Resolution for Miami Township and of other public agencies in Clermont County.

### 3. Review and Approval by Rural Zoning Commission

- a. Upon the acceptance of a formal application for development plan review, the Community Development Director shall forward the application material to the Rural Zoning Commission within thirty (30) days.
- b. Upon receipt of the application, the Rural Zoning Commission will set a public meeting to review the application within thirty-five (35) days.
- c. During the public meeting, the Rural Zoning Commission may ask questions or request additional information from the applicant.
- d. The Rural Zoning Commission shall approve, approve with modifications or disapprove a development plan within thirty-five (35) days of the close of the public meeting.

### **17.07 COMPLIANCE AND ENFORCEMENT**

It shall be incumbent upon the Community Development Director or his/her duly authorized representative to make all inspections and certifications necessary to ensure that development occurs in accordance with the approved final development plan.

In the event that the Community Development Director finds that a construction in accordance with the approved final development plan and record plat(s) is not being done, he/she shall issue a stop work order. It shall be incumbent upon the contractor or developer to correct those items that are in violation before construction may resume. All action required to bring development into compliance with the approved final development plan shall be at the developer's, builder's, or owners expense.

### **17.08 EXPIRATION**

If substantial construction has not been completed within a period of twelve (12) consecutive months from the date of approval of the final development plan, said plan shall be deemed null and void. The Community Development Director may extend the construction period if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicants control: and that prevailing conditions have not changed appreciably to render the approved final development plan obsolete. For purposes of this Chapter, substantial construction shall mean installation of roadways including curbs and utilities.

Effective: Revised June 14, 2007

**LOT AREA, BULK YARD AND SCREENING REQUIREMENTS IN THE  
“URBAN VILLAGE” PLANNED UNIT DEVELOPMENT**

Description	Requirements
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**LOT REQUIREMENTS**

1. Minimum Lot Area	There is no minimum lot area
2. Minimum Lot Width	There is no minimum lot width

**MAXIMUM HEIGHT**

1. Town Center	6 stories or 75 feet
2. Boulevard District	3 stories or 40 feet
3. Civic District	3 stories or 50 feet
4. Auto Sales/Service District	2 stories or 35 feet
5. Retail District	3 stories or 45 feet
6. Residential Neighborhoods	3 stories or 45 feet

**MINIMUM YARD REQUIREMENTS – PRINCIPAL BUILDING**

1. Town Center	No Minimum setbacks All Buildings must build to the public sidewalk.
2. Boulevard District	No Minimum setbacks All Buildings must build to the public sidewalk.
3. Civic District	No Minimum setbacks All Buildings must build to the public sidewalk.
4. Auto Sales/Service District	50 feet from r-o-w 15 feet side yard 35 feet rear yard
5. Retail District	50 feet from r-o-w 15 feet from side yard 35 feet from rear yard
6. Residential Neighborhoods	0-20 feet maximum front yard setback 30 feet minimum rear yard setback 0-10 feet maximum side yard setback

**MINIMUM YARD REQUIREMENTS –ACCESSORY BUILDING**

1. Town Center	No Minimum setbacks Accessory Structure must be located to the rear of the Principal Building
2. Boulevard District	No Minimum setbacks Accessory Structure must be located to the rear of the Principal Building
3. Civic Center	No Minimum setbacks Accessory Structure must be located to the rear of the Principal Building
4. Auto Sales/Service District	10 feet side yard 10 feet rear yard
5. Retail District	10 feet side yard 10 feet rear yard
5. Residential Neighborhoods	10 feet minimum from rear yard 5 feet maximum side yard setback

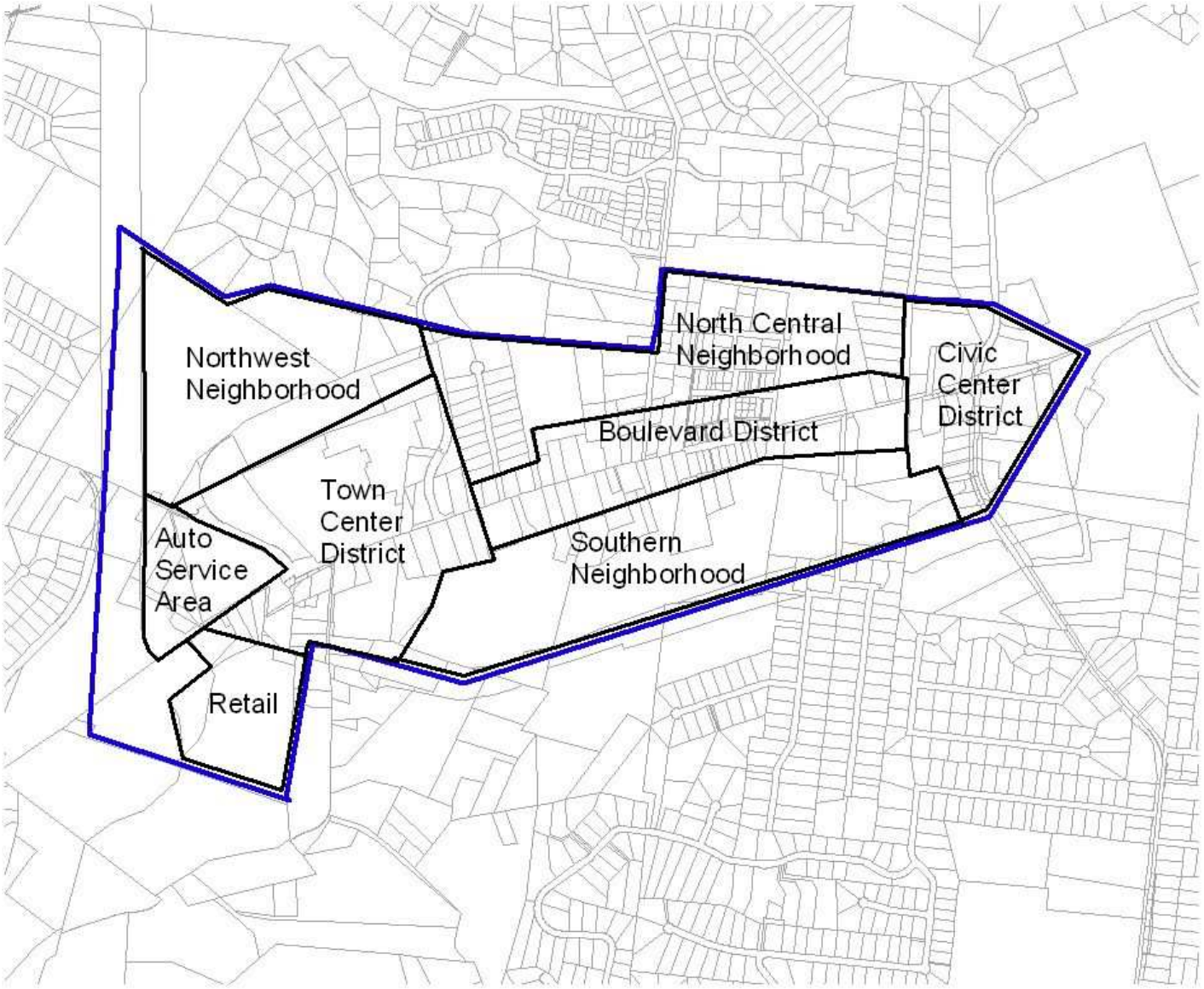


Exhibit "A"  
State Route 28 Urban Village  
Planned Unit Development



Chapter 18

RESERVED FOR FUTURE USE

# Chapter 19

## PLANNED BUSINESS DEVELOPMENT OVERLAY DISTRICT

### 19.01 PURPOSE

#### A. General

This Chapter establishes requirements and procedures for approval of business developments within corridors along major transportation arterials which are planned and designed in a manner which maintain effective traffic flow and accessibility so as to reduce potential traffic hazards, encourage compatible land uses, and promote the general public health and safety, and other purposes of the Miami Township Zoning Resolution.

Business corridors along major transportation arterials are recognized as principal geographic areas of commercial activity in Miami Township. It is the purpose of the Planned Business Development Overlay District to provide a flexible alternative to the strict application of the requirements of the underlying zoning, in order to encourage effectively planned and designed business developments, to prevent the deterioration of property and protect private investments, and to promote public health, safety and welfare.

#### B. Objectives

This District is specifically designed to:

1. Encourage business development in consideration of existing and projected traffic, traffic improvements, accessibility, and compatibility with surrounding land uses;
2. Protect adjacent residential uses and the general quality of life of the residents wishing to continue to use their property in residential use;
3. Encourage creative planning and design in the arrangement of buildings, circulation, access, shared ingress/egress arrangements, elimination of curb cuts, setbacks and buffers;
4. Ensure that existing and anticipated land uses and traffic improvements will be developed in a manner that protect the general health and safety;
5. Protect property and private investment;

6. Maintain an effective and safe level of traffic flow and accessibility so as to reduce potential traffic hazards; and
7. Encourage business development in accordance with the Miami Township goals and policies.

#### C. Procedures

To achieve these purposes and objectives, special supplemental procedures to those applicable in the conventional underlying business district are established in this Chapter, under which development plans specifically designed to meet these objectives may be submitted for review and/or approval. Subject to Zoning Commission approval, these special provisions allow for the planned modification of the strict requirements of the underlying zone, an increase in the intensity of development and other modifications to further the purpose of the District.

### **19.02 QUALIFYING CONDITIONS**

#### A. Location and Boundary Area

The overlay District site shall be located within the "B-1" Neighborhood Business District and the "B-2" General Business District.

#### B. Development Area

The site area, lot width, setbacks, and building height shall be no less than the minimum requirements of the underlying zoning district, unless these minimum requirements are permitted by the Zoning Commission's decision to be modified in accordance with the provisions of Section 19.04.

### **19.03 PERMITTED USES**

The principal permitted uses, conditionally approved uses, and accessory buildings incidental to the principal uses are the same as those permitted by the underlying zoning district or Section 19.04.

### **19.04 MODIFICATIONS TO THE MINIMUM REQUIREMENTS**

- A. In order to advance the purposes of this Chapter, the Zoning Commission may consider and may approve modification to the requirements of the underlying zoning district as follows:

1. A reduction to the minimum lot area by a maximum fifteen (15) percent;
2. A reduction to the lot width by a maximum fifteen percent; (15) percent
3. A reduction in the rear yard requirements adjacent to a residential district by a maximum fifteen (15) percent, provided that adequate and effective buffering will be provided;
4. A reduction in the front yard setback to a distance of not less than twelve (12) feet from the right of way line, provided however that: a) parking is provided only in the rear of the property; b) the building's main facade is oriented towards the street with openings to the business(s), sidewalks, and street trees to create an attractive streetscape; c) driveway sight distances are maintained; and d) the proposed development does not adversely affect adjacent properties.
5. A reduction in the number of on-site required parking spaces by a maximum of fifteen (15) percent, provided that the applicant demonstrates that the reduction in the number of spaces will not result in adversely affecting the general public and/or parking (i.e. for employees and or special occasions is provided off-site at a different location through a reciprocal arrangement with the property owner; and
6. A reduction in the required minimum size of the parking space from 10 x 20 feet to 9x 18 feet;

#### B. Conditions for Modifications

The Zoning Commission may consider and may approve modifications to the minimum requirements of the underlying zoning district depending on the quality and effectiveness of the proposed development, if it is found that the following has been addressed satisfactorily:

1. The proposed development has been planned and designed effectively based on the guidelines of this Section, Section 19.05, and applicable ODOT and County Engineer's Standards.
2. The proposed development will not create inconvenient or unsafe access; and
3. The proposed development will not create traffic congestion in the streets, which adjoin the site.

The Zoning Commission may limit the modifications desired to an amount, which is sufficient to avoid the creation of any of the above conditions.

## **19.05 STANDARDS AND GUIDELINES**

In order to have a business development approved under the Planned Business Development Overlay District requirements, the applicant must demonstrate that the site plan must meet the following standards and guidelines:

### **A. General**

1. The site plan shall reflect all Township goals and policies affecting the site.

### **B. Joint and Cross Access**

1. Adjacent properties shall provide a cross access drive and pedestrian access to allow circulation between properties.
2. A system of joint use driveways and cross access easements shall be established wherever feasible and the building site shall incorporate the following:
3. A continuous service drive or cross access corridor extending the entire length of each group of properties served to provide for driveway separation consistent with the access management planning and design and standards, and as approved by the County Engineer's Office.
4. A design speed of 10 mph and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles;
5. Stub streets and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;
6. A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged wherever feasible.
7. Property owners shall record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
8. The agreement will be recorded with the deed specifying that the remaining access rights along the thoroughfare will be dedicated to the

State and preexisting driveways will be closed and eliminated after construction of the joint-use driveway;

9. Property owners shall record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

### C. Access Connection and Driveway Design

Driveway width shall meet the following guidelines:

1. If the driveway is a one way in or one way out drive, then the driveway shall be a minimum width of 16 feet and shall have appropriate signage designating the driveway as a one-way connection.
2. For two-way access, each lane shall have a width of 12 feet and a maximum of four lanes shall be allowed.
3. Driveways that enter the major thoroughfare at traffic signals must have at least two outbound lanes (one for each turning direction) of at least 12 feet width, and one inbound lane with a 14 feet width.
4. Driveway grades shall conform to the requirements of ODOT Location and Design Manual, latest edition, and applicable County Engineer's requirements.
5. Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers is discouraged due to the potential for vehicular weaving conflicts.
6. Driveway width and flair shall be adequate to serve the volume of traffic and provide for rapid movement of vehicles off of the major thoroughfare, but standards shall not be so excessive as to pose safety hazards for pedestrians, bicycles, or other vehicles.
7. The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. These measures generally are acceptable for the principal access to a property and are not intended for minor driveways.

#### D. Left Turns

1. Left turn lanes, which provide stacking lanes for those automobiles preparing to turn left, should be utilized when possible in an effort to prevent traffic slow down and traffic hazards.

#### E. Acceleration/Deceleration Lanes

1. The use of acceleration/deceleration lanes should be utilized whenever possible to help prevent traffic slow-down and general interruptions, thereby avoiding potential traffic hazards.

#### F. Right-In/Right-Out Only Turns

1. Points of access that allow only right-in/right-out access to major arterials should be utilized in an effort to prevent traffic slowdown and additional points of traffic conflicts.

#### G. Driveway Spacing

1. Driveway spacing along the major arterial will be established by ODOT and/or the County Engineer's Office.

#### H. Development Features

1. Building heights shall not exceed the height provided in the underlying district and shall be designed to not detract from adjacent residential property and to be compatible with existing development character and patterns.
2. Development shall be planned, designed and constructed to preserve to the maximum extend possible existing trees and vegetation; and
  - a. Utilize existing topography and other natural resources on the site to provide buffering and limit grading to minimize environmental impact on adjacent uses; and
  - b. Include screening and buffering such as the creation of berms and use of bushes, trees and shrubs to minimize impact on adjacent uses.
3. Drainage shall be designed and constructed to not detrimentally affect adjacent properties.
4. Parking lot and walkway lights shall be shielded so that substantially all directly emitted light falls within the property line.

5. Perimeter development shall be fenced and/or screened in a manner which will protect the privacy and amenity of adjacent existing uses while complying with required site distances provided in Section 23.04 (C).

## **19.06 APPLICATION AND REVIEW PROCEDURES**

The application for a development under the Overlay District requirements shall be made by the property owner, developer, or his authorized agent and shall be processed as follows:

### **A. Properties Already Having the Business District Classification**

For properties, which are currently zoned in the Business District according to the underlying zoning, the application review process shall include the following:

1. Site Plan preparation and review according to the requirements of Chapter 27 Site Plan Review of the Miami Zoning Resolution.
2. Site plan review and approval of all traffic and access improvements by ODOT and the County Engineer's office.
3. Following the submission of the Township Planner's review report to the Township Zoning Inspector's office, the application shall be placed on the Zoning Commission's agenda for its consideration.
4. Township Zoning Commission shall give notice as required by Section 519.12 of the Revised Code for zone changes.
5. The Zoning Commission shall conduct a public hearing in accordance with the procedures outlined in Section 519.12 of the Revised Code and shall either approve, approve with conditions, or disapprove the application and state the reasons for doing so.
6. In accordance with Section 519.12 of the Revised Code the Board of Township Trustees shall then conduct a public hearing and give notice of the public hearing. Within 20 days of the completion of the public hearing the Board of Township Trustees shall either accept the recommendation of the Zoning Commission, accept the recommendation of the Zoning Commission with modifications, or reject the recommendation of the Zoning Commission. Any vote to either accept with modifications or reject the recommendation of the Zoning commission must be unanimous.



7. Following the approval by the Township Trustees, the Zoning Inspector shall issue a zoning permit after valid application has been filed.

B. Properties Requesting a Zone Change to Business District

1. For properties, which are not currently zoned in the Business District classification the application review, procedures shall be the same as those used to process zoning map amendments and can proceed simultaneously.

**19.07 REVISIONS TO AN APPROVED SITE PLAN**

Minor modifications to the approved site plan as described in Section 27.06 of the Zoning Resolution may be approved by the Community Development Director upon the submission of a revised plan.

Major modifications to an approved site plan as described in Section 27.06 of the Zoning Resolution must be reviewed in accordance with the process described in Section 19.06 above.

Effective: Revised June 14, 2007

## **Chapter 20**

### **SEXUALLY ORIENTED BUSINESSES**

#### **20.01 Purpose**

It is the purpose and intent of the Chapter to regulate sexually oriented businesses to promote the health and safety of the citizens of the Township and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the Township, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses. The provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative material or expression, including sexually oriented materials. Similarly, it is not the intent nor effect of this Chapter to restrict or deny access by adults to sexually oriented materials or expression protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of the Chapter to condone or legitimize the distribution of obscene material.

#### **20.02 Establishment and Classification of Businesses Regulated.**

- A. Sexually oriented businesses include the following: adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motion picture theatre, adult theatre, sexual encounter establishment, or nude model studio.
- B. The establishment of a sexually oriented business shall be permitted only in the "I" Planned Industrial Park District and shall be subject to the following restrictions:
  - 1. No person shall cause or permit the establishment of any sexually oriented business within seven hundred and fifty (750) feet of another sexually oriented business or within seven hundred and fifty (750) feet of any religious institution, school, library, public park or recreational facility that is attended by persons under eighteen (18) years of age, or within seven hundred and fifty (750) feet of a residential district.

#### **20.03. Location Restrictions and Requirements for Sexually Oriented Businesses.**

The Miami Township Zoning Resolution hereby requires that sexually oriented businesses shall be permitted only as provided in Section 20.02. A zoning certificate shall be required before the establishment of a sexually oriented business. In addition, any sexually oriented business shall be subject to the following restrictions:

- A. No sexually oriented business shall be operated within seven hundred and fifty (750) feet of: (a) any religious institution; (b) any school; (c) any library; (d) any public park; (e) any recreational facility that is attended by persons under eighteen (18) years of age or (f) any residential zoning district.
- B. No sexually oriented business shall be operated within seven hundred and fifty (750) feet of another such business, which will include those stated in Subparagraph 20.02 (B)(1).
- C. Nothing in this Chapter shall prohibit a person from appearing in a state of nudity for a modeling class operated:
  1. By a proprietary school, licensed by the State of Ohio; a college, junior college, or university supported entirely or partly by taxation;
  2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
  3. In a structure:
    - Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
    - Where in order to participate in a class a student must enroll at least three days in advance of the class; and
    - Where no more than one nude model is on the premises at any one time.

#### **20.04. Measurement of Distance.**

- A. Distances shall be measured in a straight line, without regard to intervening structures or topography (i.e., as measured on a map).
- B. The distances shall be measured from the exterior faces (including architectural projections) of the exterior walls of the principal building containing the proposed sexually oriented business.
- C. The distances shall be measured to the exterior faces (including architectural projections) of the exterior walls of any principal building containing another sexually oriented business or any religious institution.
- D. If the proposed sexually oriented business is to be located within a tenant space, then the distances shall be measured from the exterior faces (including architectural projections) of the walls creating the boundaries of the tenant space, and not from that of the entire multi-tenant building.
- E. If another sexually oriented business or any religious institution or school is located within a tenant space, then the distances shall be measured to the exterior

- faces (including architectural projections) of the walls creating the boundaries of the tenant space, and not from that of the entire multi-tenant building.
- F. Regarding distance measurements to a residential district, the distances shall be measured from the exterior faces (including any architectural projections) of the exterior walls of the principal building containing the proposed sexually oriented business to the closest point of the residential district as established by the Miami Township Zoning Map. If the proposed sexually oriented business is to be located within a tenant space, then the distances shall be measured from the exterior faces (including architectural projections) of the walls creating the boundaries of the tenant space, and not from that of the entire multi-tenant building.
  - G. Regarding distance measurements to a public park or school not within a tenant space, the distances shall be measured from the exterior faces (including any architectural projections) of the exterior walls of the principal building containing the proposed sexually oriented business to the closest point of the parcel line (as established by the Clermont County Auditor) of the parcel containing the public park or school. If the proposed sexually oriented business is to be located within a tenant space, then the distances shall be measured from the exterior faces (including architectural projections) of the walls creating the boundaries of the tenant space, and not from that of the entire multi-tenant building.

**20.05. Zoning Certificate Required.**

- A. No sexually oriented business shall be permitted to operate without a valid Zoning Certificate for a sexually oriented business issued by the Township. Upon request, the Community Development Director or his designee shall provide an applicant for a sexually oriented business an application for a commercial zoning certificate, which shall serve as the required application form.
- B. An application for a zoning certificate must be made on a form provided by the Township. Any person desiring to operate a sexually oriented business shall file with the Township an original and two copies of all materials required for submission.
- C. An application fee shall also be submitted in accordance with the schedule determined by the Board of Trustees.
- D. All property included in a sexually oriented business must meet all the underlying conditions applicable in the “I” Planned Industrial Park District.
- E. The completed application shall also contain the following information and shall be accompanied by the following documents:
  - 1. A map, drawn to scale and marked to show the location of all land uses and zoning districts within seven hundred and fifty (750) feet of the

principal building or tenant space in which the sexually oriented business is to be located. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

F. Approval of Application.

1. The Community Development Director or his designee, shall approve the application for a zoning certificate unless:
  - An applicant has failed to provide information required by this Chapter or the application for the issuance of a zoning certificate.
  - The applicant has falsely answered a question or request for information on the application form.
  - The application fee required by this Chapter was not paid.
  - The proposed business does not comply with the zoning locational requirements for a sexually oriented business.
2. If the Community Development Director or his designee denies the application, he shall notify the applicant of the denial and state the reason(s) for the denial. The applicant shall be given an opportunity to correct identified deficiencies.
3. The Community Development Director shall issue the Zoning Certificate or provide notice and reasons of denial within ten days of the submission of the application.

**20.06. Nonconforming Use.**

Any sexually oriented business lawfully operating on the effective date of this Chapter that is in violation of this Chapter shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within seven hundred and fifty (750) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at the particular location is the conforming use and the later established business(es) is nonconforming.

**20.07. Appeal of Denial or Revocation**

After denial of an application or revocation of a zoning certificate, the applicant or permittee may seek prompt review of such administrative action through the Board of Zoning Appeals. The Board of Zoning Appeals shall hear and decide the appeal within sixty days (60) of the date the appeal is filed.

## **20.08. Advertising and Lighting**

- A. No sign, advertisement, promotional material or display of any type shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, public or semi-public areas, nor the public right-of-way of any street or roadway except as permitted under Subparagraph 20.08 (D)
- B. No displays, graphics, exhibits of materials and/or performances at such sexually oriented business shall be allowed in any advertising which is visible outside the premises. This prohibition shall not extend to advertising of the existence or location of such sexually oriented business.
- C. The permittee shall not allow any portion of the interior premises to be visible from outside the premises.
- D. Pursuant to Chapter 24, each conforming sexually oriented business shall be permitted both wall and freestanding signs, which announces the name of the business. No off-premise or portable signs shall be permitted.
- E. All off-street parking areas and premise entries of the sexually oriented business shall meet the requirements for parking under Chapter 23 of this Resolution and shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premise.
- F. Nothing contained in this Section of the Chapter shall relieve the operator(s) of a sexually oriented business from complying with other requirements of this Resolution as it may be amended from time to time, or any subsequently enacted resolutions.

## **20.09. Definitions.**

For the purposes of this Chapter, certain terms and words are defined.

Sexually Oriented Businesses are those businesses defined as follows:

- A. Adult Arcade means an establishment where for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five or fewer persons each, are

regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

- B. Adult Bookstore, Adult Novelty Store or Adult Video Store means an establishment which derives fifty percent or more of its revenue from, or maintains fifty percent or more of its in-store inventory (either measured by display area or retail value) in, one or more of the following:
1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction of specified sexual activities or specified anatomical areas; instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or related to specified sexual activities.
  2. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities and one or more of the fifty percent thresholds in Subparagraph 20.09 (B) (1) above are met.
- C. Adult Cabaret means a nightclub, bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, in which persons regularly appear in a state of nudity in the performance of their duties and that regularly feature live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities.
- D. Adult Motion Picture Theater means a commercial establishment used for a principal purpose of presenting motion pictures characterized by their emphasis on portrayals of specified anatomical areas or specified sexual activities.
- E. Adult Theater means a theater, concert hall, auditorium, or similar building used for a principal purpose of presenting live acts characterized by their emphasis on individuals in a state of nudity or specified sexual activities.
- F. Nude Model Studio means any place where a person, who regularly appears in a state of nudity or displays specified anatomical areas, is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

- G. Sexual Encounter Establishment means a business or commercial establishment, that as one of its primary business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas or activities when one or more of the persons is in a state of nudity or semi-nude. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.
- H. Establishment means and includes any of the following:
1. The opening or commencement of any such business as a new business;
  2. The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined in this Chapter;
  3. The addition of any of the sexually oriented businesses defined in this chapter to any other existing sexually oriented business; or
  4. The relocation of any such sexually oriented business.
- I. Nudity or State of Nudity means the showing of either of the following:
1. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; the female breast with less than a fully opaque covering on any part of the nipple.
- J. Operator means and includes the owner, permit holder, custodian, manager, operator or person in charge of any sexually oriented business.
- K. Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- L. Public Park means public land which has been designated for park or recreational activities including a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the Township which is under the control, operation, or management of the Township Board of Trustees, the County Commissioners, the State of Ohio, or the U.S. Government.
- M. Religious Institution means any church, synagogue, mosque, temple or building, which is used primarily for religious worship and related religious activities.
- N. Residential District means the “A,” “R-1,” “R-2,” “R-3,” “R-4,” “T,” “H” “PUD,” and “R-PUD” zoning districts as defined in the Miami Township Zoning Resolution and shown on the Miami Township Zoning Map.



- O. School means any public or private educational facility including child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, special education schools, junior colleges, and universities. School includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.
- P. Sexually Oriented Business means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motion picture theatre, adult theater, encounter establishment, or nude model studio.
- Q. Specified Anatomical Areas means and includes any of the following:
  - a. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; the female breast with less than a fully opaque covering on any part of the nipple.
- R. Specified Sexual Activities means and includes any of the following:
  - 1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
  - 2. Masturbation, actual or simulated;
  - 3. Human genitals in a state of sexual stimulation, arousal or tumescence;
  - 4. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (3) of this Subparagraph.
- S. Tenant Space means a securable area separated from other areas by walls and doors that is available for lease or rent within a multi-tenant building, such as tenant spaces typically found within a shopping mall or strip center.

#### 20.10 Severability

If any section, subsection, or clause of this amendment shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Effective Date: January 18, 2008

## **Chapter 21**

### **TEMPORARY USES**

#### **21.01 AUTHORIZATION**

- A. Temporary uses as defined in Chapter 28 and as herein specified may be permitted in accordance with the provisions set forth in this Chapter.
- B. The Zoning Inspector may, upon proper application, issue a Temporary Use Permit for any of the temporary uses listed below. The Zoning Inspector shall either approve or disapprove such application within ten (10) days of receipt of application and shall notify the applicant in writing of the decision. In the event that the application is disapproved, the Zoning Inspector shall explain in writing the reasons for disapproval and shall include such explanation with the notice of disapproval.

#### **21.02 APPLICATION**

- A. Each application for a Temporary Use Permit shall contain the following information:
  - 1. Name, address, and telephone number of the applicant;
  - 2. A description of the property where the temporary use is to occur, including the location of the property and any existing and/or proposed uses;
  - 3. A statement explaining the need for the temporary use;
  - 4. If applicable, a site plan showing any temporary structures and their relationship to adjacent land uses and structures;
  - 5. A description of the type, size and location of any signs connected with the temporary use;
  - 6. The date on which the temporary use will commence and the anticipated duration of such use;
  - 7. Such other information as may be required by the Zoning Inspector,
  - 8. Any required fees for said permit as may be established by the Board of Trustees, Miami Township; and

9. A copy of vendor's license, vendor number and Federal I.D. number.

### **21.03 PERMITTED TEMPORARY USES**

A. Permits may be issued for the following temporary uses, provided that they meet these requirements and are not otherwise in conflict with the provisions of this Chapter:

1. Mobile homes for use as office structures on construction sites, provided that such structures shall be located on the lot on which construction takes place and shall be removed once construction ceases.
2. The temporary outdoor sale of seasonal merchandise such as garden supplies, pumpkins, and Christmas trees and gifts, not to exceed forty-five (45) days in duration and only in the Commercial and Industrial Districts.
3. Retail sales of goods from vehicles in the Commercial and Industrial Districts only, provided that:
  - a. written authorization is filed with the Zoning Inspector from the owner of record of the lot from where the activity is taking place;
  - b. that such sales are for no more than five (5) days in any sixty (60) day period;
  - c. when not in use, any commercial vehicle from which sales are conducted is to be stored in an enclosed garage or designated off-street loading space; and
  - d. provided that such sales are accessory to the existing commercial development.
4. Farmers markets limited to the sale of food and produce items, raw and prepared foodstuffs, plants and cut flowers in the Commercial, Industrial, and Agricultural Districts during the normal growing season for such uses.
5. The temporary outdoor sale of hand-crafted items and artwork is allowed only in conjunction with a temporary event, except as otherwise provided by this Chapter.
6. Carnivals and festivals, not to exceed four (4) days in duration.

7. Temporary signs for the period of the temporary permit with the size, setbacks, and heights as regulated by Chapter 24.
- B. The Zoning Inspector may include any additional conditions or restrictions to the issuance of a Temporary Use Permit as deemed necessary to insure the public health and safety.
  - C. All merchandise, temporary structures, and other uses incidental to the temporary use shall be setback so as not to interfere with line of sight but not less than fifteen (15) feet from the road right- of-way.

## **Chapter 22**

### **PUBLIC UTILITIES**

#### **22.01 PURPOSE**

The purposes of this Chapter to the zoning resolution is to 1) encourage the location of telecommunication towers in non-residential areas and to minimize the total number of towers; 2) encourage the joint use of new and existing towers; 3) encourage telecommunication companies to locate towers in areas of the township where the adverse impact on the community will be minimal; and 4) to provide for appropriate locations for public utilities engaged in the business of transporting persons or property.

#### **22.02 TELECOMMUNICATIONS - GENERAL REQUIREMENTS**

- A. Except as provided in Ohio Revised Code Section 519.211 and Section 22.02 (C) 1-8 of this Resolution with respect to any cellular or wireless telecommunication tower that is owned or used by a public utility, and proposed to be located in an area zoned for residential use, nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures of any public utility, whether publicly or privately owned, or the use of any land by a public utility for the operation of its business.
- B. In the case of a public utility that plans to construct, locate, erect, reconstruct, change, alter, use or enlarge a cellular or wireless telecommunication tower in an area zoned for residential use, the public utility shall provide evidence satisfactory to the Miami Township Board of Trustees concerning compliance with the notice provisions of Ohio Revised Code Section 519.211 (B). When constructing the tower in any other zoning district the applicant must comply with Ohio Revised Code 519.211, paragraph E relating to the requirement that all owners and occupants of residential dwellings within 100 feet of a proposed tower must be notified, in writing, of the intent to construct the tower.
- C. A permit for the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of a cellular or wireless telecommunication tower may be issued, upon application and compliance with Ohio revised Code Section 519.211 and this Resolution, provided the applicant has satisfied all the following standards:
  - 1. Telecommunication towers shall be subject to the site plan review requirements of Chapter 27 of the Miami Township Zoning Resolution.

2. The applicant shall provide proof in a form satisfactory to the Township that the proposal has been reviewed and/or approved by all agencies and governmental entities with jurisdiction, if required, including, but not limited to, the Ohio Department of Transportation, The Federal Aviation Administration, the Federal Communication Commission, or the successors to their respective functions.
3. The applicant shall demonstrate by clear and convincing evidence that its tower antenna cannot be located on any other communication tower, building or structure, in the geographic area to be served, and that all reasonable means have been undertaken to avoid any undue negative impact caused by the clustering of towers within an area, and that the antenna must be placed where it is proposed in order to satisfy its necessary function in the company's grid system. The evidence should include, but is not necessarily limited to the following:
  - a. The relationship of the proposed telecommunication tower to the applicant's overall grid.
  - b. Structural engineering evidence that an existing telecommunication tower lacks the tolerance to support an additional antenna array.
  - c. Engineering evidence that the frequency of the existing antenna array will interfere with the applicant's frequency.
  - d. Engineering evidence that the addition of an antenna to an existing tower will exceed the FCC RF emissions criteria.
4. In the case of the construction of new facilities by the applicant, the applicant shall agree to construct the telecommunication tower to accommodate additional antenna arrays and shall make the tower available to other cellular and /or wireless communication companies; telephone, radio, and television companies; and the local police, fire, and EMS departments.
5. The perimeter of the telecommunication facility shall be landscaped. The landscaping shall be designed to effectively screen the tower's support structure, the fence around the structure, and any other ground level features. Any combination of existing vegetation, topography, walls, decorative fencing or other feature may be substituted for new landscaping. The landscape material shall be non-deciduous to provide a year round screen.
6. The applicant (or its successor) shall, within thirty (30) days of ceasing operation at the site of the telecommunication tower, give notice of

such to the Miami Township Community Development Department. Facilities shall be removed within twelve (12) months of ceasing operations.

7. Resale or renting of facilities is permissible only to other telecommunication systems subject to obtaining a zoning certificate from the Miami Township Community Development Department.
8. The applicant and/or property owner shall annually file on or before January 1 of each year a declaration with the Miami Township Community Development Department as to the current ownership and operation of every facility located within the Township.

**22.03 – PUBLIC UTILITY IN THE BUSINESS OF TRANSPORTING PERSONS OR PROPERTY**

- A. In accordance with Ohio Revised Code Section 519.211 (C) Miami Township restricts the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures of a public utility engaged in the business of transporting persons or property, or both, or providing or furnishing such transportation service to the “I” Planned Industrial Park District.

Revised: August 15, 2008





## **Chapter 23**

### **OFF-STREET PARKING AND LOADING REGULATIONS**

#### **23.01 PURPOSE**

The regulations set forth in this Chapter are intended to ensure that all developments adequately and safely provide for the storage and movement of vehicles in a manner consistent with good engineering and site design practices; to ensure that adequate off-street parking and loading facilities are provided for all developments; to establish parking standards for a variety of land uses; and to ensure that off-street parking and loading facilities protect the public health and safety, and, where appropriate, insulate surrounding land uses from adverse impacts.

#### **23.02 OFF-STREET PARKING AND LOADING REQUIRED**

In connection with every land use there shall be provided at the time any building or structure is erected, at the time any use of land is extended, or at the time the use of a building or structure changes, off-street parking and loading to accommodate all motor vehicles of occupants or employees, visitors and patrons, and the vehicles used in the conduct of any business as specified in the standards set forth in Sections 23.04 through 23.06 of this Chapter.

#### **23.03 REQUIRED PARKING AND LOADING PLAN**

A parking and loading plan shall be required for all developments requiring site plan review under Chapter 27 of the Miami Township Zoning Resolution. Said parking and loading plan may be part of an overall development plan or only a parking and loading layout for a particular development. The requirements for submitting such parking and loading plans for approval and the granting of a zoning permit shall be those established in Chapter 27 of the Miami Township Zoning Resolution.

#### **23.04 OFF-STREET PARKING STANDARDS**

##### **A. Utilization**

1. Off-street parking Facilities as required in Section 23.06 shall be used solely for the parking of motor vehicles in operating condition of patrons, occupants, employees or visitors of such uses.
2. 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, except that off-street parking areas for residential

uses may be used for customary and periodic maintenance of vehicles owned and operated by the occupant(s).

3. No off-street parking areas shall be used for the parking of a business or service vehicle or truck larger than a passenger vehicle which can fit within a space of the size specified in Section 23.04 (B). All such vehicles shall be parked either in an enclosed building, in a designated off-street loading area as regulated in Section 23.05, or in an area specifically designated only for the parking of business vehicles. Such area designated for the parking of business vehicles shall be located at least fifteen (15) feet from any right-of-way line, or property line of adjacent Residential Districts.
4. Off-street parking areas shall not be used for the display of vehicles for sale unless such display is in conjunction with the operation of an automobile sales facility.
5. The off-street parking of transportable structures or vehicles in residential areas shall be regulated by the provision set forth in Chapter 5, Section 5.08 (G) of the Miami Township Zoning Resolution.

#### B. Size and Design

1. Off-street parking spaces shall meet the design standards for typical parking lot layouts as set forth in subsection 3 below. The minimum size for an off-street parking space as indicated in Table I shall be Nine and one half (9.5) by eighteen (18) feet.
2. Car Overhang:
  - a. Off-street parking areas may incorporate car overhang space as a part of the required parking space dimension for the purpose of reducing the overall amount of hard surface paving. In such instances, concrete curb or wheel stops shall be used and the car overhang space shall not be utilized for pedestrian movement. The required design standards are shown in Illustrations B-1.
3. Dimensions of Required Parking Spaces and Aisles
  - a. Each required parking space shall meet the minimum dimensional requirements set out in Table I and Illustration B-2. The minimum required length of a parking space shall be greater where there is a wall or fence at the end of the parking space. However, the minimum required length may be reduced

where a strip of unpaved ground at the end of the space is provided according to the requirements of 23.04 (B) (2).

- b. For office uses in industrial parks and office parks, the 90 degree parking space may be reduced to a minimum dimension of nine (9) feet by eighteen (18) feet, as part of the site plan review process, upon a showing by the applicant that the parking will be used primarily by occupants of the offices and not for general public.

**TABLE I**

**MINIMUM PARKING STALL AND AISLE DIMENSIONS**

<b>A</b> Parking Angle	<b>B</b> Stall Width	<b>C</b> Length of Stall	<b>D</b> Aisle Width	<b>E</b> Center to Center Width of Two Row Bay/W Aisle Between	<b>F</b> Width of Access Drive
Parallel	10'	23'	12'	30'	22'
45 degree	9.5	18	13'	53'	22'
60 degree	9.5	18	18'	58'	22'
90 degree	9.5	18	24'	64'	22'

Illustration B-1

# Car Overhang Dimension

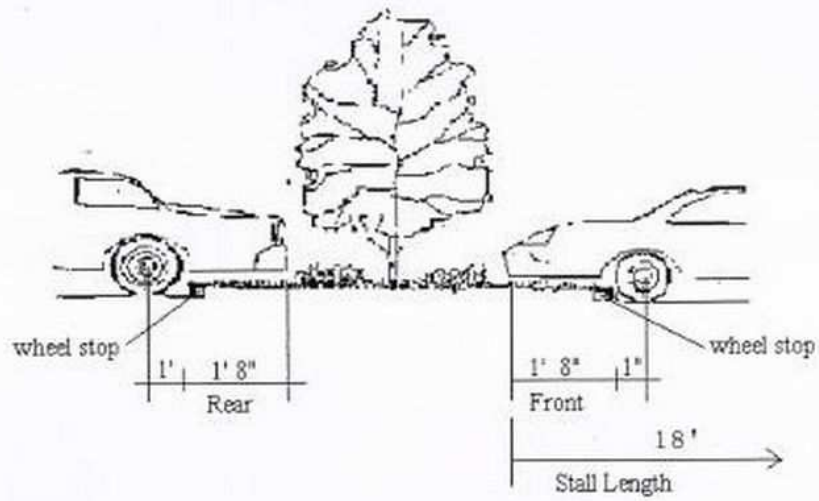
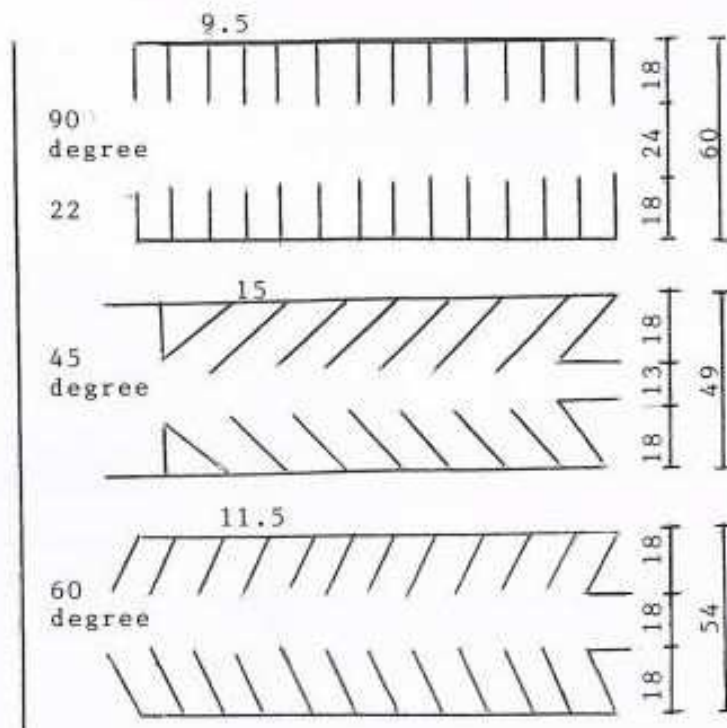


Illustration B-2  
Parking Configuration Diagram



4.

## Design and Construction Standards

- a. Design - Off-street parking may be open to the sky, or enclosed in a building or structure, either above or below ground. Off-street parking areas shall meet acceptable engineering standards as set forth by Miami Township and Clermont County Building Department for such things as driveway widths, island design, curbs, barriers, grades, radii vertical clearance, stacking and waiting areas and drainage.
- b. Aisles - Each required parking space shall have direct and unrestricted access to an aisle of the minimum width set out in Table I and Illustration B-2.
- c. Handicapped Persons - The dimension of parking spaces for handicapped persons shall conform to the requirements of the Ohio Basic Building Code.
- d. Turn-Around Area - Where more than three (3) parking spaces are served by a single driveway, a turn-around area shall be provided, or other provision shall be made, to permit cars to exit the parking lot or garage without backing onto any street or sidewalk.
- e. Back-up Area - Each parking space shall be provided with a sufficient back-up area to permit egress in one maneuver, consisting of one backward and one forward movement.
- f. Surface - Every off-street parking lot shall be surfaced with an asphaltic or portland cement binder pavement providing an all-weather, durable and dustless surface. Individual stalls shall be clearly identified by marking four inches (4") to six inches (6") in width.
- g. Lighting - Fixed lighting shall be so arranged to prevent direct glare of beams onto any public or private property or street.
- h. Car Wheel Stops and Curbs - Suitable car stops shall be provided, located and designated to protect required screening devices and landscaping from damage by vehicles and to provide necessary traffic control in the parking area.
- i. Slope - No area of any parking lot excluding access ramps, shall have a slope in excess of five percent (5%). No ramp shall have a slope in excess of eight percent (8%).

## 5. Location of Required Parking Spaces

- a. Required off-street parking spaces for any use shall be located on the same parcel as the use they are intended to serve.
- b. Required off-street parking areas adjacent to residential districts shall be set back a minimum of fifteen (15) feet from the property line and shall be maintained as a landscaped area pursuant to Subsection 6 below.

## 6. Perimeter Screening and Landscaping

- a. Parking Lots Adjoining Residential - off street parking areas for more than five (5) vehicles shall be effectively screened on each side which adjoins or faces premises situated in Residential District, or institutional premises, by a masonry wall or solid fence of acceptable design, which ensures its structural integrity and is compatible with the general character of the residential neighborhood. Such wall or fence shall be not less than four (4) feet or more than six feet (6') in height and shall be maintained in good condition without any advertising thereon. The space between such wall or fence and the lot line of the adjoining premises in any Residential District shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition. In lieu of such wall, or fence, a strip of land not less than fifteen feet (15') in width and planted with an evergreen hedge or dense planting of evergreen shrubs not less than five (5) feet in height with or without an earth mound, may be substituted, and this shall be maintained in good condition. In cases where existing mature vegetation exists screening may be achieved through the preservation and maintenance of such vegetation within an area of not less than fifteen (15) feet with additional supplemental planting as may be required.
- b. Parking Lots Adjoining Streets - All off-street parking areas in non-residential districts located within the required front yards shall be setback a minimum of fifteen (15) feet from the street right-of-way line and the setback space shall be maintained as a permanent landscaped strip, planted with a minimum of one (1) deciduous shade tree and ten (10) non-deciduous shrubs per 35 linear feet of street frontage. Shrubs shall be at least 2 feet in height at planting and trees shall be at least 2.5-3 inch in caliber at planting

## 7. Interior Parking Lot Landscaping

- a. The design of parking lots shall include deciduous and non-deciduous trees to provide shade and to break up the expanse of asphalt.
- b. Terminal Islands – Landscape islands shall be provided at the ends of every row of parking and shall have a minimum dimension of 10 feet in width by 15 feet in length. At least one (1) tree that is 2.5 – inch in caliber at planting and (4) shrubs at least 2 feet in height at planting shall be included in each terminal island. This standard shall not apply to any parking that directly abuts a building.
- c. Any row of parking that contains twenty-five (25) or more contiguous parking spaces must add a landscape island, that is a minimum of 10 feet in width and 15 feet in length that is approximately equal distance from the two terminal islands. At least one (1) tree that is 2.5 – inch in caliber at planting and (4) shrubs at least 2 feet in height at planting shall be included in each terminal island. This standard shall not apply to any parking that directly abuts a building.

## 8. Protection of Perimeter Screening and Landscaped Areas

- a. All screening and landscaped areas adjacent to off-street parking areas shall be protected from vehicular damage by a raised concrete curb or wheel stop concrete barrier. The barriers need not be continuous.
- b. Landscape areas adjacent to parking spaces shall be landscaped so that no plant material greater than twelve (12) inches in height is located within two feet of the curb or other protective barriers.

## 9. Maintenance Responsibility for Landscaped Areas

The plantings that constitute a landscaped area must be properly maintained in order for the landscaped area to fulfill the purposes for which it is established. The owner of the property and any tenant on the property where a landscaped area is required shall be jointly responsible for the maintenance of all plant material within the landscaped area. Such maintenance shall include all actions necessary to keep the landscaped areas free of litter and debris and to keep plantings healthy and orderly in

appearance. Any vegetation that constitutes part of a landscaped area shall be replaced in the event that it dies.

C. Clear View Requirements

1. In order to provide a clear view to the motorist (from the motorist's eye at 3.75 ft. above street level to an object 4.5 ft. above the road surface) there shall be a triangular area of clear vision free of any obstructions where two driveways, alleys and/or streets intersect. The size of this triangular area shall be a function of street width and speed (see also Table II and illustration C-1).
2. On any portion of a site that lies within the triangle described and illustrated in C-1, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of three (3) feet and eight (8) feet above the driveway, alley and/or street grades.
3. The triangular area shall be formed by a point at the location of the drivers eye (fifteen (15) feet behind the curb or edge of roadway), the approaching vehicle, and the potential point of impact. When the cross street has more than two lanes, sight triangles shall be formed using the vehicle in the lane nearest the centerline approaching from the right and the vehicle nearest the curb approaching from the left. Table II sets forth the minimum sight distance required.

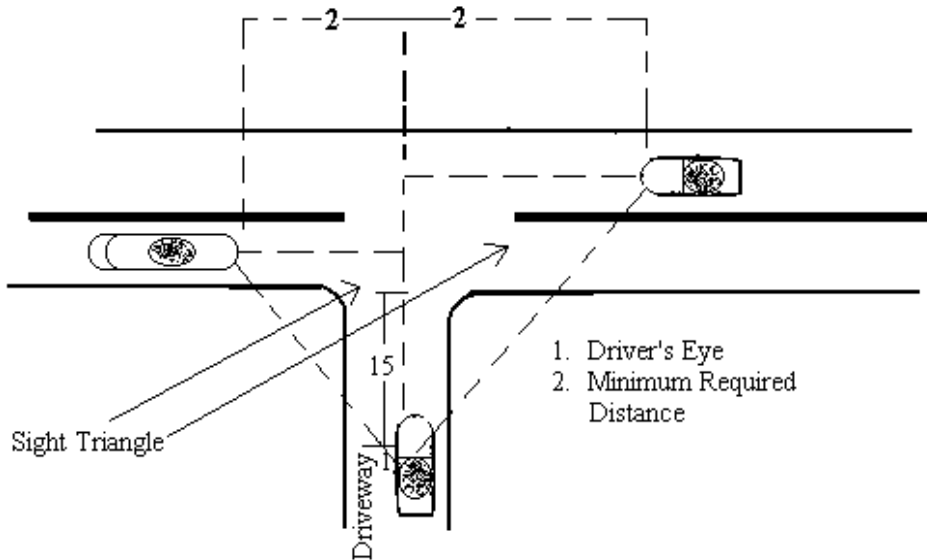
**TABLE II  
MINIMUM REQUIRED SIGHT DISTANCE**

Per 10 mph of posted cross street speed limit  
(See “2” in Figure below)

<u>Approach Street Type</u>	<u>2 Lane Cross Street</u>	<u>4 Lane Cross Street</u>	<u>6 Lane Cross Street</u>
Driveway	100 ft.	120 ft.	130 ft.



**ILLUSTRATION C-1  
MINIMUM SIGHT DISTANCE  
TRIANGLE**



**23.05 OFF STREET LOADING REQUIREMENTS**

The following requirements shall apply to off-street loading:

**A. Location**

Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in any required front yard.

**B. Setback of Screening Requirements Adjoining Residential Uses**

1. Loading spaces shall be setback a minimum distance of fifty (50) feet from the adjoining residential property lines.
2. Loading spaces and loading docks adjacent to residential and institutional uses shall be screened in an effective manner able to visually insulate the residential use from all operations, materials and vehicles within any loading space.

3. Loading spaces located within one hundred (100) feet of a residential district shall have all material handling activities relating thereto enclosed.

#### C. Design Standards

1. Dimensions - No required loading space shall be less than twelve (12) feet in width or thirty-five (35) feet in length or have a vertical clearance of less than fourteen (14) feet.
2. Access - Loading spaces shall be designed and arranged to provide access to a street or alley in a manner which will create the least possible interference with a traffic movement.
3. Surface - Every loading space shall be surfaced with an asphaltic or Portland cement binder pavement providing an all-weather, durable and dustless surface. Individual stalls shall be clearly identified by markings four inches (4") to six inches (6") in width.
4. Lighting - Fixed lighting shall be so arranged to prevent direct glare of beams onto any public or private property or street.
5. Signs - No signs shall be displayed in any loading area except such signs as may be necessary for the orderly use of the loading space.

#### D. Number of Off-Street Loading Spaces Required

Off-street loading spaces shall be provided as required for non-residential uses having a floor area of greater than 10,000 square feet as follows: one (1) off-street loading space plus one (1) additional such loading space for each twenty thousand square feet (20,000) or major fraction thereof gross floor area so used in excess of twenty thousand square feet.

### **23.06 NUMBER OF OFF-STREET SPACES REQUIRED**

In computing the number of parking spaces required by this Chapter, the following shall apply:

- A. Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross leasable horizontal area of all floors of a non-residential building, and shall exclude mechanical space, stair cases/stairwells, and other such similar spaces within a building.
- B. Where seating capacity is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or, each twenty (20) lineal inches of benches or pews.

- C. Fractional numbers shall be increased to the next highest whole number.
- D. Parking space requirements for a use not specifically mentioned in this ordinance shall be determined by using the most similar and restrictive parking space requirement as specified by the Zoning Inspector or the Zoning Commission.

**USE****PRIMARY SPACES****Residential****Number per****Measurement Unit**

Single family detached	2.00	Dwelling Unit
Single family detached, clustered	2.50	Dwelling Unit
Two family detached	2.50	Dwelling Unit
Townhouse	2.50	Dwelling Unit
Multi-family	2.50	Dwelling Unit
Manufactured home	2.00	Dwelling Unit
Day Care, residential	1.00	Staff Person

**Office and Business Use****Number per****Measurement Unit**

Offices, general	4.00	1000 sf gross floor area
Medical or Dental offices/clinic	1.00	175 sf gross floor area
Day Care Centers	1.00	staff person, plus
	1.00	for each five children
Financial institutions w/o drive thru	1.00	350 sf gross floor area
	1.00	Teller station (includes ATM)
Financial institutions w/ drive thru	1.00	400 sf gross floor area

**Retail Sales & Related Services****Number per****Measurement Unit**

Retail establishments (Note 1)	1.00	200 sf gross floor area
Automotive filling stations	1.00	fuel pump, plus
	1.00	per employee
Automotive Services	2.00	For each service bay
Automotive sales	1.00	800 sf of sales gross floor area
Convenience store	1.00	100 sf gross floor area
Shopping Center (Note 1)	1.00	200 sf gross floor area
Restaurant, carryout or drive-in	1.00	40 sf gross floor area
Restaurant, full service	1.00	Customer based 30% of Building capacity
Restaurant, w/ entertainment	1.00	Customer based 30% of Building capacity
Tavern	1.00	Customer based 30% of Building capacity

<u>Industry and Heavy Commercial</u>	<u>Number per</u>	<u>Measurement Unit</u>
Manufacturing	1.00	1000 sf gross floor area
Warehousing, enclosed/open	1.00	2000 sf gross floor area
Wholesale sales	1.00	2000 sf gross floor area or
	1.00	two (2) employees on maximum
		work shift, whichever greater
Contractor Yard	1.00	1000 sf gross floor area plus
	1.00	for each facility vehicle
Freight & parcel Terminals	1.00	1000 sf gross floor area

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<u>Uses</u>	<u>Number per</u>	<u>Measurement Unit</u>
Religious institutions	1.00	3 seats
Convalescent homes	0.33	bed
Hospitals	1.00	bed
Nursing Homes	1.00	six (6) beds, plus
	1.00	Two (2) employees
Governments buildings	3.50	1000 sf gross floor area
Kindergartens	1.50	Teacher or staff person
Libraries	1.00	350 sf gross floor area
Elementary, Middle, Jr. High	2.00	classroom
High Schools	2.00	classroom, plus
	1.00	five (5) students
Colleges	1.00	two (2) students
Schools, vocational, professional	1.00	four (4) students

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<u>Recreation, Cultural, Entertainment</u>	<u>Number per</u>	<u>Measurement Unit</u>
Auditoriums	1.00	5 seats
Community & recreation centers	1.00	User, based upon building capacity
Gymnasiums	1.00	User, based on 30% building
		capacity
Movie theaters	1.00	three (3) seats
Museums, commercial/non profit	1.00	User, based on 30% building
		capacity
Outdoor theaters, not drive-in	1.00	User, based on 30% building
		capacity
Roller & ice skating Rinks	1.00	User, based on 30% building
		capacity
Stadiums & Arenas	1.00	three (3) seats
Video game arcades	1.00	300 sf gross floor area
Clubhouse/country clubs	1.00	350 sf gross floor area
Golf Course	9.00	golf hole plus 25 space
Swimming pools	1.00	50 sf of water area

<u>Miscellaneous</u>	<u>Number per</u>	<u>Measurement Unit</u>
Civic, Social and Fraternal		
Association Mtg Places	1.00	250 sf gross floor area
Funeral Homes & Mortuaries	1.00	250 sf gross floor area
Animal clinics or hospitals	1.00	200 sf gross floor area
Animal pounds	2.00	minimum
Botanical	1% of land area for parking	
Florist shop, wholesale	1.00	500 sf gross floor area
Greenhouse, commercial	1.00	500 sf gross floor area
Kennels	2.00	minimum
Nurseries	1.00	500 sf gross floor area

**NOTE 1** – For Retail Establishments and Shopping Centers the maximum number of parking spaces shall not exceed 10% more than the minimum requirement.

Effective: July 1, 2004; revised August 15, 2008

## **Chapter 24**

### **SIGNS**

#### **24.01 PURPOSE**

The purpose of this Chapter is to promote and protect the public health, welfare, and safety by regulating existing and proposed signs. It is intended to create a more attractive economic and business climate, enhance and protect the physical appearance of the community, provide a more enjoyable and pleasing community, and to permit and regulate signs in such a way as to support and complement land use objectives set forth in the purpose of this Zoning Resolution.

#### **24.02 APPLICABILITY - EFFECT**

A sign may be erected, placed, established, painted, created, or maintained in the Township only in conformance with the standards, procedures, exemptions, and other requirements of this Zoning Resolution.

The effect of this Zoning Resolution, as more specifically set forth herein, is:

- A. To allow for appropriate sign uses;
- B. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Zoning Resolution, but without a requirement for permits; and
- C. To provide for the enforcement of the provisions of this Zoning Resolution.

#### **24.03 SIGNAGE DEFINITIONS**

**ABANDONED SIGN:** A sign which no longer identifies or advertises a bona fide business, lessee, service, owner, product, or activity, and /or for which no legal owner can be found.

**ANIMATED SIGN:** Any sign that uses movement or change of lighting to depict action or create a special effect or scene. Excluded from electronic message sign. This type of sign is prohibited.

**BANNER:** Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National, state or township flags shall not be considered banners. All banners shall be considered temporary signage.

**BEACON:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move. This type of sign is prohibited.

**BILLBOARD:** A sign which directs attention to a business, use, service, activity, commodity, or profession which is not conducted, sold, or offered upon the same lot where such sign is located.

**BUILDING MARKER:** Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or similar permanent material.

**BULLETIN BOARD SIGN:** Any sign or structure located on the property of a public, institutional, religious or charitable organization which is used to identify the name of the institution or organization and to announce their activities.

**CANOPY SIGN:** Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

**CHANGEABLE COPY SIGN:** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature” portion of a sign and not a changeable copy sign for the purpose of this Zoning Resolution.

**CLEARVIEW ZONE:** A triangular area of clear vision free of any obstructions where two driveways, alleys and/or streets intersect. Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of three (3) feet and eight (8) feet above the grade of the driveway, alley and/or street included within this triangular area as defined in this Chapter.

**COMMERCIAL MESSAGE:** Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, produce service or other commercial activity.

**CONSTRUCTION SIGN:** A sign representing a construction company on the site of a project. This includes signs representing plumbers, electricians, carpenters, heavy equipment or other companies in the construction or restoring business, on any property where their services are being rendered.

**DEVELOPMENT SIGN:** A sign which, by symbol or name, identifies a subdivision or residential development, a shopping center, or retail development.

**DIRECTIONAL OR INFORMATIONAL SIGN:** Any sign which serves solely to provide special information such as direction, entrance/exit, parking, and which does not include business names, brand names or information regarding product lines or service.

**MULTI-FACED SIGN:** A sign with two or more faces.

**ELECTRONIC MESSAGE BOARD:** Any sign that incorporates the use of lights, neon, liquid crystal display, TV screen, or other lighting devices that displays a message or pattern to be viewed by groups of people.

**ERECT:** To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of signs directly upon wall surfaces.



**FACE:** Any visible side of a sign. One sign can have multiple faces.

**FLAG:** Any fabric, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of government, or political subdivision.

**FLASHING SIGN:** Any sign which contains an intermittent or flashing light source, or which includes the illusion of flashing or intermittent light by means of animation or an externally-mounted intermittent light source. This type of sign is prohibited.

**FREE-STANDING SIGN:** A sign which is supported by one or more columns, or other type base, in or upon the ground.

- A. Ground-Mounted, Monument, Free-Standing Sign: Any free-standing sign, other than a pole mounted sign, independently supported by the ground or mounted on a decorative wall or fence.
- B. Pole/Pylon-Mounted Free Standing Sign: A sign mounted on a free standing pole, pylon or other similar support.

**IDENTIFICATION SIGN:** A sign indicating the name and/or address of a building, institution, or person and/or the activity or occupation being identified.

**ILLEGAL SIGN:** A sign which does not meet the requirements of this Resolution and which has not received legal non-conforming status.

**ILLUMINATED SIGN:** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

**INCIDENTAL SIGN:** A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking”, “entrance”, “loading only”, “telephone”, a credit card sign, or a sign indicating hours of business or other similar directives.

**INFORMATIONAL SIGN:** See “Directional Sign.”

**MAINTENANCE:** For the purposes of this Chapter, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

**MANSARD SIGN:** See Roof Sign, Integral.

**MARQUEE SIGN:** Any sign attached to, in any manner or made part of a marquee, defined as: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**MENU BOARD:** Any sign used to aid a patron in ordering services from a business from the outside.

**NAME PLATE:** Sign used to identify a person's residence, and/or the name, address and/or title of the owner, renter or lessee of the premises on which the sign is located.

**NONCONFORMING SIGN:** 1) A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations. 2) A sign which does not conform to the sign requirements but for which a special permit has been issued.

**OCCUPANCY:** The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

**OWNER.** A person recorded as such on official records. For the purposes of this Chapter, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Zoning Inspector, e.g., a sign leased from a sign company.

**PARAPET:** The extension of a false front or wall above a roofline.

**PENNANT:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind. A pennant is a temporary sign.

**POLITICAL SIGN:** A sign which announces the candidacy of a person or slate of persons running for elective office, or a political party or issue.

**PORTABLE SIGN:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T- frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

**PROJECTING SIGN:** Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

**PROFESSIONAL SIGN:** A non-advertising sign used to identify an individual's profession or occupation (Engineer, Notary, Doctor, etc.).

**PYLON/POLE SIGN:** Any elevated sign that is supported by one or more poles or pylons placed in or anchored in the ground independent of any other structure.

**REAL ESTATE SIGN, RESIDENTIAL:** Any sign located in a district zoned for residential uses that has the sole purpose of advertising the sale of a lot or home. These are considered temporary signs.

**REAL ESTATE SIGN, COMMERCIAL:** Any sign located in a district zoned for nonresidential uses that has the sole purpose of advertising the sale of a lot or nonresidential building. These are considered temporary signs

**ROOFLINE:** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

**ROOF SIGN:** Any sign erected and constructed wholly on or above the roof of a building, and supported by the roof structure, and extending vertically above the highest portion of the roof. This type of sign is prohibited.

**ROOF SIGN, INTEGRAL:** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof. This definition includes signs erected on the mansard area of a roof.

**SEASONAL:** Word used to describe the amount of time to distinguish between the four seasons or holidays associated with certain times of the year associated with holidays.

**SETBACK:** The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicular to the property line.

**SIGN:** Any single or multifaced fabricated sign including its structure, consisting of any letter, graphic logo, figure, character, mark, point, plane, marquee sign, design, poster, pictorial stroke, stripe line, trademark, reading matter, or illuminating device, constructed, attached, erected, fastened, or manufactured in any manner so as to advertise, promote, identify, or locate any place, subject, person, firm, corporation, public performance, article, or machine whatsoever, and displayed in any manner in view of the general public.

**SIGN STRUCTURE.** Any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

**SUSPENDED SIGN:** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**STREAMER.** A ribbon shaped or cord rope which may have pennants and/or banners attached which is stretched or hung between two or more supports.

**SUBDIVISION SIGN.** A free-standing or wall sign identifying a recognized subdivision, condominium, complex, or residential development.

**TEMPORARY SIGN:** Any sign that is used only temporarily and is not permanently mounted.

**WALL SIGN:** Any sign attached to or erected against the wall of a building or structure, and having the exposed face of the sign in a plane parallel to the plane of such wall.

**WINDOW SIGN:** Any sign, pictures, symbols, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

## **24.04 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS**

No sign shall be permitted in any district except as hereinafter provided.

- A. All signs shall be designed and constructed in conformity to the provisions of Chapter 14 of the Ohio Basic Building Code and the National Electric Code.
- B. A fee in accordance with the schedule of amounts posted in the Zoning Inspector's Office, as established by the Board of Trustees, shall accompany each application for a Zoning Certificate.
- C. All freestanding signs for single tenant businesses shall include the street number. Freestanding signs for multi-tenant buildings shall include the street number if the building has only one number or the number range if tenant spaces are individually numbered. The street number shall be located at the top or at the bottom of the sign face. The numbers shall be of a contrasting color with the background to allow easy identification from the street. The numbers shall have a minimum height of five (5) inches.
- D. Any illuminated sign or lighting device shall:
  - Employ only light emitting a constant intensity, and no sign shall be illuminate by or contain flashing, intermittent, rotating, or moving light or lights.
  - In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
  - No colored lights shall be used in a location or manner in which they might be confused with a traffic control device or vehicular traffic
  - All light emitting from a sign shall be shielded by a translucent covering.
- E. Signs located in Residential zoning districts shall not be internally illuminated. The signs may have external illumination provided the light does not trespass onto adjoining properties or into the public right-of-way.
- F. Electronically Controlled signs:
  - Electronically controlled and static changeable copy signs shall only be permitted as part of a larger business identification sign.
  - Electronically controlled and static changeable copy signs shall not occupy more than 25% of the square footage of the business identification sign.
  - All electronically controlled changeable copy signs shall adhere to the illumination restrictions set forth in 24.04 (D)
  - All electronically controlled changeable copy signs must show the entire message at one time without displaying characters that are scrolling, moving or exhibit the illusion of movement
  - Every electronically controlled changeable copy sign shall have each message appear for no less than two (2) seconds or no more than twenty (20) seconds

- The height of each character on an electronically controlled changeable copy sign shall not exceed eighteen (18) inches.
  - Static changeable copy signs shall have a lockable clear cover to protect the displayed message.
- G. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel, or motel marquee.
- H. No sign shall be placed on the roof of any building, except those integral roof signs whose supporting structure is concealed in such a manner that the sign appears to be a continuation of the face of the building.
- I. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided herein.
- J. No sign or signs erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy a total of more than fifty (50) percent of the window surface.
- K. No sign of any classification shall be installed, erected or attached in any form, shape or manner to a fire escape or any door or window giving access to any fire escape or fire exit.
- L. All permanent signs hung or erected and all temporary signs shall bear appropriately the permit number and date installed.
- M. Should any sign be or become abandoned, unsafe or be in danger of falling, the owner thereof or the person maintaining same, shall upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign within three (3) days.
- N. No business shall use, place, or erect temporary or non-permanent signs except as provided elsewhere in this Chapter.
- O. Signs shall not obstruct traffic sight lines, traffic sign signals at railroad grade crossings or other safety signs.
- P. For corner lots or at points of intersection of ingress/egress drives with a street, signs shall be located in such a way as to be able to maintain a Clearview Zone as defined in this Chapter.

#### **24.05 EXEMPTED SIGNS**

Except as otherwise provided, the following signs shall not be subject to the provisions of this Zoning Resolution:

- A. Governmental signs for identification, control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public utility for the purpose of identification and public safety.
- B. Political signs.
- C. Flags, emblems, insignia, and signs of any governmental agency or political subdivision.
- D. Signs within a stadium, theatre, building, arena, or other structure, provided that such signs can be viewed only by persons within such stadium, building, arena, or other structure.
- E. Directional and Informational Signs as provided in Section 24.16.

#### **24.06 PROHIBITED SIGNS**

The following types of signs shall not be permitted, erected or maintained in any districts:

- A. Mobile signs on wheels, runners, casters, parked vehicles or other mobile devices or any other temporary or non-permanent sign except as provided in Section 24.18 of this Chapter.
- B. Signs which are painted on or attached to any trees, telephone poles, public benches, or streetlights.
- C. Animated, beacon and Roof signs.
- D. Abandoned signs or any signs which advertise a business or product no longer existing or sold on the premises.
- E. Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of driver, or by obstructing, or detracting from the visibility of any traffic sign or control device on public streets and roads.
- F. Any sign or sign structure which in the opinion of the Zoning Inspector is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment.
- G. Any signs which make use of words such as “Stop”, “Look”, “Danger”, or any other words, phrases, symbols or characters in such manner as to interfere with, mislead or confuse traffic.
- H. Any signs which imitate or resemble official traffic or government signs or signals.

## 24.07 PROHIBITED SIGN LOCATIONS

Sign locations shall be in accordance with the particular regulations of this Chapter. Under no circumstances shall a sign (other than those exempted by this Chapter) be located in a right-of-way or applied to trees, utility poles supporting structures for street signs and other governmental signs, bus shelters, benches, trash receptacles, newspaper vending machines or boxes, or any other portable or temporary supporting device. Trash receptacles, newspaper vending machines and similar devices may contain the identification of the owner of such device.

## 24.08 REAL ESTATE AND OTHER DIRECTIONAL SIGNS

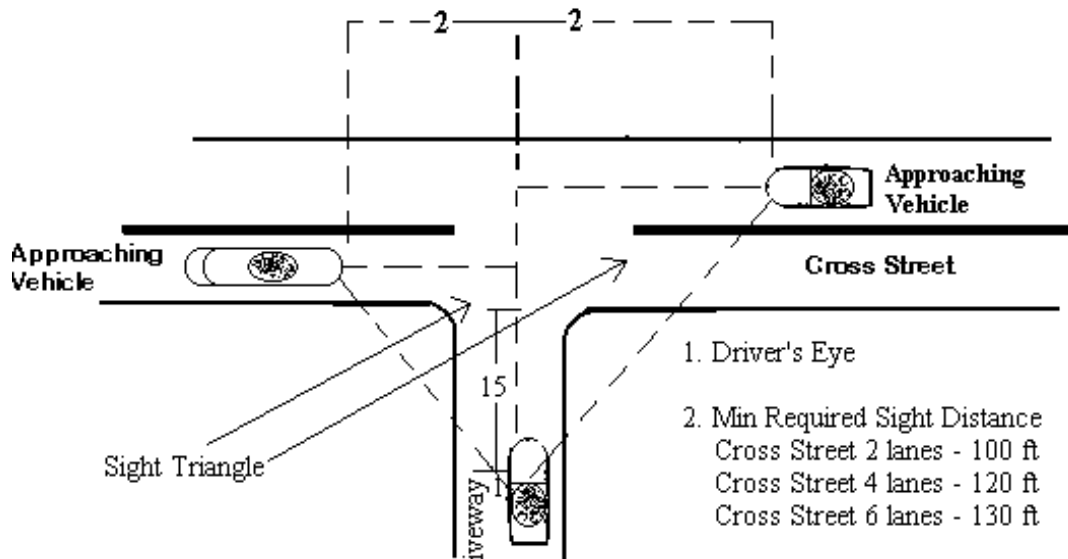
- A. Real estate signs displayed at locations other than on the premises offered for sale or rent, except that the following signs may be permitted:
1. **For Sale Directional Signs:** Signs may be used to direct prospective purchasers to houses for sale. Up to four (4) of these directional signs shall be allowed, but they shall not be located more than one (1) mile from the nearest subdivision entrance, shall be a flag type sign (1.5 square feet) surface area, with a maximum of two (2) display surfaces, and shall contain the Real Estate Company's name in accordance with the Ohio Division of Real Estate rules and regulations regarding signage of a Licensed Real Estate Broker, with the sign not exceeding four (4) feet in height from grade or normal ground level at the place of erection. Directional signs shall be placed on property in accordance with setback regulations. Written permission of the owner shall be on file with the Department of Planning and Zoning. No more than one (1) such sign shall be erected at any entrance to a subdivision with homes for sale in the same subdivision and must be removed within seven (7) days after the closing of the home. In any event no more than one (1) directional sign is permitted and multiple signs are prohibited.
  2. **Open for Inspection Directional Signs:** Signs may be used to direct prospective purchasers to houses that are for sale and that are open for inspection. Up to four (4) of these open for inspection directional signs shall be allowed, but they shall not be located more than one (1) mile from the nearest subdivision entrance, shall be a flag type sign (1.5 square feet) surface area, with a maximum of two (2) display surfaces, and shall contain the Real Estate Company's name in accordance with the Ohio Division of Real Estate rules and regulations regarding signage of a Licensed Real Estate Broker, with the sign not exceeding four (4) feet in height from grade or normal ground level at the place of erection. Directional signs shall be placed on property in accordance with setback regulations. Written permission of the owner shall be on file with the Department of Planning and Zoning. Said open for inspection directional sign shall not be erected prior than 72 hours before the open for inspection event occurs. The open for inspection directional signs must be removed at the conclusion of the open for inspection event.
  3. **Sale of Personal Property Sign.** Signs announcing a garage, yard, porch, or moving sale, or similar events are permitted. Such signs shall be no larger than five (5) square feet, shall have a maximum height of four (4) feet, and shall contain the date of the sale for a time period not greater than four (4) consecutive days. One sign shall be permitted on the premises of the sale

and additional signs not to exceed two (2) in number, shall be permitted to be placed at near by intersections, on private property with the written permission of the owner, and shall not be located in a public right-of-way.

## 24.09 CLEARVIEW ZONE

- A. In order to provide a clear view to the motorist (from the motorist's eye at 3.75 ft. above the ground level) there shall be a triangular area of clear vision free of any obstructions where two driveways, alleys and/or streets intersect. The size and configuration of this area shall be a function of street width as shown below.
- B. On any portion of a site that lies within the clear view zone triangle described and illustrated, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of three (3) feet and eight (8) feet above the grade of the driveway, alley and/or street.
- C. The triangular area shall be formed by a point at the location of the driver's eye, fifteen (15) feet behind the curb or edge of roadway, the approaching vehicle, and the potential point of impact. When the cross street has more than two lanes, sight triangles shall be formed using the vehicle in the lane nearest the centerline approaching from the right and the vehicle nearest the curb approaching from the left.

Illustration - Clearview Zones





## **24.10 RESIDENTIAL DISTRICT SIGNS. ( A, R-1, R-2, R-3, R-4, R-PUD Districts)**

In a residential district the following signs may be permitted:

- A. Subdivision Signs - Temporary as permitted in Section 24.18 of this Chapter.
- B. Subdivision Signs - Permanent: Signs which identify the entrance to a residential development shall be permitted as follows:
  - 1. Each development may have one (1) sign at each major street entrance to the development, but not to exceed two (2) signs per development.
  - 2. Such signs shall be free-standing and ground mounted or part of a decorative wood, brick, stone or masonry wall, or of some similar design compatible with the character of the neighborhood.
  - 3. Each sign shall have a total message area not greater than 25 square feet per side, shall be no more than five (5) feet in height, and shall be set back at least ten (10) feet from any right-of-way line.
  - 4. Such signs shall include only the name of the subdivision or residential development.
  - 5. Such signs may be externally illuminated as long as the light source is shielded in such a way as to prevent glare on public streets or neighboring properties. Such signs shall be effectively landscaped with hardy shrubs and/or evergreen ground cover and maintained in good condition at all times. Provision, including responsibility (and appropriate commensurate funding) for the (perpetual) maintenance of the sign and surrounding land area shall be made to the Township's satisfaction.
- D. Institutional Sign. Bulletin boards and signs for a church, school, community, or other public or semi-public institutional building shall be permitted, provided the area of such bulletin board or sign shall not exceed 32 square feet per side and 64 square feet in overall sign area, shall have a maximum height of five (5) feet, and be located not closer than 10 feet to any street right-of-way, provided such sign or bulletin board does not obstruct traffic visibility.

## **24.11 RETAIL DISTRICT SIGNS.**

### **I. Chapter 24 B-1 Neighborhood Business District**

A. Single-Occupancy Buildings: Each building on a single lot shall be permitted the following signage:

1. One (1) freestanding, monument sign not to exceed five (5) feet in height and 30 square feet per face. The sign may have a maximum of two (2) sign faces. A two (2)-foot height bonus can be granted if a two-foot high, landscaped, stone or brick base is provided. The sign must be setback ten (10) feet from the right-of-way and any adjoining property line.
2. One (1) flat wall sign for each building elevation that faces a public street or the primary drive into a shopping center. The area shall not exceed one (1) square foot of sign area per one (1) linear foot of the building length upon which the sign will be located.
3. In lieu of a wall sign a bracketed projecting sign will be permitted. The projecting sign shall project from a building wall at an angle of 90 degrees and for a distance of not more than 4 feet. Projecting signs shall have a maximum sign area of 3 square feet per side and 6 square feet overall, and shall be mounted at least 7'-6" over a public sidewalk and 15 feet over any drive.

B. Multiple-Occupancy Buildings: Each Multi-tenant building shall be permitted the following signage:

1. One (1) freestanding, monument sign not to exceed 7 feet in height and 50 square feet per face. The sign may have a maximum of two (2) sign faces. A two (2)-foot height bonus can be granted if a two-foot high, landscaped, stone or brick base is provided. The sign must be setback ten (10) feet from the right-of-way and any adjoining property line.
2. One (1) wall sign for first floor tenants of a multi-tenant building having their own public entrance. The area shall not exceed one and one half (1.5) square foot of sign area per one (1) linear foot of the width of the tenant space. All signage must be placed within one continuous sign band. A comprehensive sign plan is required as specified in Section 24.13 (B).
3. In lieu of a wall sign, one bracketed projecting sign shall be permitted as specified in Section 24.11 (A) (3) above. A comprehensive sign plan is required as specified in Section 24.13 (B).
4. Second floor tenant signage will be permitted with the submission and approval of a comprehensive signage plan in accordance with Section 24.13 that meets the following standards: all signage must be placed within one continuous sign band, the size of the sign can be equal to one (1) square foot of sign area per one (1) linear foot of tenant space width, not to exceed thirty (30) square feet, the sign may be internally or externally illuminated and the sign type and style must be consistent with other second floor signage.

## **II. B-2 General Business District – Buildings less than 25,000 square feet**

- A. Each building or clusters of buildings on a single lot with a total building square footage less than 25,000 square feet shall be permitted the following signage:
1. One (1) freestanding, monument sign not to exceed seven (7) feet in height and 50 square feet per face. The sign may have a maximum of two (2) sign faces. A two (2)-foot height bonus can be granted if a two-foot high, landscaped, stone or brick base is provided. The sign must be setback ten (10) feet from the right-of-way and any adjoining property line.
  2. Single tenant buildings will be permitted wall signage on each building elevation that faces a public street or the primary drive into a shopping center. The total sign area shall not exceed one (1) square foot of sign area per one (1) linear foot of building length upon which the sign will be located. This square footage may be divided into a maximum of two signs on each building elevation facing a public street or primary drive into a shopping center with a maximum of four (4) wall signs per building.
  3. In lieu of a wall sign a bracketed projecting sign will be permitted. The projecting sign shall project from a building wall at an angle of 90 degrees and for a distance of not more than 4 feet. Projecting signs shall have a maximum sign area of 3 square feet per side and 6 square feet overall, and shall be mounted at least 7'-6" over a public sidewalk and 15 feet over any drive.
  4. One (1) wall sign for first floor tenants of a multi-tenant building having their own public entrance. The area shall not exceed one and one half (1.5) square foot of sign area per one (1) linear foot of the width of the tenant space. An end cap tenant may have two wall signs. All signage must be placed within one continuous sign band. In lieu of a wall sign, one bracketed projecting sign shall be permitted as specified in Section 24.11 (A) (3) above. A comprehensive sign plan is required as specified in Section 24.13 (B).
  5. Second floor tenant signage will be permitted with the submission and approval of a comprehensive signage plan in accordance with Section 24.13 that meets the following standards: all signage must be placed within one continuous sign band, the size of the sign can be equal to one (1) square foot of sign area per one (1) linear foot of tenant space width, not to exceed thirty (30) square feet, the sign may be internally or externally illuminated and the sign type and style must be consistent with other second floor signage.

## **J. B-2 General Business District – Buildings 25,000 – 100,000 square feet**

Each building or clusters of buildings with a total building square footage between 25,001 and 100,000 square feet shall be permitted the following signage:

1. One (1) freestanding, monument sign, per entrance (maximum two (2) entrances), not to exceed eight (8) feet in height and 60 square feet per face or one pole sign not to exceed twenty (20) feet in height and 40 50 square feet per face. The sign may have a maximum of two (2) sign faces. The width of

the support of the pole sign must be at least 50% the width of the sign. A two (2)-foot height bonus can be granted if a two-foot high, landscaped, stone or brick base is provided. The sign must be setback ten (10) feet from the right-of-way and any adjoining property line.

2. Single tenant buildings will be permitted wall signage on each building elevation that faces a public street or the primary drive into a shopping center. The total sign area shall not exceed one (1) square foot of sign area per one (1) linear foot of building length upon which the sign will be located. This square footage may be divided into a maximum of two signs on each building elevation facing a public street or primary drive into a shopping center with a maximum of four (4) wall signs per building.
3. In lieu of a wall sign, a bracketed projecting sign will be permitted. The projecting sign shall project from a building wall at an angle of 90 degrees and for a distance of not more than 4 feet. Projecting signs shall have a maximum sign area of 3 square feet per side and 6 square feet overall, and shall be mounted at least 7'-6" over a public sidewalk and 15 feet over any drive.
4. One (1) wall sign for first floor tenants of a multi-tenant building having their own public entrance. The area shall not exceed one and one half (1.5) square foot of sign area per one (1) linear foot of the width of the tenant space. An end cap tenant may have two wall signs. All signage must be placed within one continuous sign band. In lieu of a wall sign, one bracketed projecting sign shall be permitted as specified in Section 24.11 (A) (3) above. A comprehensive sign plan is required as specified in Section 24.13 (B).
5. Second floor tenant signage will be permitted with the submission and approval of a comprehensive signage plan in accordance with Section 24.13 that meets the following standards: all signage must be placed within one continuous sign band, the size of the sign can be equal to one (1) square foot of sign area per one (1) linear foot of tenant space width, not to exceed thirty (30) square feet, the sign may be internally or externally illuminated and the sign type and style must be consistent with other second floor signage.

## **B-2 General Business District – Buildings greater than 100,001 square feet**

Each building or clusters of buildings with a total building square footage greater than 100,001 square feet shall be permitted the following signage:

1. One (1) freestanding, monument sign, per entrance (maximum two (2) entrances), not to exceed eight (8) feet in height and 80 square feet per face or one pole sign not to exceed thirty (30) feet in height and 75 square feet per face. The sign may have a maximum of two (2) sign faces. The width of the support of the pole sign must be at least 50% the width of the sign. A two (2)-foot height bonus can be granted if a two-foot high, landscaped, stone or brick base is provided. The sign must be setback ten (10) feet from the right-of-way and any adjoining property line.

2. Single tenant buildings will be permitted wall signage on each building elevation that faces a public street or the primary drive into a shopping center. The total sign area shall not exceed one (1) square foot of sign area per one (1) linear foot of building length upon which the sign will be located. This square footage may be divided into a maximum of two signs on each building elevation facing a public street or primary drive into a shopping center with a maximum of four (4) wall signs per building.
3. In lieu of a wall sign, a bracketed projecting sign will be permitted. The projecting sign shall project from a building wall at an angle of 90 degrees and for a distance of not more than 4 feet. Projecting signs shall have a maximum sign area of 3 square feet per side and 6 square feet overall, and shall be mounted at least 7'-6" over a public sidewalk and 15 feet over any drive.
4. One (1) wall sign for first floor tenants of a multi-tenant building having their own public entrance. The area shall not exceed one and one half (1.5) square foot of sign area per one (1) linear foot of the width of the tenant space. All signage must be placed within one continuous sign band. In lieu of a wall sign, one bracketed projecting sign shall be permitted as specified in Section 24.11 (A) (3) above. A comprehensive sign plan is required as specified in Section 24.13
5. Second floor tenant signage will be permitted with the submission and approval of a comprehensive signage plan in accordance with Section 24.13 that meets the following standards: all signage must be placed within one continuous sign band, the size of the sign can be equal to one (1) square foot of sign area per one (1) linear foot of tenant space width, not to exceed thirty (30) square feet, the sign may be internally or externally illuminated and the sign type and style must be consistent with other second floor signage.

**24.12 OFFICE / PLANNED INDUSTRIAL DISTRICT SIGNS.  
(IA/IB, O-1, MU Districts)**

- A. Single-Occupancy Buildings: In office, and planned industrial districts, each business or office which wholly occupies a building shall be permitted one of the following signs: flat or wall sign, bracketed sign, projecting sign, and one free-standing sign as follows:
  1. A wall sign shall not project more than one (1) foot from the building wall to which it is attached and the sign area for a single business or office shall have an area equivalent to one and one (1) square foot of sign area for each linear foot of building width, or part of a building occupied by such enterprise. Any business that is located at the intersection of two or more streets that are in the township, county, state or federal highway system shall be permitted one (1) wall sign on each surface of the building facing such streets. If this option is selected the area of any sign shall not exceed one (1) square foot per each linear foot of building width, or part of a building occupied by such enterprise, and shall not exceed a maximum area of seventy-five (75) square feet.

2. A bracketed, projecting sign shall not be attached to and project from a building wall at an angle of 90 degrees for a distance of not more than 4 feet. Projecting signs shall have a maximum overall dimensional sign area of 3 square feet per side and 6 square feet overall, and shall be mounted at least 7'-6" over a public sidewalk and 15 feet over any drive.
3. A free-standing, monument sign not over 5 feet in height, having a maximum total overall dimensional sign area of 30 square feet per side and 60 square feet overall and located not closer than 10 feet to any street right-of-way line.

**B. Multiple-Occupancy Buildings:** Multiple-occupancy buildings may be permitted:

1. One (1) free-standing monument sign not over 5 feet in height, having a maximum total overall dimensional sign area of 30 square feet per side and 60 square feet overall and located not closer than 10 feet to any street right-of-way line. There shall be only one (1) free-standing sign per parcel or project. The sign shall identify the building, project name, property and/or address only, and shall bear no individual occupant identification.
2. In addition to the free-standing sign, first floor tenants of a multiple-occupancy building having their own public entrance, shall be allowed one wall sign based on one and one half (1.5) square foot of sign area per linear foot of contiguous exterior wall or one projecting sign as specified in Section 23.11 (A) (2) above. Sign area must relate to the linear footage of wall on which the sign is to be located.
3. One identifying plaque for upper level tenants or tenants with no contiguous exterior wall and having no street frontage. Width of plaque may not exceed width of surface of attachment. Maximum sign area allowed shall not exceed three (3) square feet. All plaques shall be placed adjacent to building entrance. Where more than one plaque is placed at an entrance, the total group is to be related in an orderly and integrated manner in one or more vertical columns with common vertical centerlines. The horizontal centerline of each group must be 5'-0" above the average grade level.
4. Second floor tenant signage will be permitted with the submission and approval of a comprehensive signage plan in accordance with Section 24.13 that meets the following standards: all signage must be placed within one continuous sign band, the size of the sign can be equal to one (1) square foot of sign area per one (1) linear foot of tenant space width, not to exceed thirty (30) square feet, the sign may be internally or externally illuminated and the sign type and style must be consistent with other second floor signage.

**C. Planned Office/Industrial Parks**

1. A planned, multiple building, office/industrial park shall be permitted one (1) freestanding monument identifying the name of the office/industrial park at the entrance to the park. The sign shall have a maximum height of 5 feet and a maximum area of fifty (50) square feet.

2. A planned, multiple building, office/industrial park shall be permitted interior directional signage at street intersections. Only one sign per intersection will be permitted. These signs shall have a maximum height of 5 feet and a maximum area of twenty (20) square feet. These signs must be set back a minimum of five (5) from the right-of-way and outside the clearview zone as described in section 24.09.

### **24.13 SITE PLAN REVIEW**

Signage for all new retail, office and light industrial construction is subject to the site plan review regulations in Chapter 26. Signage plans must be submitted as part of the overall development plan for the proposed use. Signage plans must include all information as provided below:

#### **A. Single Occupancy Buildings:**

1. An accurate site plan of the lot at the most appropriate scale showing the location of all freestanding and wall mounted signage.
2. Elevation drawings of all freestanding signage indicating all dimensions.
3. Building elevation drawings showing the placement of all wall signs and indicating all dimensions.
4. A computation of the sign area for each individual sign and a computation of the total sign area of all proposed signs.

#### **B. Multiple Occupancy Buildings and Shopping Center Developments:**

1. An accurate site plan of the lot at the most appropriate scale showing the location of all freestanding and wall mounted signage.
2. Elevation drawings of all freestanding signage indicating all dimensions.
3. Building Elevation drawings that clearly show the proposed sign band and indicates the approximate location of tenant wall signage.
4. A Comprehensive Sign Plan that provides an accurate description of the type, style, color, and placement of all tenant signage. This plan must be signed by the owners or their authorized agent and must be filed with the Miami Township Department of Planning and Zoning. All applications for zoning certificates for tenant signage must be in compliance with the Comprehensive Signage Plan.

#### **24.14 MAXIMUM SIGN AREA**

- A. The area of all signs for any single business enterprise shall be limited according to the widths of the building or part of building occupied by the enterprise. For the purposes of this section, width shall be measured along the building face nearest parallel to the street line. In the case of a corner lot, either frontage may be used in determining maximum area of the sign.
- B. The area of all permanent signs for any single business enterprise may have an area equivalent to 1-1/2 square feet of sign area for each linear foot of width of a building, or part of a building, occupied by the enterprise, but shall not exceed a maximum area of one hundred and twenty (120) square feet.
- C. Where such business enterprise requires secondary entrances to rear or side parking areas, a second wall sign having an area up to 33% of the first authorized sign may be authorized by the Zoning Inspector for the rear or side of the building.
- D. The area of existing signs shall be taken into consideration in the computation of maximum sign areas available under this Chapter.

#### **24.15 SIGN MEASUREMENT STANDARDS**

- A. Area Measurements: The area of a sign shall be determined as follows: (Exhibit "A")
  - 1. In the case of freestanding or projecting signs, the sign area consists of the entire surface area of the sign on which copy could be placed including the surrounding frame structure. The supporting structure or bracing of a sign shall not be counted as a part of sign face area, unless such structure or bracing is made a part of the sign's message by inclusion of a symbol, logo or other three-dimensional figure, in which case the smallest rectangle which can encompass the area of said symbol or figure shall be included as part of the total message area calculations.
  - 2. In the case of a wall sign whose message is fabricated together with the background which borders or frames that message, the sign area shall be the total area of any symbols, figures or logos as described in subsection (1) above.
  - 3. In the case of a wall or facia sign whose message is applied to a background which provides no border or frame, the sign area shall be the area of the smallest combination of rectangles which can encompass all words, letters, figures, emblems, and other elements of the sign message.
- B. Height Measurements. The height of a sign shall be determined as follows: (Exhibit 'A')

The height of a freestanding sign shall be determined by measuring the vertical distance between the top part of a sign or its structure; whichever is highest, to the elevation of the ground directly beneath



the sign. In cases where a sign is located on a man-made berm or similar ground structure, the height shall be measured from the top part of the sign or its structure to the elevation of the edge of street pavement nearest to the sign.

The heights of a projecting sign shall be measured from the bottom of the sign face to the ground below.

The height of a wall sign shall be measured from the finished grade at the building base below the sign. The top of the sign shall be no higher than the maximum permitted building height nor shall it be more than three (3) feet higher than the highest ceiling elevation in the building.

#### **24.16 MISCELLANEOUS INCIDENTAL SIGNS.**

- A. Directional and Informational Signs: Parking lot and other private traffic directional signs, such as “Entrance”, “Exit”, “Parking”, “Service”, “Parts”, and the like, each not exceeding four (4) feet in height, four (4) square feet per side in area and located as least ten (10) feet behind the right-of-way line. Such signs are to be limited to guidance of pedestrian or vehicular traffic within the premises on which they are located, and are not to display the name of a product, service, or any other advertising. Such signs may be internally illuminated.
- B. Menu Boards: One (1) free-standing, ground mounted menu board per site is permitted for drive-in windows of fast food restaurants. Such sign shall not exceed twenty (20) square feet in total sign area and five (5) feet in height. Such sign shall be in addition to, not deducted from the allowable sign area for that business.
- C. Incidental Signs: One incidental sign, one (1) sq. ft. in area, indicating hours of operation/credit card information etc. shall be permitted on the entrance door or door recess area to each business establishment.

#### **24.17 OFF-PREMISES SIGNS**

- A. Off-premises signs that have a display area of not more than one hundred (100) square feet may be permitted in B-1, B-2, I or A Agricultural districts. Signs that are designed for displaying two (2) sides of the display area shall not exceed two hundred (200) square feet in total area, provided that both sign surfaces are on the same plane and all parts of the advertising surfaces of both sides are not more than thirty (30) inches apart. No more than two (2) display areas shall be permitted on any such sign. Setback: Off-premises signs that are visible to approaching traffic shall be setback not less than one hundred (100) feet from all road right-of-way lines, except as required by the Ohio Department of Transportation which may require greater setback distances along primary and Interstate highways. Off-premises signs may be increased to a maximum of three hundred (300) square feet per display area, provided that for every two (2) square feet of display area over one hundred (100) square feet, such sign shall be setback at least an additional one (1) foot from any highway or street right-of-way line.

- B. Off-premises signs shall be placed not closer than four hundred (400) feet from any residential or resort district.
- C. Off-premises signs shall be placed not closer than one hundred (100) feet from all other property lines.
- D. Height of any off-premises signs shall not exceed thirty (30) feet in any B-1 and B-2 districts.
- E. In any I and A Agricultural District, the height of an off-premises sign may be increased one (1) foot for every ten (10) feet of additional setback beyond the minimum setback required, up to a maximum height of forty (40) feet.
- F. Spacing: The placement of off-premises signs shall be so as to maintain a spacing distance of eighteen hundred (1,800) feet between signs, along any single road corridor. In the event of intersection streets, roads or highways, off-premises signs shall in no case be spaced closer than nine hundred (900) feet from one another, nor shall any off-premises sign be placed closer than four hundred fifty (450) feet from any free-standing on-premises sign.

#### **24.18 TEMPORARY SIGNS**

- A. The following temporary signs are permitted in all districts and do not require a zoning certificate, providing they meet the following requirements:
  - 1. Temporary Real Estate Signs advertising the sale, rental, or lease of the premises on which the sign is located shall be permitted on any property provided:
    - a. No such sign shall exceed twelve (12) square feet in display area per side, except in all residential districts where the display area shall not exceed six (6) square feet per side.
    - b. Signs permitted under this section shall have no more than two (2) sides.
    - c. Such signs may be located only on the property for sale, rental, or lease.
    - d. Not more than one (1) such sign shall be permitted on the subject property.
    - e. All such signs shall be set back a minimum of fifteen (15) feet from any street right-of-way and shall conform to the requirements regarding traffic visibility.
    - f. No such sign shall exceed four (4) feet in height from grade.
    - g. No such sign shall be illuminated in any way.
    - h. Such signs shall not remain longer than ten (10) days following the closing or rental of said property.

- i. Real estate “open house” signs shall be permitted only when the property is open for inspection and shall be permitted only on the property open for inspection.
- B. Temporary signs are permitted in all districts, provided they meet the following requirements: Temporary Signs Permitted In All Districts Requiring a Zoning Certificate. The following signs are permitted provided they meet the following requirements.
1. Construction Signs indicating the name of architects, engineers, contractors and similar persons or firms involved in the design or construction of a structure or project, provided:
    - a. No such sign shall exceed sixty (60) square feet in display area and have a maximum of two (2) display faces, except in all residential districts where the display area shall not exceed six (6) square feet per display face.
    - b. All such signs shall be set back a minimum of ten (10) feet from any road right-of-way and adjoining property line(s) and conform with Section 23.08 regarding Clear view Zone requirements.
    - c. No such signs shall exceed ten (10) feet in height, except in all residential districts above the height shall not exceed four (4) feet from grade.
    - d. Such signs shall not be illuminated in any way.
    - e. Such signs may be located only on the subject property and no more than one (1) such sign shall be permitted.
    - f. Such signs may be erected for a period of sixty (60) days prior to construction and extend throughout the construction period. All such signs must be removed upon the issuance of the occupancy permit.
  2. Temporary Subdivision Signs. Upon application to the Zoning Inspector, a permit may be issued as a special exception to the terms of this Chapter allowing such a sign, provided that:
    - a. The sign shall not be illuminated.
    - b. The sign shall identify the sale or development of a recorded lot subdivision.
    - c. The sign shall be erected only upon the property for sale or being developed.
    - d. The sign shall set back a minimum of ten (10) feet from any street right-of-way or adjoining property line and conform to Section 23.08 regarding Clear view Zone requirements.
    - e. The sign shall not exceed five (5) feet in height, could have a maximum of two (2) sides not in excess of twenty (20) square feet per side.

- f. Not more than one such sign shall be placed along a single road frontage of any property in single and separate ownership, provided that not more than 2 such signs may be permitted in any single development.
  - g. A permit for the erection, construction, or maintenance of the sign shall expire within one year.
3. Temporary Signs for Non-Profit Activities or Events, Fund Raising Public Service Events provided:
- a. No such sign shall have a display area exceeding thirty two (32) square feet per face, with a maximum of two (2) faces.
  - b. All such signs shall set back a minimum of ten (10) feet from any street right-of-way or adjoining property line and conform to Section 23.08 regarding Clear view Zone requirements.
  - c. No such sign shall exceed five (5) feet in height.
  - d. No such sign shall be internally illuminated.
  - e. No more than one (1) sign may be displayed per road frontage of the subject premises.
  - f. Use of such signs shall be limited to a period of sixty (60) days.
4. Temporary Special Message Signs for the Display of Special Messages or promotions (Only in non-Residential Districts) provided:
- a. Such signage shall include banners or changeable copy signs.
  - b. No such sign shall have a display area exceeding thirty-two (32) square feet per face, with a maximum of two faces.
  - c. All such signs shall set back a minimum of ten (10) feet from any street right-of-way or adjoining property line and conform to Section 24.09 regarding Clear view Zone requirements.
  - d. No such sign shall exceed five (5) feet in height.
  - e. No such sign shall be internally illuminated.
  - f. No more than one (2) sign(s) may be displayed per road frontage of the subject premises.
  - g. Use of such sign shall be limited to three (3) display periods, not exceeding ten (10) days per period during each calendar year.

5. Temporary Signage for Grand Openings (Only in non-Residential Districts) provided:

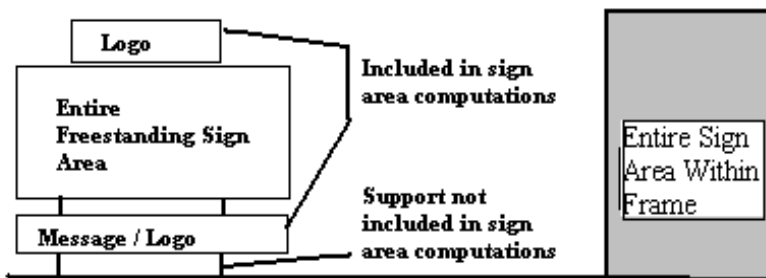
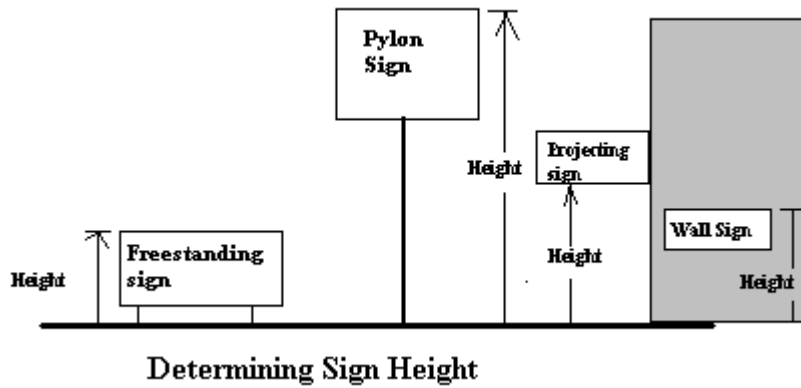
- a. Permitted signage includes banners, pennants and balloons.
- b. Banners shall not exceed thirty-two (32) square feet per face. No more than two banners shall be permitted
- c. A cold air balloon must be securely fastened to the ground or building. At no time can it interfere with driver or pedestrian safety.
- d. All such signs shall set back a minimum of ten (10) feet from any street right-of-way or adjoining property line and conform to Section 24.09 regarding Clear view Zone requirements.
- e. No such sign shall be illuminated.
- f. The Grand Opening must be specific to the site
- g. Signage for a Grand Opening may be displayed for not more than seven (7) days.

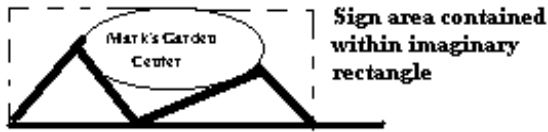
**24.19 SIGNS IN VIOLATION**

- A. Any sign or device located within a public right-of-way shall be deemed a public nuisance and can be removed by the Zoning Inspector.
- B. Any permanent sign or device in violation of this Resolution shall be deemed a public nuisance and the Zoning Inspector shall give thirty (30) days notice by registered mail, certified mail or hand delivery to the owner or lessee of the land such sign is erected upon, to remove such sign or device.
- C. Any temporary sign in violation of this Resolution shall be deemed a public nuisance and the Zoning Inspector shall be given twenty-four (24) hour notice by registered mail, certified mail or hand delivery to the owner or lessee of the land such sign is erected upon, to remove such sign or device.
- D. If any such sign or device has not been removed on or before the expiration of the time limits as stated in this section, following receipt of said notice, it shall be deemed a violation of this Chapter and the Zoning Inspector shall take the appropriate action necessary for removal of the sign or device, or the correction of the violation.

**EXHIBIT "A"**

**Chapter 24, Signs**





Determining Sign Area

Exhibit B

Signage Requirements by Zoning District - Chapter 24 Signs

Zoning District	Classification	Maximum Area Square Feet	Maximum Height Feet	Minimum Setback Feet	Maximum # Signs	Code Section
R-1, R-2, R-3, R-4 A, R-PUD	Subdivision	25	5	10	1	24.10
	Real Estate	6	4	15	1	24.18
	Institutional	32	5	10	1	24.10
	Agricultural District	6	5	10	1	24.10
B-1 Single Tenant	Freestanding - Ground	30	5	10	1	24.11*
	Wall Sign	1/linear foot of building frontage			1	24.11
	Projecting Sign	3	7.5			24.11
B-1 Multi-Tenant	Freestanding - ground	60	8	10	1	24.11
	Wall Sign	1.5/linear foot of tenant frontage			1per tenant	24.11
	Projecting Sign	3	7.5			24.11
B-2 25,000 sf bldg or less	Freestanding - Ground	50	6	10	1	24.11
	Wall Sign	1 linear foot of building frontage			1	24.11
	Plaque	3			multi tenant - 1/tenant 1 - upper floor tenants	24.11* 24.11*
B-2 25,001-100,000 sf	Freestanding - Ground	60	8	10	1per entrance	24.11
	Freestanding - Pole	50	20	10	1	24.11
	Wall	1 /linear foot of building frontage			single tenant -2	24.11*
	Plaque	3			Multi tenant - 1/tenant 1 - upper floor tenants	24.11* 24.11*
B-2	Freestanding - Ground	80	10	10	1 per entrance	24.11

<b>over 100,001 sf</b>	Freestanding - Pole	75	30	10	1	24.11
	Wall	1/linear foot of building frontage			single tenant -2	24.11*
	Plaque	3			Multi tenant - 1/tenant 1 - upper floor tenants	24.11*
<b>I, O, MU Single Tenant</b>	Freestanding - Ground	30	5	10	1	24.12
	Freestanding - Pole	n/a	n/a	n/a	n/a	24.12
	Wall	1.5/linear foot of building frontage max - 100			1	24.12
	Projecting Sign	3	7.5			
<b>I, O, MU Multi Tenant</b>	Freestanding - Ground	30	5	10	1	24.12
	Freestanding - Pole	n/a	n/a	n/a	n/a	24.12
	Wall	1.5/linear foot of building frontage max - 60			1	24.12
	Projecting Sign	3	7.5			
<b>A, B-1, B-2, I</b>	Off Premise Signs	100	30	100	1 sign - 1,800 feet spacing between signs	24.17*
<b>B-1, B-2, O-1, I</b>	Directional	4	4	10	2 per entrance	24.16*
	Incidental/information	1	n/a		n/a	24.16*
	Menu Boards	10	5	n/a	1 - in addition to allowable signage	24.16*
<b>Planned Business</b>						
<b>Park O-1 I</b>	Directional	20	5	5	1 per street intersection	24.12*

\* See Additional Requirements in appropriate sections of Chapter 24

Effective June 22, 2006; revised August 15, 2008; Revised March 21, 2012 (second floor signage)



## Chapter 25

### GENERAL PROVISIONS AND PERFORMANCE STANDARDS

#### 25.01 GENERAL PROVISIONS

- A. No buildings shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used which do not comply with all of the district regulations established by this Resolution for the District in which the building or land is located.
- B. Every building hereafter erected or structurally altered shall be located on a lot as herein defined.
- C. Uses which are not specifically permitted are prohibited. Marijuana cultivators, processors and retail dispensaries are prohibited within all Districts.
- D. In any Residence District placing a trailer shall be prohibited, except that one (1) trailer may be parked or stored in a garage or other accessory building, provided that no occupancy for human habitation be maintained or business conducted therein while such trailer is so parked or stored.
- E. In any Resort District, the wheels or any similar transporting device of any trailer shall not be removed nor shall such trailer be otherwise temporarily or permanently fixed to the ground or attached to something having a temporary or permanent location on the ground by any person, firm or corporation in any manner.
- F. Except as authorized by Section 519.21 of the Ohio Revised Code, nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such use, building or structure.
- G. Nothing contained in this Resolution or amendments thereto shall require any change, in the plans, construction, size, or designated use of a building, for which a valid permit has been issued or lawful approval given before the effective date of this Resolution or amendments thereto; provided, however, construction under such permit shall have been started within six (6) months and the ground story framework including structural parts of the second floor shall have been completed within one (1) year and the entire building completed within two (2) years after the effective date of this resolution.

#### 25.02 YARD SALES AND GARAGE SALES

Yard sales, garage sales and any other type of personal property sales in residential districts are permitted but limited to the sale of used personal property of the occupants of the premises,

and shall be restricted to a duration of three consecutive days with no more than three such sales conducted by any household in any single calendar year. The length of time of display of property shall be for the duration of the sale only. A Zoning Certificate is not required for the first two sales conducted on the premises during a single calendar year, however, a permit shall be required for the third such sale within the same calendar year at a cost as set forth in an approved fee schedule. Signs associated with yard and garage sales may be erected in accordance with Chapter 24 with no additional fee.

### **25.03 NON-CONFORMING USES**

In conformance with Section 519.19 of the Ohio Revised Code, 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 such resolution or amendment, but if any such use is voluntarily discontinued for two years or more, any future use of said land shall be in conformity with this Zoning Resolution and Sections 519.01 et seq inclusive of the Ohio Revised Code.

Property Owners may complete construction of a lawful non- conforming use as set forth in 25.01 (G).

In the event of natural disasters such as storms and fire non-conforming uses may be restored and/or reconstructed provided restoration and/or reconstruction commences within six (6) months and is complete within one year.

Non-conforming uses may be extended and/or substituted provided the extension and/or substitution will not adversely impact upon adjacent properties; complies with all existing set-back and height restriction provisions of the district in which the property is located; is compatible with and of the same general character as the non-conforming use and does not violate the spirit of this resolution. To extend or substitute a non-conforming use the property owner must file an application with the Board of Zoning Appeals and demonstrate to the Board of Zoning Appeals compliance with this section.

### **25.04 COMPLIANCE WITH REGULATIONS**

Except as hereinafter provided:

- A. No land shall be used except for a purpose permitted in the district in which it is located. If a use is not specifically permitted it is prohibited.
- B. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located. If a use is not specifically permitted it is prohibited.
- C. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is located.

- D. No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which the building is located.
- E. The minimum yards, parking space, open spaces, including lot area per family, required by this Resolution, for each and every building existing at the time of passage of this Resolution, or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, nor shall any lot area be reduced below the requirements of this Resolution for the District in which the lot is located.
- F. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) Lot.

#### **25.05 CONVERSION OF DWELLINGS**

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Resolution, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open spaces.

#### **25.06 TRAFFIC VISIBILITY ACROSS CORNER LOTS**

In any Residence District on any corner lot, no fence, structure or planting shall be erected or maintained within twenty (20) feet of the "corner" at a height of more than three (3) feet above the curb or street grade, or to as to interfere with traffic visibility across the corner.

#### **25.07 PENDING APPLICATION FOR BUILDING PERMITS**

Nothing herein contained 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 his Resolution or amendments thereto, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Resolution or amendments thereto and completion thereof carried on in a normal manner with the subsequent six (6) months period and not discontinued until completion, except for reasons beyond the builder's control.

#### **25.08 SIDEWALKS**

- A. Sidewalks shall be required on both sides of the street for all single family lots platted in an A, R-1, R-2, R-3, R-4, and R-PUD residential zoning district except for large lot developments (2 acre lots or greater) as defined in the Clermont County Subdivision Regulations unless the subdivision offers neighborhood amenities such as a swimming pool, tennis court or clubhouse.

- B. Sidewalks shall be required within all multi-family residential developments. The sidewalk system shall provide a pedestrian connection between all buildings within the development and between the buildings and any amenities.
- C. In any case where a platted subdivision or multi-family development abuts a collector or arterial street, sidewalks shall be provided along the collector or arterial for the entire distance the property abuts said street.
- D. Alternative pedestrian pathways will be considered for any Planned Unit Development provided all lots and/or buildings within the PUD have access to the pathway system. Such alternatives shall be presented during the site plan review process and must be approved by the Board of Trustees.

### **25.09 HOME OCCUPATION**

A Home Occupation may be conducted in residential zoning districts after issuance of a zoning certificate approving the Home Occupation and subject to the following.

- A. There shall be no display that will indicate from the exterior that the home is being utilized in whole or in part for any purpose other than that of a dwelling.
- B. Any item sold upon the premises in association with the Home Occupation shall be stored within an enclosed building, with the exception of firewood, that may be stored outdoors in a single location in the rear yard in an area not to exceed 10 feet x 10 feet, and four feet in height. This outdoor storage exception for firewood shall apply for household use as well.
- C. Any activity associated with the Home Occupation must be conducted within a completely enclosed permanent building, with the exception of Household Pets being watched that may be let out within a controlled yard area.
- D. Any person who is an employee or contractor who reports to the premises or works at the premises may be only a member of the immediate family residing permanently at the premises, otherwise there shall be no employees reporting to, visiting or staging at the premises of the Home Occupation.
- E. No mechanical equipment except that which is normally present for customary domestic or household purposes shall be used, stored or parked at the premises in association with the Home Occupation.
  - 1. Mechanical equipment not customary for normal domestic household purposes may be parked or stored at a residential property, however, only within a completely enclosed structure.

- F. Activities associated with the Home Occupation shall create no more noise, disruption or delivery trips within the neighborhood except as would otherwise be found with ordinary residential use.
- G. Deliveries for the Home Occupation, including pickup, will not exceed one per day (not averaged) by a normal residential scale delivery vehicle plus mail delivery.
- H. The Home Occupation shall generate no more than a maximum of two customer/client trips to the premises in any given day (not averaged).
- I. The maximum area within all buildings used for the Home Occupation shall not exceed 400 square feet.

Chapter 26

RESERVED FOR FUTURE USE

## **Chapter 27**

### **SITE PLAN REVIEW AND APPROVAL**

#### **27.01 PURPOSE.**

The purpose of zoning as set forth in Section 519.02 of the Ohio Revised Code is to protect public health, safety and welfare. This chapter sets requirements; guidelines and procedures for site plan review. In developments for which site plan reviews are required, though generally suitable for location, in a particular district or on a particular site, are because of their nature, size, or other indicators of probable impact, capable of adversely affecting the purposes of this Zoning Resolution unless careful consideration has been given to critical design elements. The Board finds that all requests for zone change have a significant impact on the Zoning Resolution and the developments set forth below also have a substantial impact such as to require site plan review.

- A. It is the purpose of this Chapter to insure that all developments are reviewed for compatibility with the regulations and intent of this Zoning Resolution, Township policies and plans, and good site planning practices.

#### **27.02 APPLICABILITY:**

Site plan review and approval is required for the following:

- A. Any zone change application, except those initiated by the Township; or
- B. Any development involving:
  - 1. Any non-farming or non-single family development in the “A” Agricultural District,
  - 2. Any development in the ‘R-1’, ‘R-2’, or ‘R-3’ Residence District which is not single-family development,
  - 3. All development in the following districts:
    - a. “O-1” Office Business District
    - b. “B-1” Neighborhood Business District
    - c. “B-2” General Business District
  - 4. Developments in the following Districts:
    - a. “T” Mobile Home park
    - b. “H” Resort District
    - c. “I” Planned Industrial Park

### **27.03 SITE PLAN REVIEW PROCEDURES AND REQUIREMENTS:**

The Township shall review all required site plans using the following procedures, standards, limitations and guidelines. Site plans submitted for review shall demonstrate the proposed development meets the guidelines and performance standards set forth in the Zoning Resolution. The site plan shall contain sufficient detailed information about existing and proposed site conditions to allow an informed decision to be made by the Community Development Director, Zoning Commission, Township Trustees, and County Planning Commission as may be required concerning the general acceptability of the proposed development.

To be considered complete, a site plan shall identify and provide all the information Required under Section 27.05.

Prior to filing an application for site plan review, an applicant may request a pre-application conference with the Community Development Director for the purpose of reviewing the proposed plan and requirements for submittal.

At the time of the filing of an application for site plan review, the applicant is required to pay the required site plan review fee in accordance with the Township's effective schedule of fees.

Upon receipt of an application for site plan review under Section 27.02 (A), the following review shall occur:

- A. Step 1 - The applicant shall submit 6 copies of the site plans to the Community Development Director.
- B. Step 2 - The Community Development Director shall:
  1. Transmit copies of the site plan application to the following entities:
    - a. The Township Administrator,
    - b. The appropriate county and state review agencies, and
- C. Step 3 - The Community Development Director shall within thirty (30) days collect reports from the appropriate review agencies and will prepare a staff report for presentation to the Zoning Commission.
- D. Step 5 - The Township Zoning Commission shall then take all steps necessary to complete the zone change process as set forth in Revised Code Section 519.12.

For site plan review under Section 27.02 (B) the following steps shall occur:



- A. Step 1 - The applicant shall submit 6 copies of the site plan to the Community Development Director.
- B. Step 2 -The Community Development Director shall:
  - 1. Transmit copies of the site plan application to the following entities:
    - a. The Township Administrator,
    - b. The appropriate county and state review agencies
- C. Step 3 - The Community Development Director then shall within ten (10) days of receipt of reports and recommendations prepare a report on the proposed site plan and shall either approve, disapprove or approve with conditions the submitted site plan. If approved, a Zoning Certificate may be issued for the proposed project.
- D. Step 5 - The applicant can then take whatever action the applicant deems to be appropriate with respect to the decision of the Community Development Director's including an appeal to the Board of Zoning Appeals in accordance with Chapter 29 of the Zoning Resolution.

#### **27.04 SITE PLANNING GUIDELINES**

In reviewing the site plan, the Community Development Director shall determine whether the site plan as proposed meets the requirements of the Zoning Resolution for the particular district to which the site plan applies. In making this determination the Community Development Director's review of the site plan shall be based on, but not limited to, the following standards:

- A. General
  - 1. The site plan shall reflect all Township plans and policies affecting the site, including neighborhood plans, key area plans, master concept plans or previously adopted planned unit development plans; and
  - 2. The site, plan should be consistent with the statement of intent for the zoning district in which it is located or proposed.
- B. Site Planning/Open Space and Green Areas
  - 1. To the extent possible the natural topographic and significant landscape features of the site shall be incorporated into the development in order to preserve the site's natural resources and enhance its visual character;

2. Where appropriate, the design of green areas should incorporate plant materials to define space, provide screening and privacy, define views, serve as focal points, and soften views of buildings and pavement.

C. Grading and Drainage:

1. Grading should be performed with sensitivity to existing topography and other natural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts.
2. Drainage shall be designed and constructed so as to not detrimentally affect adjacent properties. These systems shall provide for the safety and convenience of occupants and protection of dwellings, other development and usable lot areas from water damage, flooding, and erosion.

D. Circulation

1. The streets, access and parking system shall provide for the smooth safe, convenient and functional movement of vehicles and pedestrians both on and off site.

2. Circulation shall:

- a. Minimize the conflict between pedestrian and vehicular traffic, and
- b. Minimize the number of vehicular turning movements and points of Vehicular conflict, particularly at access points,

3. Vehicular Access:

- a. Acceleration, deceleration and/or left turn lanes may be required if the Township finds that they are necessary to preserve safety and/or the traffic-carrying capacity of the existing street.
- b. The Township may require a traffic impact study if one or more of the following conditions exist:
  - If the proposed development or redevelopment may increase the number of trips entering or leaving the property by ten percent or more:
  - If the proposed development or redevelopment may adversely change the type of traffic generated within the property, for example, addition of truck traffic;

- The scale or use of the proposed development might cause deterioration of service levels on the street and/or deterioration of safety or service levels at intersections in the vicinity.
- The proposed development is in the vicinity of a street or intersection with a history of safety and/or accident problems; and
- The geometry of existing or proposed improvement might cause a safety hazard.

#### 4. Site Distance Triangles:

- a. All sites shall be designed so that plants and structures on the site do not interfere with the safe movement of motor vehicle traffic, bicycles or pedestrians.
- b. The site distance triangle should be determined in accordance with the most recent relevant and applicable standards. The sight distance triangle should vary depending on the design speed of the street and the width of the street.

#### E. Pedestrian Circulation

1. Sidewalks and/or pedestrian paths shall be constructed and located in order to provide a convenient safe, and visible pedestrian path between parking area and building entrance. Whenever a pedestrian path or bike path traverses a parking lot, a safe and efficient pedestrian system shall be clearly designated.

#### F. Lighting

1. On site exterior lighting should provide illumination adequate to permit safe nighttime activities.
2. All roadway, parking lot, and walkway lights shall be shielded so that substantially all the directly emitted light falls within the property line.

#### G. Buffer Yards

1. The purpose of a buffer yard is to minimize friction between non-compatible land uses, and to protect the public health and safety through the reduction of air, noise and visual pollution. The amount and type of screening material required shall be based on the intensity of the proposed land use.

2. Where vegetative and/or topographic conditions that provide a natural screening and buffer exist before development of properties in question, every effort shall be made to retain such conditions. In such cases, additional screening may not be required, if provision is made for maintenance of such areas.
3. If a wall or fence is used as part of the buffer yard, the wall or fence must be of solid, opaque construction. Chain link fence with wood or vinyl slats will not be permitted to satisfy the buffer yard requirements.
4. The minimum width of a buffer yard shall be fifteen (15) feet measured from the property line into the lot, unless otherwise regulated in the Resolution.
5. Buffer yard landscaping shall be diverse consisting of both deciduous and non-deciduous trees and shrubs. Deciduous trees shall have a minimum caliber of 2.5 inches at the time of planting. Evergreen trees shall be a minimum of 6 feet in height at the time of planting. Shrubs and hedges shall be a minimum of 3 feet at planting and must have a mature height of 6 feet within four years of planting.
6. Earth mounds may be required as part of the buffer yard. The mounds shall be designed with physical variations in height. The landscaping material installed on the earthen mound shall be arranged to accentuate the physical variation of the mound and achieve a natural appearance.
7. No part of any buffer yard shall be used for active recreation, parking or other interior access drives.
8. Where the minimum setback for the applicable zoning district differs from the required buffer yard, the more restrictive standard shall apply.

**27.05 SITE PLAN REQUIREMENTS:**

- A. All applications for site plan review shall be accompanied by:
  1. A completed application form provided by the Community Development Director of Miami Township;
  2. The required site plan review fee in accordance with the Miami Township fee schedule; and
  3. Six (6) copies of the site plan.
- B. For site plans less than 25 acres, the site plan shall be drawn for the subject property to a scale not smaller than one (1) inch equals one hundred (100) feet, to be considered complete. For sites larger than 25 acres, an appropriate scale should be used. All site plans shall be dated and shall include the following information as required by this Resolution:
  1. All property lines, shape and dimension of the lot to be built upon showing directional bearings and distances, adjacent land ownership and streets, and location with reference to identifiable street intersection. For site plans under Section 27.02 (B) identification of adjacent property owners is not required.

2. Name of development, legal description of property, north arrow, scale, acreage name and address of record owner and engineer, architect or land planner, or the person responsible for preparing the site plan;
3. Vicinity map locating the subject property in Miami Township. Each vicinity map and site plan shall be oriented with parallel north arrows. North arrow shall be oriented to the top of the page;
4. The total lot area of the subject property,
5. The present zoning of the subject property and all adjacent properties;
6. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned,
7. Existing topography, and approximate delineation of any topographical changes shown by contour with appropriate intervals to ensure accurate review,
8. The location of every existing and proposed building with number of floors and gross floor area;
9. Any modifications, changes and additions to existing building(s), including floor area, heights and setbacks;
10. Delineation of all existing and proposed nonresidential uses in the project:
  - Commercial uses - location and type of all uses including approximate number of acres, gross floor area and heights of buildings,
  - Open Space-Recreation -the approximate amount of area proposed for open space, including the location of recreational facilities, and identification of unique natural features to be retained, and/or
  - Other public and semi-public uses location and type of all uses, including approximate number of acreage, and height of buildings;
11. The proposed finished grade(s) of new buildings supplemented where necessary with spot elevations:

12. Location and dimensions of all curb cuts, driving aisles, off-street parking and loading and/or unloading spaces including number of spaces and of stalls:
13. Location of proposed pedestrian walkways, identifying approximate dimensions:
14. Location of proposed streets, identifying approximate dimensions of pavement, right-of-way and grades;
15. Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indicating approximate pipe sizes. Indication should also be given regarding the provision of electric and telephone service;
16. Limits of existing flood hazard areas within and adjacent to the property, accurately showing the limits of building encroachments and earth fill within this area, with 100 year water surface elevations and proposed finished floor elevations denote;
17. Identification of the soil types and geologic formations on the subject property, indicating anticipated problems and proposed methods of handling said problems;
18. Existing and proposed location(s) of outdoor lighting, signs, screen plantings, fences, and landscaping. Any existing woodlands of mature vegetation, and any other significant natural features, such as water bodies, drainage courses, wetlands, and wildlife habitats, must be included, and every good faith effort made to preserve, maintain, and enhance same;
19. Location and screening or other description to indicate control and handling of solid waste. Indicate dumpster pad where dumpster is to be used:
20. A schedule of development, including the staging and phasing of:
  - a. Streets and other public facility improvements in order of priority,
  - b. Dedication of land to public use or set aside for common ownership, and
  - c. Nonresidential buildings and uses, in order of priority,
21. Elevations of all faces of buildings and structures at an appropriate scale for the graphic representation of the materials employed. Such elevations must also indicate:

- a. Heights of buildings and structures;
  - b. Roofs and overhangs; and
  - c. Special design features; and
22. Additional information or engineering data, in such form and content as necessary to determine that the site plan meets the standards of this Chapter and other requirements and performance standards of the of the Zoning Resolution for Miami Township and of other public agencies in Clermont County to ensure proper integration of the proposed project in the area and the prevention adverse and undesirable impacts on the community.
- C. The aforementioned information required for site plan review may be combined in any suitable and convenient manner as long as the data required is clearly indicated and comprehended.
- D. Depending an the nature of the site plan review application, one or more of the aforementioned site plan requirements may be waived by the Township Community Development Director. To obtain a waiver the applicant must submit a statement to the Community Development Director indicating reasons why the requirements should be waived. Community Development Director may grant waivers only when the material supplied by the applicant clearly demonstrates that the required information is unnecessary for a full and adequate review of the impact, the proposed development shall have on the existing character of the neighborhood and/or the spirit of the Zoning Resolution. The decision of the Community Development Director with respect to the waiver is subject to review upon appeal to the board of Zoning Appeals.

## **27.06 REVISIONS OF SITE PLAN AFTER APPROVAL**

No changes, erasures, modifications or revisions shall be made to any site plan after approval has been given unless said changes, erasures, modification or revisions are first submitted to and approved by the Community Development Director. In determining whether to permit revision of the site plan after approval, the Community Development Director shall proceed as follows: for minor modifications, which are defined as follows: with respect to Section 27.05 (B) (9) a 10 percent change in existing buildings, floor area, height, and setbacks, and any change under Section 27.05(B) (2) (3) (15), (16), or (17), the Community Development Director may permit these changes upon the determination that the change does not adversely impact on adjacent property owners. For major modifications, which are any changes in use or in Section 27.05 (1) (4-8) (10-14) and (18-22) the applicant must submit a new site plan, which will be reviewed in accordance with the procedures in Chapter 27.

For developments which are designed to be built in phases and for which further review of the site plan was approved under Section 27.02 (A), further review of the site plans shall be in accordance with paragraph 1 of this section.

#### **27.07 COMPLIANCE AND ENFORCEMENT**

It shall be incumbent upon the Community Development Director or his/her duly authorized representative to make all inspections and certifications necessary to ensure that development occurs in accordance with the approved site plan.

In the event that the Community Development Director finds that a construction in accordance with the site plan is not being done, he/she shall issue a stop work order. It shall be incumbent upon the contractor or developer to correct those items that are in violation before construction may resume. All action required to bring development into compliance with the approved site plan shall be at the developer's, builder's, contractor's, or owner's expense.

#### **27.08 EXPIRATION**

If substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the site plan, said site plan shall be deemed null and void. The Community Development Director may extend the construction period if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control: and that prevailing conditions have not changed appreciably to render the approved site plan obsolete.



## **Chapter 28**

### **DEFINITIONS**

Words in this Zoning ordinance are normally used in their ordinary English usage. Certain terms, are, however, defined in this Chapter and whenever used in this Zoning Ordinance, they shall have the meaning set forth in the Section and Subsections of this chapter, except where the context clearly indicates a different meaning. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; word "building" shall include the word "structure" and the word "shall" is mandatory not directory.

**ACCESSORY BUILDING:** A subordinate building or a portion of the main building; the use of which is incidental to that of the main building or to the use of the premises.

**AGRICULTURE:** The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry, and the necessary accessory uses for packing, treating, storing or selling the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agriculture activities, and provided further, that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

**ALLEY:** A public way which affords only a secondary means of access to abutting property.

**APARTMENT:** A room or suite of rooms in a multiple dwelling intended or designed for use as a residence by a single family.

**APARTMENT HOUSE:** See Dwelling, Multiple.

**ARTERIAL STREET:** Roadways intended to serve as primary connectors between residential and other types of development. Generally, these are state and county roadways.

**BASEMENT:** A story having part but not more than one-half (1/2) height below grade. A basement is counted as a story for purpose of height regulations.

**BOARD:** Township Board of Zoning Appeals as created by this Resolution.

**BOARDING HOUSE:** A building other than a hotel where, for compensation, meals or lodging and means, are provided for three (3) but not more than twenty (20) persons.

**BUFFER YARD:** An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building, paving or recreational use.

**BUILDING:** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

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

**CELLAR:** A story having more than one-half (1/2) of its height below grade. A cellar is counted as a story for the purpose of height regulations only if used for dwelling purposes other than by a janitor employed on the premises.

**CELLULAR OR WIRELESS TELECOMMUNICATION TOWER** - any freestanding structure used to support cellular, PCS or wireless communication antennas.

**CHILD DAY-CARE:** Administering to the need 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 the child's own home. The following are child day-care facilities:

1. Child Day Care Center, means any place in which child day-care is provided, with or without compensation, for 13 or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for 7 to 12 children at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.
2. Type A Family Day Care Home, means a permanent residence of the administrator in which child day-care is provided for 4 to 12 children at any one time, if 4 or more children are under 2 years of age. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.
3. Type B Family Day Care Home, means a permanent residence of the provider in which child day-care or child day-care services are provided for 1 to 6 children at one time and in which no more than 3 children may be under 2 years of age at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B family day-care home" does not include a residence in which the

needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

**COLLECTOR STREET:** Roadways intended to collect traffic generated in major residential areas and carry it to one of the roads in the arterial network. Generally, the existing primary collectors are portions of county roads originally built to accommodate through traffic. Residential development tributary to these roads, however, has or will create a situation where the arterial function is subordinate to the collector function.

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate, or the subdividing of land into two or more parcels. For the purposes of this Resolution, the following activities or uses shall be considered "development:"

1. Any change in a structure including the reconstruction, or alteration of its size, or change in its external appearance.
2. A change in the intensity of use of land, such as an increase in the number of dwellings in a structure or on land or an increase in the number of businesses, manufacturing establishments, offices, or dwellings in a structure or on land.
3. Clearing of land, including clearing or removal of vegetation other than customary yard and/or grounds maintenance and including any significant disturbance of vegetation or soil manipulations.
4. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

"Development" includes all other activity customarily associated with it. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity is not development. Reference to particular types of operations is not intended to limit the scope of this definition.

**DISTRICT:** A section or sections for the unincorporated territory of Miami Township, Clermont County, for which the regulations governing the use of buildings and premises, the height of buildings, size of yards and the area lots are uniform.

**DWELLING:** Any building or portion thereof designed, or intended to be used exclusively for residence purposes, but not including a tent, cabin, trailer, or trailer coach.

**DWELLING, SINGLE-FAMILY:** A building designed or occupied exclusively by one family.

**DWELLING, TWO-FAMILY:** A building designed or occupied exclusively by two families.

**DWELLING, MULTIPLE:** A building or portion thereof designed for or occupied by more than two families.

**FAMILY:** A person or a group of persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house or hotel, as herein defined. The term "Family" shall include household pets other than large animals which are the property of the family and which are not for the purpose of consumption or for the purpose of commerce.

**FRONTAGE:** All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all of the property abutting on one between an intersecting street and the head end of the street.

**GARAGE, STORAGE:** Any building or premises used for housing only, of motor-driven vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

**GRADE:** For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the streets. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

**GROUP RESIDENTIAL FACILITY:** A community residential facility, licenses and/or approved and regulated by the State of Ohio, which provides rehabilitative or rehabilitative services. There are two classes of group residential facilities:

1. Class I, means any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A group residential facility contains exclusive of staff. A Class I facility contains five (5) or staff. A class I Type B group residential facility contains five (5) or less residents, exclusive of staff.
2. Class II, means any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or

more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or less residents, exclusive of staff.

**HOME OCCUPATION:** Any occupation or profession carried on by a member of the immediate family, residing on the premises. There shall be no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except such as is permissible for purely domestic or household purposes.

**HOTEL OR MOTEL -.** A building in which lodging is provided offered to the public for compensation and which is open transient guests, in contradistinction to a boarding house lodging house.

**HOUSEHOLD PETS:** For purposes of this resolution, household pets include dogs, cats, birds, snakes of less than six feet, mice, gerbils, ferrets, hamsters, minks, rabbits, guinea pigs, fish, turtles, lizards, and iguanas. No household may have more than three (3) adult and/or licensed dogs and cats or combination thereof.

**INSTITUTION:** A building occupied by a non-profit corporation or a non-profit establishment for public use.

**LODGING HOUSE:** A building where lodging only is provided for compensation to three (3) or more but not more than twenty (20) persons.

**LOT:** A parcel of land occupied or intended for occupancy by a use permitted in this Resolution and the open spaces required by this Resolution and having its principal frontage upon a street or place.

**LOT, 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 less than one hundred and thirty- five (135) degrees.

**LOT, DEPTH OF:** Horizontal distance between the front and rear lot lines.

**LOT, DOUBLE FRONTAGE:** A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

**LOT OF RECORD:** A lot which is a part of a subdivision, the map of which has been recorded in the office of the Recorder of Clermont County; or a parcel of land, the deed to which was of record on or prior to the effective date of this Resolution.

**MASSAGE ESTABLISHMENT:** Massage Establishment means any fixed place of business where a person offers massages:

- 1) In exchange for anything of value; or
- 2) In connection with the provision of another legitimate service.

**MINERALS.-** Minerals are any naturally occurring, homogenous inorganic substances having a definite chemical composition and characteristic crystalline structure, color, and hardness. Minerals also include elements such as gold or silver; mixtures of inorganic compounds, such as hornblende or granite; ores; organic derivatives such as coal or petroleum; and/or any other substance which is neither animal or vegetable, such as gravel or clay.

**NON-CONFORMING USE:** Any building or land lawfully occupied by a use on the effective date of this Resolution or any amendment or supplement thereto, which does not conform with the Use Regulations of the District in which it is situated.

**PARCEL:** Any quantity of land and/or water capable of being described with such definiteness that its location and boundaries may be established as distinct from other quantities of land and/or water.

**PARKING LOT:** A parcel of land devoted to unenclosed parking spaces.

**PARKING SPACE:** A permanently surfaced area of not less than one hundred and sixty (160) square feet either within a structure or in the open, exclusive of driveways or access drives, for the parking of the motor vehicle.

**PLACE:** An open unoccupied space at least thirty (30) feet wide, other than a street or alley permanently reserved as the principal means of access to abutting property.

**SHELTER SAFETY STATION:** A structure with at least three (3) sides and a roof used to protect the public from the natural elements while awaiting pick up by a private or public conveyance.

**SIGN: GROUND:** Any structure or natural object such as a tree, bush and the ground itself or part thereof or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization or business or which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction, or advertisement.

**SIGN, FREE STANDING:** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.

**SIGN, ILLUMINATED:** Any Sign illuminated in any manner by artificial light source.

**SIGN, LIGHTING DEVICE:** Any light, string of lights, or group of lights located or arranged so as to cause illumination of a sign.

**SIGN, NON-CONFORMING:** Any sign which does not conform to the regulations of this resolution.

**SIGN, OFF-PREMISES:** Any sign that relates to a business, person, activity, goods, products or services not sold or offered on the premises, or that directs persons to a different location from where the sign is installed, also commonly known as a "billboard," "off-site," or "outdoor advertising sign."

**SIGN, ON-PREMISES:** Any sign that relates to a business, person, activity, goods, products, or services sold or offered on the premises where the sign is installed.

**SIGN, PROJECTING:** Any sign other than a wall sign affixed to any building or wall in which the leading edge extends beyond such building or wall.

**SIGN, TEMPORARY:** Any sign which is not permanently affixed to a structure or mounted in the ground and is of a temporary nature and which advertises and calls attention to community or civic projects or activities, charitable projects or activities, grand openings, special sales or other temporary business promotions including garage sales and flea markets.

**SIGN, WALL:** Any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the wall of any building and supported by such wall or building and which displays only one advertising surface.

**STORY:** That portion of a building, other than a cellar as defined herein, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

**STORY, HALF:** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.

**STREET:** All property dedicated or intended for public or private street, highway, freeway, or roadway purposes or subject to public easements therefore.

**STREET LINE:** A dividing line between a lot, tract, or parcel of land and a contiguous street.

**STRUCTURE:** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including but without limiting the generality of the foregoing, advertising signs, billboards, back stops for tennis courts, and pergolas.

**STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical content of the building.

**TRAILER:** The word "trailer" shall include trailer coach, house trailer, mobile home, automobile trailer, camper or any self-propelled or non-self-propelled vehicle constructed or added to by means of accessories in such a manner as will permit the use or occupancy thereof for human habitation, storage or conveyance of machinery, tools or equipment whether resting on wheels, jacks or other foundation and used or so constructed that it is or may be mounted on wheels or any similar transporting devices and used as conveyance on highways and streets, but not including those vehicles that are attached to an automobile or truck for the sole purpose of transporting goods or farm animals. Trailers shall not be considered buildings, dwellings, or structures for the purpose of this Resolution.

**TRUSTEES:** The Board of Trustees of Miami Township Clermont County, Ohio.

**YARD:** An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the mean horizontal distance between the lot line and the main building shall be used.

**YARD, FRONT:** A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entranceway.

**YARD, REAR:** A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the main building or any projection thereof, other than the steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be the opposite end of the lot from the front yard.

**YARD, SIDE:** A yard between the main building and the sideline of the lot. The side yard extends from the front line of the building to the rear line of the building or any projection thereof other than steps, unenclosed balconies or unenclosed porches.

**YARD, CORNER SIDE:** A yard between the closest point of the main building and the side line of the lot that abuts a street and extending from front line of the building to the rear lot line.

**TEMPORARY USE:** A prospective use, established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Effective Date: Revised - January 18, 2008  
Revised – August 15, 2008  
Revised – March 21, 2012 (Yard, Corner side)



## **Chapter 29**

### **TOWNSHIP BOARD OF ZONING APPEALS**

#### **29.01 GENERAL**

- A. Township Board of Zoning Appeals is hereby created. Such Board shall consist of five (5) members, to be appointed by the Township Trustees, who shall be residents of the unincorporated territory of Miami Township included in the area zoned. The terms of all members shall be of such length and so arranged that term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Board shall be removable for non-performance of duty, misconduct in office or other cause by Trustees upon written charges having been filed with the Trustees after a public hearing has been held recording such charges, a copy of the charges having been served upon the member so charged ten (10) days prior to the hearing, either personally, or by registered mail, or by the same at his usual place of residence. The member shall be given the opportunity to be heard and answer such charges. Vacancies shall be filled by the Trustees and shall be for the unexpired term.
- B. The Board shall organize, and adopt rules in accordance with the provisions of this Resolution. Meetings of the Board 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 Trustees and shall be a public record. The Board shall act by resolution, in which three (3) members concur and every variance or conditional use granted or denied shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason for granting or denying the variance or conditional use.
- C. Appeals to the Board may be taken by any person aggrieved or by any officer of the Township affected by any decision of the administrative officer. Such appeal shall be taken within twenty (20) days after the decision by filing with the Officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds. The Officer from whom the appeal is taken shall forth with transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of the appeal, give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the Township at least ten days before the date of hearing, and decide the same

within a reasonable time after it is submitted. Upon the hearing any party may appear in person or by attorney. Any party adversely affected by a decision of the Board may appeal to the Court of Common Pleas of Clermont County, Ohio on the ground that such decision was unreasonable or unlawful. The Court may affirm, reverse, vacate or modify the decision complained of in the appeal.

## **29.02 POWERS OF THE BOARD**

### **A. The Board shall have the following powers:**

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative Official in the enforcement of this Resolution.
2. To authorize, upon appeal, in specific cases, such variances from the terms of the Zoning Resolution, as will not be contrary to the public interests where owing to special conditions a literal enforcement of the provisions of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done.
3. To permit a variation in the yard requirements of any District where there are unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographic or other conditions provided such variation will not seriously affect any adjoining property or the general welfare.
4. Grant conditional zoning certificates for the use of land, buildings, or other structures if such Certificates for specific uses are provided in the zoning resolution.
5. Revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated. The board shall notify the holder of the variance or certificate by mail of its intent to revoke the variance or certificate under 29.02 (D) of this section and of his right to a hearing before the board, within thirty days of the mailing of the notice, if he so requests. If the holder requests a hearing, the board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

B. To authorize by conditional use certificates for the following uses provided the following conditions are met to the satisfaction of the BZA.

1. In the Planned Industrial Park District “I” the extraction of raw materials and related operations provided these conditions are met:
  - a. There shall be a buffer zone with a minimum width of 200 feet from non-industrial zones; and
  - b. Upon completion, abandonment, or other discontinuance of extraction operations, the land shall be restored in accordance with applicable State and Federal Reclamation statutes and/or rules and regulations; and
  - c. There shall be screening and fencing along the perimeter to prevent unauthorized access to the property; to limit visibility of the operations; and to prevent odor, dust, gas, noise, or similar nuisances arising from the operations from adversely affecting adjacent properties; and
  - d. The screening and fencing required in 29.02 (b) (1) (c ) shall be of materials generally utilized as screening and fencing such as mounding, shrubbery, trees, chain link fencing, and/or wood fencing; and
  - e. Vehicular truck traffic from the operations over streets, highways, or roads within the unincorporated area of Miami Township shall not delay traffic, leave residue, or create a hazard to other vehicular or pedestrian traffic; and
  - f. No vehicle shall transport loads in excess of tonnage permitted by State or Federal Regulations; and
  - g. Operations shall begin no earlier than dawn and cease no later than dusk; and
  - h. In granting this conditional permit, the Board of Zoning Appeals may impose additional conditions such as time periods for commencement and termination of operations and such other conditions to reduce the adverse effect of this use upon the preservation of the character and development of the surrounding area.
2. In the Planned Industrial Park District, “I” airports and/or landing fields provided the following conditions are met:

- a. In granting a conditional use permit for an airport, the Board of Zoning Appeals shall impose reasonable requirement or restrictions designed to ensure the safety of aircraft in landing and taking off and the safety of persons occupying or using the area and the security of property thereon. In determining these requirements and/or restrictions the Board of Zoning Appeals shall consider the character of the flying operations expected to be conducted at the airport, the percent of slope or grade customarily used in descent or ascent of the aircraft expecting to use the airport with reference to their size, speed, and type, the nature of the terrain within the airport hazard area, the character of the neighborhood, and the uses to which the property is put or is adaptable.
  - b. In determining the "airport hazard area," the Board of Zoning Appeals, prior to approval of a conditional use permit, shall consult with the Division of Aviation, to formulate and adopt an airport approach plan. Each plan shall indicate, the airport hazard area, the circumstances under which structures, objects of natural growth, public highways, and certain uses of land would be airport hazards and the height limits of structures and objects of natural growth and what other restrictions should be contained in the airport zoning regulations. The actions of the Division of Aviation shall be in accordance with Section 4563.08 of the Revised Code.
3. In all districts, parking lots provided the following conditions are met:
  - a. The parking area shall be located on an adjacent property not more than two hundred (200) feet from the boundary of Industrial, Commercial, or Office Districts.
  - b. Parking shall be limited to non-commercial passenger vehicles; and
  - c. The area used for parking meets all requirements of Chapter 23 of this Zoning Resolution.
- C. To the extension of a non-conforming use or building upon a lot or tract of land occupied by such use or building, where such extension is necessarily incident to the existing use, provided, however, that the floor area of such extension or extensions shall not exceed in all fifty (50%) per cent of the floor area of the existing building or buildings devoted to a non-conforming use on the effective date of this Resolution, and provided further, that such extension or extensions shall be undertaken within five

(5) years of the effective date of this Resolution or amendments to this Resolution.

- D. In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Officer from whom the appeal is taken.
- E. In granting conditional use permits, the Board of Zoning Appeals shall provide a specific period of time in which the property owner and/or applicant must commence operation. In no case shall the time period for commencement of operations exceed eighteen (18) months from the date the conditional use permit is granted.

## Chapter 30

### ENFORCEMENT

#### 30.01 COMMUNITY DEVELOPMENT DIRECTOR AND ZONING INSPECTOR

- A. It shall be the duty of the Community Development Director and Zoning Inspector or his representative, who shall be appointed by the Board of Trustees, to enforce this Resolution. It shall also be the duty of all officials and employees of the Township to assist the Community Development Director and Zoning Inspector or his representative by reporting to him upon new construction, reconstruction or land uses or upon seeing violations.
- B. Appeal from the decision of the Community Development Director and Zoning Inspector or his representative, may be made to the Board of Appeals, provided in Chapter 29.

#### 30.02 FILING PLANS

- A. Every application for a zoning certificate shall be accompanied by plans in duplicate, drawn to scale in black line or blueprint showing the actual shape and dimensions of the lot to be built upon or to be changed in use, in whole or in part; the exact location, size, height of any building or structure to be erected or altered, in the case of a proposed new building or structure, or proposed alteration of an existing building or structure as would substantially alter its appearance, drawings or sketches showing the front, sides and rear elevations of the proposed building or structure of the structure as this will appear after the work for which the permit is sought shall have been completed; the existing and intended use of each building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate, and when no buildings are involved, the location of the present use and proposed use to be made of the lot; and other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Resolution. One (1) copy of such plans shall be returned to the owner when such plans have been approved by the Community Development Director and Zoning Inspector, together with such zoning certificate as may be granted. All dimensions shown these plans relating to the location and the size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

#### 30.03 ZONING CERTIFICATE

- A. It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereinafter created, erected changed,

converted or enlarged, wholly or partly, until a zoning certificate shall have been issued by the Community Development Director and Zoning Inspector or his representative. Such zoning certificate show that such building or premises or a part thereof, and the proposed use thereof are in conformity with the provisions of this Resolution. It shall be the duty of the Community Development Director and Zoning Inspector or his representative to issue a certificate provided he is satisfied that the structure, building, or premises and the proposed use thereof conforms with all the requirements of this Resolution. No permit for excavation or construction shall be issued by the Community Development Director and Zoning Inspector unless the plans, specifications, and the intended use conform to the provisions of this resolution.

- B. Under written request from the owner or tenant, the Community Development Director and Zoning Inspector or his representative shall issue a zoning certificate for any building or premises existing at the time of enactment of this Resolution certifying, after inspection, the extent and kind of use made of the building or premise and whether such use conforms to the provisions of this Resolution.

#### **30.04 CONDITIONS UNDER WHICH CERTIFICATES ARE REQUIRED**

A zoning certificate shall be required for any of the following, except as herein provided:

- A. Construction or alteration of any building, including accessory buildings.
- B. Change in use of an existing building or accessory building to a use of a different classification.
- C. Occupancy and use of vacant land.
- D. Change in the use of land to a use of a different classification.
- E. Any change in the use of a non-conforming use
- F. As required in Chapter 24- Signs

#### **30.05 CONSTRUCTION AND USE AS PROVIDED IN APPLICATIONS, PLANS AND CERTIFICATES**

- A. Zoning Certificates issued on the basis of plans and applications reviewed and approved by the Community Development Director and Zoning Inspector or his representative, authorize only the use and arrangement set forth in such approved plans and applications and no other use, arrangement or construction. Zoning Certificates issued on the basis of plans approved as part of a zoning amendment and/or approved under the Site Plan Review regulations of this Resolution, can only be issued for the approved use, building size and site arrangement.

### **30.06 APPLICATION AND ISSUANCE OF ZONING CERTIFICATE**

- A. Written application for a zoning certificate for the construction of a new building or for the alteration of an existing building shall be made at the same time as the application for a building permit. Said certificate shall be issued within ten (10) days after a written request for the same has been made to the zoning inspector or his agent, provided such construction or alteration is in conformity with the provisions of this Resolution.
- B. Written application for a zoning certificate for the use of vacant land or a change in the use of land or of a building, or for a change in a non-conforming use, as hereinafter provided, shall be made to the Community Development Director and Zoning Inspector or his representative; if the proposed use is in conformity with the provisions of this Resolution, the certificate therefor shall be issued within fifteen (15) days after the application for the same has been made.
- C. A fee in accordance with the schedule of amounts posted in the Community Development office shall accompany each application for a zoning certificate.

### **30.07 ZONING CERTIFICATE FOR NON-CONFORMING USES.**

- A. A zoning certificate shall be required for all lawful non-conforming uses of land or buildings created by adoption or amendment of the Resolution. Application for such certificate for non-conforming use shall be filed with the Community Development Director and Zoning Inspector or his representative by the owner or lessee of the building or land occupied by such non-conforming use within one (1) year of the effective date of this Resolution or within six (6) months of the effective date of such amendment. It shall be the duty of the Community Development Director and Zoning Inspector or his representative to issue a certificate for a lawful non-conforming use, but failure to apply for such certificate for a non-conforming use or refusal of the Community Development Director and Zoning Inspector to issue a certificate for such non-conforming use may be evidence that said non-conforming use was either illegal or did not lawfully exist at the effective date of this Resolution or amendment thereto.



**CHAPTER 31**  
**BOUNDARIES OF DISTRICTS**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the maps accompanying and made a part of this resolution, the following rules apply:

- A. The district boundaries are the center lines of streets or alleys, unless otherwise shown, and where the districts designated on the maps accompanying and made apart of the resolution are bounded approximately by street or alley center lines, such center lines shall be construed to be the boundary of the districts.
  
- B. Where the District boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the District boundaries shall be construed to be the lot lines, and where the districts designated on the maps accompanying and made apart of this Resolution are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the district unless the boundaries are otherwise indicated on the maps.
  
- C. In unsubdivided property, the district boundary lines on the maps accompanying and made a part of this resolution shall be determined by dimensions or the use of the scale appearing on the maps.

**CHAPTER 32**  
**INTERPRETATION, PURPOSE AND CONFLICT**

In interpreting and applying the provisions of the Resolution, they shall be held to be minimum requirements for the promotion of the public health, safety, morals, comfort and general welfare. Wherever the regulations of this resolution require greater width or size of yards or other open spaces or require a lower height of building of less number of stories or require greater percentage of lot to be left unoccupied or require a lower density of population, or require a more restricted use of land, or impose other higher standards than are required in any other resolution or regulations, private deed restrictions or private covenants, these regulations shall govern, but if the requirement of the other resolution, regulation, private deed restriction or private covenant is more restrictive, than those requires shall govern.

**CHAPTER 33  
AMENDMENTS**

Amendments or supplements to the Zoning Resolution may be made in the same manner and for the same purposes provided in section 519.12 et seq., of the Ohio Revised Code.

**CHAPTER 34**  
**REPEAL**

In any Township in which there is in force a plan of zoning, the same may be repealed as to said Township in the following manner: The Trustees (a) may adopt a resolution upon its own initiative, and (b) shall adopt a resolution if there is present to it a petition signed by a number of qualified voters residing in the unincorporated area of such Township 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 of the last preceding general election at which a Governor was elected, requesting the question of whether or not the plan of zoning in effect in said township shall be repealed to be submitted to the electors residing in the unincorporated are of the Township included in the Zoning plan, at the next primary or general election. In the event of a majority of the vote cast on said question in said Township is in favor of repeal of zoning, then said regulations shall no longer be of any force or effect in said Township. Not more than one such election shall be held in any two calendar years.

**CHAPTER 35**  
**APPLICABLE PROVISIONS**

This resolution has been passed under the authority of Section 519.01 et seq., of the Ohio reviewed Code and embraces the provisions thereof regarding enforcement and penalties for violations.

**CHAPTER 36**  
**VALIDITY**

If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this resolution. All Resolutions or parts of resolutions of Miami Township, in conflict with any regulation, provision, amendment or supplement of this resolution, are to the extent of such conflict hereby repealed.

**CHAPTER 37  
WHEN EFFECTIVE**

This resolution shall be in full force and effect from and after the earliest period allowed by law.

Adopted this \_\_\_\_\_

Board of Township Trustees  
of Miami Township  
Clermont County, Ohio

Attest: \_\_\_\_\_