

BOARD OF TRUSTEES
KARL B. SCHULTZ
KENDAL A. TRACY
MARY MAKLEY WOLFF

FISCAL OFFICER
ERIC C. FERRY

ADMINISTRATOR
JEFFREY A. WRIGHT



MIAMI TOWNSHIP

6101 MEIJER DRIVE • MILFORD, OH 45150-2189

ADMINISTRATION
248-3725
248-3730 (FAX)
COMMUNITY DEVELOPMENT
248-3731
SERVICE DEPARTMENT
248-3728
POLICE DEPARTMENT
248-3721
FIRE/EMS
248-3700
PARKS / RECREATION
248-3727

RESOLUTION 2017-54

The Board of Trustees of Miami Township, Clermont County, Ohio met in regular session at the Miami Township Civic Building on November 21, 2017 with the following members present: Ken Tracy, Mary Makley Wolff and Karl Schultz.

A motion was made to adopt the following resolution:

AGREEING TO INITIATE AMENDMENTS TO THE ZONING RESOLUTION OF MIAMI TOWNSHIP, CLERMONT COUNTY, OHIO AND DISPENSING WITH THE SECOND READING

WHEREAS, Ohio Revised Code Section 519.12 provides that an amendment to a township zoning resolution may be initiated by the township board of trustees by resolution; and

WHEREAS, certain changes to the Miami Township Zoning Resolution (“Zoning Resolution”) have been recommended to the Board of Trustees of Miami Township (“Board”) to update standards, reduce regulatory burden, improve consistency internally and with other codes, address recurring zoning issues and remove obsolete provisions; and

WHEREAS, the Board desires to initiate the process to amend the Zoning Resolution in order to consider further the recommended revisions to chapters five, seven, eight, twenty-five and twenty-eight of the Zoning Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Miami Township, Clermont County, Ohio as follows:

- Section 1. Pursuant to Ohio Revised Code Section 519.12(A)(1), the Board hereby authorizes the initiation of amendments to the Zoning Resolution described above and as set forth in Exhibit “A” hereto.
- Section 2. Upon adoption, this Resolution shall be certified to the Miami Township Zoning Commission for processing in accordance with Ohio Revised Code Section 519.12(B) *et seq.*
- Section 3. The Board finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken

in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. The Board does hereby dispense with the requirement that this Resolution be read on two separate days, pursuant to Section 504.10 of the Ohio Revised Code, and authorizes the adoption of this Resolution upon its first reading.

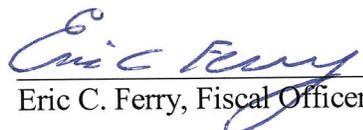
Section 5. This Resolution shall take effect at the earliest period allowed by law.

First Reading: November 21, 2017
Second Reading: Dispensed with
Effective: November 21, 2017

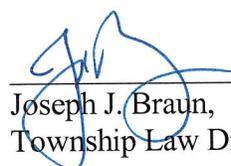
The motion was seconded and the resolution was adopted.

Resolution 2017-54 adopted November 21, 2017

ATTEST:


Eric C. Ferry, Fiscal Officer

APPROVED AS TO FORM:


Joseph J. Braun,
Township Law Director

CERTIFICATION OF FUNDS

I hereby certify that at the time of making of this certification the amount required to meet the obligations set forth in this Resolution has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrance.

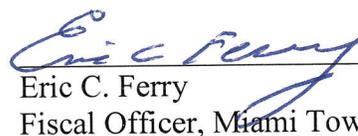

Eric C. Ferry
Fiscal Officer, Miami Township

EXHIBIT A

SEE ATTACHED

Editor's notes: modification to allow accessory buildings forward of the principal house on larger lots. Standardize regulation of accessory buildings in all residential districts. Clarify when accessory buildings may be constructed relative to new home construction.

Chapter 5

5.04 ACCESSORY USES:

- A. Accessory ~~buildings~~structures shall be permitted in the rear and side yards provided the accessory ~~building~~structure is behind the front line of the house. On corner lots the accessory building must be behind the front and side line of the house. 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.

5.08 OTHER DEVELOPMENT CONTROLS:

~~A. Buildings which are not a part of the main building shall be built in the rear yard. A. Accessory structures not otherwise specifically regulated herein shall be limited to the rear yard area.~~

~~B. Accessory buildings, which are to be used for storage purposes only, may be erected upon a lot concurrent with prior to the construction of the main building, but no accessory buildings shall be used for dwelling purposes.~~

Formatted: Indent: Left: 0.5", No bullets or numbering

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

REQUIREMENTS	"R-1" DISTRICT
--------------	----------------

C. MINIMUM YARD REQUIREMENTS:

1. Accessory Structure (~~M~~minimum setback from side and rear yards, except for forward placed accessory buildings under Section 5.04A)
- 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)

Chapter 7

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.

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

7.06 AREA REGULATIONS

~~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.~~ [editor note: this is covered in 5.06 E]

Formatted: Font: Calibri, 9 pt

7.08 OTHER DEVELOPMENT CONTROLS

~~C. Access to any buildings which are not a part of the main building shall be built in the rear yard and not less than three (3) feet from the rear and side lot lines. An accessory building which is not a part of the main building shall not occupy more than thirty (30%) percent of the required rear yard and shall be located not less than sixty (60) feet from any front lot line.~~

~~D. Accessory buildings, which are to be used for storage purposes only, may be erected upon a lot prior to construction of the main building, but no accessory buildings shall be used for dwelling purposes.~~

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

REQUIREMENTS

"R-3" DISTRICT

~~2. Accessory Structures~~

- ~~a. Stories 1
or whichever is less~~
- ~~b. Height 15 feet~~

Formatted: Justified, Indent: Left: 0.75"

Editor's Notes: Amendments to remove provisions pertaining to junk vehicles [junk vehicles are addressed in the Property Maintenance Code].

5.08 OTHER DEVELOPMENT CONTROLS:

~~H. If a motor vehicle remains unlicensed for thirty days or if it is in the process of being dismantled, it cannot be parked forward of the front house line or within ten (10) feet of a property line and if not garaged, it must remain covered by a tarpaulin or other commonly used screening material. Nor may no more than one such motor vehicle be parked on the property at one time.~~

7.08 OTHER DEVELOPMENT CONTROLS

~~H. If a motor vehicle remains unlicensed for thirty days or if it is in the process of being dismantled, it cannot be parked forward of the front house line or within ten (10) feet of a property line and if not garaged, it must remain covered by a tarpaulin or other commonly used screening material. Nor may no more than one such motor vehicle be parked on the property at one time.~~

Editor's notes: Amendments to remove obsolete provisions and procedures. Multiple family residential is effectively provided by the R-PUD and R3 regulations. Standardize map coloring.

Chapter 8

"R-4" PLANNED MULTIPLE RESIDENCE DISTRICT

Delete Chapter 8 in its entirety. Properties designated "R-4" on the zoning map shall be shaded to match the "R-PUD" Residential Planned Unit Development designation, but will continue to be governed by the approved "R-4" plan, if any, of record. Similarly, residential (not commercial) properties designated by the obsolete district "PUD" Planned Unit Development on the zoning map shall also be shaded to match the current "R-PUD" designation, but will continue to be governed by the approved "PUD" plan, if any, of record. Commercial properties designated by the obsolete district "PUD" on the zoning map shall be shaded to match the current "PBD" Planned Business District designation, while continuing to be governed by the approved plan of record.

Editor's notes: Amendments to provide objective review standards for home occupations

Chapter 25

Add new Section 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 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.
 - a. Mechanical equipment not customary for normal domestic household purposes may be parked or stored at a residential property, however, only within a completely enclosed structure.
- F. Activities associated with the Home Occupation shall create no more noise, disruption or delivery trips within the neighborhood except as would otherwise be found with ordinary residential use.
- G. Deliveries for the Home Occupation, including pickup, will not exceed one per day (not averaged) by a normal residential scale delivery vehicle plus mail delivery.
- H. The Home Occupation shall generate no more than a maximum of two customer/client trips to the premises in any given day (not averaged).
- I. The maximum area within all buildings used for the Home Occupation shall not exceed 400 square feet.

Chapter 28

Amend definition of Home Occupation as follows:

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, ~~residing on the premises. There shall be no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except such as is permissible for purely domestic or household purposes.~~

Other

Delete references to Home Occupation elsewhere in the Zoning Resolution.

Editor's notes: Amendments to simplify garage sales while still controlling excessive activity.

25.02 YARD SALES AND GARAGE SALES

Yard sales, garage sales and any other type of personal property sales in residential districts~~any Agriculture, Residential or P.U.D. District~~ 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 ~~(3)~~ consecutive days with no more than ~~three~~four (4) 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~~Permit obtained from the Zoning Inspector 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~~conducted under the provisions of this Section~~ at a cost as set forth in an approved fee schedule. ~~Permit includes the right to erect sign(s)~~ Signs associated with yard and garage sales may be erected in accordance with Chapter 24, ~~Section 24.08~~, with no additional fee. ~~Zoning permit number shall be displayed at the site of the sale.~~