MIAMI TOWNSHIP ZONING RESOLUTION

Table of Contents

Chapters 1 & 2..... Enactment Clause & Title
Chapter 3..... Districts & Zoning Map
Chapter 4..... "A" Agricultural District
Chapter 5..... "R-1" Residence District
Chapter 6..... "R-2" Residence District
Chapter 7..... "R-3" Residence District
Chapter 8..... Reserved for Future Use
Chapter 9..... "O-1" Professional Office District
Chapter 10..... "B-1" Neighborhood Business District
Chapter 11..... "B-2" General Business District
Chapter 12..... "I" Planned Industrial Park
Chapter 13..... "T" Mobile Home Park District
Chapter 14..... "H" Resort District
Chapter 15..... "R-PUD" Residential Planned Unit Development
Chapter 16..... "MU" Mixed Use, Institutional District
Chapter 17..... SR 28 Urban Village PUD
Chapter 18..... Special Public Interest Overlay Districts
Chapter 19..... Planned Business Development Overlay District
Chapter 20..... Sexually Oriented Businesses
Chapter 21..... Temporary Use
Chapter 22..... Wireless Communications Tower
Chapter 23..... Off Street Parking and Loading Regulations
Chapter 24..... Signs
Chapter 25..... General Provisions
Chapter 26..... Miamiville Overlay District
Chapter 27..... Site Plan Review
Chapter 28..... Definitions
Chapter 29..... Township Board of Zoning Appeals
Chapter 30..... Enforcement
Chapter 31..... Boundaries and Districts
Chapter 32..... Interpretation, Purpose and Conflict
Chapter 33..... Amendments
Chapter 34..... Repeal
Chapter 35..... Applicable Provisions
Chapter 36..... Validity
Chapter 37..... When Effective

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 40 feet from any other lot in any residential district.

H. Schools and colleges for academic instruction, located not less than 40 feet and public buildings including libraries, museums and art galleries, located not less than 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 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 acres, may occupy not over ten percent of the total area of the lot, that the building shall be setback from all yard lines a distance not less than two 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 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 200 feet from street or highway right-of-way lines and not less than 50 feet from property lines, provided that any building housing power driven or power producing machinery or equipment shall be located at least 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 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 acre	900 square feet
Lots one acre up to five acres	1,200 square feet
Lots five 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 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 60 feet, and Churches and Temples may be erected to a height not exceeding 75 feet if the building setback from each required yard line at least one 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 50 feet in depth measured from the right-of-way line. The right-of-way of any street shall be deemed to be 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 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 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 20 feet.

4.07 REAR YARD AREA REGULATIONS

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

4.08 PROJECTIONS INTO REQUIRED YARDS

Terraces, uncovered porches, platforms and ornamental features which do not extend more than three feet above the floor level of the ground (first) story may project into a required yard, provided these projections be distant at least two feet from the adjacent side lot line.

A. 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.

B. An open unenclosed or screened porch, or paved terrace may project into a front yard for a distance not exceeding five feet.

4.09 INTENSITY OF USE

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

LOT AREA, BULK YARD AND SCREENING REQUIREMENTS IN THE "A" DISTRICT

REQUIREMENTS	"A" DISTRICT
A. LOT REQUIREMENTS:	
1. Minimum Lot Area (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 Whichever is less	35 feet
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
C. 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)

(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 15 feet in height must be setback an additional foot for each additional foot in height.

Revised 1.29.2018

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 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 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 feet from any residential property, however, any outdoor recreation area with night lighting shall be set back one hundred feet from any residential property.

4. Height: Height shall not exceed sixty feet and churches and towers not to exceed seventy-five feet, provided that the building is set back from each required yard line at least one 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 acres.

2. Location: No elementary, junior high or high school may be located within 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 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 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 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 50 feet from any residential property; however, any outdoor recreation use with night lighting shall be set back 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 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 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 150 feet from any residential property, a continuous planting screen not less than six 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 buildings shall be permitted in the rear and side yards provided the accessory building 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. On lots of two acres or greater, a maximum of two accessory buildings may be located forward of the house, provided that no front accessory building is placed closer than 100 feet to any front property line and 25 feet to any side property line.

C. Attached and/or detached private garages or parking areas.

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 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 15 feet to any lot line, and if closer than 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 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.

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

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

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

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 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 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 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 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 feet, but they shall not exceed three 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. Accessory structures not otherwise specifically regulated herein shall be limited to the rear yard area.

D. Accessory buildings which are to be used for storage purposes only may be erected upon a lot concurrent with the construction of the main building.

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 30 inches.

F. Terraces, porches, platforms and ornamental features which do not extend more than three feet above the floor level of the ground (first) story may project into the front required yard no more than five feet, provided these projections be distant at least three 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. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.

I. All roadway, street, parking lot, and walkway lights shall be shielded so that substantially all the directly emitted light falls within the property line.

J. When 40% or more of the frontage on the same side of the street within the same block, but not exceeding 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 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 50 feet nor to permit a front yard of less than ten feet.

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

REQUIREMENTS	"R-1" DISTRICT
A. **LOT REQUIREMENTS**:	
1. Minimum Lot Area (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 whichever is less	35 feet
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, except for forward placed accessory buildings under Section 5.04A)	
2.	
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)

(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 15 feet in height must be setback an additional foot for each additional foot in height.

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 two-family unit per lot, and lot area shall be a minimum of 13,500 square feet per family for a minimum total of 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 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 50 feet from any residential property; however, any outdoor recreation area with night lighting shall be set back 100 feet from any residential property.

4. Height: Height shall not exceed 60 feet and churches and towers not to exceed 75 feet, provided that the building is set back from each required yard

line at least one 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.

C. 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 automobiles for facilities with 20 or fewer children plus one additional vehicle for each additional ten 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.

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

The following conditions shall apply:

1. Minimum Lot Area: Five acres.

2. Location: No elementary, junior high or high school may be located within 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.

E. Cemeteries Including Mausoleums.

1. Minimum Lot Area: Any new cemetery shall contain an area of 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.

F. 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 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 50 feet from any residential property; however, any outdoor recreation use with night lighting shall be set back 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 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.

G. Public Outdoor Recreation

The following conditions shall apply:

1. Setbacks: No building, playing field or active outdoor recreation area shall be located closer than 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 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 150 feet from any residential property, a continuous planting screen not less than six 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 and accessory buildings as regulated in Chapter 5.

B. Attached and/or detached private garages or parking areas.

C. 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 15 feet to any lot line, and if closer than 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.

7.05 HEIGHT REGULATIONS

A. No single family or two family building shall exceed two and one-half (2-1/2) stories or 35 feet in height.

B. No multi-family building shall exceed three stories or 45 feet in height.

7.06 AREA REGULATIONS

A. Front Yard: There shall be a front yard having a depth of not less than 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 feet except for lots abutting "R-1" Residential. For multi-family lots abutting "R-1" Residential, side yards shall be 35 feet.

C. Rear Yard: There shall be a rear yard having a depth of not less than 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.

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 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 100 feet at the building line and an area of not less than 20,000 square feet for the first dwelling unit and an additional 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 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 feet, but they shall not exceed three 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. 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 30 inches.

D. Terraces, porches, platforms and ornamental features which do not extend more than three feet above the floor level of the ground (first) story may project into the front required yard no more than five feet, provided these projections be distant at least three feet from the adjacent side lot line.

E. 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 nine days of expiration of previous license.

F. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.

G. All roadway street, parking lot and walkway lights shall be shielded so that substantially all the directly emitted light falls within the property line.

H. When 40% or more of the frontage on the same side of the street within the same block, but not exceeding 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 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 50 feet nor to permit a front yard of less than ten feet.

LOT AREA, BULK YARD AND SCREENING REQUIREMENTS IN THE "R-3" DISTRICT

REQUIREMENTS	"R-3" DISTRICT
A. LOT REQUIREMENTS:	
1. Minimum Lot Area (Single Family Dwelling)	20,000 square feet
2. Minimum Lot Width (Two Family Dwelling)	27,000 Square Feet
3. Minimum Lot Area (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 or whichever is less	2 1/2
b. Height	35 feet
MINIMUM YARD REQUIREMENTS:	
1. Front	50 feet (note 1)
2. Side	10 feet
3. Rear	35 feet (note 2)

(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 35 feet.

LOT AREA, BULK YARD AND SCREENING REQUIREMENTS IN THE "R-3" DISTRICT

REQUIREMENTS	"R-3" DISTRICT
A. LOT REQUIREMENTS:	
1. Minimum Lot Area (Single Family Dwelling)	20,000 square feet
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3. Minimum Lot Area (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 or whichever is less	2 1/2
b. Height	35 feet
MINIMUM YARD REQUIREMENTS:	
1. Front	50 feet (note 1)
2. Side	10 feet
3. Rear	35 feet (note 2)

(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 35 feet.

Chapter 8

RESIDENTIAL FENCES AND DECKS

8.01 FENCES AND DECKS IN RESIDENTIAL DISTRICTS

A. This Chapter regulates fences and decks in residential zoning districts (A, R-1, R-2, R-3, H, SRUV, T), in R-PUD districts if not otherwise regulated by an approved plan, for residential uses in the MPBD Overlay district, and for nonconforming residential uses located in commercial districts.

B. Fence restrictions for all lots:

1. Fences along the same fence line must be of uniform height, material and design.
    a. However, in locations within a lot where a 6-foot tall solid construction fence is authorized (see below), such privacy fence may be installed along the same fence line together with one other fence type, in exception to the general restriction of uniform height, material and design.
        i. For example, along a 100-foot side property line, 25 feet of 6-foot tall privacy fence may be constructed to screen a rear porch area, and then attach to 75 feet of Kentucky three-board fencing running along the balance of the same property line.
2. Fences are not permitted within the public right-of-way.
3. Fence gates cannot swing open onto adjacent property or onto the public right-of-way.
4. No fence shall be constructed so that any unfinished portion faces or is visible from an adjacent property or street.
5. No fence shall be permitted within the required sight distance triangle.
6. Lots less than five acres in a platted subdivision shall not have a gate across the driveway.
7. Fence height shall be measured from grade adjoining the fence.
    a. For raised platforms attached to a single-family dwelling or swimming pool, fence height may be measured from the floor of the platform. For example, if in an allowed privacy fence location, a six-foot tall privacy fence may be placed on a three-foot tall deck, for a total height of nine feet from grade.
    b. In cases of a fence placed on a platform or otherwise not along a property line, the finished side of the fence must face the nearest neighboring property line.
    c. A fence placed on a platform may not exceed six feet in height from the platform base, including on lots 40,000 square feet or larger.
    d. Railings installed on a platform consistent with the state building code, and that are 48 inches in height or less, will not be considered a fence.
    e. All other fence rules apply to fences placed on platforms.

C. Supplemental fence regulations based on lot size and type:

1. For interior lots less than 40,000 square feet:

a. Fences are permitted in the rear and side yards.
b. Fences can be no more than six feet above grade.
c. Fences in the rear and side yards may be solid in construction.

2. For interior lots 40,000 square feet or larger:
   a. Fences are permitted in the front, rear and side yards.
   b. Fences in the rear and side yards can be no more than six feet above grade, except for privacy fences, which may be no more than eight feet above grade.
   c. Fences in the front yard shall be no more than four feet above grade and shall have an open face area of no less than 50%.
   d. Fences in the rear and side yards may be solid in construction.
3. For corner lots less than 40,000 square feet:
   a. Fences are permitted in the rear, side and corner side yards
   b. Fences in the rear and side yard can be no more than six feet above grade.
   c. Fences in the corner side yard can extend halfway between the building or the corner side yard setback and the public right of way.
   d. Fences in the corner side yard can be no more than four feet above grade and shall have an open face of no less than 50%.
   e. 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.
   f. Fences in the rear yard may be solid in construction.
4. For corner lots 40,000 square feet or larger:
   a. Fences are permitted in the front, rear, side and corner side yards.
   b. Fences in the rear and side yards can be no more than six feet above grade, except for privacy fences, which may be no more than eight feet above grade.
   c. Fences in the front and corner side yard shall be no more than four feet above grade and shall have an open face area of no less than 50%.
   d. 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.
   e. Fences in the rear and side yards may be solid in construction.

D. Decks: Residential housing units are permitted to have uncovered decks which extend into the rear yard setback, up to a maximum of 16 feet from the rear of the house. The deck must still maintain the minimum side yard setback distance.



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 pro- posed 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 on 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, 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

REQUIREMENTS	"O-1" DISTRICT
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

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 glare emanating from the building.
   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. 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 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.

B. 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.

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. 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, 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.

H. All uses permitted in this zoning district shall be conducted in such a manner so that no 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
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)

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.

Chapter 11
B-2 GENERAL BUSINESS DISTRICT

11.01 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.

11.02 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 performed 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 Institution

11.03 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 design and building design must comply with sections 11.05 and 11.06 of this chapter.
5. 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 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.

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.

11.04 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. 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. 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.

11.05 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.

11.06 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.

11.07 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 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.

Requirements	B-2 District
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)

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.

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 businesses and contractor businesses storage yards;
F. Building materials sales businesses and building materials sales storage yards;
G. Private, non-commercial recreation areas and establishments:
H. Recycling businesses.
I. All uses permitted in Chapters 10 and 11 excluding residential uses.

12.03 PROHIBITIONS

A. Waste businesses are currently prohibited pursuant to Sections 25.01C and 25.04A, but that prohibition is specifically restated here.

12.04 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 12.04 (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.

12.05 ACCESSORY USE

A. Customary accessory buildings and uses, including operations required to maintain or support any use permitted in this zone an 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.

12.06 HEIGHT REGULATIONS

No building shall exceed three (3) stories or forty (40) feet in height except as provided in Section 12.04 of this Chapter.

12.07 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.

12.08 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

12.09 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 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 resolution 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. 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.

j. 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.

k. 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
LOT REQUIREMENTS:	
1. Minimum Tract Area	5 acres
2. Minimum Lot Within Tract	1 acre
3. Minimum Lot Width	150 feet
MAXIMUM HEIGHT:	
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
MINIMUM YARD REQUIREMENTS: (Note 2)	
1. Front	75/50 feet
2. Side	25 feet (note 3,4)
3. Rear	40 feet (note 3,4)
MAXIMUM FLOOR AREA	.50

Note 1. A height increase may be permitted in excess of forty (40] feet as a conditional use according to Section 12.04 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.

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 CONDITIONAL USES

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

A. Single family homes with continuous year-round occupancy provided there is approval by the Clermont County General Health District or the Ohio Environmental Protection Agency for on-site wastewater treatment.

14.03 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.

C. 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.

C. FENCES, WALLS - The location, height and type of fences and walls shall be as approved in the development plan.

D. OFF STREET PARKING - 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 - 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

1. 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;
2. 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;
3. 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;
4. The types of site natural resources that need to be identified and protected and the preferred method of protection are as follows:
    a. 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.
    b. 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.
    c. Lakes and Ponds: No development or diversion of existing year-round bodies of water should be permitted except to provide required roads.
    d. 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:
        i. 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.
        ii. 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.

iii. 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.

e. Woodland Areas: Areas or stands of trees (measured canopy to canopy) covering an area greater than one-quarter (l /4) acre in which:

i. The majority of the trees are young canopy (4”-16” tree caliper); or

ii. The majority of the trees are fifteen (15) feet in height or greater and form at least a twenty percent (20%) canopy cover.

iii. Any grove of trees without regard to a minimum area consisting of mature canopy (16" and greater tree caliper).

iv. 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:

- Young Canopy Woodland: No more than sixty percent (60%) should be cleared.
- 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.
   b. A traffic impact study shall be required for all R-PUD developments.

4. Site Distance Triangles:

    a. All sites shall he 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 at 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 of 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 he 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 -** TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)

A. PURPOSE - The purpose of this section is to provide standards and guidelines for the development of a traditional residential neighborhood. A traditional neighborhood:
   1. Is compact.
   2. Is designed for human scale.
   3. 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.
   4. Incorporates interconnected streets, alleys, and sidewalks.
   5. Incorporates significant open space, including village greens, active and passive recreation areas, and pocket parks.

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

C. 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.

D. DENSITY AND LOT SIZE
   1. 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;
   2. 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.

E. CIRCULATION

1. 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;
2. Alleys - rear alleys shall be provided to access to the garage for each home;
3. Pedestrian Circulation - sidewalks shall be provided along all public streets

F. ARCHITECTURAL STANDARDS

1. The Traditional Neighborhood Development shall provide for the following:
    a. A variety of architectural styles with a mix of one and two story homes;
    b. 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;
    c. Rear yard garages with access from alleys;
    d. Varied landscaping to add to the diversity.

G. SETBACKS

1. Front Yard Setback – the front yard setback shall be no greater than 12 feet from the right-of-way;
2. Corner lots – on corner lots the maximum setback from the right-of-way shall be 25 feet;
3. 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;
4. Rear Yard Setback – The rear yard setback for the single-family and multi-family residences shall be 35 feet;
5. Garage Rear yard Setback – the rear yard setback for the garage shall be 30 feet;
6. Garage Side yard Setback – the side yard setback for the garage shall be 5 feet.

H. OPEN SPACE

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

15.06 SPECIAL PUD DEVELOPMENTS – RANCH HOME NEIGHBORHOOD DEVELOPMENT (RHND)

A. PURPOSE – There exists a need in the Township for housing that meets the needs of "empty nesters." The purpose of this section is to provide standards and guidelines for the development of a residential neighborhood with a component of "ranch" (1 and 1.5 story) homes with the following attributes:
    1. Shall be part of a Residential Planned Unit Development (R-PUD).
    2. Incorporates interconnected streets, pathways and sidewalks.

B. APPLICABLE ZONING DISTRICT - The underlying zoning for RHND developments shall be the "R-1, R-2, & R-3" Residence Districts.

C. 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 if the R-PUD contains a RHND component.

D. DENSITY AND LOT SIZE
    1. The RHND shall be a component of a Residential Planned Unit Development and shall not exceed 30% of the overall lot count;
    2. The proposed R-PUD including the RHND component shall not exceed the gross density of the underlying zoning district;
    3. The RHND component shall have a minimum lot width of 50 feet, a minimum lot area of 6,750 square feet, and contain only detached single-family homes.

E. PEDESTRIAN CIRCULATION
    1. Pedestrian Circulation - sidewalks shall be provided on both sides of all public streets, along with separated pedestrian pathways and interconnectivity to adjoining subdivisions and the overall R-PUD development.

F. ARCHITECTURAL STANDARDS
    1. The RHND shall provide for the following:
        a. A variety of ranch house architectural styles;
        b. Varied landscaping and street trees.
    2. Elevations for the RHND will be reviewed and approved by the Board.

G. RHND COMPONENT SETBACKS
    1. Front Yard Setback shall be no less than 25 feet from the right-of-way;
    2. Corner lot minimum setback from each right-of-way shall be no less than 25 feet;
    3. Side Yard Setback shall be a minimum of 5 feet each side, and 10 feet total;
    4. Rear Yard Setback shall be no less than 25 feet.

H. OPEN SPACE
    1. RHND component of the R-PUD shall have a minimum of 20% open space.
    2. The RHND portion of the development will typically be clustered together

within a single area of the subdivision.

I. AMENITIES

1. R-PUD Developments containing an RHND component shall at a minimum contain the following major amenities: a community swimming pool, two dedicated pickleball and/or tennis courts, seating shelter, and walking trails.
2. Additional and/or other amenities may be required or substituted pursuant to the discretion of the Board of Trustees.

15.07 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.
3. The preliminary development shall include all of the following information:
    a. A completed application form provided by the Community Development Director of Miami Township.
    b. The required preliminary development plan review fees in accordance with the Miami Township fee schedule; and
    c. Eighteen (18) copies of the preliminary development plan.
    d. For site plans less than 25 acres, the preliminary development plan shelf 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.
    e. 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.
    f. 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.
    g. 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.
    h. The total lot area of the subject property.
    i. The present zoning of the subject property and all adjacent properties.

j. 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.
k. Existing topography, and approximate delineation of any topographical changes shown by contour with appropriate intervals to ensure accurate review.
l. The location of every existing and proposed building with number of floors, gross floor area, and number of dwelling units per building.
m. Any modifications, changes and additions to existing building(s), including floor area, heights and setbacks.
n. 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.
o. The proposed finished grade(s) of new buildings supplemented where necessary with spot elevations.
p. 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.
q. Location of proposed pedestrian walkways, identifying approximate dimensions.
r. Location of proposed streets, identifying approximate dimensions of pavement, right-of-way widths, and grades.
s. 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.
t. 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:
u. Identification of the soil types and subsurface geology of the subject property, indicating anticipated problems and proposed methods of handling said problems.
v. 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.
w. Location and screening or other description to indicate control and handling of solid waste. Indicate dumpster pad where dumpster is to be used.
x. A schedule of development, including the staging and phasing of:
    i. Streets, utilities, and after public facility improvements, in order of priority, and

ii. Dedication of land to public use or set aside for common ownership.

y. 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:
   i. Heights of buildings and structures,
   ii. Roofs and overhangs, and
   iii. Special design features.

z. 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 on the community.

4. 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;
5. Depending on 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 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;
6. 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:

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

ii. 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

iii. 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.

iv. Step 4 - The Township Zoning Commission shall set a time and place to conduct a public hearing and provide notice thereof consistent with the Board of Trustees' policy.

v. Step 5 - The Zoning Commission's written report to the Board of Trustees within thirty (30) days of the hearing held as per Step 4, 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.

vi. 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 Zoning Commission recommendation and the Trustees shall render a

decision consistent with the requirements of the Ohio Revised Code. Notice of such hearing shall be given consistent with the Board of Trustees' policy.

vii. 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 date of approval and case number.

7. 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:
        i. Application and Review Fee;
        ii. Final Development Plan;
        iii. Site Plan Map(s)/Elevation and Details, and
        iv. 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 15.06B.3 a 10 percent change in existing buildings, floor area heights, and setbacks, and any change under Section 15.06B.3.f, g, s, t or u, 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 15.06B.3.e, h-l, n-r and v-x, 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.

8. 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.

15.08 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 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 owner's expense.

15.09 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 applicant's 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.

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, school athletic facilities, 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. For school-related athletic or other school facilities, minimum tract size is twenty-five (25) 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 certain study recommendations in the State Route 28 Redevelopment/Transformation Plan adopted by the Miami Township Board of Trustees. The purpose of this Zoning District is to allow development and redevelopment of land within the SR 28 Business Corridor in Miami Township consistent with the urban design principles of traditional neighborhoods and town centers and 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 study recommendations of 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 approximate boundaries as the SR 28 Redevelopment/Transformation Plan shown in Exhibit "A" of this Chapter. A parcel located within the Planned Unit Development District Site that extends outside the boundary shown in Exhibit A may be included in the Planned Unit Development District in its entirety in order to enable the unified development or redevelopment of land in the District through a planned development.

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 are 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.

D. The Automotive Sales/Service 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.

E. 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.

F. 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.
   - Multi-family Dwellings including rental apartments and condominiums and all ancillary structures and services such as management offices, clubhouse, maintenance buildings, garages, trash structures and services, and other elements consistent with residential community use.
   - 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.

d. Multi-family Dwellings in the Northwest Neighborhood may be permitted through an approved development plan with standards that may vary from the requirements of this Chapter upon a determination by the Zoning Commission that the modifications are necessary and appropriate to achieve the purposes of the planned development. Multi-family buildings in the Northwest Neighborhood shall be restricted to a maximum of 80 units within a single structure.

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 may include, but is not limited to, unimproved natural areas, 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. The maximum number of detached single family residences permitted shall be six (6) per acre.

2. The maximum number of attached single family residences permitted shall be eight (8) per acre.

3. The maximum number of multi-family units permitted shall be nine (9) units per 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 – Public Streets

   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 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 and Multi-family residential areas and a minimum of seven (7) feet wide in mixed use or commercial areas. Sidewalks fronting on the main public 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 or screened to a height of 3' above grade when adjoining a public right-of-way. When parking is provided in any yard adjoining public streets, it shall be screened from the public right-of-way by use of landscaping, fencing, or walls. Such screening shall be a minimum of three (3) feet high and shall be at least 50% opaque on a year round basis. A minimum 10' buffer yard shall be provided along all public rights-of-way, or front, rear, and side property lines abutting residential districts.

4. Parking areas shall be landscaped per Chapter 23 unless a professionally prepared Landscape Plan is prepared and approved by the Zoning Commission.

5. Parking shall be provided in any Multi-family area as identified in this section at the minimum ratio of 1 parking space per 1 Bedroom unit or 2 parking spaces per 2 Bedroom unit, with a net minimum of 1.75 spaces per unit in the development.

6. Parking lots or garages will not be permitted at public street intersections. Residential garages are permitted at the intersection of a public street and an alley or service way, provided the garage is loaded from the alley or service way and not the public street.

7. 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 from development to development 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 or private street. A public entrance must be provided from the public or private 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 except Multi-family buildings may front on a public or private roadway or parking area as approved by the Zoning Commission.

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.

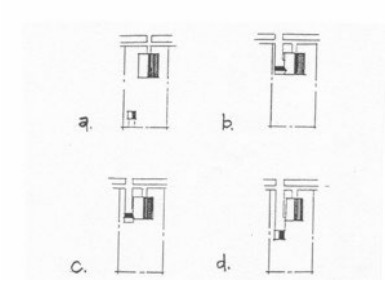
3. For commercial buildings, a minimum of fifty (50) percent of the front façade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior. Buildings with facades over 100 linear feet shall incorporate wall projections or recesses a minimum of 3 feet in depth and a minimum of 20 contiguous feet in length and shall extend over 20% of the façade length.

    a. Multi-family structures in the Northwest neighborhood over 100 feet in length shall provide a differentiation of planes (1-½ feet minimum offset), materials, colors, fenestrations, balconies, and other such architectural elements such that there are no non-interrupted planes greater than 70 feet.

4. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall define the entrance to all residences.

5. Side and rear yard fences shall be between four (4) and six (6) feet in height as needed for screening.

6. Front loading garages shall not be permitted except in the Northwest Neighborhood. In the Northwest Neighborhood, garages may be accessed from any private street or internal drive. In all other residential neighborhoods, garages shall be accessed from alleys.



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.

Figure 1

I. SIGNS

All commercial and office uses must submit signage plans in general compliance with the requirements and standards set forth in Chapter 24 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

A. 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 recommendation by the Zoning Commission,
- Review and final action by the Board of Trustees.

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 to the extent necessary to confirm the feasibility of the proposal as determined by the Community Development Director (aka Planning & Zoning Administrator):

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 Recommendation by 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 Zoning Commission within thirty (30) days.

b. Upon receipt of the application, the Zoning Commission will set a public meeting to review the application within thirty-five (35) days.

c. During the public meeting, the Zoning Commission may ask questions or request additional information from the applicant.

d. The Zoning Commission shall enter a recommendation of approval, approval with modifications, or disapproval of the development plan within thirty-five (35) days of the close of the public meeting.

e. Thereafter, the development plan will be certified to the Board of Trustees, which shall schedule a public meeting within 35 days of the certification to review the application and development plan. The Board of Trustees shall approve, approve with modifications, or disapprove the 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 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 owner's expense.

17.08 EXPIRATION

If substantial construction has not been commenced within a period of twenty-four (24) 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. For purposes of this Chapter, substantial construction shall mean installation of roadways including curbs and utilities.

LOT AREA, BULK YARD AND SCREENING REQUIREMENTS IN THE "URBAN VILLAGE" PLANNED UNIT DEVELOPMENT

Description	Requirements
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. North Central and Southern Neighborhoods	3 stories or 45 feet
7. Northwest Neighborhood	4** stories or 60 feet

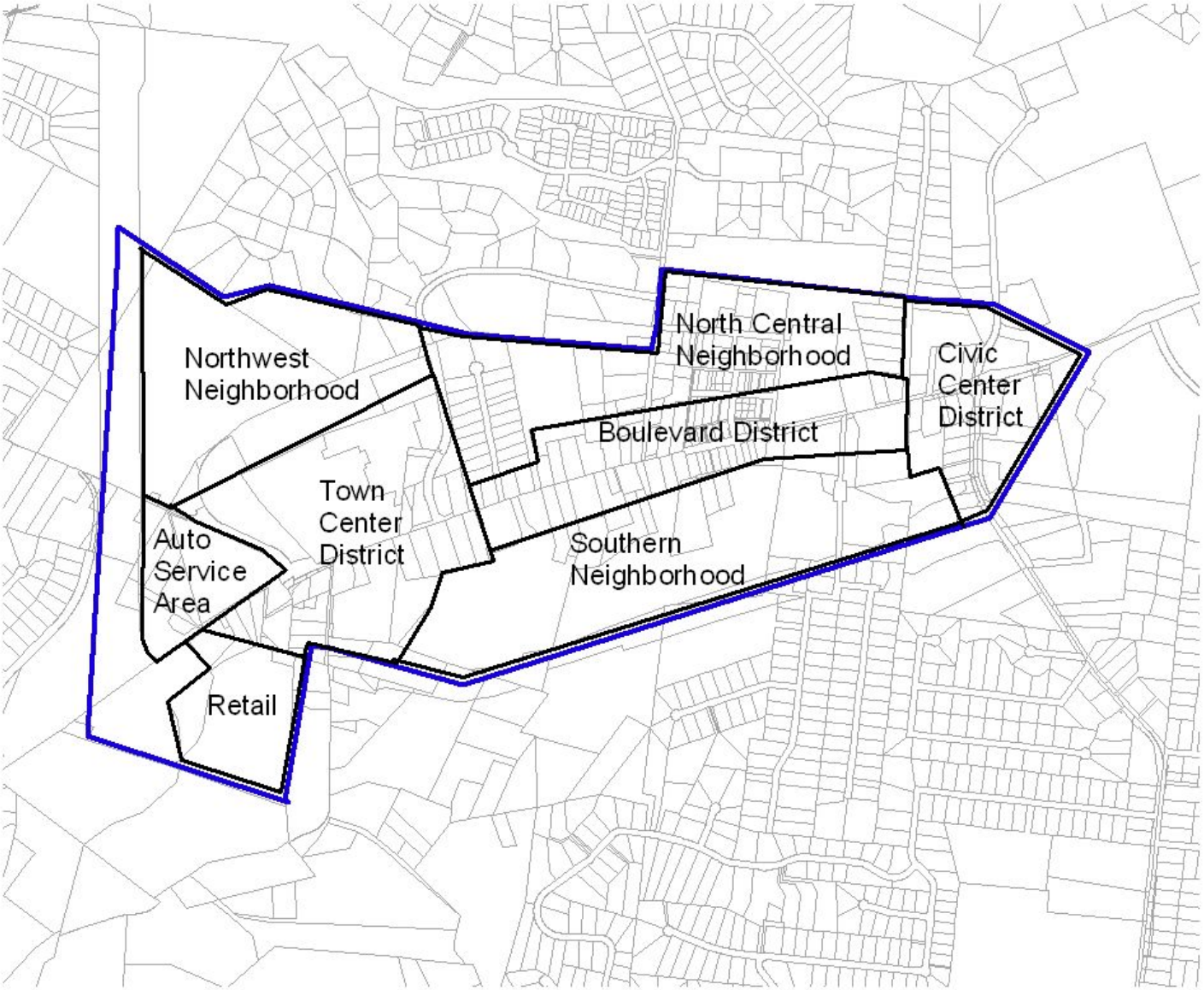
** Any multi-family building in the Northwest Neighborhood that has a garage on the lowest level of the building may be 5 stories in height including the garage with a maximum height to the principal cornice or eave of 65'.

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. North Central and Southern Neighborhoods	0-20 feet maximum front yard setback 30 feet minimum rear yard setback 0-10 feet maximum side yard setback
7. Northwest Neighborhood	0 feet minimum front yard setback 5 feet minimum rear yard setback 5 feet minimum 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
6. North Central and Southern Neighborhoods	10 feet minimum from rear yard 5 feet maximum side yard setback
7. Northwest Neighborhood	0 feet front yard 5 feet minimum setback side or rear yards


Northwest
Neighborhood
North Central
Neighborhood
Civic
Center
District
Boulevard District
Town
Center
District
Auto
Service
Area
Southern
Neighborhood
Retail

Chapter 18
Special Public Interest Overlay Districts

18.01 STATEMENT OF INTENT

A Special Public Interest (SPI) overlay district is intended to provide supplemental regulations or standards pertaining to specific geographic features or land uses that further the health, safety and morals of the township. These supplemental regulations are intended to be less restrictive than base zoning to give the Board of Trustees authority to implement specific purposes contained within this Section. Whenever there is conflict between the regulations of a base zoning district and those of an overlay district, the overlay district regulations— including the requirements for such overlay district set forth in the most recent version of the Township Comprehensive Land Use Plan—shall supersede the base district regulations.

18.02 DEFINITION

A SPI overlay district is defined as a geographic area exhibiting or planned to contain special and distinctive characteristics that are of significant value or importance to the public. Such distinctive characteristics include natural phenomena such as unique geologic strata, soil formations, slopes, vegetation, water flow, riverbanks, wetlands, flood zones, significant scenic views or other similar natural features, or physical development features such as substantial public investment in public improvements or community plans that coordinate public and private investment, or have characteristics that include institutional uses or neighborhood support services in residential neighborhoods or village developments in suburban areas. An SPI district shall be classified according to an SPI category type, and the characteristics of each SPI district shall be in accordance with the characteristics of its type as described in this Chapter.

18.03 PURPOSES

The purposes of SPI regulations are to assist the development of land and structures to be compatible with a larger planning area beyond the immediate vicinity of the site and to protect or improve the quality of the environment in those locations where the characteristics of the environment or the amount of public investment are of significant public interest and are vulnerable to damage or loss of public opportunity by the cumulative effect of development in such planning areas permitted under conventional zoning regulations. SPI regulations seek to protect the public and property owners in the district:

(a) From blighting influences that might be incrementally caused, extended or worsened by the application of conventional land use regulations to properties and areas of sensitive and special public interest;
(b) From significant damage to neighborhoods that contain large institutional and other nonresidential uses or support services;
(c) From significant damage or destruction of prominent wetlands, floodplains, hillsides and/or valleys or other natural resources caused by improper or incongruent development thereof;
(d) From significant damage to the economic value and efficiency of operation of existing properties and/or new developments due to the interdependence of their visual and functional relationships;
(e) From soil erosion, stream siltation and development on unstable land;

(f) From the loss or destruction of unique natural resources;
(g) From the detrimental cumulative effects of incremental and incongruent development decisions in suburban centers, corridors, neighborhoods and villages on:
    (1) conservation and correction of the character, safety, access and circulation of pedestrians and vehicles.
    (2) preservation and enhancement of pedestrian safety and views from the public right-of-way, including sidewalks and crosswalks.
    (3) balance of convenience and compatibility between residential and nonresidential areas.
    (4) coordination of useful and attractive signage and streetscape elements.
    (5) minimization of traffic congestion and coordination of land use intensity with local capacities and goals.

18.04 IDENTIFICATION

The location of all SPI districts shall be shown on the Zoning Map as an overlay zone outlined in specific areas over existing zoning district areas.

18.05 APPLICABILITY

Except as otherwise provided herein and in other sections of this Zoning Resolution, all regulations of the underlying zoning districts shall apply to and control property in the SPI district. However, in the case of conflict between the provisions of an underlying zoning district and an SPI district— including the requirements for such SPI district set forth in the 2023 Miami Township Comprehensive Land Use Plan, as amended, modified or superseded from time to time—the provisions of the SPI district shall prevail. The adoption of a SPI district shall not have any effect on a previously approved zoning certificate or PUD Plan during the period of validity of such approval.

18.06 CREATION

The Board of Township Trustees may, from time to time, create, modify, or delete SPI districts as defined and containing the characteristics as set forth herein, including Sections 18.10-18.70 of this Chapter.

18.07 PROCEDURE

The establishment or adoption of SPI districts shall be in accordance with the following procedures.

1. Adoption of Special Public Interest Strategy. Prior to the submittal of an application for initiation of a zoning amendment or supplement for a Special Public Interest (SPI) Overlay District, an SPI strategy shall be duly adopted by the Miami Township Zoning Commission. The strategy shall contain:
    a. a boundary map for the proposed overlay district,
    b. justifications for establishment of the proposed overlay district standards and boundaries including development goals and policies for the area within the proposed boundary, and
    c. the specific supplemental standards proposed for achieving the SPI strategy.

The strategy shall describe in words and/or illustrations the special and distinctive characteristics of public interest that are to be protected, improved or achieved and the related specific and measurable standards or development features that will be required for coordinated implementation of the plan. The SPI Strategy may contain goals, policies and standards for the following physical elements: location of buildings; architectural character of buildings; signage; public spaces; streetscape; building and land use mix, diversity and unifying elements; perimeter buffers; provision of utilities such as sewage disposal; pedestrian and vehicular circulation; parking; open space, landscaping and other elements essential to the achievement of adopted community goals.

Prior to the adoption of any SPI Strategy, copies of the SPI Strategy shall be forwarded for review and comment to the Board of Township Trustees.

2. Adoption of Zoning Text and Map Amendment. The Board of Township Trustees, pursuant to procedures for zoning amendments in Chapter 16, shall approve, deny or modify such standards and boundaries recommended in the SPI strategy and incorporate the same in the resolution establishing any specific SPI district as a supplement to this Chapter. In the SPI District the adopted specific standards shall serve as supplemental requirements to the regulations of the underlying district in reviewing all requests for zoning certificates within the Overlay District boundary.

18.08 SUPPLEMENTAL SPI DISTRICT REGULATIONS

SPI district standards adopted by the Board of Township Trustees may relax or further restrict the underlying zoning districts regulations for land use, lot area, coverage, density, floor area, setback, parking, height, fencing, landscaping or other specific development standards for specific SPI districts upon finding that conditions peculiar to such district and the achievement of adopted community plans require supplemental regulations.

18.09 CLASSIFICATION

SPI districts shall be classified by categories, according to the provisions and qualifications as described herein, and each adopted SPI district shall be shown on the official Zoning Map. The four categories of SPI overlay districts include:

(a) Natural Resource (SPI-NR)
(b) Neighborhood Quality (SPI-NQ)
(c) Commercial Corridor (SPI-CC)
(d) Village Area (SPI-VA)

The following is a list of the Special Public Interest (SPI) districts and their Classification:

1. The Little Miami River Gateway Village Area (SPI-VA)

18.10 SPECIAL PUBLIC INTEREST-NATURAL RESOURCE DISTRICTS

Special Public Interest (SPI) Natural Resource Districts shall be identified as SPI-NR Overlay Districts.

1. Findings and Specific Purpose.

   Natural resources are an important component of quality of life for all residents in the Township. When irreplaceable natural features are threatened, their preservation should be weighed and evaluated in relation to public and private interests.

   a. The existence of a twenty (20%) percent slope, in combination with Miamitown Shale or Kope geologic formation, is evidence of a condition of natural critical stability, and development under conventional regulations may precipitate landslides or excessive soil erosion. Additional regulations are needed to preserve the prominent views from the top or from the slopes of the hillside and the natural contours thereof.

   b. Hillsides, as community separators or boundaries, are historic aids to the identification of residential communities which help citizens to relate to their communities and to relate the social organizations of communities to their physical environments.

   c. The location of natural resources often coincides with prime development sites. Long term benefits of conserving natural resources in a metropolitan area can be achieved through innovative development regulations based on comprehensive plans.

2. Characteristics.

   SPI-NR districts shall be limited to geographic areas containing one (1) or more of the following characteristics:

   a. Lakes, rivers, floodplains, wetlands, mineral deposits, aquifers, forests, parks, or hillsides (twenty [20%] percent slope or greater) or other natural features of significant public interest:

   b. Existence of Miamitown Shale or Kope geologic formations or soils classified as having severe constraints for development;

   c. Prominent hillsides and natural resources which are readily viewable from a public thoroughfare;

   d. Scenic areas providing views of a major stream or valley or other natural resources;

   e. Hillsides and other natural features functioning as community separators or community boundaries;

   f. Hillsides which support a substantial natural wood cover.

3. Designation.

   The SPI-Natural Resource Districts which meet the characteristics contained in Section 18.10, Item 2 are listed below and are illustrated on the official zoning map. The adopted specific standards for each Natural Resource District listed below are included in this Zoning Resolution as a supplement to this Chapter.

18.30 SPECIAL PUBLIC INTEREST - NEIGHBORHOOD QUALITY DISTRICTS

Special Public Interest (SPI) Neighborhood Quality Districts shall be identified as SPI-NQ Overlay Districts.

1. Findings and Specific Purpose.

   Balancing the benefits of growth and development of neighborhood support services with the livability of adjacent residential neighborhoods over and above as provided by conventional zoning regulations as follows:

   a. To support convenience to services and quality of environment by providing sufficient land for public and private services and educational and research institutions.

   b. To promote the orderly growth and expansion of such institutions and support services located in residential neighborhoods;

   c. To require the development and maintenance of buffer yards on institutional and other nonresidential properties to protect adjoining residential neighborhoods from the noise, glare and congestion associated with the intensity of diverse land uses;

   d. To promote compatibility between non-residential uses and surrounding residential uses, and;

   e. To plan for unusual intensity or density of development.

2. Characteristics.

   SPI-NQ districts shall be limited to geographic areas containing one (1) or more of the following characteristics;

   a. Land uses including or adjacent to neighborhood retail and support services (for example hospitals, clinics, educational facilities, and research facilities) or other institutional uses

   b. Close proximity of diverse land uses to a residential neighborhood.

3. Designation

   The SPI-Neighborhood Quality Districts which meet the characteristics contained in Section 18.30, Item 2 are listed below and are illustrated on the official zoning map. The adopted specific standards for each Neighborhood Quality District listed below are included in this Zoning Resolution as a supplement to this Chapter.

18.50 SPECIAL PUBLIC INTEREST – COMMERCIAL CORRIDOR DISTRICTS

Special Public Interest (SPI) Commercial Corridor Districts shall be identified as SPI-CC Overlay Districts.

1. Findings and Specific Purpose.

   Business districts and corridors are recognized as principal focal points of community activity providing an economic resource and a center for community identity. It is in the interest of the Township to protect and enhance the features of public interest in such business districts by:

   a. Preventing the deterioration of property and the extension of blighting conditions;

   b. Encouraging and protecting private investment which improves and stimulates the economic vitality and social character of the area;

   c. Preventing the creation of influences adverse to the physical character of the area.

2. Characteristics.

   SPI-CC districts shall be limited to geographic areas included in a SPI-Commercial Corridor which contain or are planned to contain one (1) or more of the following characteristics:

   a. A concentration of retail and service oriented commercial establishments serving as a principal business activity center for a socio-geographic neighborhood, community, or region;

   b. An area that has received or been approved for substantial public investment;

   c. An area that is planned for unusual intensity or density of development.

3. Designation.

   The SPI-Commercial Corridor Districts which meet the characteristics contained in Section 18.50, Item 2, are listed below and are illustrated on the official zoning map. The adopted specific standards for each Commercial Corridor District listed below are included in this Zoning Resolution as a supplement to this Chapter.

18.70 SPECIAL PUBLIC INTEREST – VILLAGE AREAS

Special Public Interest (SPI) Suburban Village Areas shall be designated SPI-VA Overlay Districts.

1. Findings and Specific Purpose.

   The development and conservation of village and hamlet character within an expanding suburban area requires protection over and above the protection provided by conventional zoning regulations as follows:

   a. To bring many of the activities of daily living, including dwellings, shopping and working within walking distance;

   b. To minimize traffic congestion by reducing the number and length of automobile trips;

   c. To create a sense of place by providing public spaces and squares;

   d. To integrate economic class and age groups into an authentic community by providing a wide range of housing types and workplaces; and

2. Characteristics.

   SPI-VA districts shall be limited to geographic areas included in a SPI-Village Area which contain or are planned to contain one (1) or more of the following characteristics:

   a. A concentration of residential, retail and service-oriented commercial establishments serving as a principal business activity center for a unique, mixed-use neighborhood, community, or village area in, and synonymous with, Miami Township;

   b. An area that has received or been approved for substantial public investment or that exhibits historic village or hamlet character;

   c. An area that is planned for pedestrian-oriented mixed-use development with an emphasis on community identity and placemaking. This may include areas of unusual intensity or density of development to accomplish these characteristics.

   d. An area offering recreational opportunities by creating substantial public places and civic use areas.

3. Designation.

   The SPI-Suburban Village Areas which meet the characteristics contained in Section 18.70, Item 2 are listed below and are illustrated on the official zoning map. The adopted specific standards for each Suburban Village Area District listed below are included in this Zoning Resolution as a supplement to this Chapter.

   a. The Little Miami River Gateway Village Area (SPI-VA)

18.71 SPECIAL PUBLIC INTEREST – THE LITTLE MIAMI RIVER GATEWAY VILLAGE AREA

1. Purpose.

   The purpose of this Special Public Interest (SPI-VA) Suburban Village Area is to provide for and encourage the thoughtful and compatible development of the Little Miami River Gateway area as a prominent gateway to Miami Township featuring a mix of commercial, residential, retail and recreational uses, while respecting the unique character, history, and natural setting of this neighborhood. It is in the interest of the Township to protect and enhance the features of public interest in this district by:

   a. Preventing the deterioration of real property and continuation or creation of blighting conditions;

   b. Encouraging and protecting private investment which improves and stimulates the economic vitality and social character of the area;

   c. Preventing the creation of influences adverse to the physical, economic and social character of the area;

   d. Bringing many of the activities of daily living, including dwellings, shopping and working within walking distance;

   e. Minimizing traffic congestion by reducing the number and length of automobile trips;

   f. Limiting the need for road construction and encouraging public transportation opportunities by organizing appropriate building densities;

   g. Creating a sense of place by providing public spaces and squares; and

   h. Creating an authentic community by providing a wide range of housing types and workplaces.

   Unless otherwise identified in the Sections below, the underlying zoning district regulations shall remain in full force. However, in the case of conflict between the provisions of an underlying zoning district and an SPI district— including the requirements for such SPI district set forth in the 2023 Miami Township Comprehensive Land Use Plan, as amended, modified or superseded from time to time—the provisions of the SPI district shall prevail, as set forth in Section 18.05 earlier in this Chapter. Nothing in this Section (18.71) shall be deemed to prevent the varying of the standards contained herein via the approval of a PUD Plan for any real property located within this SPI-VA district.

2. Permitted Uses

   Please refer to Figure 18-1 for the boundaries of the Special Public Interest – the Little Miami River Gateway Village Area Overlay District.

   a. Any principal permitted use of the applicable underlying zoning district is permitted, whether it is currently zoned an R-2 or R-3 Residence District, a B-2 General Business District, or an I Planned Industrial Park District, and if it is determined to be consistent with the intent and purpose of the Special Public Interest (SPI) Suburban Village Areas—including Sections 18.01 and 18.03 of this Chapter—except for and excluding:

      I. General Business (B-2): Funeral homes and mortuaries; Vehicle sales, including automobile, truck, trailer, recreational and farm equipment; Lumber yard and Building Materials; Veterinary Clinic, Animal Hospital, Kennel; Car Wash facilities; and / or Automotive Service Stations, Repair Shops, Quick Lubes or similar use.

      II. Planned Industrial Park District (I): Manufacturing establishments; Warehouse and wholesale establishments; Contractor businesses and contractor businesses storage yards; Building materials sales businesses and building materials sales storage yards; and / or Recycling businesses.

   Mixed-use development, high-quality multi-family development, integrated commercial / residential development, and public space(s) and park areas shall be specifically encouraged in this area. Entertainment uses, small-scale retail, restaurant, lodging and convention-type uses are also encouraged with an eye toward creating synergy among land uses.

3. Conditionally Permitted Uses

   a. Any conditional use of the applicable underlying zoning district is permitted if it is determined to be consistent with the intent and purpose of the Special Public Interest (SPI) Suburban Village Areas—including Sections 18.01 and 18.03 of this Chapter— except for and excluding:

      a. Residence Districts (R-2, R-3): Elementary, Junior High and High Schools or Private Schools; Cemeteries Including Mausoleums; and Golf Courses.

      b. General Business (B-2): Flea Markets or other outdoor sales where vendors rent, lease or acquire space to display and/or market merchandise goods or services; golf course driving ranges; Self Storage facilities; and Nursing/Convalescent Homes.

   The minimum lot area requirements of the under lying zoning district can be reduced as part of a conditional use request, if the proposed use is determined to be consistent with the intent and purpose of the Special Public Interest (SPI) Suburban Village Areas—including Sections 18.01 and 18.03 of this Chapter.

4. Accessory Uses

    a. Any accessory use of the applicable underlying zoning district is permitted if it is determined to be consistent with the intent and purpose of the Special Public Interest (SPI) Suburban Village Areas—including Sections 18.01 and 18.03 of this Chapter.

5. Height Regulations

    a. Multi-family development areas shall be a minimum of 2 stories.

    b. Mixed use development along Bridge Street shall be a minimum of 3 stories.

    c. A minimum building height of 20 feet is required for commercial structures along the Little Miami River.

6. Area Regulations / Setbacks

    a. A 10’ setback maximum for commercial uses and mixed-use buildings, with 0’ build-to-line standards encouraged along primary street frontages.

    b. A 15’ setback maximum along streets for buildings with residential units on the first floor. Up to 50% of the façade length is permitted to be recessed further than 15 feet.

    c. Bridge Street: Recesses allowed, for restaurant terraces and building entrances, if an 8-foot-wide sidewalk is maintained.

    d. A 25’ setback maximum for potential townhomes between Skinner Street and the Little Miami River, with additional setback permitted where open space or stormwater management features are provided.

7. Intensity of Use

    a. To maximize planned infrastructure improvements, including transportation improvements, the mixed-use commercial and residential and high-density residential areas should achieve a minimum gross density target of 12 units/acre—with a preferred minimum gross density target of at least 15 units/acre.

8. Signage

    a. Monument-style signage shall be harmonious with the required building materials for this area and shall be the preferred free-standing signage utilized throughout the corridor, where appropriate, with monopole signage not permitted. Multi-tenant, consolidated signage shall be encouraged.

    b. “Blade-style” and “sandwich board style” signage is encouraged where appropriate.

    c. Except as otherwise noted herein, signs shall be as established in Chapter 24 of this Resolution.

9. Building Materials & Design Standards

    a. Developments and redevelopments shall incorporate high-quality, traditional building materials and construction methods, utilizing façade design elements consistent with a "village style" theme. Steep sloped roof lines, stoops, and other similar features shall be encouraged.

        i. For the purposes of this district, high-quality, traditional materials, includes brick, stone, concrete or silicate-based masonry units—excluding stucco, concrete block, and the like—that is satisfactory to the Community Development Director or his / her designee as acceptable primary materials. Natural and local materials are recommended. Contemporary secondary or supporting materials with the same visual characteristics as traditional materials (e.g., thermally treated wood, composite panels, lapped and shiplap siding products, metal panel siding) are acceptable if properly detailed with surface textures and trim at openings, corners, and changes in material and in context with the primary materials. Long-term durability and maintenance needs should be considered in the selection of all building materials—particularly in floodplain or flood-prone areas. The use of primary traditional building materials or high-quality building materials is required on all building façades (excluding windows and doors in the calculation of the façade area) that are highly visible from a public or private roadway.

        ii. Vinyl siding, EIFS, vinyl and EIFS soffits, and adhered masonry products are not permitted on building façades that are highly visible from a public or private roadway.

        iii. Brick pavers and pervious pavers may be used, where appropriate, to provide a walkable, relatable, human scale and reduce impervious surface area.

        iv. All walls that are visible from road rights-of-way and / or the Little Miami River shall be encouraged include large windows.

10. Landscaping & Bufferyards

    a. Landscaping along the public frontage is required for all developing and/or redeveloping properties along the commercial, mixed-use commercial and residential, and high-density residential areas. Grass medians, tree lawns and planting areas, planting strips, hedges, and other similar strategies shall be preferred. Landscaping must include indigenous, non-invasive species—with plantings that require irrigation beyond their establishment period (1-2 years after installation) to be avoided.

11. Other Development Controls

    a. Buildings must be situated as to create and foster a "streetscape" appearance along streets and/or access drives, with building entrances generally facing the adjacent street(s).
    b. Sidewalks are required in this entire District and must be a minimum of 8 feet in width along all mixed-use and commercial development. In primarily residential areas, sidewalks shall be a minimum of 6 feet in width.
    c. Bridge Street:
        I. All first-floor space must be occupied by commercial uses, with residential units permitted above the first floor.

II. No vehicular drive-thrus or drive-thru windows will be permitted for any food or beverage service, or convenience store use.
III. Any parking structure must be substantially screened from Bridge Street.

d. Maximum parking thresholds may be negotiated to prevent inefficient land use. Shared parking arrangements among complementary uses are encouraged and may be considered in calculating required parking.
e. Parking shall be oriented toward the rear of the structures, or on the interior of blocks. The use of structured parking shall be preferred.
f. Green infrastructure strategies such as bioswales, permeable paving, reduced hardscape, etc. are encouraged for reduced stormwater runoff.
g. Energy efficiency measures should be considered, such as increasing insulation and glazing values, the use of high-performance MEP systems, etc.

18.80 DEVELOPMENT AUTHORIZATION

1. Applications; Process.

Applications for zoning certificates in SPI districts that are limited to a change in permissible use or occupancy of an existing building, accessory building, lot or portion thereof shall be submitted on a form prescribed by the Community Development Director and reviewed administratively by staff.

All other applications for zoning certificates in SPI districts shall be made to the Community Development Director on a form titled "Application for Approval of Overlay District Plan" provided by the Community Development Director. The information required for submission shall demonstrate the need to modify the regulations for the Zoning District identify the characteristics that are consistent with the intent of the SPI District.

a. To be eligible for review, the property must be properly zoned with a principle and permitted use as regulated by the Miami Township Zoning Resolution.

b. Ten (10) copies of the proposed modified plan shall accompany the request, along with the required fee, if any.

c. The plan shall be captioned, "Overlay District."

d. Unless waived by the Community Development Director, prior to submission to the Board of Township Trustees, the applicant shall provide written authorization from the Clermont County Engineer, Clermont County Water and Soil Conservation District, Clermont County Water and Sewer District, and any other agencies as deemed necessary by the Community Development Director evidencing conformance to all requirements or resolution of all issues pertaining to the Overlay District.

e. The Board of Township Trustees shall hold a public hearing within thirty (30) days after the receipt of an Overlay District application.

I. The Community Development Director shall provide notice of such hearing in one or more newspapers of general circulation in the Township at least ten (10) days before the hearing. The notice shall include the date, time, place, a general description of the plan requested and that the matter will be referred to the Board of Township Trustees for further determination.

II. The Community Development Director shall place the Overlay District application on the Board of Township Trustees' docket at the next available meeting.

III. The applicant will have the opportunity to appear, examine witnesses and present evidence.

IV. All witnesses will be sworn.

V. The Board of Township Trustees shall consider the Overlay District application, make appropriate findings of fact and adopt a motion approving or denying the application.

VI. Prior to entering a final decision, the Board of Township Trustees may direct that further data be provided if necessary to make an informed decision.

2. Appeal.

Any appeal to the administrative decision of the Board of Township Trustees regarding an Overlay District shall be made to the Court of Common Pleas consistent with the Ohio Revised Code.

18.81 OVERLAY DISTRICT PLAN EXPIRATION; MODIFICATIONS

1. Expiration and Extension of Approved Overlay Plan.

a. The Township's approval of an Overlay Plan shall expire if, within two (2) years following the date of such approval, physical grading work and/or building construction in furtherance of the approved plan has not begun on-site. In the event of Overlay Plan expiration, a new Application for Approval of Overlay District Plan shall be submitted for the Township's review and approval prior to developing the site.

b. Prior to expiration of an approved Overlay Plan, the property owner shall have the right to submit one (1) request to the Community Development Director for a one (1) year extension of the approved Overlay Plan. The Community Development Director may grant or deny the request or forward the request to the Board of Trustees for review and decision. An extension shall only be granted if the Community Development Director or Board of Trustees determines the property owner is actively working towards completion of the Overlay Plan and is capable of commencing grading work and/or building construction on site within one (1) year of the Overlay Plan's original expiration date.

2. Completion of Overlay Plan Construction Work and Requirements.
    a. All grading work and building construction approved as part of an Overlay Plan shall be started within one (1) year of commencement of such work and construction—with substantial site and building improvements to be completed within two (2) years of the date of issuance of the applicable zoning certificate or permit. All other requirements of the approved Overlay Plan must be completed within six (6) months of building occupancy. The property owner may submit a request to the Community Development Director for a reasonable extension of either aforementioned deadline. The Community Development Director may grant an extension request if the Director determines, in his/her reasonable discretion, that good cause exists for the extension.

    b. Township Planning & Zoning Department staff will conduct a post-development site inspection following the scheduled Overlay Plan completion date pursuant to Section 18.81, item 1a. herein. The purpose of the inspection shall be to verify compliance with all approved Overlay Plan requirements. If the Community Development Director determines the property owner has deviated from any approved Overlay Plan requirement, the Community Development Director shall determine whether the deviation represents a minor or major amendment to the Overlay Plan, and the property owner shall be required to submit a written request to amend the Overlay Plan in accordance with Section 18.81, item 3.

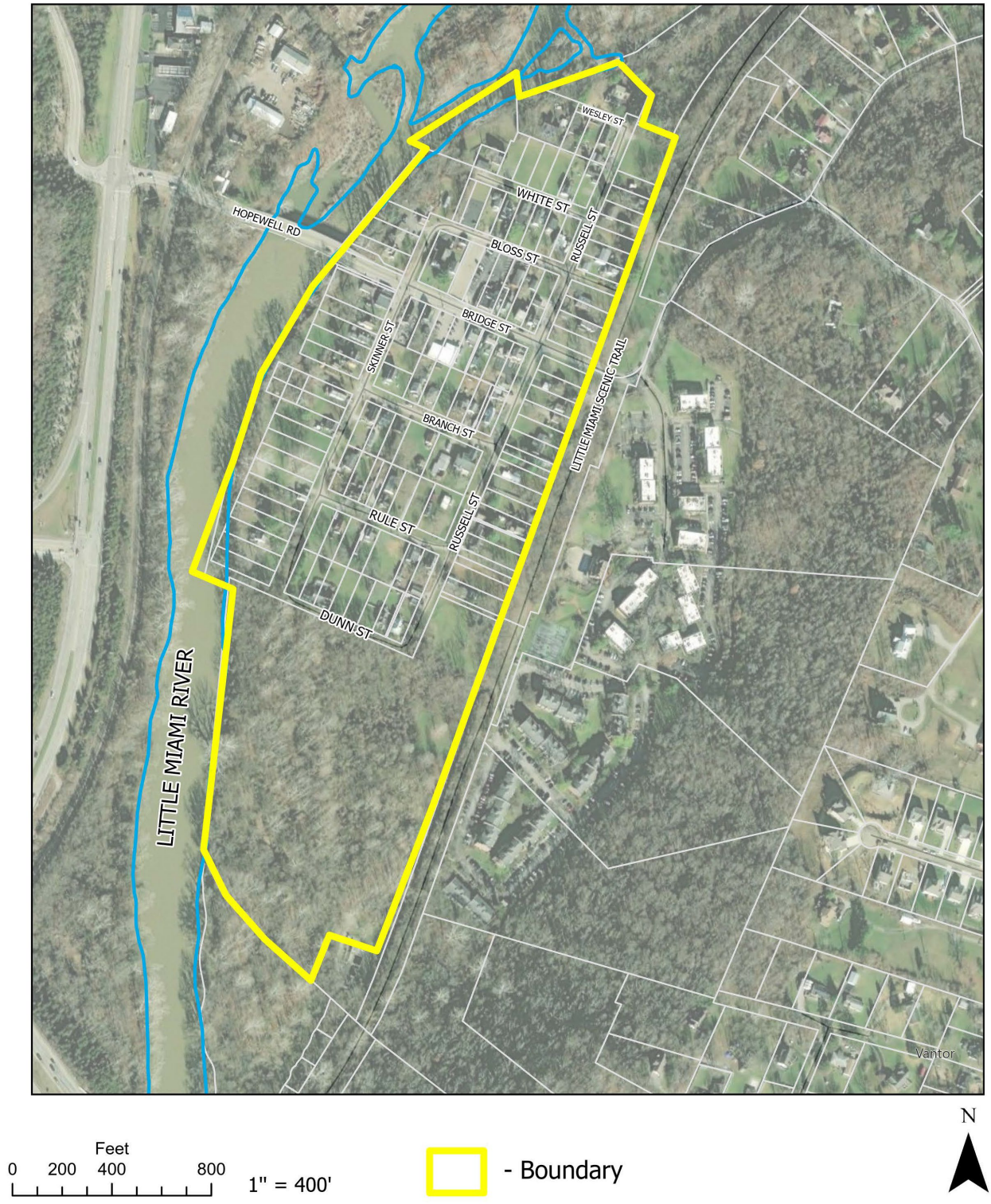
3. Procedure to Amend an Approved Overlay Plan.
    a. A property owner may request amendment to any unexpired Overlay Plan. Approval of an amendment does not re-commence the start date of the applicable expiration period. However, for major amendments, the Board of Trustees, in its discretion, may by motion re-commence the expiration start date as of the date of the amendment approval.

    b. The Community Development Director shall determine whether the proposed amendment is a major or minor amendment. Major amendments shall include, but are not limited to: any increase in, or significant movement or relocation of, density; changes in use that result in an increased intensity (as determined by the Community Development Director); movement of primary access locations; the elimination of roadway connections to adjacent tracts or subdivisions; the elimination or reduction of open space, recreational uses, or buffer yard features; and any other substantial and material changes to approved Overlay Plan requirements, as determined by the Community Development Director in his/her reasonable discretion. Any amendment which is not deemed to be a major amendment shall be considered a minor amendment.

c. For minor amendments, the following procedure shall apply:
    i. The property owner shall submit a written request to amend the plan to the Community Development Director. The request shall be made using the Overlay Plan Application form but shall be captioned: “Minor Amendment.”
    ii. Five (5) copies of the proposed amended plan shall accompany the Application, along with the required fee, if any.
    iii. The Community Development Director shall review the application and approve or deny the minor amendment based on the Director’s determination, in his/her reasonable discretion, as to the amendment’s consistency with the requirements, and spirit and intent of the approved Overlay Plan; compliance with the Township Comprehensive Plan; and impact on the public health, safety and general welfare.
    iv. The Applicant may appeal a denial of a minor amendment to the Board of Trustees.

d. For major amendments, the following procedure shall apply:
    i. The property owner shall submit a written request to amend the plan to the Community Development Director. The request shall be made using the Overlay Plan Application form but shall be captioned: “Major Amendment.”
    ii. Ten (10) copies of the proposed amended plan shall accompany the Application, along with the required fee, if any.
    iii. The Community Development Director shall review the application and draft a report for review by the Board of Trustees.
    iv. Unless waived by the Community Development Director, prior to submission to the Board of Township Trustees, the applicant shall provide written authorization from the Clermont County Engineer, Clermont County Water and Soil Conservation District, Clermont County Water and Sewer District, and any other agencies as deemed necessary by the Community Development Director evidencing conformance to all requirements or resolution of all issues pertaining to the Overlay District.
    v. Thereafter, the Community Development Director shall place the amendment on the Board of Trustees’ docket. The Board of Trustees shall consider the amendment and adopt a motion approving, denying, or modifying the amended plan. Prior to entering a final decision, the Board of Trustees may direct further data be provided as necessary to make an informed decision.

Figure 18-1 SPECIAL PUBLIC INTEREST – THE LITLE MIAMI RIVER VILLAGE AREA OVERLAY DISTRICT



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 processes 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.

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.
8. Food Vendors as regulated herein.

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.

21.04 FOOD VENDORS

A. Subject to these regulations, a Food Vendor may with approval of the property owner Appear in the O-1, B-1, B-2, I, H, MU, PBD or in the Miamiville Planned Business Development Overlay districts.

B. Subject to these regulations, a Food Vendor may Appear in a Residential district if:
    1. At a multifamily development with approval of the property owner, or
    2. At a school, government property or private club by approval of the property owner, or
    3. At a neighborhood community pool or clubhouse by approval of the property owner, or
    4. At a church with approval of the property owner.

C. The same Food Vendor may make three Appearances at a Location over a period of three consecutive weeks.
    1. No single Appearance may exceed a period of 48 hours.

2. No Food Vendor shall make more than one Appearance at a Location during any given week.
3. After three consecutive weeks, the Food Vendor may not make an Appearance at that Location for at least three weeks.
4. In no event may a Food Vendor Appear more than six times at a Location over any 10 week period.
5. After the sixth Appearance at a Location over a given 10 week period, the Food Vendor may not make an Appearance at that Location for at least three weeks.

D. A Food Vendor may display one advertising sign, not to exceed 16 square feet, and one menu sign, not to exceed 16 square feet.
    1. Signs may not contain lights or be lighted.
    2. Signs or menus attached to or permanently painted on a food truck or trailer are not regulated.
    3. No other temporary signs or attention gathering devices are permitted to be displayed by Food Vendors.

E. Food Vendors shall comply with the following site arrangement and safety precautions. To determine compliance with these standards, zoning staff may require that a site plan, application and fee for a temporary use be submitted and approved prior to a Food Vendor setting up at a Location, or if problems are identified after setup.
    1. Food Vendor equipment and vehicles may conduct operations in parking lots, unused portions of lots, or empty lots, but may not interfere with parking, circulation, driveway entrances and exits, sight lines or entrances to other businesses.
    2. A ten foot setback from the right of way shall be maintained for all items associated with the Food Vendor.
    3. Food Vendors and equipment may occupy parking areas, but sufficient parking for customer traffic for the Food Vendor as well as any existing businesses at the Location must remain.
    4. Temporary tables and chairs may be setup by the Food Vendor, subject to these same rules.
    5. Food Vendors shall be able to demonstrate compliance with applicable fire and health authority rules and permitting. Necessary permits shall be produced if requested.

F. Food Vendors must obtain and produce if requested written permission of the property owner for the premises on which they locate. If permission cannot be produced, the Food Vendor shall cease operations at the premises.
G. Food Vendors are not required to obtain a Temporary Use Permit as specified in this Chapter if they remain in compliance with these regulations. However, if determined to be noncompliant or if determined to be necessary by zoning staff for

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

A Parking Angle	**B** Stall Width	**C** Length of Stall	**D** Aisle Width	**E** Center to Center Width of Two Row Bay/W Aisle Between	**F** 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

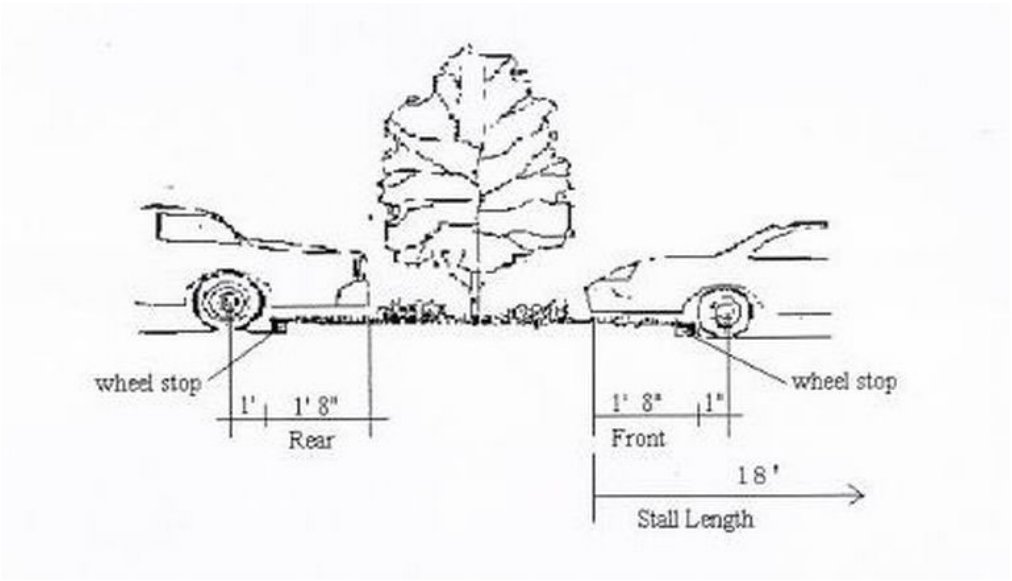
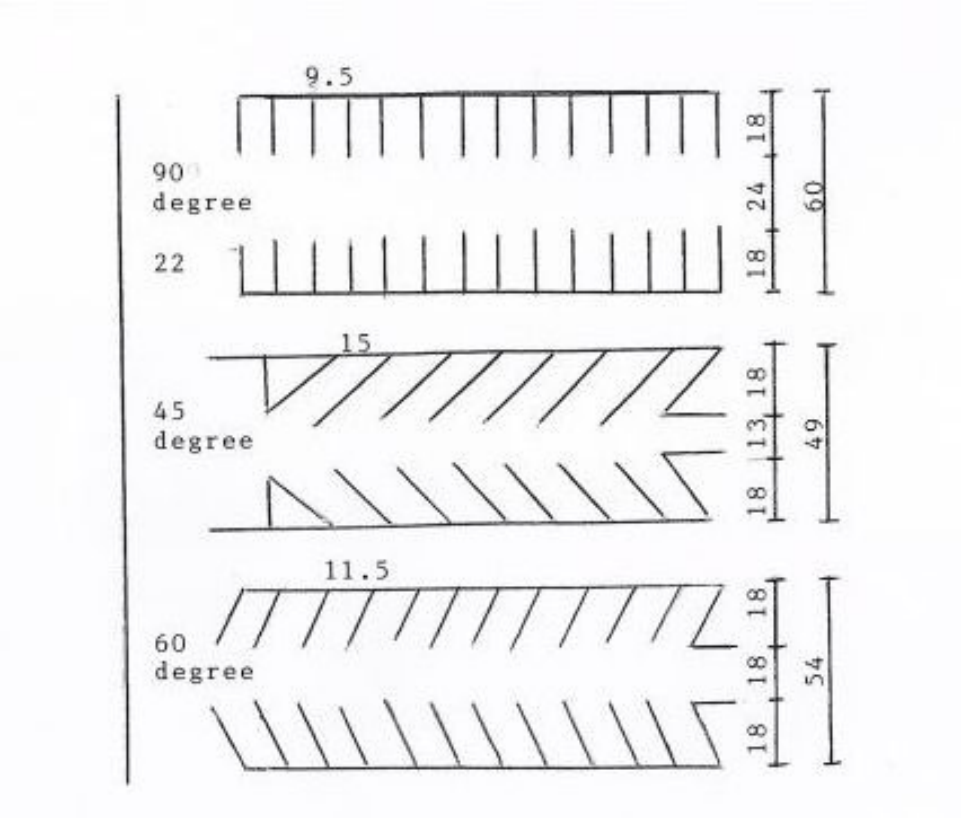


Illustration B-2
Parking Configuration Diagram



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 caliper 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.

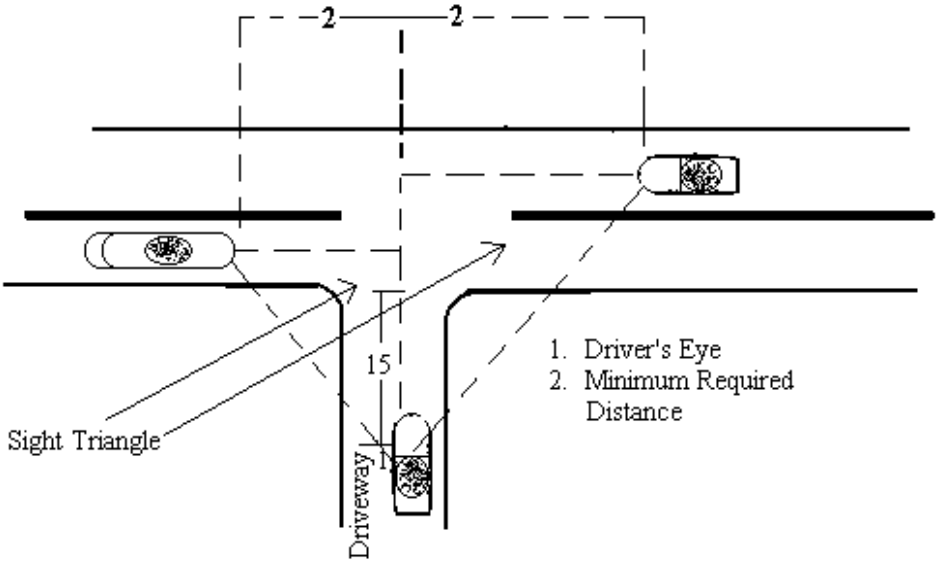
TABLE II
MINIMUM REQUIRED SIGHT DISTANCE

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

Approach Street Type	2 Lane Cross Street	4 Lane Cross Street	6 Lane Cross Street

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 there of' 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
Industry and Heavy Commercial	Number per	Measurement Unit
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

Uses	Number per	Measurement Unit
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

Recreation, Cultural, Entertainment	Number per	Measurement Unit
Auditoriums	1.00	5 seats
Community & recreation centers	1.00	User, based upon building capacity
Gymnasiums	1.00	User, based 0n 30% building capacity
Movie theaters	1.00	three (3) seats
Museums, commercial/non profit	1.00	User, based 0n 30% building capacity
Outdoor theaters, not drive-in	1.00	User, based 0n 30% building capacity
Roller & ice skating Rinks	1.00	User, based 0n 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

Miscellaneous	Number per	Measurement Unit
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.

Industry and Heavy Commercial	Number per	Measurement Unit
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

Uses	Number per	Measurement Unit
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

Recreation, Cultural, Entertainment	Number per	Measurement Unit
Auditoriums	1.00	5 seats
Community & recreation centers	1.00	User, based upon building capacity
Gymnasiums	1.00	User, based 0n 30% building capacity
Movie theaters	1.00	three (3) seats
Museums, commercial/non profit	1.00	User, based 0n 30% building capacity
Outdoor theaters, not drive-in	1.00	User, based 0n 30% building capacity
Roller & ice skating Rinks	1.00	User, based 0n 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

Miscellaneous	Number per	Measurement Unit
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 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS

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

B. All signs require a zoning certificate, unless stated within these regulations that no zoning certificate is required.

C. Signs shall be located on the same premises as the entity advertising thereon except for as provided in the regulations governing off-premises signs.

D. A fee in accordance with the schedule of amounts posted in the Community Development Department, as established by the Board of Trustees, shall accompany each application for a Zoning Certificate.

E. All freestanding signs shall be monument style. See Sign Size and Height Measurement Standards Section 24.09.

F. For single-tenant businesses, the monument sign shall include the street number. Monument 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 on the monument sign base. The address 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 inches.

G. Any illumination source:
   1. Shall employ only light emitting a constant intensity and shall not contain flashing, rotating, or moving light or lights.
   2. Shall not create a hazard to traffic.

H. A projecting sign may be allowed in substitution of a wall sign. Projecting signs shall be setback at least five feet from property lines and right-of-way lines, have a minimum clearance of at least ten feet, have a height to width ratio of not less than 3:1 (except for uniformly round or uniformly square signs), a maximum sign height dimension of ten feet, and have a maximum sign face areas of 30 square feet.

I. Electronic Message Signs
   1. Electronic message signs are permitted as part of a larger business monument sign.
   2. The electronic reader portion of the monument sign shall not exceed 50% of the total sign face area.
   3. Electronic message signs shall not be allowed on wall signs but may be allowed on the entirety of a projecting sign.
   4. Electronic message signs shall contain an auto-dimming feature and not cause excessive nighttime brightness.

J. 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. However, wall mounted and projecting signs may extend up to 25% above the roof line (excluding gasoline canopy signs).

K. No signs maintained in the window of a building shall occupy more than 50% of the window surface.

L. Should any sign become unsafe, such as in danger of falling, the owner or responsible person shall restore such sign to a safe and secure condition or remove the sign. Nonconforming signs in such condition shall be removed and not restored.

M. Temporary signs shall not be displayed on any property except as provided within this Chapter.

N. For corner lots, ingress/egress points, railway crossings and the like, signs shall be located in such a way so to maintain a Clearview Zone as defined in this Chapter.

O. A zoning permit is not required for sign maintenance (such as replacing bulbs, painting cabinets, etc.) however, a zoning permit is required to reface an existing sign. Nonconforming signs are allowed to be maintained and refaced. Cabinet replacement, cabinet reconstruction and/or adding an electronic reader element is considered to be a new sign, not maintenance.

P. Within this Chapter, allowed sign area shall be "per face" with a maximum of two faces per sign.

Q. Wall signs are not allowed on accessory buildings or structures.

24.02 SIGNS IN VIOLATION

A. This Chapter has been drafted and shall be interpreted consistently with guiding judicial requirements within the State of Ohio, including but not limited to Reed v. Town of Gilbert, Arizona, 135 S. Ct. 2218. As such, this Chapter is drafted and shall be applied in a content-neutral manner. The message or content of a sign shall not be considered when applying these regulations.

24.03 PROHIBITED SIGNS

The following types of signs shall not be permitted in any district:

A. Portable signs such as signs on wheels, signs on other mobile devices such as a trailer, signs not permanently installed and permitted, and the like (except as provided within the Temporary Sign section of this Chapter).

B. Vehicles containing signage, including wrapped vehicles, which are primarily dormant but prominently placed to advertise the business premises.

C. Animated, beacon and flashing signs.

D. Abandoned signs (however, panels may be continued until a replacement business fills the space).

E. Pole/pylon signs.

F. Electronic message signs mounted as wall signs.

G. Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard by obstructing driver vision, or obstructs or detracts from the visibility of any traffic sign or control device on public roads.

H. Any unsafe or dilapidated sign.

I. Any signs which mislead or confuse traffic.

J. Any signs which imitate or resemble official traffic or government signs or signals.

24.04 PROHIBITED SIGN LOCATIONS

A. Sign locations shall be in accordance with the regulations of this Chapter. Other than those exempted by this Chapter, a sign shall not be located in a right-of-way. Signs also shall not be attached to trees, utility poles, supporting structures for street signs, governmental signs, bus shelters, benches, trash receptacles or the like. Any sign or device located within a public right-of-way may be removed by Miami Township staff.

24.05 EXEMPTED SIGNS

The following signs shall not be subject to the provisions of this Zoning Resolution:

A. Governmental and public utility signs.

B. Political signs.

C. Any governmental entity flag, emblem or sign.

D. Signs within a stadium, theatre, arena, or similar outdoor structure, provided that such sign(s) can be viewed primarily by persons within such structure.

24.06 RESIDENTIAL DISTRICT SIGNS (A, R-1, R-2, R-3, R-PUD, SRUV, T)

In a residential district the following signs may be permitted:

A. Subdivision and apartment complex signs:
   1. Each development may have one sign at each major street entrance to the development, but not to exceed two entrance signs per development.
   2. Each development may have a third internal sign announcing a common facility such as a swimming pool, clubhouse or the like.
   3. Such signs shall be a monument sign or part of a decorative wood, brick, or stone or masonry support structure.
   4. Each sign shall have a total message area not greater than 32 square feet, shall be no more than seven feet in height, and shall be set back at least ten feet from any right-of-way or property line.
   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. Signs may contain backlit solid channel letters but not panels.

B. Institutional signs:
   1. Monument signs for institutional users shall be permitted. The face area of the monument sign shall not exceed 32 square feet, shall have a maximum height of seven feet (including ancillary structures), and be located not closer than ten feet from any right-of-way or property line. Signs may contain backlit solid channel letters but not panels.
   2. Electronic reader boards are prohibited except as follows: If the sign fronts on a collector, arterial or expressway (existing or proposed) as identified in the Imagine Miami Vision 2025 Plan (2019), and the sign is located at least 25 feet from any other property zoned Residence District, then the sign serving the institutional user may contain an electronic reader board consistent with the General Requirements above.
   3. If the parcel on which the institutional user is located is one acre or greater, excluding right of way, then the maximum face area allowed shall be increased to not exceed 50 square feet.
   4. Institutional users in any zoning district may in addition display on site up to two informational bulletin boards, not to exceed 32 square feet in face area (no zoning permit is required for a bulletin board).
   5. Institutional users may display one wall sign for each building elevation that fronts on a public road or primary center drive. Wall signs may be uplit, but wall signs may not be internally lighted unless the sign

consists of individually backlit channel letters. The maximum wall sign area shall be one square foot of sign area per one liner foot of the building elevation length on which the sign will be located, not to exceed 50 square feet on any one elevation.

6. Institutional users located in business districts are allowed the same monument and wall sign allocation and dimensions as other users within those business districts.

24.07 BUSINESS, OFFICE, INDUSTRIAL AND MIXED USE INSTITUTIONAL SIGNS

A. In all cases, signage in the Mixed Use Institutional District shall not exceed signage allocations as allowed for buildings or building complexes in the 0 to 24,999 square foot dimension.

B. Second story signage will be permitted as follows: For buildings containing two or more floors, one sign may be placed on the second floor or higher on each side of the building that faces a public right-of-way line or the primary drive into a building complex, regardless of the number of upper floor tenants. The area shall not exceed 1.5 square foot of sign area per one linear foot of the building length upon which the sign will be located.

C. In multi-occupancy buildings, the end cap tenant space may display a side wall sign as well, up to one-half the area of its primary wall sign.

D. Building or building complexes ranging from 0 to 24,999 square feet:
   1. Single occupancy:
      a. One monument sign not to exceed seven feet in height and 50 square feet face area. A two-foot height bonus can be granted if a two-foot-high stone or brick base is provided. The sign shall be setback at least ten feet from any right-of-way or property line.
      b. At most, two wall signs may be installed for each building elevation that faces a right-of-way or a primary drive into a building complex. The total sign area for a given building elevation shall not exceed one square foot of sign area per one linear foot of the building elevation length upon which the sign will be located. In total, a maximum of four wall signs may appear on a single occupancy building, even if there are more than two frontages.

   2. Multiple-Occupancy:
      a. One monument sign not to exceed seven feet in height and 50 square feet face area. A two-foot height bonus can be granted if a two-foot-high stone or brick base is provided. The sign shall be setback at least ten feet from any right-of-way or property line.
      b. One wall sign for first-floor tenants of a multi-tenant building having their own public entrance. The area shall not exceed 1.5 square feet of sign area per one linear foot of the width of the exterior tenant space.

E. Building or building complexes ranging from 25,000 to 99,999 square feet:
   1. Single occupancy:
      a. One monument sign not to exceed seven feet in height and 100 square feet face area. A two-foot height bonus can be granted if a two-foot-high stone or brick base is provided. The sign shall be setback at least ten feet from any right-of-way or property line.
      b. At most, two wall signs may be installed for each building elevation that faces a right-of-way or a primary drive into a building complex. The total sign area for a given building elevation shall not exceed one square foot of sign area per one linear foot of the building elevation length upon which the sign will be located. In total, a maximum of four wall signs may appear on a single occupancy building, even if there are more than two frontages.

c. If the building exceeds 60,000 square feet in floor area and the length of its elevation that faces a right-of-way or a primary drive equals or exceeds 300 linear feet, then up to four wall signs may be placed on that elevation (a maximum of six wall signs total for the building).

2. Multiple-Occupancy:
   a. One monument sign not to exceed seven feet in height and 100 square feet face area. A two-foot height bonus can be granted if a two-foot-high stone or brick base is provided. The sign shall be setback at least ten feet from any right-of-way or property line.
   b. One wall sign for first-floor tenants of a multi-tenant building having their own public entrance. The area shall not exceed 1.5 square feet of sign area per one linear foot of the width of the exterior tenant space.

F. Building or building complexes greater than 99,999 square feet.
   1. Single Building:
      a. One monument sign not to exceed 15 feet in height and 150 square feet face area. The sign shall be setback at least ten feet from any right-of-way or property line.
      b. At most, two wall signs may be installed for each building elevation that faces a right-of-way or a primary drive into a building complex. The total sign area for a given building elevation shall not exceed one square foot of sign area per one linear foot of the building elevation length upon which the sign will be located. In total, a maximum of four wall signs may appear on a single occupancy building, even if there are more than two frontages.
      c. If the length of the building elevation that faces a right-of-way or a primary drive equals or exceeds 300 linear feet, then up to four wall signs may be placed on that elevation (a maximum of six wall signs total for the building).

   2. Building Complex with multiple occupancy:
      a. One monument sign not to exceed 32 feet in height and 200 square feet face area. The sign shall be setback at least ten feet from any right-of-way or property line.
      b. One wall sign for first-floor tenants of a multi-tenant building having their own public entrance. The area shall not exceed 1.5 square feet of sign area per one linear foot of the width of the exterior tenant space.
      c. An individual building (not tenant space) within a building complex greater than 99,999 square feet may have one monument sign not to exceed five feet in height and 20 square feet face area for identification or directory purposes. The sign shall be setback at least ten feet from any right-of-way or property line and be located within 50 feet of the building's primary entrance.
      d. If the tenant floor area exceeds 60,000 square feet and the length of its tenant elevation that faces a right-of-way or a primary drive equals or exceeds 300 linear feet, then up to four wall signs may be placed on that elevation.
      e. A building complex greater than 99,999 square feet may have up to two monument signs not to exceed five feet in height, and 20 square feet face area for directory purposes within the complex. The sign shall be setback at least ten feet from any right-of-way or property line.



Example Directory Sign

24.08 ALTERNATIVE WALL SIGN PLACEMENT

A. A building sign typically is placed on the elevation facing the right-of-way or primary access drive, as applicable. A portion of the allowed sign square footage may be shifted to another elevation that does not face the right-of-way or primary access drive. The portion shifted shall be deducted from the allocation to the original elevation. The square footage shifted to another elevation shall not exceed the maximum area that elevation would support based upon its own width. Shifted square footage from a given elevation may only be applied to one other elevation, not multiple.

B. Other than as provided herein for gasoline canopy signs, wall signs may not be placed on accessory buildings or structures.

24.09 SIGN SIZE AND HEIGHT MEASUREMENT STANDARDS

A. The length of the base of the monument sign shall be at least 90% of the length of the sign face.

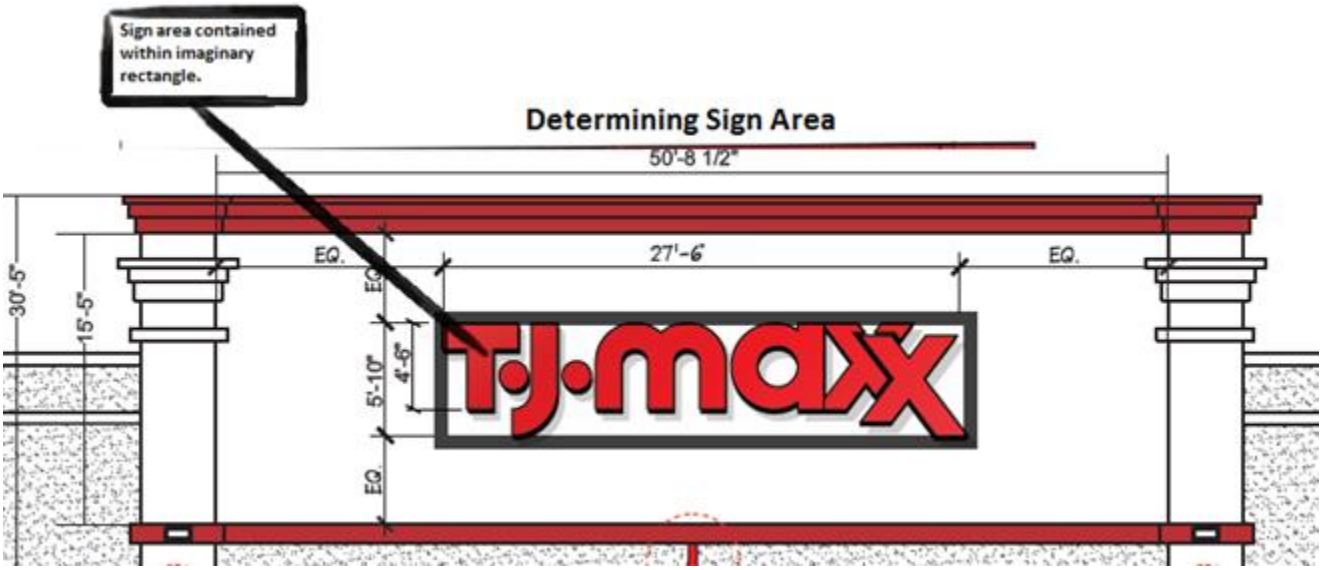
B. In business districts (B-1, B-2, I, O, PBD), the total area of support structures and ancillary elements (such as bases, columns, veneers and caps) of the sign shall not exceed two times the maximum allowed sign face area. In business districts, support and ancillary sign elements are subject to maximum sign height restrictions.

C. A monument sign may include a sign supported by two columns, but in such circumstance, the sign face shall be placed no higher than 24 inches from grade. See example below.

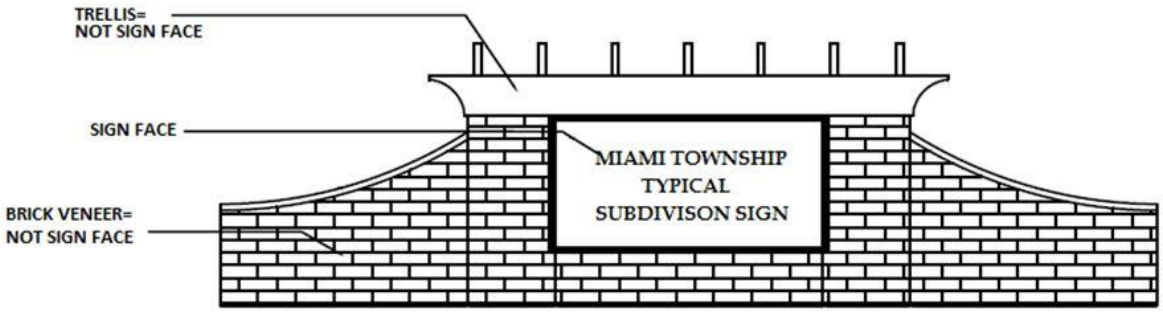
D. The height of a monument sign shall be determined by measuring the distance between the top part of a sign or its structure; whichever is highest, to the elevation of the ground directly beneath the sign. In cases where a sign is located on a human-made berm or similar ground structure, the height 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.

E. Residential subdivision and commercial park signs are anticipated to contain additional ornamental features such as masonry walls, trellis' or metal finishes. For individual business or apartment complexes, however, ornamental features shall be limited to the width of the sign face area, with the exception of columns which shall be in proportion to the sign face area.

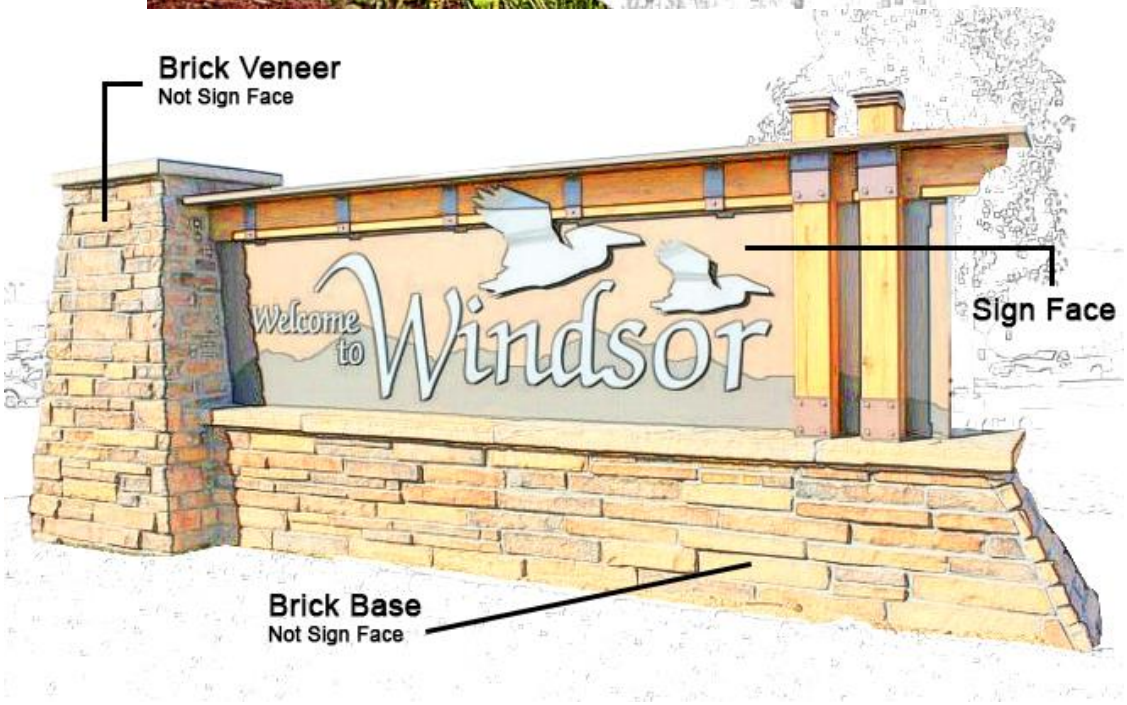
F. Sign face area shall be clearly defined and shall be determined by boxing the text and images within a single squared shape. Clearly separated symbols or message components will be viewed as two signs.



G. Free-standing Monument Signs Suitable for Residential Subdivisions:



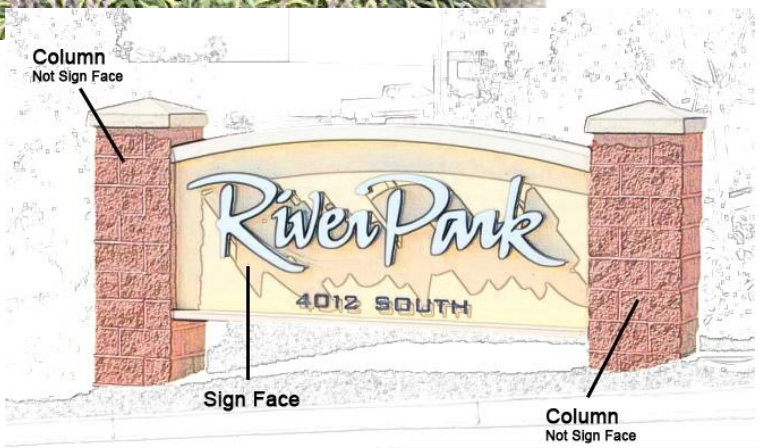


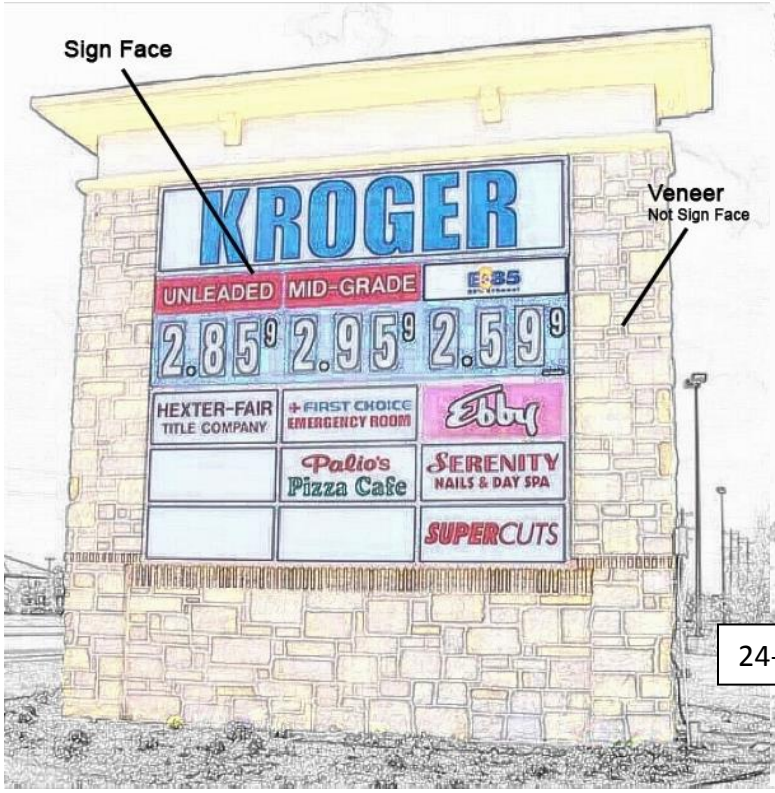


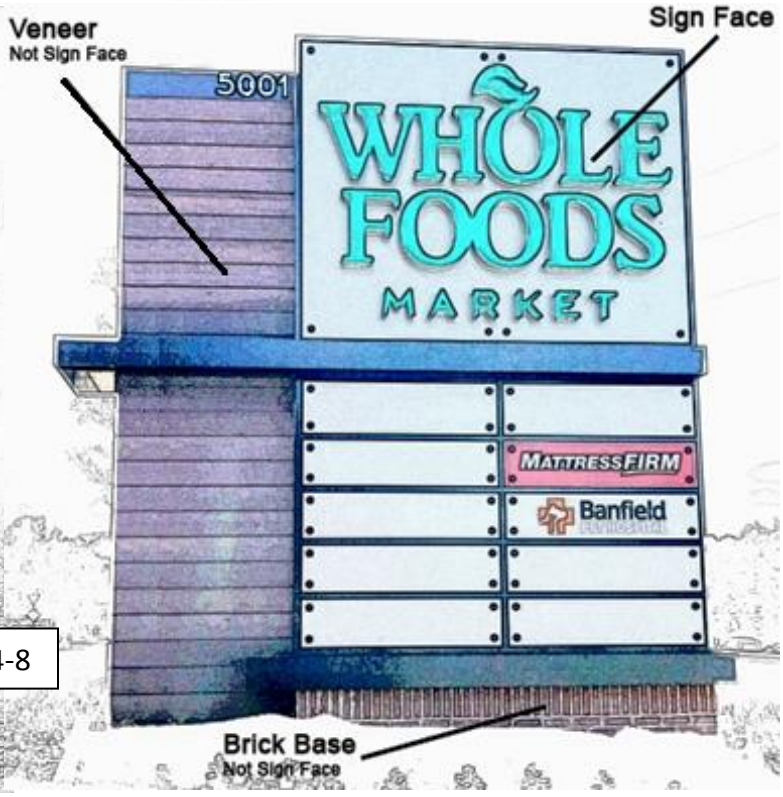
H. Free-standing Monument Signs Suitable for Businesses:



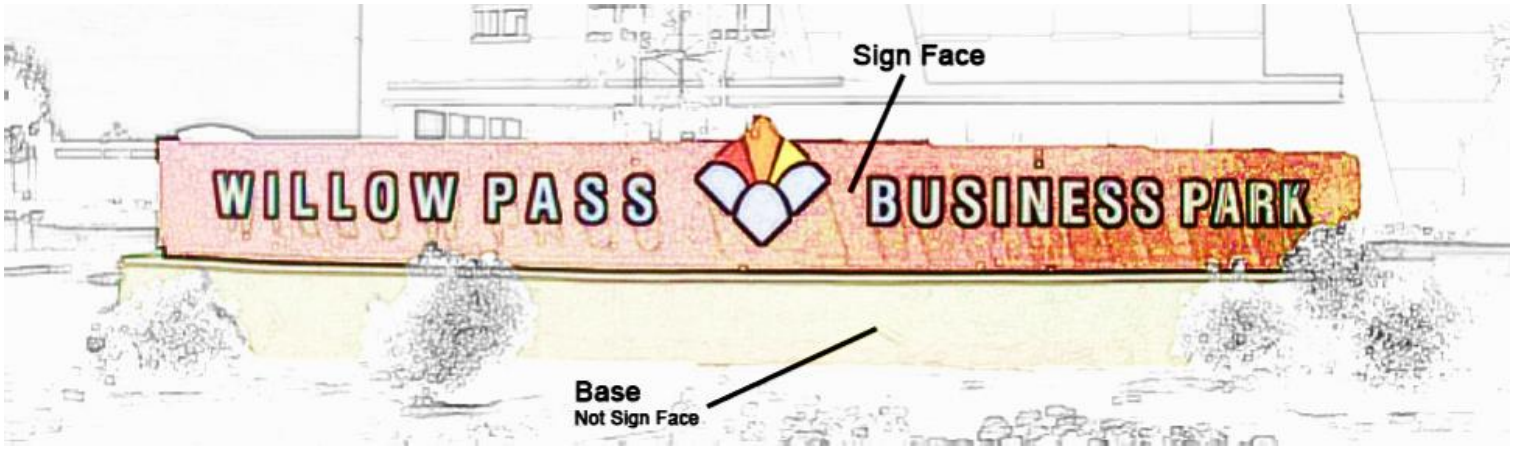


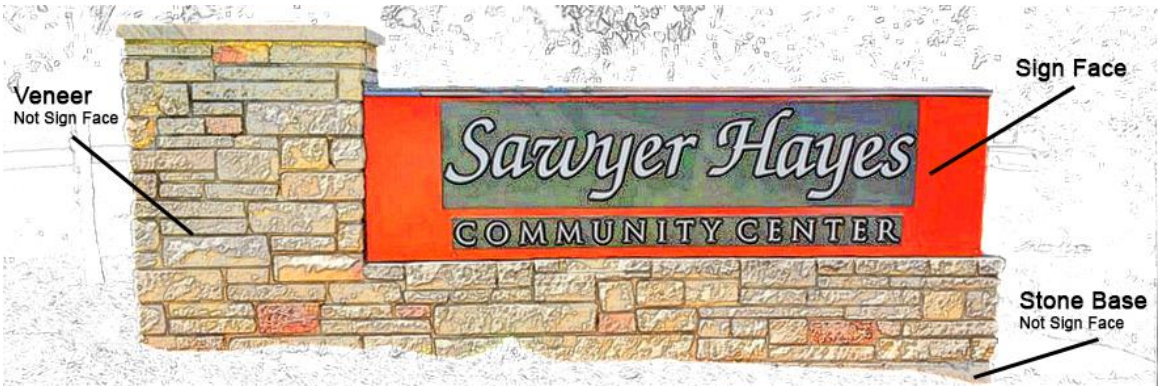






I. Free-standing Monument Signs Suitable for Commercial Parks:





24.10 INCIDENTAL SIGNS

A. A sign discouraging solicitation may be posted at the entrance of a residential subdivision outside of the right of way. A permit is not required

B. Directional and Informational Signs: Parking lot and other private directional signs, such as "Entrance," "Exit," "Parking," "Service," "Parts," and the like, each not exceeding four feet in height, four square feet in face area and located at least ten feet behind the right-of-way or any property line, are allowed. Such signs are to be limited to guidance information 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. A permit is not required.

C. Menu Boards and Ordering Canopies: Menu boards may be 100% digital and shall only have one sign face. For each ordering lane, up to three ground-mounted menu boards are permitted. The total allowable sign square footage per ordering lane shall not exceed 80 square feet. However, no single menu board sign shall exceed 50 square feet or seven feet in height. For each ordering lane, an ordering canopy may be constructed which incorporates a screen to display the order information. Menu boards and ordering canopies described in the subsection shall be limited to vehicle drive thru lanes only.

D. Minor signs: One minor sign, four square feet in area and indicating hours of operation, credit card information, etc. shall be permitted on the entrance door or door recess area to each business establishment. Additional minor signs located on the premises not to exceed four square feet in area may include secondary site information such as loading area, cart return, gasoline pump information, address and the like. A zoning

permit is not required for these minor signs. Minor signs which exceed these dimensions shall be treated as a primary monument or wall signs for permitting purposes. Restaurants may place outdoor menu signs (such as sandwich board signs) within ten feet of the building entrance.

E. Canopy signs for fuel service. Separate signs are allowed on fuel service canopies as follows:
   1. Signs may be placed on all sides of a canopy that are visible to passing traffic; normally this will be on three sides and exclude the side facing inward.
   2. The maximum allowance of signs to be displayed on the canopy shall be determined by measuring the longest length of the canopy. One square foot of canopy signage may be displayed per one linear foot of length. There shall be no more than one sign on each canopy-face visible to passing traffic. If the canopy is painted with branding colors, the color scheme will not count as part of the sign allowance. No canopy sign shall extend more than one foot above the top line of the canopy and may not extend beyond the bottom or side lines of the canopy.
   3. In addition to the allowed signage, a maximum of one canopy face may contain digital signage with pricing information. The digital signage shall count toward the maximum signage allowance.

24.11 OFF-PREMISES SIGNS

A. Off-premises signs are prohibited except as follows:
   1. Such signs that have a face area of not more than one 100 square feet are permitted in the B-2 and I districts. If visible to approaching traffic, the off-premises sign shall be setback at least 100 feet from all road right-of-way lines, unless required by the Ohio Department of Transportation to have greater setback distances along state roads or highways. Off-premises signs may be increased to a maximum of 300 square feet, provided that for every two square feet of face area over 100 square feet, the sign shall be setback an additional one foot from any right-of-way line.
   2. Such signs shall be placed not closer than 400 feet to any residential or resort district.
   3. Such signs shall be placed not closer than 100 feet to any other property lines.
   4. The height of any commercial off-premises signs shall not exceed 32 feet.
   5. Off-premises signs shall be placed so as to maintain a spacing of at least 1,800 feet between signs along any single road corridor. In the event of intersecting streets, roads or highways, off-premises signs shall in no case be spaced closer than 900 feet from one another.
   6. Off-premises sign shall be considered the principal use of the lot upon which it is placed and precludes any other principal use on the same lot.
   7. Off-premises signs may be 100% digital.

B. For the construction of a residential subdivision of four or more houses, the developer may install up to two signs not to exceed seven feet in height and 50 square feet face area for informational purposes. Such signs shall be removed when the subdivision is completed, or there has been no sale in that subdivision by the advertising company for longer than one year. Such signs shall be located no more than 1.5 miles from the subdivision entrance and shall be located at least ten feet from the right-of-way.

24.12 TEMPORARY SIGNS

A. For all temporary signs:
   1. No temporary sign shall be illuminated
   2. Signs shall be installed in a manner so that Clearview requirements are maintained.
   3. Signs shall be placed no closer than ten feet from any right-of-way or property line.
   4. Reference “Prohibited Signs” above.

B. Residential real estate:
   1. Signs may be used to direct prospective purchasers to houses for sale. One customary sized residential for sale sign may be placed on each frontage of the lot containing the house for sale. In addition, up to two customary sized residential directional signs may be allowed, located not more than one mile from the house for sale and not within right-of-way. In no event may more than one such sign shall be erected at any entrance to a subdivision, even if the subdivision contains multiple homes for sale. This provision also applies to rental properties, apartments and attached condominium units.
   2. Signs announcing a yard sale or similar events are permitted in residential districts. Such signs shall be no larger than six square feet, shall have a maximum height of five feet, and be displayed for a time period not greater than four consecutive days. One sign shall be permitted on the premises of the sale and additional signs not to exceed two in number, shall be permitted to be placed on nearby private property with the written permission of the owner. A zoning permit is not required.

C. Commercial real estate:
   1. For single-tenant structures actively for sale or lease, one sign up to 50 square feet may be placed on the building or installed as a stand-alone sign. Such sign shall not exceed seven feet in height and shall be of rigid construction (e.g., no banners).
   2. Multi-tenant:
      a. One sign is allowed on the wall of a tenant space until sold or leased.
      b. The sign may be up to 32 square feet and shall be of rigid construction (e.g., no banners).
      c. Standalone signs are not allowed; however, the sign may be contained within a tenant panel of a permanent standalone sign.

D. Construction:
   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 are allowed, provided:
      a. For businesses and residential subdivision developments, such sign shall not exceed 50 square feet in face area or seven feet in height. For individual residential lots, the sign shall not exceed six square feet in face area or five feet in height.
      b. Signs may be located only on the property where the construction is occurring.
      c. One sign shall be permitted for each five acres of property area, not to exceed a total of three signs for any project.
      d. Signs may be erected for a period of 60 days prior to construction and extend throughout the construction period. All such signs shall be removed upon the issuance of the county occupancy permit, or in the case of a residential subdivision, the issuance of county occupancy permits to 80 percent of the lots. If the project becomes dormant for more the sixty days, all signs shall be removed.

E. Nonprofit and cultural gatherings such as festivals:
   1. On lots where the event is occurring located within business districts and upon the premises of institutional land uses:
      a. Up to two signs are allowed with a face area not exceeding 32 square feet face area and a maximum of five feet in height.
      b. Use of such signs shall be limited to a period of 60 days in a calendar year, with a minimum of two months between any display period.
   2. In residential districts and business districts where the event is not occurring:
      a. One sign is allowed per parcel.
      b. The sign may be displayed a maximum of 30 days in a calendar year per event.

c. The sign shall not exceed six square feet in area or five feet in height.
d. A zoning permit is not required.

F. Special event signs authorized in business districts only:
1. Such signage may include banners or rigid changeable copy signs.
2. Signs shall have a face area not exceeding 32 square feet face area and a maximum of five feet in height. Alternatively, one or both signs may be placed on the building face.
3. No more than two signs may be displayed per road frontage or main shopping center entry of the business premises.
4. Special event signs shall be limited to three display periods, not exceeding 20 days per period, during each calendar year.
5. Additional allowance for grand openings:
   a. Permitted signage includes banners, pennants, streamers, balloons, and the like.
   b. Banners shall not exceed 32 square feet, and there shall be no more than four banners.
   c. A cold air balloon must be securely fastened to the ground or building.
   d. No sign or inflatable device shall exceed 12 feet in height.
   e. The grand opening must be specific to the premises.
   f. Signage for a grand opening may be displayed for not more than 31 days, and there shall only be one display period.

24.13 CLEARVIEW ZONE

In order to provide a clear view to the motorist, there shall be a triangular area of clear vision free of any obstructions where driveways, alleys, tracks and/or streets intersect. The size and configuration of this area shall be as illustrated in Chapter 23.

24.14 SPECIAL SIGN 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.

AUTO DIMMING FEATURE: A sensor or other device that automatically determines the ambient illumination and programmed to automatically dim the Electronic Message Sign according to ambient light conditions. To determine if nighttime brightness of Electronic Message Signs is excessive, the Community Development Director may reference standards developed by the International Sign Association ("ISA"), and as contained in the ISA publication "Night-time Brightness Level Recommendations for On-Premise Electronic Message Centers" (Updated August 2016), and/or other standards determined to be authoritative by the Director.

BANNER: A sign of lightweight fabric, vinyl or similar material that may be mounted to a pole or a building by a frame or grommet tie down. National, state or township flags shall not be considered banners. All banners shall be considered temporary signage.

BUILDING COMPLEX: A group of buildings with shared parking and shared entrances, that are functioning as a single or related complex as indicated by shared signage, shared landscaping, shared maintenance, overlapping facilities and the like. Common ownership and placement on a single parcel is a strong indicator of a Building Complex. However, absence of a single parcel or single ownership does not necessarily disqualify properties that have sufficient common elements.

BULLETIN BOARD SIGN: Any sign or structure located on the property of a public, institutional, religious or charitable organization containing a changeable message format used to announce its activities, rules, and the like (commonly, of cork and wood construction).

BUSINESS DISTRICTS: O-1, B-1, B-2, I, PBD.

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.

ELECTRONIC MESSAGE SIGN: Any sign that incorporates the use of video boards, lights, neon, liquid crystal display, LED, or other lighting devices that display a message or pattern to be viewed.

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

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 blinking light source, or which includes the illusion of blinking or intermittent light by means of animation or an externally-mounted intermittent light source.

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

INSTITUTIONAL USER: Those types of uses identified in Section 5.03A.

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

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

MONUMENT SIGN: A free-standing sign containing a proportional base, and includes the two column sign exception described in Section 24.09.

NONCONFORMING SIGN: A sign which was erected legally but which does not comply with subsequently enacted regulations.

OFF PREMISES SIGN: 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 the sign is located.

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 the property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are brought to the attention of the Zoning Inspector.

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, often designed to move in the wind.

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.

PRIMARILY DORMANT VEHICLE: A vehicle which is not moved for 15 days or longer from a set location or is unlicensed or inoperable. The word "moved" as used herein means taken from the set location to a point at least 150 feet away for a period not less than two consecutive days.

PROJECTING SIGN: Any sign affixed to a building or wall in such a manner that the face of the sign is perpendicular to the building wall or corner.

RIGHT-OF-WAY: Public road space.

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 roof.

REFACE: The replacement of any visible side of a sign containing text or images, but not the replacement of the sign cabinet or structural components.

SETBACK: The distance from the property line and right-of-way to the nearest part of the applicable building, structure, or sign (including sign cabinet, support structure or ancillary portions such as base or veneer).

SIGN FACE: Any visible side of a sign containing text or images. One sign normally has two faces unless wall mounted. Also referred to herein as "sign area", "face area" or "sign face area". See graphic examples contained herein.

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

SUBDIVISION SIGN: A monument or wall sign identifying a recognized subdivision, condominium, apartment complex, or residential development.

TEMPORARY SIGN: Any sign that 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 a 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.

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. Smoke shops, 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.

H. If the improvement described in any zoning certificate or permit has not begun within one year from the date of issuance thereof, said zoning certificate or permit shall expire; it shall be revoked by the Community Development Director; and written notice thereof shall be given to the persons affected. Evidence of improvement shall be construction above or below ground.

If the work described in any zoning certificate or permit has not been completed within two (2) years of the date of issuance thereof, said certificate or permit shall expire and be revoked by the Community Development Director, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled certificate or permit shall not proceed unless and until a new zoning certificate or permit has been obtained or an extension granted. A one (1) time extension of up to one (1) year may be granted by the Community Development Director or his or her designee, if a request is received in writing and includes the reasons or basis for the proposed extension. These requests will be reviewed at the discretion of the Community Development Director or his or her designee.

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.

25.10 AGRICULTURAL USES in R-1, R-2, R-3, H, R-PUD, SRUV and T residential districts in accordance with Ohio Revised Code Section 519.21 are allowed as follows:

A. For properties described in Ohio Revised Section 519.21(B)(1) (generally, lots under one acre), agricultural uses are limited to the keeping of Household Pets only.

1. 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.

2. Any doghouse, dog run or other accessory structure for Household Pet habitation, except for a chicken coop, shall be no larger than 24 square feet. No chicken coop shall exceed 30 square feet and seven feet in height.

3. No more than six chickens may be kept on a property. Chickens shall be securely confined to the rear yard area by fencing or structure.

4. Bees may be maintained as a hobby. Any beehive or bee structure must be located in the rear yard area at least 25 feet from any property line, and there shall be no more than two beehives per lot.

5. Anyone using their residential property for animal rescue shall at no time have more than a total of four Household Pets on the premises.

B. For properties described in Ohio Revised Code Section 519.12(B)(2) (generally lots from one to five acres), buildings or structures incident to the use of land for agricultural purposes are regulated as follows:

1. Structures for Household Pets and bees are subject to the conditions set forth in Section 25.10A.

2. The keeping of other animals or fowl (other than chickens) 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 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.

C. Household Pets are dogs, cats, indoor caged birds, snakes, mice, gerbils, ferrets, hamsters, rabbits, guinea pigs, fish, turtles, lizards, iguanas, similar indoor-only caged animals, and chickens (excluding roosters).

Chapter 26
Miamiville Planned Business Development
Overlay District

26.01 Purpose

A. General

This Overlay establishes requirements and procedures for approval of residential and business developments within the Miamiville "B-2" Zoned Business District as to encourage compatible land uses and maintain the district as being residential, promote development compatible with respect to the existing town buildings and layout of the community, maintain effective traffic flow and accessibility so as to reduce potential traffic hazards, promote public health and safety, and other purposes of the Miami Township Zoning Resolution.

Miamiville is a residential neighborhood in Miami Township with neighborhood commercial activity. It is the purpose of the Miamiville Planned Business Overly 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 residential or business developments, to prevent the deterioration of the property and protect private investments, and to promote public health, safety and welfare.

B. Objectives

This District is specifically designed to:

1. Encourage residential and business development in consideration of the historic nature of existing buildings and land uses, proposed and projected traffic, traffic improvements, accessibility, and compatibly with surrounding buildings and land uses,

2. Protect adjacent residential uses and the general quality of life of the residents wishing to continue to use their property for residential use;

3. Encourage creative planning in the design and arrangement of buildings, circulation, and access,

4. Maintain the character of the existing village,

5. Ensure that existing and anticipated land uses and traffic improvements will be developed in a manner that protect the general heath and safety;

6. Protect property and private investment;

7. Maintain an effective and safe level of traffic flow and accessibility so as to reduce potential traffic hazards;

C. Procedures

To achieve these purposes and objectives, special supplemental procedures to those applicable in the conventional underlying business district are established in this Overlay, under which development plans specifically designed to meet these objectives shall be submitted for review and/or 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.

26.02 Qualifying Conditions

A. Location and Boundary Area

The overlay District Site shall be located within the "B2" General Business Distrit of Miamiville. Please see attached map.

B. Permitted Uses

The principle permitted uses, conditional uses and accessory uses are as follows: all uses permitted in the "B-2" Business District, residential uses and parks.

C. Modifications to the Minimum Requirements

Modification to the requirements of the underlying zoning district as follows:

1. Rear yard requirements of 35 ft provided that adequate and effective landscape buffer is provided.

2. The minimum side yard setback shall be 7 feet. No further reduction of side yard will be permitted by inclusion of one half of an adjoining alley in computing the side yard requirement.

3. A reduction in the front yard setback to be consistent with the setbacks of buildings located on the adjoining properties. At no time shall a setback of more than 50 feet be required. The front yard requirement will be a minimum of not less than 10 feet from the right of way line, provided however that: a) parking is only in the rear of the property, b) the buildings main façade is oriented towards the street with opening to the 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.

4. Corner lots, the setbacks from each street right-of-way shall be 10 ft, the rear yard setback shall be 35 ft and the side yard setback shall be 7 ft, provided that 15ft is maintained between main buildings and adjoining buildings. The front and rear yards shall be measured along the lot dimension with the greatest depth.

5. Conditions for modifications shall be the same as Section 19.04B.

26.03 Standards & Guidelines

A. Lot

Lot size will be a minimum of 5,000 sq. ft. with 30% of the lot area in greenspace (trees, bushes, shrubs and grass)

B. Building Construction and Architectural Standards

1. Building construction is to be compatible with the historic nature of the existing buildings. Architectural features such as gables, crown moldings, porches and columns are encouraged

2. Building siding material shall be compatible with existing structures and shall include wood, vinyl, brick and stone.

3. Buildings will be limited to 6,000 total square feet and a maximum first floor total area of 3,000 square feet.

4. Buildings will be limited to a height of 35 feet.

5. An accessory building not part of the main building shall not occupy more than 30% of the rear or side yard. Total area of accessory buildings to one main building may not exceed a total of 1000 square feet.

C. Conversion of Residential Buildings to Mixed Use

Residential buildings converted to mixed use with residential rental on the second floor must maintain a square foot area in accordance with the minimum dwelling area for new developments as in accordance with Section 25.05 of the Zoning Resolution.

D. Signage Characteristics – the standards below supplement the standards of the Sign Regulations found in Chapter 24 of the Zoning Resolution

1. Single occupancy business uses will be permitted a maximum of two signs. One sign may be a freestanding ground sign. The other sign may be a wall sign or projecting sign.

2. Freestanding signs will be limited to a height of 4’ and maximum area of 25 square ft.

3. Direct or internally illuminated signs are prohibited, hidden indirect illumination will be permitted for ground signs

4. Pole signs are prohibited.

E. Parking Characteristics - Commercial

1. Whenever possible parking should be located on the side or to the rear of the building.

2. The perimeter of the parking area must be screened from adjoining residential through the use of landscaping, solid fencing or a combination of the two.

3. A six foot greenspace (trees, shrubs and grass) must be maintained between the right-of-way and any parking or vehicular area.

F. Lighting Characteristics

Parking lot and walkway lighting shall be shielded so that substantially all light emitted stays within the property lines.

G. Landscaping Characteristics

Landscaping shall be used to provide screens and buffers between business and residential uses.

H. Development Features

1. Development shall be planned, designed and constructed to preserve to the maximum extent possible existing trees and vegetation; and include screening and buffering such as the creation of berms and use of bushes, trees and shrubs to minimize the impact on adjacent uses.

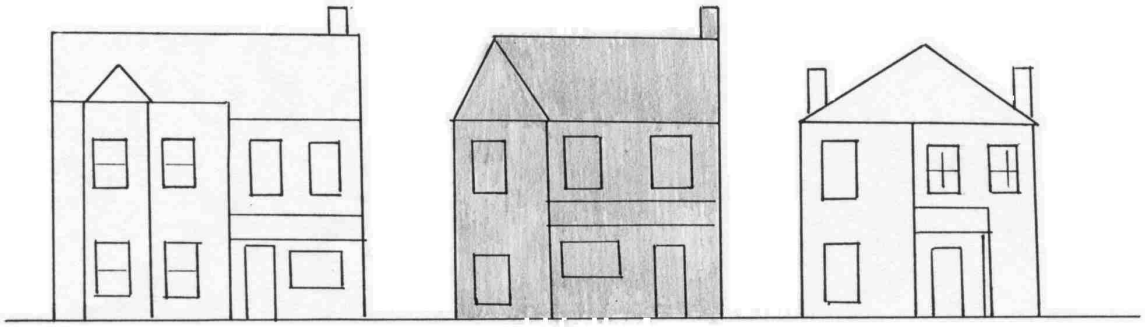
2. Development plans will take in consideration the affect the development's impact on natural drainage and ground leaching. Drainage shall be designed and constructed to not detrimentally affect adjacent properties.

I. Application and review procedures

All new business development and building expansions are subject to the site plan review requirements of Chapter 27 of the Zoning resolution.

J. Miamiville Planned Business District Overlay

Standards for Infill Development: New Construction shall be compatible with existing structures. New construction shall incorporate design features of existing buildings including gables, porches, moldings, et (see subsequent pages for examples.)



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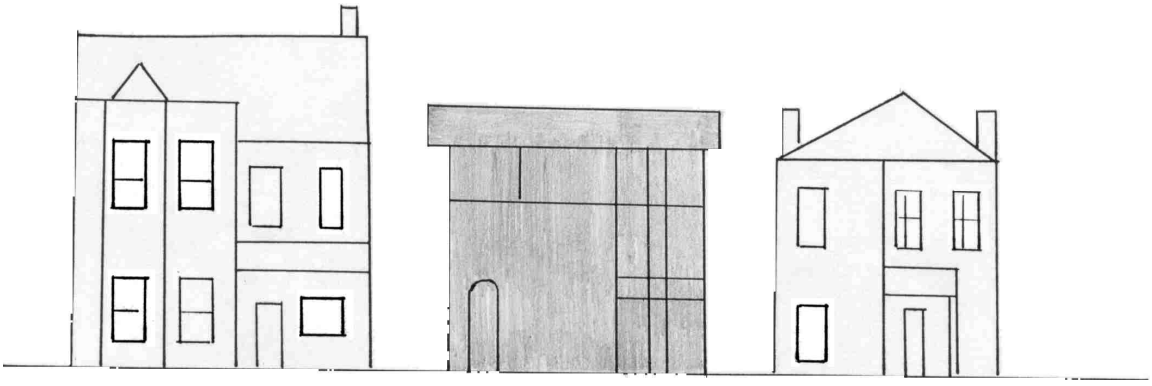

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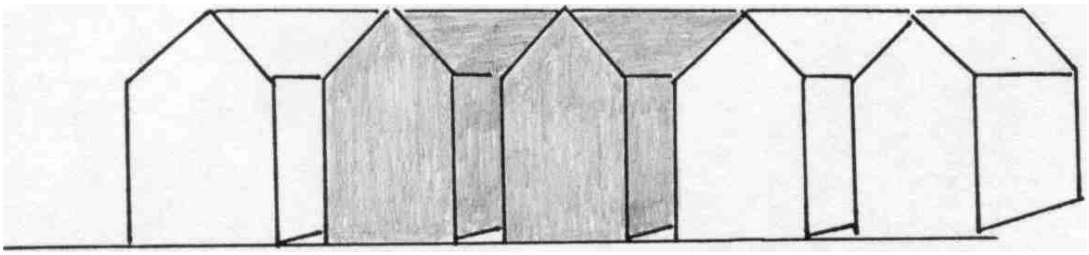
Standards for Infill Development: New Construction shall be compatible with existing structures. New structures cannot exceed 35 feet in height. Infill development shall incorporate design features of existing structures.



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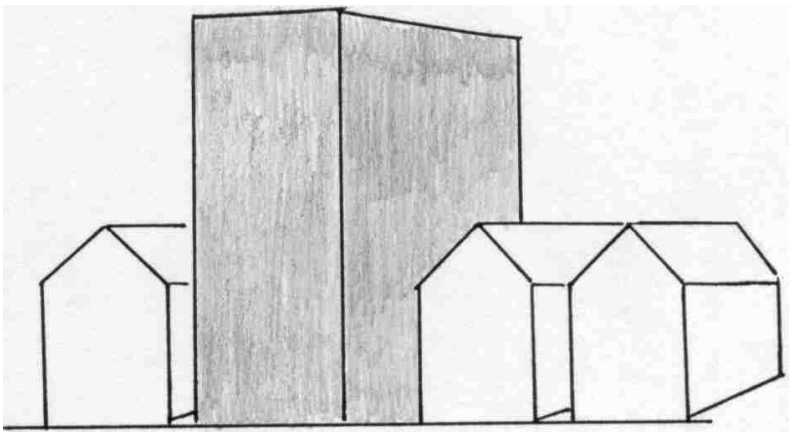

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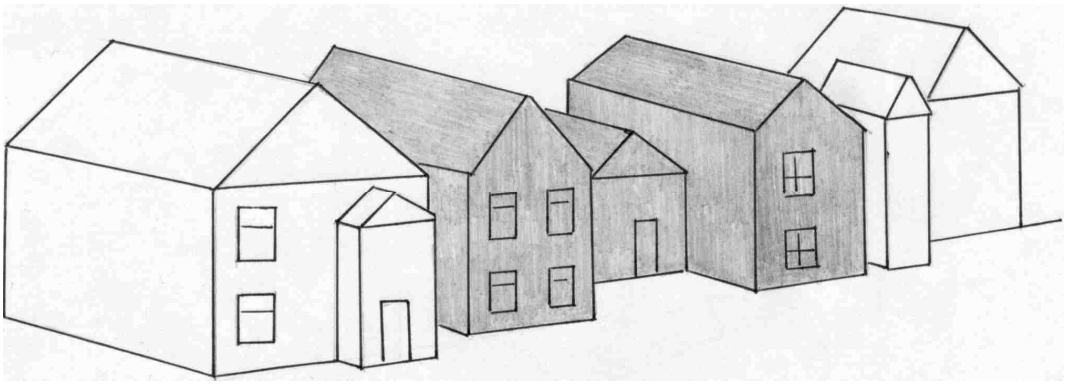
Standards for Infill Development: New construction shall be compatible with existing structures. The intensity and bulk of infill development shall be compatible.



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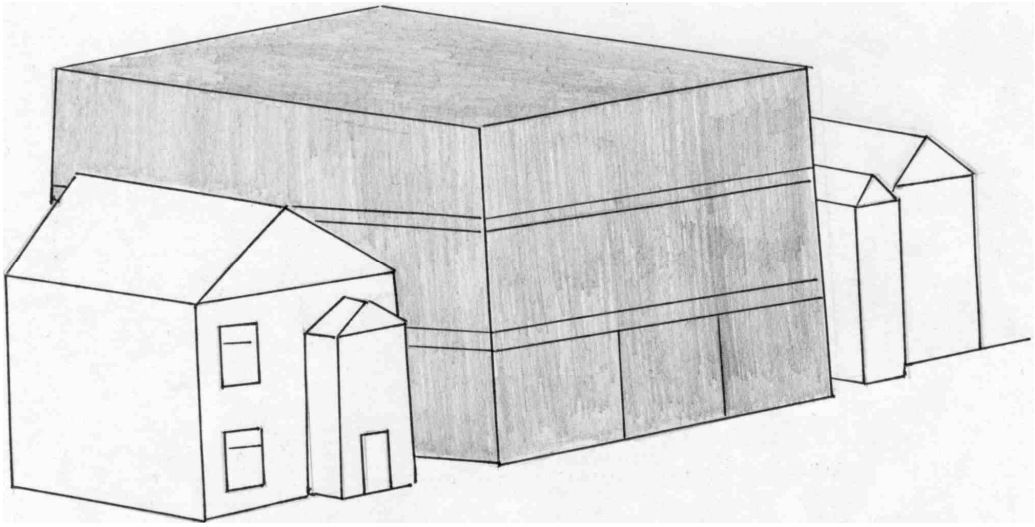

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Revised effective September 12, 2008
Formatting revised 3/12/2018

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 an 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-l" 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 an 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 but not more than 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.

BUILDING MATERIALS SALES BUSINESS: A business or organization that provides materials, supplies or parts to construct buildings, structures or surfaces. The materials, supplies and parts shall be new, or refurbished ready to install, or raw materials in ready to use form.

BUILDING MATERIALS SALES STORAGE YARDS: Interior or exterior storage areas for the equipment, materials, supplies and parts utilized by building materials sales businesses. Used or raw materials that are transformed on-site into a salable product or used by the business in a salable product may be stockpiled in sufficient quantities only to the extent to serve the business's active need for the salable product and must be regularly rotated.

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 I 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.

CONSTRUCTION WASTE: Building materials and other wastes associated with construction or demolition projects including but not limited to such materials as wood, concrete, drywall, masonry, roofing, siding, steel, metal, wire, insulation, plastics, styrofoam, fiberglass, strapping materials, cans, buckets, packaging materials, and containers.

CONTRACTOR BUSINESS: A business or organization that provides services, skills or trades to construct or maintain buildings, structures, grounds or facilities. Non-exclusive examples may include a general building contractor, a subcontractor such as an electrician or plumber, a company that builds/repairs public utility infrastructure, a landscaping company, a fence building company, or a business that builds/repairs specialty structural items like cellular communication towers.

CONTRACTOR STORAGE YARDS: Interior or exterior storage areas for equipment, materials or supplies that are used by Contractor businesses. Used or raw materials that are transformed on-site into a usable product by the business may be stockpiled in sufficient quantities only to the extent to serve the business's active need for the usable product and must be regularly rotated.

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 t0 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 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 or staff. A class I Type B group residential facility contains five 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 or more residents, exclusive of staff. A Class II Type B group residential facility contains five or less residents, exclusive of staff.

HOME OCCUPATION: Any activity conducted in a residential district for compensation, such as an occupation or profession, which is carried on by a member of the immediate family who resides at the premises.

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.

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 or more but not more than 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 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 135 degrees.

LOT, DEPTH OF: Horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE: A lot having a frontage on two 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 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 30 feet wide, other than a street or alley permanently reserved as the principal means of access to abutting property.

RECYCLING BUSINESS: A business or organization that intakes used wood, glass, paper, plastic or metal materials and repurposes them, at the same location, into a new product or raw material for sale at the location, or which new product is packaged and shipped to final users. Said materials may be stockpiled in sufficient quantities only to the extent to serve the business's active recycling activity and must be regularly rotated.

SHELTER SAFETY STATION: A structure with at least three 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.

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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.

SMOKE SHOP: Any business that derives fifty (50) percent or more of its revenue collectively from smoke, tobacco, electronic cigarettes, vaping products, CBD (or other marijuana derivatives), and/or similar items or paraphernalia.

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 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.

WASTE BUSINESS: a business or organization, that is not a Recycling business, that at a central location within Miami Township accepts, collects, stores, buries, fills, processes or transfers any sort of waste product, including construction waste.

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.

Revised - January 29, 2018

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 and one alternate, 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 in accordance with its bylaws.

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 and processed in accordance with the Ohio Revised Code. Any appeal must be submitted on a Miami Township authorized form.

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 area 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 in accordance with Ohio Revised Code Section 519.141.

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.

29.03 POWERS NOT GRANTED TO THE BOARD

A. The Board shall not have the powers to grant Use Variances. Those desiring a use not permitted in a zoning district under this Resolution may submit an application to the Miami Township Zoning Commission for consideration of a text amendment to allow such use. Said application will proceed through the normal text amendment review process.

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: _____