

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



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

FISCAL OFFICER
ERIC C. FERRY

MIAMI TOWNSHIP

6101 MEIJER DRIVE • MILFORD, OH 45150-2189

ADMINISTRATOR
JEFFREY A. WRIGHT

RESOLUTION 2018-58

The Board of Trustees of Miami Township, Clermont County, Ohio met in regular session at the Miami Township Civic Building on November 20, 2018, with the following members present: Mary Makley Wolff, Karl Schultz and Ken Tracy.

A motion was made to adopt the following Resolution:

AGREEING TO INITIATE AMENDMENTS (CONCERNING NOISE) 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, on October 16, 2018, the Board of Trustees adopted Resolution 2018-52 which established revised and comprehensive noise regulations for Miami Township; and

WHEREAS, the Board desires to initiate the process to amend the Miami Township, Clermont County, Zoning Resolution ("Zoning Resolution") to remove provisions governing noise in order to insure uniform noise standards within the Township.

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 initiates amendments to Sections 9.07E, 10.02A2, 10.03B, 10.06G, 11.02B4, 11.02E2, 11.03B, 11.06H, 12.08D, 12.08F3 and 29.02B1c of the Zoning Resolution and as shown more specifically 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 20, 2018
Second Reading: Dispensed with
Effective: November 20, 2018

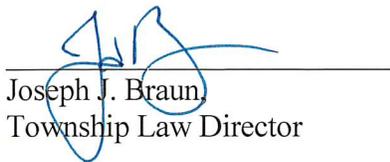
This motion was seconded and the resolution was adopted.

Resolution 2018-58 adopted November 20, 2018

ATTEST:


Eric C. Ferry, Fiscal Officer

APPROVED AS TO FORM:


Joseph J. Braun,
Township Law Director

CERTIFICATION

I, Eric C. Ferry, Fiscal Officer of Miami Township, do hereby certify that the foregoing is taken and copied from the Record of the Proceedings of Miami Township; that the same has been compared by me with the Resolution of said Record and that it is a true and correct copy thereof.


Eric C. Ferry, Fiscal Officer

EXHIBIT A

Chapter 9 "O-1" PROFESSIONAL OFFICE DISTRICT

9.07 GENERAL PROVISIONS

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

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Chapter 10 B-1 NEIGHBORHOOD BUSINESS DISTRICT

10.02 CONDITIONAL USES:

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

A. Indoor Commercial Recreation facilities, including arcades:

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

10.03 ACCESSORY USES

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

10.06 GENERAL PROVISIONS

- G. All uses permitted in this zoning district shall be conducted in such a manner so that no ~~noise~~, odor, smoke, glare, vibrations, or other impacts are evident from beyond the property line.

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Chapter 11 B-2 GENERAL BUSINESS DISTRICT

11.02 CONDITIONAL USE

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

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

3. The site design and building design must comply with sections 11.05 and 11.06 of this chapter.
4. All projects are subject to the site plan review requirements of Chapter 27.

11.03 ACCESSORY USES

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

11.06 GENERAL PROVISIONS

- H. All uses permitted in this zoning district shall be conducted in such a manner so that no ~~noise~~, odor, smoke, glare, vibrations, or other impacts are evident from beyond the property line.

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Chapter 12 “I” PLANNED INDUSTRIAL PARK DISTRICT

12.08 GENERAL PROVISIONS

- D. All uses in this zone shall be conducted in such a manner so that no ~~noise~~, odor, smoke, glare, vibrations, or other impacts are evident from beyond the property lines.
- F. Industrial use performance standards
 3. Environmental Requirements: No land or building in any district shall be used or occupied in any manner creating dangerous, injurious noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this ~~ordinance~~ 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:
 - i. ~~Sound—The sound pressure level of any operation on a lot, other than the operation of bells, motor vehicles, sirens or whistles, shall not exceed the average intensity of the street traffic noise at the~~

~~point of complaint and no sound shall be objectionable due to intermittence, beat frequency or shrillness. The impact of noise shall be mitigated where necessary through the application of such measures as sound walls, landscape mounds, etc. to deflect sound waves.~~

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Chapter 29
TOWNSHIP BOARD OF ZONING APPEALS

29.02 POWERS OF THE BOARD

- B. To authorize by conditional use certificates for the following uses provided the following conditions are met to the satisfaction of the BZA.
1. In the Planned Industrial Park District "I" the extraction of raw materials and related operations provided these conditions are met:
 - a. There shall be a buffer zone with a minimum width of 200 feet from non-industrial zones; and
 - b. Upon completion, abandonment, or other discontinuance of extraction operations, the land shall be restored in accordance with applicable State and Federal Reclamation statutes and/or rules and regulations; and
 - c. There shall be screening and fencing along the perimeter to prevent unauthorized access to the property; to limit visibility of the operations; and to prevent odor, dust, gas, ~~noise~~, or similar nuisances arising from the operations from adversely affecting adjacent properties; and
 - d. The screening and fencing required in 29.02 (b) (1) (c) shall be of materials generally utilized as screening and fencing such as mounding, shrubbery, trees, chain link fencing, and/or wood fencing; and