

**BEAVERCREEK TOWNSHIP
ZONING RESOLUTION**

**As recommended by the
Beavercreek Township
Zoning Commission
March 21, 1996**

**As adopted by the
Beavercreek Township
Trustees
May 20, 1996**

**Revised on
November 30, 2021
with
Resolution #20211130-ZC-A**

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ARTICLE 1

ARTICLE 1 SHORT TITLE

1.01 All of the zoning resolution and official zoning map of Beavercreek Township, together with all amendments and supplements thereto, shall be known as and may be cited as the "Zoning Resolution".

ARTICLE 2

ARTICLE 2 INTENT AND PURPOSE

2.01

This is a resolution for Beavercreek Township, Greene County, Ohio for regulating, in accordance with a land use plan, the location, height, area, number and size of buildings and other structures, percentages of lot area which may be occupied, size of yards, courts, and other open spaces, density of population, uses of buildings and other structures and the uses of land; and for such purposes dividing the area of the Township into districts and zones of such number, shape and area as are deemed best suited to carry out said purposes, providing a method of administration and prescribing penalties and proceedings for administration and enforcement of this Resolution.

The Beavercreek Township Board of Trustees, in accordance with enabling legislation for Township zoning as provided in Chapter 519 of the Ohio Revised Code hereby provides this Resolution is adopted for the purpose of promoting the public health, safety, convenience, comfort, prosperity and general welfare and morals conserving and protecting property and facilitating adequate but economical provision of public improvements.

ARTICLE 3

ARTICLE 3 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

3.01 CONSTRUCTION OF LANGUAGE

For the purposes of this Resolution, certain terms or words used herein shall be interpreted as follows: The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "uses" or "occupied" include the words "intended", "designed" or arranged to be used or occupied, the word "building" includes the word "structure" and the word "dwelling" includes the words "plot" or "parcel". In case of any difference of meaning or implication between the text of this Resolution and any caption or illustration, the text shall control. Terms not herein defined shall have the meaning customarily assigned to them.

3.02 DEFINITIONS

ACCESSORY USE OR BUILDING OR STRUCTURE: Is a use or building or structure on the same lot with, and of a nature customarily incident and subordinate, to those of the main use or building.

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

- (a) Adult Book Store: An establishment having a substantial or significant portion of its stock in trade, books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined or an establishment with a segment or section devoted to the sale or display of such material.
- (b) Adult Mini Motion Picture Theater: A facility with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- (c) Adult Motion Picture Theater: A facility with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

- (d) Adult Entertainment Business: Any establishment involved in the sale of services or products characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons, the exposure or presentation of “specified sexual activities” and/or “specified anatomical areas” and/or physical contact of live males or females, and which is characterized and/or portrayed by either photography, dancing, stripping, reading, massage, male or female impersonation, or similar activity or medium.
- (e) For the purpose of the definition of adult entertainment facility, “specified sexual activities” shall mean: (i) human genitals in a state of sexual stimulation or arousal; (ii) acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; and/or (iii) fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.
- (f) For the purpose of the definition of adult entertainment facility, “specified anatomical areas” shall mean: (i) less than completely and opaquely covered human genitals, pubic region, buttock, and female breasts below a point immediately above the top of the areola; and/or (ii) human genitals in a discernibly turgid state even if completely and opaquely covered.

AGRICULTURE: Includes farming; ranching; aquaculture; algaculture meaning the farming of algae; apiculture and related apicultural activities, production of honey, beeswax, honeycomb, and other related products; horticulture; viticulture, winemaking, and related activities; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production; and any additions or modifications to the foregoing made by the director of agriculture by rule adopted in accordance with Chapter 119 of the Revised Code.

AGRITOURISM (See Article 18.33.02):

1. **Agritourism**, per the Ohio Revised Code (ORC) 901.80 is “An agriculturally related educational, entertainment, historical, cultural, or recreational activity, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.”

2. **Agritourism Provider**, per ORC 901.80, is “A person who owns, operates, provides, or sponsors an Agritourism activity or an employee of such a person who engages in or provides Agritourism activities whether or not for a fee.”
3. A **Farm**, per ORC 901.80, is “Land composed of tracts, lots, or parcels totaling not less than 10 acres devoted to agricultural production or totaling less than 10 acres devoted to agricultural production if the land produces an annual yearly gross income of at least \$2,500 from agricultural production.”
4. **Agricultural Production**, per ORC 929.01, is “Commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a non-commercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth; land devoted to biodiesel production, biomass energy production, electric or heat energy production, or biologically derived methane gas production if the land on which the production facility is located is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use, provided that at least fifty percent (50%) of the feedstock used in the production was derived from parcels of land under common ownership or leasehold. Agricultural production includes conservation practices, provided that the tracts, lots, or parcels of land or portions thereof that are used for conservation practices comprise not more than twenty-five percent (25%) of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed under Section 929.02 of the Revised Code.
5. **Conservation Practices**, per ORC 5173.30, are “Practices used to abate soil erosion as required in the management of the farming operation, and include, but are not limited to, the installation, construction, development, planting, or use of grass waterways, terraces, diversions, filter strips, field borders, windbreaks, riparian buffers, wetlands, ponds, and cover crops for that purpose.”

ALLEY: Any public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

ALTERATION: Is any change, addition, or modification in construction, type of occupancy, increase in floor space, the consummated act of which may be referred to herein as "altered" or "reconstructed".

APARTMENT: A suite of rooms or a room in a multi-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit as defined under "family".

APARTMENT HOTEL: A building designed for or containing both dwelling units and Individual guest rooms or suites of rooms, which building may include accessory uses such as cigar store, coffee shop, etc., when such uses are accessible only from the lobby.

AUTO SERVICE STATION: Is a place where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises; including the sale of minor accessories and the servicing and minor repair of automobiles, not including storage of inoperable vehicles.

AUTO REPAIR STATION: Is a place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; over-all painting and under coating of automobiles.

AWNING: Is a roof like cover that is temporary or permanent in nature and that protects from the wall of a building for the purpose of shielding an area of a structure and constructed of a rigid supporting framework with a canvas, vinyl or fabric covering.

BASEMENT: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story, except as provided in Definitions: STORY and STORY (HALF).

BED & BREAKFAST (B&B): A single-family dwelling, occupied by the owner, in which one or more sleeping rooms is rented to non-family members, with at least one meal per day included, for a period not to exceed 30 days at a time by any individual client.

BLOCK: Is the property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate lines of the municipality.

BOARD OF APPEALS: Means the Board of Zoning Appeals of the Beavercreek Township, Greene County, State of Ohio.

BOARDING HOUSE: (Rooming House) A building other than a hotel, where for compensation and by prearrangement for definite periods, meals or lodging and meals, are provided for three or more persons, but not exceeding ten sleeping rooms. A rooming house or furnished rooming house shall be deemed a boarding house for the purpose of this Resolution.

BUILDING: Is any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind; excepting any type Mobile Home.

- (a) See Definition: ACCESSORY USE OR BUILDING OR STRUCTURE.
- (b) See Definition: MAIN BUILDING.
- (c) See Definition: NON-CONFORMING BUILDING.
- (d) See Definition: USE.
- (e) Temporary.

BUILDING FACE OR WALL: The linear length of a building facing the right-of-way or the linear length of the right-of-way facing the building, whichever is smaller.

BUILDING FRONTAGE: The linear length of a building facing the right-of-way or the linear length of the right-of-way facing the building, whichever is smaller.

BUILDING HEIGHT: Is the vertical distance measured from the established grade to the highest point of roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

BUILDING LINE: See Definition: LOT SETBACK LINE, (a) Front Setback Line.

CARRY-OUT: A place of business where food and beverage are purchased for consumption on or off the premises.

CLINIC: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professions.

CLUB: Is an organization of persons for special purpose or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

CONDITIONAL USE: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Schedule of Principal Permitted Uses.

CONDITIONAL USE PERMIT: This is a permit authorized by the Board of Zoning Appeals to allow certain specific developments that would not otherwise be allowed in that particular zoning district where the land is located. These permits are issued only after applicant has followed the procedures as stated in this Resolution. Development under a Conditional Use Permit differs from a zoning change in that it is much more specific.

CONVALESCENT OR NURSING HOME: An establishment which specializes in providing necessary services to those unable to care for themselves.

COUNTY PLANNING COMMISSION: Means the Regional Planning and Coordinating Commission of Greene County, Ohio. (RPCC)

CROWN SPREAD: The distance measured across the greatest diameter of a plant.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, street, and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

DISTRICT: Is a portion of the unincorporated area of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Resolution.

DRIP LINE: The outer perimeter of the crown of a plant.

DRIVE-IN: Is a business establishment so developed that its retail or service character is dependent on providing a drive-way approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, or within a building or structure on the same premises and devoted to the same purpose as the drive-in service.

DWELLING UNIT: Is a building or a portion thereof, designed for occupancy of one (1) family for residential purposes and having cooking facilities.

DWELLING, ONE FAMILY: Is a building designed exclusively for and occupied by one (1) family.

DWELLING, TWO FAMILY: Is a building designed exclusively for occupancy by two (2) families living independently of each other.

DWELLING, MULTIPLE-FAMILY: Is a building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

ERECTED: Includes attached, built, constructed, reconstructed, enlarged, moved upon, or any physical operations on the premises which are required for the construction. Painting of wall signs, but not including any copy changes on any sign, excavation, fill, drainage and the like, shall be considered a part of erection.

ESSENTIAL SERVICES: Is the underground, surface or overhead gas, electrical, telephone, telegraph, steam, fuel or water transmission or distribution systems, collection, communications, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or governmental departments for the general health, safety or welfare.

EXCAVATION: Is any breaking of ground, except common household gardening and ground care.

FAMILY: Is one or two persons or parents, with their direct lineal descendants and adopted children together with not more than two persons not so related, or a group of not more than four persons who need not be related, living together as a single housekeeping unit in a dwelling unit.

FEED LOT-COMMERCIAL: Fenced lots not directly associated with a bona fide agricultural operation and used solely for the feeding of animals for marketing purposes.

FENCE: Any structure other than part of a building of sufficient strength and dimensions intended to prevent straying from within or intrusion from without.

FLOOD: A temporary inundation of normally dry land areas.

FLOOD, ONE-HUNDRED YEAR: A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

FLOOD PLAIN: (1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODWAY: The designated area of a flood plain required to carry and discharge flood waters of a given magnitude. For the purposes of this Resolution and floodway shall be capable of accommodating a flood of the one-hundred (100) year magnitude.

FLOODWAY FRINGE: That portion of the flood plain outside the floodway.

FLOOR AREA: For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the interior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, porches, except basement areas designed and used for dwelling or business purposes.

FLOOR AREA GROSS: The sum of the gross horizontal areas of all the several floors of a building or buildings, including interior balconies and mezzanines. All horizontal measurements are to be made between the exterior faces of walls including the walls of roofed porches having more than one wall.

FLOOR AREA: **(For the purpose of computing parking requirements)**: that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, such as hallways, stairways and elevator shafts, or for utilities or sanitary facilities, shall be excluded from this computation of "floor area". Measurements of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

FREEWAY OR CONTROLLED ACCESS HIGHWAY: This term shall mean a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting land, or in respect to which such owners have only limited or restricted right or easement of access and which is declared to be a freeway as provided by the highway authority.

FRONTAGE: The distance between the side lot lines measured along a public road, except: (1) in the case of a cul-de-sac or other curved street where frontage shall be measure along the required front setback line; and (2) in the case of a corner lot where frontage shall be measured along the shortest front lot line.

GARAGE, PARKING: A space or structure or series of structures for the temporary storage or parking of motor vehicles, not primarily of commercial vehicles or for dead storage of vehicles, having no public shop or service in connection therewith, other than for the supplying of motor fuels and lubricants, air, water and other operating commodities not readily visible from or advertised for sale on the exterior of the building.

GARAGE, PRIVATE: An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned or used by the occupants of the building to which it is accessory.

GARAGE, SERVICE: Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

GRADE (GROUND LEVEL): The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, the above ground level shall be measured at the sidewalk, unless otherwise defined herein.

GROUND COVER: Natural mulch or low growing plants other than deciduous varieties installed in such a manner so as to form a continuous cover over the ground.

HEALTH STUDIO: Any building or part thereof used or designed to be used for weight training, physical exercise, gymnastics, and instruction in exercise and nutrition to benefit physical fitness. No massage, basketball, boxing, soccer, hockey, racquetball, handball, or similar activities shall be included in this definition.

HOME OCCUPATION: An occupation conducted in a dwelling unit when --

- (a) No person other than members of the family residing on the premises shall be engaged in such occupation
- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of floor area of the dwelling unit shall be used in the conduct of the home business:
- (c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home

- occupation other than one sign, not exceeding two square feet in area, non-illuminated and mounted flat against the wall of the principal building;
- (d) No home occupation shall be conducted in any accessory building;
 - (e) There shall be no sale on the premises of commodities not produced as a result of the home occupation;
 - (f) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution and shall not be located in a required front yard, and;
 - (g) No equipment or process shall be used in such home occupation which creates noise, vibrations, glare, fumes, odors or electrical interference detectable off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises, or causes fluctuations in line voltage off the premises.

HOSPITAL OR SANITARIUM: A public or semi-public facility that provides accommodations and continuous service for the sick and injured including obstetrical, medical and surgical care.

HOTEL: A building occupied as the more-or-less temporary abiding place of individuals who are lodged with or without meals in which there are ten (10) or more sleeping rooms and no provisions made for cooking in any individual room or apartment. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms and/or meeting rooms.

INTERIOR PROPERTY LINE: Property lines other than those fronting on a street, road or highway.

JUNK OR INOPERABLE VEHICLES: A vehicle shall be deemed a Junk or inoperable vehicle whenever any two (2) or more of the following occur:

- (a) The vehicle is without a valid current registration and/or license plate,
- (b) The vehicle is without fully inflated tires and/or has any type of support under it;
- (c) The vehicle is apparently inoperable if it has a substantially damaged window, windshield, door, motor, transmission, or other similar major part.
- (d) The vehicle is apparently inoperable if it has a missing window, windshield, door, motor, transmission, or other similar major part.

JUNK YARDS: (Salvage Yards) Is an open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packaged, disassembled or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of Junk but does not include uses established entirely within enclosed buildings. Two (2) or more inoperative or unlicensed vehicles shall be construed to be a Junk yard.

KENNEL OR CATTERY: Any lot or premises on which four (4) or more dogs, cats or other household animals more than six (6) months of age are bred, boarded or trained for commercial purposes.

LANDSCAPE MATERIAL: Landscaping consists of 1.) material such as, but not limited to, living trees, shrubs, vines, lawn grass, ground cover, and landscape water features; and 2.) nonliving durable material commonly used in landscaping including, but not limited to, rocks, pebbles, sand, decorative walls and fences, brick pavers and earthen mounds, but excluding pavements for vehicular use.

LATCH-KEY PROGRAMS: Programs providing care and oversight of children, primarily between the close of the school day and the end of the business day. Such programs require licensing by the State of Ohio and are intended to provide an alternative to children returning to an empty house after school is over; also known as "Schoolchild Day Care Center".

LIGHT MANUFACTURING: manufacturing activity that uses moderate amounts of partially processed materials to produce items of relatively high value per unit weight.

LINTEL: In this context, the line above the display windows and below transom windows (if any) on a store.

LOADING SPACE: Is an off-street space on the same lot with a building, or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Resolution.

LOT: Is a parcel of land occupied or to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provision of this Resolution. Every lot shall have a minimum frontage of forty (40) feet thereon and shall abut upon and have permanent access to a public street or may abut upon and have access to a private street to the extent such private street is:

- (a) Built or improved to meet Subdivision Street specifications as set

forthin the Subdivision Regulations: and

- (b) Subject to a recorded easement providing for access of governmental persons and equipment for the protection of the public peace, health, safety, and welfare and acknowledging the owners of such private streethave responsibility for the maintenance thereof and that the Township has no obligation for maintenance, snow removal, or traffic regulation thereon.

LOT OF RECORD: Is a parcel of land, the dimensions of which are shown on a document or map filed with the County Recorder of Deeds, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof. (See Definition: NON-CONFORMING LOT OF RECORD).

LOT AREA: Is the total horizontal area within the lot lines of the lot.

LOT, CORNER: A lot which has at least two contiguous sides, each abutting upon a street for its full length.

LOT FRONTAGE: The distance between the side lot lines measured along a public road, except: (1) in the case of a cul-de-sac or other curved street where frontage shall be measured along the required front setback line: and (2) in the case of a corner lot where frontage shall be measured along the shortest front lot line.

LOT, INTERIOR: Is any lot other than a corner lot.

LOT, THROUGH: Is any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage and front yards shall be provided as required.

LOT COVERAGE: Is the part or percent of the lot occupied by buildings, including accessory buildings.

LOT LINES: The lines bounding a lot as defined herein:

- (a) Front Lot Lines: In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot, through lot, or double frontage lot, front lot lines are those lines separating the lot from all streets immediately abutting the lot.
- (b) Rear Lot Line: Is that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot. In the case of a corner lot, the rear lot line is a point most distant from the front lot lines at which the two interior lot lines intersect. In the case of a through lot, there is no rear lot line.

- (c) Side Lot Line: Is any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT WIDTH: Is the horizontal distance between the side lot lines measured at the two points where the building line, or setback line intersects the side lot lines.

LOT SETBACK LINE: A line parallel to a lot line, thoroughfare, road or street, or right-of-way line at any story level of a building which represents the distance which all or any part of a building or structure is to be set back from said lot line, street, or right-of-way.

- (a) Front Setback Line: An imaginary line parallel to the front lot line extending the full width of the lot, representing the distance which all or any part of any structure or building is to be set back from the front lot line. In the event that the front lot line does not fall along a right-of-way line, then the front setback line shall be measured from a line parallel to and twenty-five (25) feet from the centerline of the street, road and thoroughfare.
- (b) Side Setback Line: An imaginary line parallel to any side lot line representing the distance which all or any part of any building is to be set back from a side lot line.
- (c) Rear Setback Line: An imaginary line parallel to any rear lot line representing the distance which all or any part of any building is to be set back from the rear lot line. In the case of a corner lot, the rear setback line is an imaginary line on an arc fifty (50) feet from a point most distant from the front lot lines at which the two side lot lines intersect. (See Figure 1)

LOT YARDS: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Resolution as defined herein:

- (a) Front Yard: Is an open space extending the full width of the lot the depth of which is the minimum horizontal distance between the front-lot line and the nearest point of the main building. In the case of a corner lot, through lot, or double frontage lot, is the minimum horizontal distance between the nearest part of the main building and the front lot lines.
- (b) Rear Yard: Is an open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard is an area bounded by the side lot lines and an imaginary

line on an arc fifty (50) feet from a point most distant from the front lot lines at which the side lot lines intersect. (See Figure 1)

- (c) Side Yard: Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

MAIN BUILDING: Is the building in which is conducted the principal use of the lot upon which it is situated.

MAIN USE: Is the principal use to which the premises are devoted and the principal purpose for which the premises exist.

MAINTAIN: To permit a sign, structure or any part of each to continue, or to repair or refurnish a sign, structure or any part of either.

MAJOR STREETS: Is an arterial street which is intended to serve as a large volume traffic way for both the immediate area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway or equivalent term to identify those streets comprising the basic structure of the thoroughfare plan.

MAJOR THOROUGHFARE PLAN: The official plan of the major highways and streets, on file in the office of the Greene County RPCC, including all amendments and supplements subsequently adopted.

MEZZANINE: Is an intermediate floor in any story occupying not to exceed two-thirds (2/3) of the floor area of such story.

MOBILE HOME: A manufactured relocatable residential unit containing not less than two hundred eighty (280) square feet of floor space, providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking and sanitation and is built to meet the standards and specifications of the Mobile Home Manufacturers Association. Removal of running gear shall not exempt a mobile home from this definition.

MOBILE FOOD TRUCK (MOBILE FOOD VEHICLE): Any apparatus or equipment that is used to cook, prepare or serve food for individual portion service, and that routinely changes or can change location and is operated from a moveable vehicle apparatus including, but not limited to, motorized vehicles or trailers and which requires a Township zoning permit to operate. This shall not apply to:

1. Canteen, coffee or ice cream trucks that move from place to place and are stationary in the same location for no more than 30 minutes at a time.

2. Food vending push carts and stands.

MOBILE HOME PARK: Any plot of ground upon which two or more mobile homes occupied for dwelling or sleeping purposes may be located.

MOTEL: Is a series of attached, semi-detached or detached rental units containing bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle. It may include all facilities specified under the definition of "HOTEL".

NON-CONFORMING BUILDING: Is a building or portion thereof, lawfully existing at the effective date of this Resolution or amendments thereto and that does not conform to the provisions of the Resolution in the district in which it is located.

NON-CONFORMING LOT OF RECORD: A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Greene County; or a parcel of land, the deed to which was of record as of the effective date of this Resolution; neither of which meets the minimum area, width, or frontage requirements of the Resolution.

NON-CONFORMING USE: Is a use which lawfully occupied a building or land at the effective date of this Resolution or amendments thereto and that does not conform to the use regulation of the district in which it is located.

NURSERY:

- (a) Plant Material - Is a space including accessory building or structure for the growing or storage of live trees, shrubs or plant materials not offered for retail sale on the premises, including products used for gardening or landscaping.
- (b) Retail - Is a space including accessory building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping.

NURSERY SCHOOL/DAY CARE CENTER: Any premise where care is provided for seven or more children, with or without compensation, except as exempted under the Child Day Care Licensing Law (ORC 5104.01-5104.99) of the State of Ohio. This definition includes private schools for pre-school children and "Latch-key" programs.

OFF-STREET PARKING LOT: Is a facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) vehicles.

OPEN SPACE: That part of a lot, including courts or yards which is open and unobstructed from its lowest level to the sky, accessible to all tenants upon the lot.

OPEN SPACE (COMMON): That area either dedicated to the public or commonly owned and/or available to all the residents of a Planned Unit Development area.

OWNER: A person recorded as such on official records and including duly authorized agent or notary, a purchaser, devisee, judiciary; and person having a vested or contingent interest in the property in question.

PARAPET OR PARAPET WALL: That portion of a building wall that rises above the roof level.

PARKING SPACE: Is hereby determined to be a minimum area of two hundred (200) square feet, measuring 10 x 20 feet, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

PENTHOUSE: A structure on top of a building roof such as houses an elevator shaft or similar form.

PERSON: Any individual, corporation, association, firm, partnership and like, singular or plural.

PLANNED UNIT DEVELOPMENT: Land under unified control, planned and developed as a whole according to comprehensive and detailed plans. Development may be a single operation or a definite sequential series of development operations including all lands and buildings, with a program for provisions, operation and maintenance of such areas, improvements and facilities necessary for common use by the occupants of the development.

PLANNING DIRECTOR: (Director), The Executive Director of the Regional Planning and Coordinating Commission of Greene County or his designee.

PLANTING AREA: Any area designed for landscape material installation.

POOL, SWIMMING: A structure constructed or placed below ground or above ground, which is suitable or utilized for swimming or wading.

PREMISES: An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

PUBLIC UTILITY: Is any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under state or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telegraph, telephone, transportation or water.

RECREATION CLUB OR ASSOCIATION: Any private organization, corporation, club, or Association formed principally for the purpose of the operation of recreation programs and/or facilities for the benefit of their members and guests and not for profit.

RECREATIONAL VEHICLE: Recreational vehicle means and includes the following:

- (a) A "travel trailer" is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer;
- (b) A "pick-up camper" is a structure designed primarily to be mounted on a pick-up truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses;
- (c) A "motorized home" which is a portable dwelling designed and constructed as an integral part of a self-mounted vehicle on wheels and designed for travel and vacation uses;
- (d) "Boats and boat trailers" (including floats and rafts), plus the normal equipment to transport the same on the highway; and
- (e) "Fold-out tent trailers".

RESTAURANT: An establishment whose primary business is serving food and beverages to patrons for consumption inside the building.

RIGHT-OF-WAY: Any privilege or right given to someone else over your land. Conveyance of right to use land (easement).

ROOF LINE: The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

ROW HOUSE OR TOWN HOUSE: A row of three (3) or more attached one (1) family dwellings, each unit of which extends from the basement to the roof.

SELF-STORAGE FACILITY: A structure in a controlled-access and/or fenced compound that contains varying sizes of stalls or lockers for storage of customers' goods and wares.

SETBACK LINE: See Definition: LOT SETBACK LINE

SIGN: Any object, device, display or structure or part thereof situated outdoors or adjacent the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

SMALL-SCALE LODGING: A building or portion thereof suitable for occupancy for sleeping or lodging for a period not to exceed 30 days at a time by any individual client. The building may or may not be owner-occupied, and the services provided may or may not include prepared meals or cooking and dining facilities. Examples of such buildings include but are not limited to brands such as "Airbnb", "Home Away", and "FlipKey".

SPECIFIED ANATOMICAL AREAS: Less than completely and opaquely covered human genitals, pubic region, buttock and female breasts below a point immediately above the top of the areola; and/or human male genitals in a discernibly turgid state even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Human genitals in a state of sexual stimulation or arousal: acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; and/or fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

STORY: Is that part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. If the floor level directly above a basement is more than six (6) feet above grade, such basement shall be considered a story.

STORY (HALF): Is an uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'6"). For the purpose of this Resolution, the usable floor area is only that area having at least four feet (4') clear height between floor and ceiling.

STREET: Is a public thoroughfare which affords the principal means of access to abutting property.

STRUCTURE: Is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

TEMPORARY USE OR BUILDING: See Definition: USE, (e) Temporary.

TENT: Any structure used for living or sleeping purposes, or for sheltering a public gathering constructed wholly or in part from canvas, tarpaulin, or other similar materials and shall include: shelter providing for circuses, carnivals, side shows, revival meetings, camp meetings and all similar meetings or exhibitions in temporary structures.

TOWNSHIP FACILITIES: Public buildings and/or land used in the provision of necessary Township services including but not limited to a Township Hall, Clerk's Office, Road Department, Township Garage, Police

Department, Fire Department, Cemetery Department, Township Parks and Zoning Department.

TOWNSHIP TRUSTEES: Means the Board of Township Trustees of Beavercreek Township, Greene County, Ohio.

USE: A purpose for which land, a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

- (a) Accessory: Is a use or building on the same lot with, and of a nature customarily incident and subordinate to, those of the main use or building.
- (b) Conditional: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Schedule of Principal Permitted Uses, Table 2.
- (c) Main: Is a building in which is conducted the principal use of the lot upon which it is situated.
- (d) Non-Conforming: Is a use which lawfully occupied a building or land at the effective date of this Resolution or amendments thereto and that does not conform to the use regulations of the district in which it is located.
- (e) Temporary: Is a use or building permitted to exist during periods of construction of the main building or use, or for special events, but not

inhabitable. Semi-truck trailers used as portable warehouses are considered to be temporary buildings and a permit shall be required when used for more than 30 days.

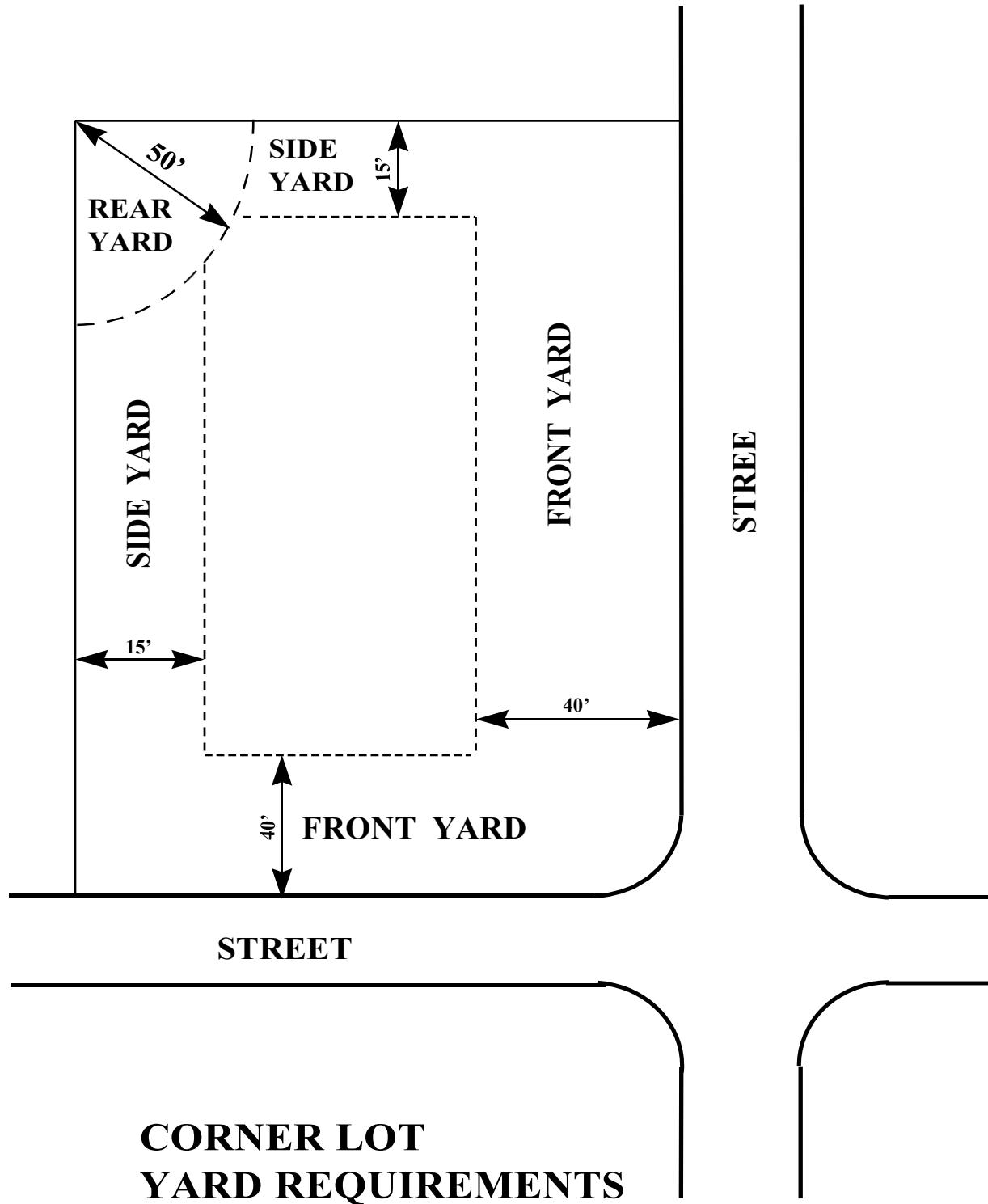
VARIANCE: Is a modification of the literal provisions of the Zoning Resolution granted when strict enforcement of the Zoning Resolution would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case as defined in Section 22.07.6.

VEHICULAR USE AREA: Any paved ground surface area, except public rights-of-way, used by any type of vehicle, whether moving or at rest for the following purposes, among other purposes: driving, parking, loading, unloading, storage or display.

YARDS: See Definition: LOT YARDS.

ZONING COMMISSION: Means the Zoning Commission of Beavercreek Township, Greene County, Ohio.

FIGURE 1



ARTICLE 4

ARTICLE 4 ZONING DISTRICTS AND MAP

4.01 DISTRICTS

In order to carry out the intent and purpose of this Zoning Resolution Beaver Creek Township is divided into the following districts:

- ES-2.5 Estate Residential District
- R-1AA One Family Residential District
- R-1A One Family Residential District
- R-1B One Family Residential District
- R-2 Two Family Residential District -1 and 2 family
- R-3 Multi-Family Residential District-3 and 4 family
- R-4 Multi-Family Residential District-5 or more families
- R-5 Mobile Home Residential District
- B-2 Community Business District
- B-3 General Business District
- B-4 Highway Business District
- O-1 Office Building District
- ORP-1 Office Research Park District
- RP-1 Research Park District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- A-1 Agricultural District
- F-1 Flood Plain Overlay
- () Wellhead Protection Overlay
- PUD Planned Unit Development Overlay

4.02 DISTRICT BOUNDARIES

The boundaries of the zoning districts listed above in Section 4.01 are shown on the Zoning Map of the Beaver Creek Township, Greene County, Ohio. This map together with all explanatory data thereon including all changes thereof as hereinafter provided, shall be incorporated and made part of this Resolution.

This official zoning map shall be identified by the signature of the Township Trustees attested by the Township Clerk and bearing the seal of the Township under the following words: This is to certify that this is the official zoning map referred to in Section 4.02 of the Zoning Resolution of the Beaver Creek Township, Greene County, Ohio (including date of adoption). If, in accordance with the provisions of this Resolution, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official zoning map within 30-35 days after the amendment has been approved by the Trustees together with an entry on the official zoning map as follows: "On (date), by official action of the Trustees

the following change(s) were made" (with reference number to Trustees proceedings).

The original and one copy of the official map are to be maintained and kept up-to-date, one copy on public display in the Township Building, and the original in the Clerk's Office, accessible to the public, and shall be final authority as to the current zoning status of lands, buildings and other structures in the Township.

4.03

UNCERTAINTY OF BOUNDARY LOCATION

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines:
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lines:
3. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of a natural change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extension of features indicated in subsections 1 through 5 above be so construed. Distances not specifically indicated on the Official Map shall be determined by the scale of the map:
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Board of Appeals shall interpret the district boundaries.

ARTICLE 5

ARTICLE 5 ES-2.5, R-1AA, R-1A, R-1B ONE FAMILY RESIDENTIAL DISTRICT

5.01 INTENT (R-1AA, R-1A, R-1B)

These districts are the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density single unit dwellings plus certain other facilities which serve the residents living in the district. (Public sewer and water requirements construed in accordance with Section 18.19).

INTENT (ES-2.5)

The intent of the Rural Residential Estate District is to recognize the existence of and the demand for residential lots of a relative rural and spacious nature on which agricultural activities may represent only a minor use by the occupants. Its purpose is to allow platted rural estate development to occur at an overall net density of two and one-half (2.5) acres per dwelling unit yet allow variable lot sized within the development based on physical characteristics of the site. Individual lots created outside of a plat by survey record shall be not less than 2.5 acres in area and have at least 175 feet frontage. This district is intended for application in outlying rural areas where urbanization and the extension or creation of central water supply and wastewater disposal systems are either not appropriate or not expected to occur for an extended period of time into the future. Where public water is available the net density may be increased to two (2) units per acre. Under no circumstance shall a lot be less than one (1) acre. It is the intent of this district to encourage the proper placement of planned residential estate development within Beavercreek Township in coordination with Greene County Subdivision Regulation through flexible lot requirements in an effort to insure the following:

- 1) On-going adequacy of the underground water supply.
- 2) Sufficient lot area for long term use of individual on-site leaching devices for wastewater disposal.
- 3) The protection of prime agricultural soils and other irreplaceable natural resources.

The Rural Residential Estate District should only be encouraged in those areas of Beavercreek Township which do not possess prime agricultural soils and/or in areas where similar non-farm residential development have already occurred to such an extent that the principal use of the land for large scale agricultural activities is no longer desirable. Determinations for whether these criteria are met may be required by the Community Development and Risk Department when considering an application for ES-2.5 zoning changes.

5.02 PERMITTED PRINCIPAL USES

1. One family dwelling, not including trailer or tent dwellings, or Mobile Home.
2. Public community center buildings, parks, playgrounds.
3. Township facilities with conditions
No Township Facility other than Township Parks, Police Dept., and Fire Dept. are permitted. Township Facilities must meet the conditions of Article 18.35.
4. Agritourism. (See Article 18.33.02)

Approved 6-26-17
Resolution #2017-224

5.03 ACCESSORY AND BUILDING USES

1. Private garage for storage of vehicles of residents and employees.
2. Pools - Private: Private swimming pools for use by residents and guests only. See Section 18.23.
3. Rooms - Sleeping: The renting or leasing of rooms by a resident family. Provided, the number of roomers does not exceed two in any dwelling unit.
4. Short-term rental of properties during which the owner does not reside on the premises (e.g., AirBnB).
5. Signs Permitted as Accessory Uses: See Article 20.
6. Accessory Buildings - Section 18.05.

5.04 CONDITIONAL USES

The following uses are allowed in any R-1 residential district or ES-2.5 District provided a conditional use permit is granted by the Board of Zoning Appeals as provided in Section 22.08, of this Resolution, and further provided, that all buildings allowed by such conditional use permit shall be set back from all lot lines a minimum of three (3) feet for each one foot of building height unless otherwise stated herein.

1. Recreation areas or buildings operated by recreation clubs or associations for the benefit of their members and guests and not for profit provided that:
 - (a) Any building shall be located at least 100 feet from any adjoining

- residentially zoned property.
- (b) The property containing the recreation area or building must be located on and have at least 200 feet of frontage along an arterial roadway.
 - (c) The amount of property to be developed and utilized for recreation purposes must be a minimum of two acres in size.
 - (d) Any portion of the property that is adjacent to residentially zoned property shall be screened by an eight-foot-high solid wall, wooden fence, or combination of mounding and fencing installed along the property line of the adjacent residentially zoned property.
 - (e) Exterior lighting shall be limited to light sources located no more than 12 feet above the ground with a maximum of 150 watts per fixture.
 - (f) No parking area shall be allowed within 50 feet of any adjacent residentially zoned property.
 - (g) No recreation structures, facilities, or equipment of any sort may be located within 100 feet of any adjoining residentially zoned property.
 - (h) No conditional use permit shall be approved until the Board of Zoning Appeals has approved a site plan showing the exact location of all structures and facilities and the proposed development of the property.
 - (i) Community or club swimming pools are exempt from these requirements of Section 5.04 and shall be governed by the requirements of Section 18.23.
 - (j) The above requirements shall not apply to any recreation area or building owned, operated, or sponsored by a governmental entity.
 - (k) For purposes of this subparagraph 1 of Section 5.04, residentially zoned property shall mean property zoned ES-2.5, R-1AA, R-1A, R-1B, R-2, R-3, R-4, R-PUD and approved residential portions of a M-X PUD.
2. Public owned or leased buildings, public utility buildings, telephone exchanges, transformer stations and sub-stations, except garage and maintenance buildings, excluding public schools.
 3. Private academic schools and institutions of higher learning and libraries.

4. Convents in conjunction with churches or schools.
5. Cemeteries, when extension of existing cemeteries.
6. Churches.
7. Nursery Schools/Day Care Centers in accordance with Section 18.29.
8. Home occupations.

5.05 YARD REQUIREMENTS

See Table I, Schedule of Yard and Lot Requirements. Where R-1B adjoins R-1AA or R-1A, without intervening secondary or major thoroughfare, the adjoining lots shall be a minimum of 20,000 square feet, or an intervening permanent open space at least fifty (50) feet, shall be provided.

5.06 BUILDING HEIGHT REGULATIONS

In any R-1 residential district, no building shall be erected in excess of any height and number of stories standards set forth by the Ohio Building Code.

5.07 ACCESSORY PARKING

Two car spaces for each dwelling unit. Parking for other uses - See Section 18.16.

5.08 SIGNS

See Article 20 for size and location of permitted signs.

5.09 PLANNED UNIT DEVELOPMENT OPTION

Planned Unit Development Districts may be applied for if the proposed development deviates from the requirements of Article 5, ES-2.5, R-1AA, R-1A, R-1B One Family Residential District.

ARTICLE 6

ARTICLE 6 R-2 TWO FAMILY RESIDENTIAL DISTRICT

6.01 INTENT

This district recognizes the existence of older residential areas of the Township where larger houses have been or can be converted from single family to two family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization. This district also allows the construction of new two-family residences where slightly greater densities are permitted. (Public sewer and water requirements construed in accordance with Section 18.19.)

6.02 PERMITTED PRINCIPAL USES

1. Two-family dwellings.
2. Those principal uses permitted in R-1 Districts.
3. Township facilities with conditions:
No Township Facility other than Township Parks, Police Dept., and FireDept. are permitted. Township Facilities must meet the conditions of Article 18.35
4. Agritourism. (See Article 18.33.02)

Approved 6-26-17
Resolution #2017-224

6.03 ACCESSORY USES

Those accessory buildings and accessory uses customarily incidental to the Permitted Principal Uses permitted in the R-1 district.

6.04 CONDITIONAL USES

1. Those conditional uses permitted in R-1 districts.
2. Nursery School/Day Care Centers in accordance with Section 18.29.

6.05 YARD REQUIREMENTS

See Table I, Schedule of Yard and Lot Requirements where R-2 adjoins R-1AA or R-1A, without intervening secondary or major thoroughfare, the adjoining lots shall be a minimum of 20,000 square feet, or an intervening permanent open space at least fifty (50) feet, shall be provided.

6.06 BUILDING HEIGHT REGULATIONS

In any R-2 district no building shall be erected in excess of any height and number of stories standards set forth by the Ohio Building Code.

6.07 ACCESSORY PARKING

1. There shall be provided four parking spaces for each two-family dwelling.
2. There shall be provided two parking spaces for each one family dwelling.
3. All other uses - See Section 18.16.

6.08 SIGNS

See Article 20 for size and location of permitted signs.

6.09 PLANNED UNIT DEVELOPMENT OPTION

Planned Unit Development Districts may be applied for if the proposed development deviates from the requirements of Article 6, R-2 Two-Family Residential District.

ARTICLE 7

ARTICLE 7 R-3, R-4 MULTI-FAMILY RESIDENTIAL DISTRICTS

7.01 INTENT

The purpose of these districts is to provide for medium and/or higher density residential areas and related areas.

7.02 PERMITTED PRINCIPAL USES

1. One family dwelling in R-3.
2. Two family dwellings.
3. Multiple dwellings (See number of family units in Table I).
4. Boarding Houses.
5. Parish houses and convents in conjunction with churches or schools.
6. Public community center buildings, parks, playgrounds, golf courses.
7. Public libraries.
8. Row houses.
9. Town houses.
10. Township facilities with conditions
No Township Facility other than Township Parks, Police Dept., and Fire Dept. are permitted. Township Facilities must meet the conditions of Article 18.29.
11. Agritourism. (See Article 18.33.02)

**Approved 6-26-17
Resolution #2017-224**

7.03 ACCESSORY USES

1. Garages shall be permitted for storage purposes only with no repair facilities.
2. Those accessory buildings and accessory uses customarily incidental to the Permitted Principal Uses in these districts.

7.04 CONDITIONAL USES

1. Those conditional uses permitted in R-2.
2. Convalescent or Nursing Home.
3. Dormitories and Group Housing.
4. Fraternities, Sororities, Clubs, Lodges, Social or Recreational Buildings or properties not for profit.
5. Hospitals, Clinics, Sanitariums for human care.
6. Offices of surgeons, physicians, dentists and other similar professional persons concerned with the community health and medical treatment of persons in R-4 districts only.
7. Offices of architects, engineers, artists and others employed in the graphic arts, in R-4 districts only.
8. Churches.

7.05 YARD REQUIREMENTS

See Table I, Schedule of Yard and Lot Requirements, where R-3 or R-4 adjoins R-1AA or R-1A, without intervening secondary or major thoroughfares, the adjoining lots shall be a minimum of 20,000 square feet, or an intervening permanent open space at least fifty (50) feet, shall be provided.

7.06 BUILDING HEIGHT REGULATIONS

In any R-3 district, no building shall be erected in excess of any height and number of stories standards set forth by the Ohio Building Code.

7.07 ACCESSORY PARKING

1. In any R-3 district or R-4 district, there shall be provided two parking spaces per dwelling unit.
2. There shall be provided one parking space for each two roomers.
3. For parking space required for other residential uses, see Section 18.16.

7.08 SIGNS

See Article 20 for size and location of permitted signs.

7.09 PLANNED UNIT DEVELOPMENT OPTION

Planned Unit Development Districts may be applied for if the proposed development deviates from the requirements of the R-3, R-4 Multi-Family Residential District.

7.10 SEWER AND WATER

In the R-3 and R-4 districts connections must be made to public water and sewer facilities.

7.11 TRAFFIC ARTERIES

R-4 district must be adjacent to an existing or proposed four-lane roadway.

ARTICLE 8

ARTICLE 8 R-5 MOBILE HOME RESIDENTIAL DISTRICT

8.01 INTENT

This district has been established to provide for Mobile Homes in Mobile Home Parks. All R-5 developments shall be submitted as Planned unit Development under Article 17. It is intended that Mobile Home Parks be located along streets of sufficient width to provide easy access without traffic congestion and without creating traffic hazards in surrounding areas.

8.02 PERMITTED PRINCIPAL USES

1. Mobile Homes (House Trailers). No mobile home shall be used for any purpose other than single family residential.
2. Agritourism. (See Article 18.33.02)

Adopted 6-26-17
Resolution #2017-224

8.03 ACCESSORY USES

1. Recreational facilities for residents of Mobile Home Park.
2. Accessory uses customarily incidental to the Permitted Principal Use.

8.04 DEVELOPMENT STANDARDS IN ADDITION TO OHIO ADMINISTRATIVE CODE CHAPTER 3701-27:

1. The Mobile Home Development shall be developed as a Planned Unit Development except that the style and type of mobile home shall not be required to be specified.
2. The minimum acreage of the Mobile Home District shall not be less than 10 acres with a minimum of 30 sites.
3. Each lot in the Mobile Home District shall be served by a Public Sewer and Water System.
4. Screening shall be provided along all rear and side property lines of the Mobile Home District which abut other residential districts. Such screening shall be in accordance with Section 18.17.
5. No mobile home or accessory building shall be located nearer than 70 feet from a major thoroughfare and shall not have direct access thereto.

6. No mobile home or accessory building shall be positioned nearer than fifteen (15) feet from an interior roadway.

7. Each mobile home space shall provide a paved stand (pad) under each mobile home consisting of concrete and of sufficient size to provide for placement of all mobile home supports on the pad. The pad must be of sufficient thickness and size to support the maximum anticipated loads during all seasons. It must be positioned at an angle in relation to the access street to make placement and removal of the mobile home practical. In place of a pad two (2) concrete ribbons of sufficient dimension for placement of all mobile home supports and of sufficient loads during all season, may be utilized.
8. Each mobile home stand shall be provided with anchors and tie-downs such as eyelets imbedded in the concrete at least at each corner of the mobile home stand to secure the stability of the mobile home.
9. Each mobile home shall be equipped and maintained with a skirt around the base, covering all of the undercarriage and running gear. Such skirting shall consist of aluminum or equivalent solid materials.
10. Each mobile home space shall provide two paved parking spaces off the roadway. Each parking space shall have an area of not less than 200 square feet either on the mobile home site behind the front setback area or in a common parking area within the mobile home development.
11. On a side other than that used for the parking spaces, a patio made of concrete a minimum of 10 ft. x 30 ft. shall be provided.
12. All areas of the mobile home space not covered by the mobile home or a paved area shall be covered and maintained by grass or other landscaping material and suitably maintained.
13. A three-foot concrete walk shall be provided along each side of all interior devices.
14. A minimum of one (1) acre or ten (10) percent of the mobile home development, whichever is larger, shall consist of open recreation areas. Streets, parking areas and park service facility areas shall not be considered as part of the required recreational area.
15. Where fuel is stored in outdoor storage tanks, they shall be supported by a concrete base and screened from the view of surrounding mobile home spaces and adjoining properties.
16. All refuse containers shall be screened from view of surrounding mobile home spaces and the street.
17. All utilities in the mobile home development shall be constructed underground.

18. Appropriate lighting shall be required along all interior streets and walkways and shall be so positioned and shaded to avoid a glare on adjoining properties.
19. No mobile home shall be located nearer than two hundred (200) feet from a side or rear yard of any other residentially zoned district.
20. All mobile home developments shall be located along a major street with sufficient frontage to provide at least two well-spaced access points.
21. Each mobile home space shall be so constructed to provide adequate storm water drainage from ramps, patios and all walls and foundations of the mobile home to the storm sewer.
22. Signs within the mobile home development shall be limited to a name plate not more than one square foot in area attached to each mobile home, necessary traffic control signs and directional signs indicating the location of utility buildings, including management office, parking areas and common recreation areas.
23. Commercial sale of mobile home units shall be prohibited in the mobile home development.
24. No building shall be erected in excess of any height and number of stories standards set forth by the Ohio Building Code.
25. Minimum width of all corner lots shall be fifty feet.

8.05

SIGNS

1. One free standing (two-sided) sign permitted per mobile home park.
2. Sign area shall not exceed sixteen (16) feet square per side.
3. See Article 20.

Beavercreek Township Zoning Resolution

ARTICLE 9

Article 9: HBO - HIGHWAY BUSINESS OVERLAY DISTRICT

9.1 Purpose

The purpose of the Highway Business Overlay District (HBO) is to establish special design standards that are unique to properties with visibility from US Route 35 (US-35). The standards are created specifically to address the unique existing and desired physical, architectural, and commercial characteristics that are inherent to this particular area in order to:

1. Benefit the property owners within and adjacent to the district;
2. Allow for uses that serve the community, as well as the region.
3. Guide appropriate change that will enhance the character and sustainability of the business climate; and
4. Promote development of the area adjacent to the highway in a coordinated manner.

9.2 Relationship to Underlying Base Zoning Districts

1. Development requirements of the HBO shall be applied in addition to any existing development requirements within underlying base zoning districts (UBZDs).
2. Where development requirements of the HBO conflict with the requirements in UBZDs which are not Planned Unit Developments (PUDs) the requirements of the HBO shall take precedence.
3. Where development requirements of the HBO conflict with the requirements in any Planned Unit Development (PUD), the requirements of the PUD shall take precedence.
4. If this Article does not mention or modify the requirements found in other Articles of this Resolution, the existing requirements of the UBZD shall be considered to be applicable unless specifically contradicted in this Article.
5. The Community Development and Risk Department may review conflicting requirements between the HBO and underlying zoning districts to determine which district's requirements shall apply, in keeping with the purpose statement of this Article.
 - a. If the decision rendered by the Community Development and Risk Department is challenged, an appeal may be made to the Beavercreek Township Board of Zoning Appeals, as described in Article 22 of this Resolution.

9.3 Overlay District Development Standards

1. Schedules of Permitted, Conditional and Prohibited Uses
 - a. The permitted uses for lots within the HBO shall follow the permitted and conditional uses of the underlying zoning district. See Table 2 of this Resolution for a matrix of permitted and conditional uses.
2. Allowable Lot Sizes and Coverage Limitations
 - a. Allowable lot sizes in the HBO shall be established in the underlying base zoning districts (see relevant Articles of this Resolution).
 - b. Structures shall not exceed 60% coverage of the land proposed for development.

- c. Total coverage of structures plus other impervious surfaces shall not exceed 85% of the land proposed for development.
 - i. Pervious surfaces, such as porous concrete, permeable asphalt, or interlocking permeable paving stones, shall not count towards the 85% maximum of allowable surface coverage.
 - ii. Pervious surfaces shall be engineered to retain at least the first inch of precipitation, and meet any requirements for pervious surfaces outlined by Greene County Soil & Water Conservation and the Greene County Engineer.
 - iii. Pervious surfaces shall be maintained and repaired as to reliably retain at least the first inch of precipitation, and to meet any standards outlined by Greene County Soil & Water Conservation and the Greene County Engineer.
 - 1. At the request of the Community Development and Risk Department, occupants of parcels containing pervious surfaces as described above shall present written documentation that those surfaces conform to any maintenance standards imposed by the Greene County Engineer and Greene County Soil & Water Conservation.
 - 2. If pervious surfaces fall out of good repair and cannot meet the standards required in this Article, such surfaces shall be repaired or replaced in such a manner as to conform totally to this Zoning Resolution.
- 3. Yards and Setbacks
 - a. Yard and Setback requirements shall adhere to those of the underlying base zoning district (see relevant Article of this Resolution), except that voluntary side yard setbacks shall be a minimum of ten (10) feet for properties located within the HBO.
- 4. Parking space requirements
 - a. Parking space requirements shall adhere to those of the underlying base zoning district (see relevant Article of this Resolution).
- 5. Landscaping and screening requirements
 - a. Landscaping and screening requirements shall adhere to those of the underlying base zoning district (see relevant Article of the Resolution).
- 6. All lots within the HBO will be subject to any Design Standards which are subsequently adopted by Beavercreek Township.

9.4 Accessory Uses

Accessory Uses in the HBD-O shall adhere to those of the underlying base zoning district (see relevant article of the Resolution).

9.5 Signs

Signage requirements shall be as outlined in a lot's UBZD (see Article 20 of this Resolution) with the following exceptions:

1. The allowable height of ground signs shall be forty (40) feet from the established grade of the lot on which the sign is situated to the top of the sign structure.
 - a. Ground signs taller than six (6) feet above the grade of the US-35 road pavement shall be pylon signs.
2. Wall signs shall be allowable to the height of the primary structure on the lot in which the sign is displayed. Wall signs shall not extend above the roof of the primary structure to which the sign is attached.

9.6 Permitting, approval and enforcement

1. The process for obtaining any permits for lots within the HBO shall follow the processes outlined in Section 19.03 of this Resolution for the underlying base zoning district of the lot, EXCEPT in the case of non-residential new building construction.
2. New non-residential construction permits issued for lots within the HBO shall be subject to a Specific Site Plan Review process as outlined in Section 9.7 and 9.8 of this Article.
 - a. Specific Site Plan applications shall not be considered officially filed until the applicant has submitted all applicable filing fees and submitted to the Zoning Department all information as may be required by this Zoning Resolution. Completeness of an application and submission of all necessary information is the responsibility of the applicant. Only after an application is determined by the Zoning Enforcement Officer and Planning Director to be complete and officially filed will application review procedures begin. Applications for specific site plan approval that do not adhere to the requirements of Section 9.7 of this Article may be considered to be incomplete, not officially filed, and not subject to Township review procedures.
 - b. The buildings, circulation, open space, landscaping and other elements of the proposed non-residential construction project shall be arranged, planned and designed on the site to produce:
 - i. Favorable relationships with the existing natural topography, bodies of water or water courses, existing desirable vegetation, exposure to significant views and exposure to sunlight and wind;
 - ii. Safety, convenience and ease of pedestrian and vehicular movement on, about and throughout the site and between the site and the community;
 - iii. An overall positive visual quality throughout, into and from the project site.

9.7 Specific Site Plan Application

The applicant shall officially file an application for a specific site plan with the Community Development and Risk Department. The applicant shall make payment to the Beavercreek Township in an amount equal to the established filing fee applicable to the specific site plan application. The application shall contain an application original and copies of all application

materials in a quantity specified by the Zoning Administrator. The application shall contain, but not be limited to, the following information:

1. Name, address and telephone number of the applicant. If the applicant is not the sole owner of the subject property, the application shall contain the name, address and telephone number of all owners of the property;
2. Each application shall be signed by the applicant, attesting to the truth and exactness of all information supplied on and with the application. If the applicant is not the owner of the property proposed for the specific site plan, the applicant shall submit a current notarized, written statement from the property owner(s) appointing the applicant as the owner's agent. The statement shall further acknowledge the owner's consent to be bound by the application, by any agreement made by the agent, and by all decisions made by the Township on this matter;
3. The legal description of the property incorporated in the proposed specific site plan;
4. A detailed site plan at a scale no smaller than one inch equals one hundred feet (1" = 100'), showing at minimum, the location, outline and use of all structures, all proposed public and private rights-of-way, vehicular streets and parking areas, pedestrian walkways and paths, and any bikeways. The applicant shall furnish an 8 1/2" x 11" transparency of this information suitable for projection by use of an overhead transparency projector onto a viewing screen;
5. All proposed vehicular parking areas shall be shown by total number of spaces, setbacks from structures and lot lines, dimensions of each parking space, location and dimensions of handicapped parking spaces, access aisles, points of ingress and egress, and landscaped areas. Fire lanes and location of "Fire Lane - No Parking" signs shall be shown;
6. The dimensions, height, gross floor area, entrances and setbacks of all structures;
7. The principal type of use, gross leasable floor area and entrances for all proposed business, office, industrial and nonresidential structures;
8. A map with contour intervals of two (2) feet which shows the proposed final topography of the development site;
9. Engineering studies and plans showing, to the extent determined appropriate by the Township, street improvements, nature and extent of earth work required for site preparation and development, location and size of water, sanitary sewer and storm drainage control systems, and waste disposal facilities;
10. Location of fire hydrants and any fire connections to buildings;
11. Any proposed street widening improvements and turn lane improvements adjacent to the project area;
12. Landscaping plans including the location and size of all landscaped areas, the location of all natural screening devices, type (species) and location of proposed vegetation, location and type of exterior materials of man-made screening devices, and initial (planting) and permanent (mature) height of all screening and buffering;
13. Lighting plans showing location and type of all proposed external lighting of parking, building and landscaped areas, streets and accessways;
14. Any additional information that may be required by the Zoning Administrator within fifteen (15) days of the date of submission.

9.8 Standards and Criteria for Specific Site Plan Approval

A specific site plan shall only be approved when the following standards and criteria are satisfied:

1. The specific site plan complies with the purpose and intent of this Zoning Resolution;
2. The proposed development carries out the purpose and intent of the Land Use Plan;
3. The proposed development promotes the health, safety and general welfare of the present and future inhabitants of the Township;
4. The proposed development has no significant detrimental impact that outweighs the development's benefits to the community;
5. The proposed streets and driveways on the site of the proposed project will be adequate to serve the residents, occupants or users of the proposed project, and the specific site plan, along with any necessary off-site vehicular circulation improvements, provides adequate vehicular ingress and egress and will be accessible from current or planned public thoroughfares adequate to carry traffic which will be imposed upon them by the proposed project;
6. The proposed project minimizes conflicts between vehicular, pedestrian and bicycle circulation patterns and movement;
7. The benefits of the proposed project mitigate any burden on public services and facilities, including fire and police protection;
8. The Specific Site Plan Application has been reviewed by agencies with a demonstrable interest in the design and execution of the proposed project, including, but not limited to:
 - a. Beavercreek Township Fire Prevention Department
 - b. Beavercreek Township Road Department
 - c. Greene County Soil and Water Conservancy District
 - d. Greene County Sanitary Engineering
 - e. Greene County Engineer
 - f. Any other agency which the Zoning Administrator designates as a potential stakeholder in the outcome of the proposed project.

9.9 Development Adjacent to the Creekside Trail Bike Path

Any parcel within the HBO and which adjoins or abuts the Creekside Trail Bike Path shall also be subject to the following development requirements:

1. When new development within the HBO requires a Specific Site Plan as outlined in Sections 9.6, 9.7, and 9.8 of this Article, that Site Plan shall include a buffered space between any non-residential structures and the Creekside Trail Bike Path. The Zoning Administrator will determine the area required for buffering, in keeping with the purpose statement of this Article.
 - a. Paved surfaces specifically designed to function as ingress/egress points for travelers along the Creekside Trail Bike Path shall be the only acceptable surfaces which may be constructed within the buffer.
 - i. Such surfaces shall be maintained in good repair and condition, and the responsibility of such maintenance shall be that of the owner or occupant of the parcel on which such surfaces are located.
 - b. No structures of any kind shall be erected within the buffer area.

2. In addition to any other landscaping and screening requirements found within a parcel's UBZD, parcels in the HBO which contain non-residential structures must provide screening when they abut or adjoin the Creekside Trail Bike Path. Such screening shall be included in the Specific Site Plan submitted in accordance with Sections 9.7 and 9.8 of this Article.
3. Screening shall be provided for one or more of the following purposes
 - a. As a visual barrier to partially or completely obstruct the view of structures or activities in order to minimize or prevent nuisances;
 - b. As an acoustic screen to aid in absorbing or deflecting noise; and
 - c. For the containment of ambient debris and litter;
4. Screening may be one of the following, or a combination of two or more:
 - a. A solid masonry wall;
 - b. A solidly constructed decorative fence;
 - c. A louvred fence;
 - d. Dense evergreen plantings, and/or
 - e. Landscaped mounding with ground cover

9.10 Other Applicable Regulations

1. It is recommended that all utilities be located underground in all new developments to the extent technically practicable.
2. In addition to the specific requirements of the overlay district established above, development within the district shall be subject to all other applicable requirements for development as established in this resolution.

9.11 Non-Conforming Uses, Land, Buildings, and Structures

Nonconforming uses, land, buildings, and structures located in the HBO shall be processed per Section 18.27 (Nonconformities) of the Beavercreek Township Zoning Resolution.

9.12 Appeals and Variances in Overlay Districts

The following provisions shall apply to appeals and variances in the overlay district outlined in this Article above:

1. At the discretion of the Community Development and Risk Department, administrative approval may apply to any permitted use or change of use that would not significantly affect the nature or appearance of the premises involved. Such actions shall be excluded from the requirements of this Article.
2. All uses not identified as permitted uses are prohibited or require a conditional use permit. Conditional use permits may be granted by the Board of Zoning Appeals, as described in Article 22 of this Resolution.
3. Fences, walls, signs, and similar types of improvements, or additions or alterations that will not significantly affect the appearance or function of existing uses will require administrative approval only. Such approval may be obtained by applying for a permit as described in Section 19.03 of this Resolution.

ARTICLE 10

ARTICLE 10 B-2 COMMUNITY BUSINESS DISTRICT

10.01 INTENT

The purpose of this district is to provide for a limited variety of retail stores and related activities and for office buildings and service establishments which serve the convenience and service needs of a consumer population of about 10,000. The district regulations are designed to provide for properly located small to medium size shopping complexes which will be serviced with conveniently located off-street parking areas and safe pedestrian movement. Excluded are major shopping complexes, retail businesses requiring support of a consumer population of over 10,000 and non-retail uses which generate a large volume of truck traffic. An integrated collection of structures and uses designed in a planned unit development is encouraged.

10.02 PERMITTED PRINCIPAL USES

See Table 2, Schedule of Permitted Principal Uses.

10.03 Conditional Uses

1. Plumbing, Heating, Air Conditioning and Electrical Appliance Sales and Repair Services and Household Appliance Repair Services under the following conditions:
 - (a) No outside display or storage is allowed on the premises.
 - (b) No equipment, machinery, materials, used or discarded items may be stored outside the building, except for trash contained within one dumpster, completely enclosed with a six-foot-high wall or privacy fence and gate.
 - (c) No accessory buildings shall be allowed on the premises.
 - (d) No parking or storage of construction equipment, construction vehicles, and/or trailers shall be allowed, and no storage structures or storage vehicles shall be allowed on the premises.
 - (e) No commercial vehicles may be left outside the building overnight.
 - (f) Fabrication and manufacturing or other operations producing a noise level not to exceed 50 decibels as measured at property line shall occur only and as permitted by the Board of Zoning Appeals.
 - (g) Access to the site shall not result in commercial oriented traffic through a single-family residential neighborhood.

- (h) The property, structure and use shall conform to all zoning requirements.

2. See Section 10.12.

10.04 ACCESSORY USES

Uses customarily accessory to the permitted uses.

10.05 LOT SIZE

The minimum lot size in this district shall be 30,000 square feet.

10.06 YARD REQUIREMENTS

In a community business district, the following minimum yard areas shall be provided:

1. Front Yards: A minimum front yard of 40 feet shall be provided except on any roads classed higher than the “minor collector” designation, where the setback shall be a minimum of 70 feet. Such setback shall be from the existing right-of-way or any proposed right-of-way. Where there is no officially established public right-of-way, all buildings shall be set back at least 95 feet from the centerline of the roadway.
2. Side Yards: No side yard is required if legal ingress and egress is permanently provided. If legal ingress and egress cannot be provided, then one of the side yards must equal fifteen (15) feet. If a side yard is provided voluntarily, it shall not be less than fifteen (15) feet.
3. Rear Yards: Rear yards of thirty (30) feet shall be provided, an additional one (1) foot of rear yard shall be provided for each two (2) feet of building height over twenty-five (25) feet.
4. Side and Rear Yard requirement for non-residential uses abutting residential districts: See Section 18.17 (4).
5. All business and commercial buildings in excess of 150 feet in length must have a twenty (20) foot clearance on three (3) sides for fire lanes. On high hazard buildings (as defined by the Southwest Ohio Fire Safety Council Unified Fire Code), a distance of no less than fifty (50) feet shall be between buildings. This area shall be reasonably level and solid enough to support fire equipment year-round.
6. From the right-of-way line there shall be a 10-foot landscaped area to be maintained in grass/plantings. No planting shall be higher than three (3) feet.

10.07 BUILDING HEIGHT REGULATIONS

No building shall be erected in excess of any height and number of stories standards set forth by the Ohio Building Code.

10.08 ACCESSORY PARKING

In a Community Business District, parking shall be provided as required in Section 18.16 of this Resolution.

10.09 OFF-STREET LOADING

Spaces shall be provided as required in Section 18.15.

10.10 SIGNS

See Article 20 for size and location of permitted signs.

10.11 SCREENING

See Section 18.17 for screening regulations for uses adjoining residential districts.

10.12 PLANNED UNIT DEVELOPMENT

Proposed developments are encouraged to be developed under Article 17, Planned Unit Development Districts. If the proposed development deviates from the requirements of the B-2 Community Business District or the development proposed more than one primary structure, a planned unit development may be proposed.

10.13 CONDITIONAL USES

See Table 2.

ARTICLE 11

ARTICLE 11 B-3 GENERAL BUSINESS DISTRICT

11.01 INTENT

The purpose of this district is to provide an integrated collection of structures and uses designed to provide for a large variety of retail stores and related activities and for office buildings and service establishments which serve the comparison, convenience and service needs of an unlimited consumer population. The district regulations are designed to provide for properly located major shopping complexes which will be serviced with conveniently located off-street parking areas and safe pedestrian movement, but to exclude non-retail uses which generate a large volume of truck traffic.

11.02 PERMITTED PRINCIPAL USES

See Table 2, Schedule of Permitted Principal Uses.

11.03 ACCESSORY USES

Uses customarily accessory to the permitted uses.

11.04 LOT SIZE

The minimum lot size for this district shall be two acres (86,000) feet.

11.05 YARD REQUIREMENT

In a General Business District, the following minimum yard areas shall be provided:

1. Front Yards: A minimum front yard of 70 feet shall be provided. Such setback shall be from the existing right-of-way or any proposed right-of-way. Where there is no officially established public right-of-way, all buildings shall be set back at least 95 feet from the centerline of the roadway.
2. Side Yards: No side yard is required if legal ingress and egress is permanently provided. If legal ingress and egress cannot be provided, then one of the side yards must equal fifteen (15) feet. If a side yard is provided voluntarily, it shall not be less than fifteen (15) feet.
3. Rear Yards: Rear yards of thirty (30) feet shall be provided, an additional one (1) foot of rear yard shall be provided for each two (2) feet of building height over twenty-five (25) feet.
4. Side and Rear Yard requirement for non-residential uses abutting residential district: See Section 18.17 (4).

5. All business and commercial buildings in excess of 150 feet in length must have a twenty (20) foot clearance on three (3) sides for fire lanes. On high hazard buildings (as defined by the Southwest Ohio Fire Safety Council Unified Fire Code), a distance of no less than fifty (50) feet shall be between buildings. This area shall be reasonably level and solid enough to support fire equipment year-round.
6. From the right-of-way line, shall be a 10' landscaped area to be maintained in grass/plantings. No planting shall be higher than three (3) feet.

11.06 ACCESSORY PARKING

In a General Business District, parking shall be provided as required in Section 18.16 of this Resolution.'

11.07 OFF-STREET LOADING

Spaces shall be provided as required in Section 18.15.

11.08 SIGNS

See Article 20, for size and location of permitted signs.

11.09 SCREENING

See Section 18.17 for screening regulations for uses adjoining residential districts.

11.10 PLANNED UNIT DEVELOPMENT

Proposed developments are encouraged to be developed under Article 17, Planned Unit Development Districts. If the proposed development deviates from the requirements of the B-3 General Business District or the development proposes more than one primary structure a planned unit development may be proposed.

11.11 CONDITIONAL USES

See Table 2.

ARTICLE 12

ARTICLE 12 B-4 HIGHWAY BUSINESS DISTRICT

12.01 INTENT

This district is designed to encompass those businesses which by their nature generate a large volume of traffic and which require special consideration in their placement so to prohibit possible traffic congestion and protect the residential community.

12.02 PERMITTED PRINCIPAL USES

See Table 2, Schedule of Permitted Principal Uses.

12.03 ACCESSORY USES

Uses customarily accessory to the permitted uses.

12.04 LOT SIZE

The minimum lot size in this district shall be 3 acres-129,000 square feet.

12.05 YARD REQUIREMENTS

In a Highway Business District, the following minimum yard areas shall be provided:

1. Front Yards: A minimum front yard of 70 feet shall be provided. Such setback shall be from the existing right-of-way or any proposed right-of-way. Where there is no officially established public right-of-way, all buildings shall be set back at least 95 feet from the centerline of the roadway.
2. Side Yards: No side yard is required if legal ingress and egress is permanently provided. If legal ingress and egress cannot be provided, then one of the side yards must equal fifteen (15) feet. If a side yard is provided voluntarily, it shall not be less than fifteen (15) feet.
3. Rear Yards: Rear yards of thirty (30) feet shall be provided. An additional one (1) foot of rear yard shall be provided for each two (2) feet of building height over twenty-five (25) feet.
4. Side and Rear Yard requirement for non-residential uses abutting residential districts: See Section 18.17 (4).

5. All business and commercial buildings in excess of 150 feet in length must have a twenty (20) foot clearance on three (3) sides for fire lanes. On high hazard buildings (as defined by the Southwest Ohio Fire Safety Council Unified Fire Code), a distance of no less than fifty (50) feet shall be between buildings. This area shall be reasonably level and solid enough to support fire equipment year-round.
6. From the right-of-way line, there shall be a 10-foot landscaped area to be maintained in grass/plantings. No planting shall be higher than three (3) feet.

12.06 BUILDING HEIGHT REGULATIONS

No building in the B-4 Highway Business District shall be erected in excess of any height and number of stories standards set forth by the Ohio Building Code.

12.07 ACCESSORY PARKING

Space shall be provided in accordance with the provisions of Section 18.16.

12.08 OFF-STREET LOADING

Spaces shall be provided in accordance with the provisions of Section 18.15.

12.09 SIGNS

See Article 20 for size and location of permitted signs.

12.10 SCREENING

See Section 18.17 for screening regulations for uses adjoining residential districts.

12.11 PLANNED UNIT DEVELOPMENT

Proposed developments are encouraged to be developed under Article 17, Planned Unit Development Districts. If the proposed development deviates from the requirements of the B-4 Highway Business District or the development proposes more than one primary structure, a planned unit development may be proposed.

12.12 CONDITIONAL USES

See Table 2.

ARTICLE 13

**ARTICLE 13 0-1 OFFICE BUILDING DISTRICT, ORP-1 OFFICE RESEARCH
PARK DISTRICT, RP-1 RESEARCH PARK DISTRICT**

13.01 0-1 OFFICE BUILDING DISTRICT

13.011 INTENT

The purpose of this district is to provide an area for clean, aesthetically pleasing, business office and professional buildings.

13.012 PERMITTED PRINCIPAL USES

See Table 2, Schedule of Permitted Principal Uses.

13.013 ACCESSORY USES

Those uses and buildings customarily incidental to the Principal Uses Permitted in this district.

13.014 CONDITIONAL USES

See Table 2-A.

13.015 YARD AND LOT REQUIREMENTS

In the Office Building District, the following minimum yard and lot requirements shall apply.

1. Minimum Lot Size: The minimum lot size for this district shall be 43,000 square feet.
2. Minimum Lot Width: The minimum lot width for this district shall be 125 feet.
3. Front Yards: A minimum front yard of seventy (70) feet shall be provided.
4. Side Yards: No side yard is required if legal ingress and egress is permanently provided. If legal ingress and egress cannot be permanently provided, then one of the side yards must be a minimum of fifteen (15) feet in depth. Side yards voluntarily provided shall not be less than fifteen (15) feet in depth.
5. Rear Yards: A minimum rear yard of thirty (30) feet shall be provided. An additional one (1) foot of rear yard shall be provided for each two (2) feet of building height over twenty-five (25) feet.

6. Side and rear yards abutting residential districts shall be subject to the requirements of Section 18.17.4.
7. All non-residential buildings in excess of 150 feet in length must have a twenty (20) foot clearance on three (3) sides for fire lanes. On high hazard buildings, a distance of no less than fifty (50) feet shall be between buildings. This area shall be reasonably level and solid enough to support fire equipment year round.
8. From the right-of-way line, there shall be a 10 foot deep landscaped area to be maintained in grass and plantings. No planting shall be higher than three (3) feet.
9. Land Occupancy: Structures shall not occupy more than thirty (30) percent of the land proposed for development.

13.016 BUILDING HEIGHT REGULATIONS

The building height in this district shall not exceed any height and number of stories standards set forth by the Ohio Building Code.

13.017 ACCESSORY PARKING

Spaces shall be provided as required in Section 18.16.

13.018 OFF-STREET LOADING

Spaces shall be provided as required in Section 18.15.

13.019 SIGNS

See Article 20 for size and location of permitted signs.

13.0110 LANDSCAPING

1. All yard areas not used for parking or ways for pedestrians or vehicles shall be maintained with grass and or shrubbery and trees so as to provide attractive green areas. This must be accomplished within six (6) months after issuance of zoning permit.
2. From the right-of-way line there shall be a ten (10) foot landscaped area to be maintained in grass/plantings. No shrubbery shall be higher than three (3) feet.
3. All landscaping shall be completed within six (6) months after the completion of the main building on the lot.

13.0111 SCREENING

See Section 18.17 for screening regulations for uses adjoining residential districts.

13.0112 PLANNED UNIT DEVELOPMENT

Proposed developments are encouraged to be developed under Article 17, Planned Unit Development Districts. If the proposed development deviates from the requirements of the O-1 Office Building District or the development proposes more than one primary structure, a planned unit development may be proposed.

13.02 ORP- OFFICE RESEARCH PARK DISTRICT

13.021 INTENT

The purpose of this district is to provide an area where certain office and professional uses can coexist with research and development type facilities. This includes office and professional services that generally do not generate a large amount of walk-in customers, and laboratories, engineering offices, prototype fabrication capabilities, test facilities, etc., arranged in a campus or park type setting with large open spaces to provide an environment for scientific and engineering personnel working on technical projects. A small amount of related production is permitted.

13.022 PERMITTED PRINCIPAL USES

1. See Table 2-A.
2. A maximum of 40% of the gross floor area of the principal building on a lot may be used for related light manufacturing.

13.023 ACCESSORY USES

Those uses and structures customarily incidental to the Principal Uses permitted in this district.

13.024 CONDITIONAL USES

See Table 2-A.

13.03 RP-I RESEARCH PARK DISTRICT

13.031 INTENT

The purpose of this district is to provide an area dedicated to research and development type facilities. This includes laboratories, engineering offices, prototype fabrication capabilities, test facilities, etc. arranged in a campus or park type setting with large open spaces to provide an environment for scientific and engineering personnel working on technical projects. A larger amount of related manufacturing is permitted than is in the ORP-1 district.

13.032 PERMITTED PRINCIPAL USES

1. See Table 2-A.
2. A maximum of 75% of the gross floor area of the principal building on a lot may be dedicated to related light manufacturing.

13.033 ACCESSORY USES

Those uses and structures customarily incidental to the Principal Uses permitted in this district.

13.034 CONDITIONAL USES

See Table 2-A.

THE FOLLOWING SECTIONS OF THIS ARTICLE APPLY TO ORP-1 OFFICE RESEARCHPARK DISTRICT AND RP-I RESEARCH PARK DISTRICT.

13.04 YARD REQUIREMENTS AND LOT SIZES

1. Front Yards:
 - (a) The front yard shall be a minimum of fifty (50) feet if parking is not permitted in the front yard of the building or a minimum of seventy (70) feet if parking is allowed in the front yard of the building. The required building setback shall be from the existing right-of-way or any proposed right-of-way where there is not established right-of-way. All buildings shall be set back at least ninety-five (95) feet from the centerline of the roadway or seventy-five (75) feet if no parking is allowed in the front yard.
 - (b) If the location of the development is across the street from any "R" District, the nearest fifty (50) feet to the right-of-way within the development shall be maintained in landscaping and no off-street parking shall be permitted in such areas.

2. Side Yards:

- (a) A minimum of twenty (20) feet on each side of the building shall be provided as side yards. This area shall be reasonably level and solid enough to support fire equipment year round.
- (b) If the location of the development site is adjacent to or contiguous with a District zoned R-1, the adjacent 200 feet of the development shall be developed as though it were R-1 and the lot sizes shall be the same as permitted in the adjacent zoned R District: or no non-residential uses (including buildings and/or parking lots) shall be constructed or permitted within 330 feet of the existing R District and screening as specified in Section 18.17 shall be required except that the non-residential uses shall not be located nor conducted closer than 330 feet.
- (c) If the location of the development site is adjacent to or contiguous with a district zoned R-2, the adjacent 160 feet shall be developed as though it were R-1 or R-2 and the lot sizes shall be the same as permitted in the adjacent zoned R Districts; or no non-residential uses (including buildings and/or parking lots) shall be constructed or permitted within 250 feet of the existing R District and screening as specified in Section 18.17 shall be required except that the non-residential uses shall not be located nor conducted closer than 250 feet.
- (d) If the location of the development site is adjacent to or contiguous with a District zoned R-3 or R-4, the adjacent 160 feet of the development may be developed as though it were R-2, R-3, R-4 or any Office Building District.

3. Rear Yards:

- (a) A minimum of forty (40) feet of rear yard shall be required.
- (b) If the development site is adjacent to or contiguous to an R District, the requirements of Section 13.04 (2) b, c, and d apply.

4. Lot Size: The minimum lot size shall be 43,000 square feet.

5. Lot Width: The minimum lot width for this district shall be 125 feet.

6. Land Occupancy: The combined area of all structures shall not occupy more than thirty-five (35) percent of the land proposed for development, excluding public streets and existing right-of-way or any proposed right-of-way where there is no established right-of-way.

13.05 BUILDING HEIGHT REGULATIONS

No building erected in this district shall exceed any height and number of stories standards set forth by the Ohio Building Code.

13.06 PARKING

- (a) The number of parking spaces required shall be as specified in Section 18.16 or the specific needs of the user, whichever is greater.
- (b) No on-street parking shall be credited to the number of spaces required.
- (c) Parking and driveway areas located between the building and the street shall be paved and also guttered with concrete at all perimeters.
- (d) Frontal parking areas shall provide for the planting of one tree (minimum size two and one half (2 1/2) inches in diameter) for every fifteen (15) parking spaces. Each tree shall be planted in a separate minimum nine (9) foot by twenty (20) foot island and protected by curbing at the perimeter. An equivalent number of existing trees may be substituted for this requirement. All landscaping shall be approved by the Zoning Enforcement Officer.
- (e) Parking area shall be set back a minimum of ten (10) feet from all property lines in the front yard.

13.07 OFF-STREET LOADING

- 1. Off-street loading provisions shall be provided in accordance with the requirements delineated in Section 18.15 of the Zoning Resolution.
- 2. No loading areas shall be permitted to face or front on any street. All such loading docks and doors shall be screened from public view by appropriate plantings or screening which is compatible with the building design and materials.
- 3. In case of conflict between the requirements delineated in this Article and Section 18.15, the requirements of this Article apply.

13.08 OUTSIDE STORAGE AND WASTE DISPOSAL

1. Outdoor storage shall be governed by Section 18.10 of the Zoning Resolution with the exception and/or addition that storage of articles, goods and or materials shall be limited to the rear yard of structure.
2. Outdoor storage of refuse and waste shall be governed by Section 18.10 of the Zoning Resolution with the exceptions and/or additions specified herein
 - (a) All outside storage of refuse and waste shall be stored in closed containers.
 - (b) The storage area and the containers shall be screened from public view by planting or opaque fencing not less than six (6) feet in height.
3. In case of conflict between this Article and Section 18.10 the requirements of this Article apply.

13.09 STREETS AND ACCESS ROADS

1. All streets within the Research Park District/Office Research Park District shall be located as specified in the Thoroughfare Plan. In the event the streets are not located on the Thoroughfare Plan, the developer shall propose the location for the streets and submit the street layout to the Planning Commission for approval during the subdivision review procedure.
2. The design and construction requirements for the streets, access roads and parking area shall comply with the requirements as established in the Subdivision Regulations.
3. Access to the parking areas and to the loading areas shall be as specified in Article 18.16 of the Zoning Resolution with the following exceptions and/or additions:
 - (a) No access street to the parking areas or loading areas shall be permitted within fifty (50) feet of a local or collector street intersection or within one hundred twenty (120) feet of an arterial street as measured from the intersection of the closest right-of-way lines.
 - (b) The width of access roads, aisles and driveways shall be as specified in Section 18.16 of the Zoning Resolution.

- (c) The maximum width of access roads at the curb cut shall be thirty (30) feet.

13.10 LANDSCAPING

- 1. All yard areas not used for parking, loading or ways for pedestrians or vehicles shall be maintained with grass and/or shrubbery and trees so as to provide attractive green areas. This must be accomplished within six (6) months after issuance of zoning permit.
- 2. From the right-of-way line there shall be a ten (10) foot landscaped area maintained in grass and/or plantings. No shrubbery shall be higher than three (3) feet.
- 3. All landscaping shall be completed within six (6) months after the completion of the main building on the lot.

13.11 SCREENING

See Section 18.17 for screening regulations.

13.12 SIGNS AND OUTDOOR ADVERTISING

All signage shall comply with Article 20 of the Zoning Resolution with the following exceptions and/or additions:

- (a) Free Standing Signs except as otherwise authorized in this Section, Projecting Signs, Canopy and Marquee Signs, Awning Signs and Sloping Roof Signs are not permitted in the Research Park District/Office Research Park District.
- (b) Ground Signs are permitted in the Research Park District/Office Research Park District under the following conditions:
 - (i) One ground sign with one (1) or two (2) faces is permitted for each premise having frontage on a public right-of-way(excluding alleys and service ways). The signage area shall not exceed twenty-four (24) square feet per side.
 - (ii) Ground Signs shall be designed to be viewed from the public right-of-way they front upon.
 - (iii) Minimum Setback:
 - (a) Ground Signs located within one hundred (100) feet of the nearest boundary of any parcel zoned residential on the same

public right-of-way must be set back the same distance as the setback for the adjoining residential property.

- (b) Ground Signs within a Research Park District/Office Research Park District must be set back a minimum of ten (10) feet from the public right-of-way.
 - (iv) One Ground Sign, either one or two faced, shall be permitted for two or more combined permitted business uses on the same premise and shall not exceed thirty-six (36) square feet.
 - (v) The maximum height of the Ground Sign above the established grade of the lot shall be six (6) feet.
2. Wall signs and Ground Signs are considered the preferred method of identification of the business.
 3. One Free Standing Sign or Ground Sign which identifies an entire Research Park District/Office Research Park District shall be permitted at each major arterial serving the park.
 - (a) The sign area shall not exceed fifty (50) square feet per side and maximum of 100 square feet total of all sides and shall not be elevated more than fifteen (15) feet above the established grade of the lot where said sign is located.
 - (b) The minimum sign set back from the major arterial servicing the Research Park District/Office Research Park District shall not be less than twenty (20) feet.

13.13

DEVELOPMENT STANDARDS

1. Utilities

- (a) Underground utilities including telephone and electric systems are required within both the Research Park District and the Office Research Park District.
 - (i) Any elevated high voltage electrical utilities shall be permitted only along the boundaries of the Research Park District/Office Research Park District and within the approved utility easements.
 - (ii) At no time shall any of the afore referenced utilities front any street within the Research Park District/Office Research Park District.

- (b) The minimum width of any utility easement shall be fifteen (15) feet.

2. Drainage

- (a) The storm water drainage system developed for the Research Park District/Office Research Park District may be proposed by the developer in compliance with the Erosion Control and Sediment Abatement Ordinance and in compliance with the Stormwater Management Plan and approved by the Zoning Commission as part of the zoning process; or
- (b) The erosion control plan shall be reviewed and approved during subdivision review if it is part of a submitted subdivision plan.

3. Outdoor Illumination

- (a) No person, firm or corporation shall erect, maintain or cause to be erected or maintained on site any illuminated sign or other lighting which causes glare, light or reflection of light upon adjacent residential premises or upon the street.
 - (b) All illuminated signs and other outdoor lighting shall be designed, placed, shielded or arranged so as not to cause a glare, light or reflection of light upon adjacent residential premises or upon the street.
 - (c) For the purposes of this article, a violation shall be deemed to exist if illumination at or beyond the boundary of any adjacent residential premises or street is in excess of 0.1 foot-candles when measured in both the horizontal and vertical planes at any one point along the property line: vertical foot-candles may be measured to heights of sixteen (16) feet above the ground surface, if visible to adjacent properties. A point by point computer printout by the fixture manufacturer is an acceptable measurement if it meets the above criteria for illumination by the Zoning Enforcement Officer.
4. The requirements of Article 18 apply. In case of conflict between this Article and Article 18, this Article shall apply.

13.14

PLANNED UNIT DEVELOPMENT REQUIREMENTS

All ORP-I and RP-I District developments may be developed under Planned Unit Development procedures in accordance with Article 17 of the Zoning Resolution.

ARTICLE 14

ARTICLE 14 INDUSTRIAL DISTRICTS

14.01 I-I LIGHT INDUSTRIAL DISTRICT

14.02 INTENT

The purpose of this district is to provide for industrial uses with limited objectionable external effects in areas that are suitable for industrial development by reason of location, topography, soil conditions and the availability of adequate utilities and transportation systems. The intent is to permit most manufacturing, wholesaling and warehousing activities that can be operated in a clean and quiet manner, subject only to those regulations necessary to prohibit congestion and the protection of adjacent residential and business activities.

14.03 PERMITTED PRINCIPAL USES

See Table 2, Schedule of Permitted Principal Uses.

14.04 ACCESSORY USES

Uses customarily accessory to the above uses.

14.05 CONDITIONAL USES

The following uses may be permitted by the Board of Zoning Appeals upon application and approval of a conditional use permit under the provisions of Section 22.08.

1. Excavation, storage, separation, clearing and marketing of sand and gravel.
2. Television and radio broadcasting towers.
3. Recreation facilities and customary buildings.
4. Heliport.

Effective 8-12-99
Effective 11-14-01

5. Automotive and Truck Rental Services.
 - a.) The use shall be determined to be compatible with and similar to adjacent uses.
 - b.) The rental service shall not include non-motorized vehicles, such as trailers.
 - c.) A maximum number of rental vehicles shall be established at the time of Board of Zoning Appeals approval.
 - d.) The parcel shall have a minimum size of 400 square feet per vehicle at maximum capacity in addition to all required open space and setbacks.

- e.) Parking areas shall be sufficient size to accommodate the total vehicle plus maneuvering and vehicle access, so as not to encroach on travel.
- f.) Parking spaces for automobiles and trucks shall be specifically identified on the site plan and shall be in addition to those parking spaces required for other uses on the site.
- g.) The requirements of Article 18.16 - Off-Street Parking Regulations, Article 18.17 - Screening and Buffering, and Article 18.22 - which requires barriers and minimum setback around parking areas shall be met.
- h.) All rental vehicles stored on the property shall be currently licensed and in operating condition.
- i.) No additional signs other than as permitted under Article 20 for the district shall be allowed
- j.) Applicant shall submit a site plan at a scale not less than 1 inch equals 40 feet including all layout and improvements.
- k.) Site plan shall be reviewed by any entity having jurisdiction over the parcel. The report shall be considered by the Board of Zoning Appeals.
- l.) To all conditions presented: Automotive and Truck Rental Service: Property/Facility shall not be within 1,250 feet of any agricultural or residential zoned property.

14.06 I-2 HEAVY INDUSTRIAL DISTRICT

14.07 INTENT

The purpose of this district is to provide for industrial and other uses that by virtue of their external affects, noise, glare, fumes, smoke, dust, odors, truck and/or rail traffic should be isolated from residential uses. These uses perform essential functions for the community, including employment, and should be provided for in areas that are best suited for heavy industrial development by reason of location, topography, soil conditions and the availability of adequate utilities and transportation system.

14.08 PERMITTED PRINCIPAL AND CONDITIONAL USES

See Table 2, Schedule of Permitted Principal Uses and Conditional Uses.

THE FOLLOWING APPLY TO BOTH LIGHT & HEAVY INDUSTRIAL DISTRICTS

14.09 YARD REQUIREMENTS

In an Industrial District, the following yards shall be required:

1. Front yards shall be not less than fifty (50) feet in depth, excepting where an Industrial District is adjacent or across a street from any residential district, the required front yard shall be not less than one hundred (100) feet.
2. No side yard shall be required, except where the side yard abuts a residential district, it shall be no less than one hundred (100) feet. Any portion of a side yard which is in excess of fifteen (15) feet from a side property line may be used for parking. If a side yard is provided voluntarily, it shall not be less than 10 feet in width.
3. Rear yards shall be not less than fifty (50) feet in depth except where the rear yard abuts a residential district, it shall be not less than one hundred (100) feet.
4. All business and commercial buildings in excess of 150 feet in length must have a twenty (20) foot clearance on three (3) sides for fire lanes. On high hazard buildings (as defined by the Southwest Ohio Fire Safety Council Unified Fire Code), a distance of no less than fifty (50) feet shall be between buildings. This area shall be reasonably level and solid enough to support fire equipment year-round.
5. From the right-of-way line, there shall be a 10-foot landscaped area to be maintained in grass/plantings. No planting shall be higher than three (3) feet.

14.10 LOT SIZE

The minimum lot size in I-1 Industrial and I-2 Industrial Districts shall be two acres (97,000 sq. ft.)

14.11 BUILDING HEIGHT REGULATIONS

In the Light Industrial District, no building shall exceed three (3) stories or forty-five (45) feet in height, nor shall any building exceed four (4) stories or sixty (60) feet in height in any Heavy Industrial District.

14.12 ACCESSORY PARKING

In an Industrial District, parking shall be provided as required in Section 18.16.

14.13 OFF-STREET LOADING

Space shall be provided in accordance with the provisions of Section 18.15.

14.14 SIGNS

See Article 20 for size and location of permitted signs.

14.15 SCREENING

See Section 18.17 for screening regulations for uses adjoining residential district.

14.16 LAND OCCUPANCY

Structures shall not occupy more than 40% of the land proposed for development in either I-1 Industrial or I-2 Industrial zoning.

14.17 PLANNED UNIT DEVELOPMENT

Proposed developments are encouraged to be developed under Article 17, Planned Unit Development Districts. If the proposed development deviates from the requirements of the I-1 Light Industrial District and I-2 Heavy Industrial District or the development proposes more than one primary structure, a planned unit development may be proposed.

ARTICLE 15

ARTICLE 15 F-1 FLOOD PLAIN RIVER PROTECTION DISTRICT

Effective June 8, 2005

These districts encompass underlying zoning districts and impose additional requirements above that required by the underlying zoning districts.

15.01 Intent and Purpose: The purpose of the Flood Plain Overlay District is to prevent the loss of property and life, to prevent the disruption of commerce and governmental services, to prevent the unnecessary and extraordinary expenditure of public funds for flood protection and relief, and to prevent the impairment of the tax base, by;

- a. Restricting, regulating, or prohibiting certain uses, activities, and developments from locating within areas subject to flooding;
- b. Regulating uses, activities, and developments which, acting alone or in combination with other existing or future uses, activities, and developments, will cause unacceptable increases in flood heights, velocities and frequencies;
- c. Requiring all those uses, activities, and developments that occur in flood-prone areas to be protected and/or flood proofed against flooding and flood damage; and
- d. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

15.02 Basis for Establishing the initial areas of the Flood Plain Overlay District: The degree of flood protection required by this Resolution is considered reasonable for regulatory purposes and is based upon the Flood Insurance Study for the Unincorporated Areas of Greene County, Ohio prepared by the Federal Emergency Management Agency. The Flood Insurance Study, with accompanying maps, is adopted by reference and declared to be part of this Resolution. Where detailed studies of the Floodway and Floodway Fringe have not been made available within the Flood Insurance Study, the following sources of data may be used to determine the necessary district boundaries for the purposes of this Resolution.

- a. Corps of Engineers–Flood Plain Information Reports.
- b. U.S. Geological Survey-Flood Prone Quadrangles.
- c. U.S.D.A., Soil Conservation Service-Flood Hazard Analysis Studies and County Soil Surveys (Alluvial Soils)
- d. Ohio Department of Natural Resources-Flood Hazard Reports and Flood Profile Charts.
- e. Known high-water marks from past floods.

- f. Other sources acceptable to the appropriate Beavercreek Township authority.

This Resolution does not imply that areas outside of the Flood Plain Overlay District as designated on the Official Zoning District Map or land uses permitted within such district will be free from flooding damages. This Resolution shall not create liability on the part of Beavercreek Township or any official or employee thereof for any flood damages that result from reliance on this Resolution.

15.03 Flood Plain Overlay District Sections: The Flood Plain Overlay District is hereby divided into three (3) areas in accordance with the Flood Insurance Study for the Unincorporated Areas of Greene County, Ohio: Floodway, Floodway Fringe, and General Flood Plain.

- a. Floodway: The floodway is delineated for purpose of this resolution using the criteria that a certain area within the flood plain must be capable of carrying the waters of the one-hundred (100) year flood. The floodway is shown on the Flood Insurance Study maps and tables.
- b. Floodway Fringe: The Floodway Fringe is defined as that area of the one-hundred (100) year flood plain not included in the Floodway. The basis for the outermost boundary of this area shall be the one-hundred (100) year flood elevations contained in the flood profiles of the above referenced Flood Insurance Study and as shown on the accompanying Flood Boundary and Floodway Map and on the Beavercreek Township Official Zoning Map.
- c. General Flood Plain: The general flood plain shall be that one-hundred (100) year flood plain area for which the floodway and floodway fringe areas have not been delineated, and for which no detailed flood profiles or elevations are provided. In determining the necessary elevations for the purpose of this Resolution, sources of data as identified in Section 15.02 a-f may be used when available.

Where the one-hundred (100) year flood elevation cannot be determined for an area using other sources of data, the applicant for the proposed use, development and/or activity shall, if requested to do so by the Zoning Inspector, determine the one-hundred (100) year flood elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis shall be

undertaken only by registered professional engineers, who shall demonstrate that the technical methods used correctly reflect current accepted technical concepts. Studies, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review as provided for in 15.06.

15.04 Overlaying of Existing Districts:

- a. The Flood Plain Overlay District described above shall be an overlay to the existing underlying district(s) as shown on the Official Zoning Map, and as such, the provisions for the Flood Plain Overlay District, shall serve as a supplement to the underlying district provisions.
- b. Where there happens to be any conflict between the provisions or requirements of the Flood Plain Overlay District and those of any underlying district(s) the more restrictive provisions and/or those pertaining to the Flood Plain Overlay District shall apply.
- c. In the event any provision concerning a Flood Plain Overlay District is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provisions shall remain applicable.

15.05 Zoning Map: The boundaries of the Flood Plain Overlay District are established per the Flood Insurance Study for the Unincorporated Areas of Greene County, Ohio and as shown on the Official Zoning Map of Beavercreek Township which is declared to be part of this Resolution and which shall be kept on file at the Beavercreek Township zoning inspectors office.

15.06 Boundary Changes: The delineation of the Flood Plain Overlay District boundary shall be revised as outlined in Article 24 of this Resolution.

Where natural or man-made changes have occurred and the Flood Insurance Study, with accompanying maps have been revised or letters of amendment have been issued by the Federal Emergency Management Agency and/or more detailed studies are conducted by the Federal Emergency Management Agency, Federal Insurance Administration or sources listed in Section 15.02, boundary amendments may be considered. However, prior to any such legislative change, approval must be obtained from the Federal Emergency Management Agency, Federal Insurance Administration.

- 15.07 Interpretation of Boundaries: The Zoning Inspector shall make initial interpretation of the boundaries of the Flood Plain Overlay District.

Should a dispute arise concerning the boundaries of the Flood Plain Overlay District the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit such technical evidence as the Board request.

***Amendment
Effective 4-27-06***

- 15.08 Floodway:

- a. Permitted, Conditional and Accessory Uses within the Floodway: Uses shall be that of the underlying district and shall be permitted outside the buffer area described in 15.11, as a conditional use, as long as they do not include structures, require fill or storage of materials or equipment. No uses shall be allowed which require below ground placement of materials. In addition, no use shall adversely affect the efficiency or restrict the capacity of the channels or floodways of any tributary to the main stream, drainage ditch or other drainage facility or system.
- b. Prohibited Uses: The following uses shall be expressly prohibited from locating within the Floodway.
 1. Structures, fill or storage of materials and/or equipment.
 2. Channel modification that increase flow and/or reduces the storage capacity and/or increases velocity.

***Amendment
Effective 4-27-06***

- 15.09 Floodway Fringe:

- a. Permitted, Conditional and Accessory uses within the Floodway Fringe: Uses shall be that of the underlying district and shall be permitted as a conditional use and be outside the buffer area described in 15.11. Any open material storage or fill material placement, other than for approved construction, shall only be permitted as a conditional use. Any structural uses, or other uses, permitted as a conditional use shall be constructed on fill or elevated with the first floor or basement floor at least two (2) foot above the one-hundred (100) year flood plain elevations. The fill shall extend at least fifteen (15) feet beyond the limits of any structure or building erected thereon. Where existing streets or utilities are at elevations,

which make compliance with this provision impractical or in other special circumstances, the Board of Zoning Appeals may authorize other techniques for elevation as long as the use does not adversely affect the efficiency or restrict the capacity of the flood plain.

15.10 General Flood Plain:

- a. Permitted, Conditional and Accessory Uses within the General Flood Plain: Uses shall be that of the underlying district and shall be permitted outside the buffer area described in 15.11, as long as the use does not adversely affect the efficiency or restrict the capacity of the flood plain. All-uses specified, or similar to those specified in the underlying district that require fill, are permitted only as conditional uses. No conditional use shall be located in the established buffer area as described in Section 15.11. The General Flood Plain encompasses both floodway and floodway fringe areas. Therefore, the Zoning Inspector and Board of Zoning Appeals as provided in Section 15.07, shall determine whether the proposed conditional use is located within the floodway or floodway fringe area. If it is determined that the proposed use is located within the floodway, the provisions of Section 15.08 shall apply. If it is determined that the proposed use is located within the floodway fringe, the provision of Section 15.09 shall apply. All uses shall be subject to performance and other standards contained in this resolution. The applicant shall be required to supply necessary data to enable this determination when not otherwise available.

15.11 Establishment of Buffer Area:

A buffer area shall be maintained along both sides of all streams and river channels listed – Little Miami River, Beaver Creek, Ludlow Creek, Indian Ripple Brook, the boundary for the buffer area shall be fifty (50) feet in horizontal plain outward from the normal edge of the stream channel. Natural land cover is to be preserved within the buffer area. The buffer area is thus intended to limit impact of non-agricultural land uses on the stream in order to: preserve and conserve the quality, purity, clarity, and free-flowing condition of its waters; cool water temperatures, lessen the impact of siltation on stream waters and reserve valuable resources in the interest of present and future generations.

15.12 Minimum Dimensional Requirements:

The following standards shall be adhered to within the Flood Plain Overlay District where such uses are permitted.

1. The minimum lot size, width and percent of coverage shall be that of the underlying district.
2. In the Flood Plain Overlay District, the yard areas shall be that of the underlying district.
3. Maximum permitted building height regulations in this district shall be that of the underlying district.

15.13 Required Conditions:

- a. All applications for a Conditional Use Permit within the Flood Plain Overlay District shall be accompanied by a report and recommendation bearing the seal of a professional surveyor registered in the State of Ohio certifying the elevation of the 100-year regulatory flood on the property, the location and elevation of existing and proposed fill and/or structures not elevated above the 100-year regional flood elevation.
- b. Upon consideration of the application for a Conditional Use Permit, the Board of Zoning Appeals may attach conditions to such uses, as it deems necessary to further the purposes of this Section. Such conditions shall include but not limited to the following:
 1. Requirements for the elevation of structures to be a minimum of twenty-four (24) inches above the one-hundred year flood elevation;
 2. Modification of waste disposal and water supply facilities to the satisfaction of the Greene County Combined Health District the Greene County Sanitary Engineer, and/or the Ohio EPA;
 3. Limitations on periods of use and operation;
 4. Imposition of operational controls, sureties, and deed restrictions;
 5. Requirements for construction of channel modifications, dikes, levees, and other protective measures; and/or

6. Flood proofing measures such as the following may be required and shall be designed consistent with the regional flood protection elevation for the particular area, flood velocities, duration's, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regional flood. The Board of Zoning Appeals shall require that the applicant submit a plan or document certified by a registered professional engineer that the flood proofing measures are consistent with the regional flood protection elevation and associated flood factors for the particular area. The following flood proofing measures may be required:
 - a. Anchorage to resist flotation and lateral movement;
 - b. Installation watertight doors, bulkheads, and shutters, or similar methods of construction;
 - c. Reinforcement of walls to resist water pressures;
 - d. Use of paints, membranes, or motors to reduce seepage or water through walls;
 - e. Addition of mass or weight to structures to resist flotation.
 - f. Installation of pumps to lower water levels in structures.
 - g. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters;
 - h. Pumping facilities or comparable practices for sub-surface drainage systems for buildings to relieve external foundation wall and basement flood pressures;
 - i. Construction to resist rupture of collapse caused by water pressure of floating debris;
 - j. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent back up of sewage and storm waters into the buildings or structures. Gravity drainage of basements may be eliminated by mechanical devices;
 - k. Location of all electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the regional flood; and/or
 - l. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety, and

welfare in a manner which will assure that the facilities are situated at elevations above the height associated with the regional flood protection elevation or are adequately flood proofed to prevent flotation of storage containers which could result in the escape of toxic materials into floodwaters.

- c. In passing upon such applications, the Board of Zoning Appeals shall consider the following relevant factors:
 1. The danger of life and property due to increased flood heights or velocities caused by encroachments.
 2. The danger that materials may be swept on to other lands or downstream to the injury of others.
 3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the owner.
 5. The importance of the services provided by the proposed facility to the community.

ARTICLE 16

ARTICLE 16 A-I AGRICULTURAL DISTRICT

16.01 INTENT

This district is composed of certain land being used for agricultural activities, open recreational uses, and other open land uses. Submarginal lands having no principal use also are included in this district. It is the intent of this district to protect the open area from the encroachment of scattered urban type uses permanently or until such time as the area is ready for more intense development.

16.02 PERMITTED PRINCIPAL USES

1. Agricultural (Farm) Activities. See Section 3.02, Definition: FARM.
2. One-family dwellings.
3. Sale of farm products grown or raised on the premises. (See 18.33)
4. Township Facilities. (See 18.35)

**Adopted 10-24-17
Resolution #2017-340**

5. Medical marijuana production and processing facilities, not under an easement, subject to regulations of the State of Ohio Revised Code Section 3796.29 and the State of Ohio Administrative Code Sections 3796:2 and 3796:3, and shall be limited to not more than one (1) cultivating and processing facility.

**Adopted 6-26-17
Resolution #2017-224**

6. Agritourism. (See Article 18.33.02)

16.03 ACCESSORY USES

1. Any use customarily accessory or incidental to the permitted uses. Non-agricultural accessory uses shall comply with Section 18.05.
2. Farm vacation enterprises.
3. Private swimming pools. See Section 18.23.
4. Sleeping rooms. (The renting or leasing of rooms by a resident family, provided the number of roomers does not exceed two in any dwelling unit.)
5. Non-commercial rifle or skeet ranges.

16.04 CONDITIONAL USES

1. Airports or landing strips.
2. Cemeteries.
3. Extraction of soil, sand, gravel, stone or rock
4. Public or private recreation facilities such as parks, playgrounds, golf courses, boat docks, driving ranges, swimming pools and customary accessory buildings.
5. Home Occupation.
6. Nursery Schools/Day Care Centers in accordance with Section 18.29.
7. Agri-Business.
8. Places of Worship.
9. Indoor Recreational Vehicle and Car Storage

Effective 5/21/98

This does not include self-storage facilities referred to as mini-warehouses or store and locks.

Limited to controlled reuse of existing agricultural buildings when there is no longer a reasonable agricultural use.

The following conditions should be considered:

- a. The proposed storage structure(s) shall have been constructed prior to the effective date of this amendment and may not be expanded.
- b. The applicant shall have secured certification from the Greene County Department of Building Regulations that the structure(s) meets building code requirements for the purpose use.
- c. No activities other than rental of storage units and pick-up and deposit boats, antique/classic cars and recreational vehicles shall be allowed.
- d. Servicing, repair, painting of stored material shall be prohibited.
- e. All storage shall be within the enclosed existing structures.
- f. Site plan required:
 - 1) A scaled drawing at a scale of not less than 1"=50', showing the existing site and structures, drives, parking, fencing and surrounding land within 500 feet of its boundary.
 - 2) The area/use shall abut and gain access to a local non-residential, collector, or arterial street as specified in the Greene County Thoroughfare Plan.
 - 3) Signs shall be limited to on ground signs at the entrance to the premises, not more than 2 square feet in area.

16.05 YARD AND LOT REQUIREMENTS

1. Required Yards:
 - (a) Front yards shall not be less than 50 feet in depth.
 - (b) Side yards shall not be less than 25 feet in depth.
 - (c) Rear yards shall not be less than 50 feet in depth.

2. Minimum Lot Area:

The minimum lot area shall not be less than five (5) acres, with minimum lot width of 250 feet.

16.06

BUILDING HEIGHT REGULATIONS

No structure shall exceed any height and number of stories standards set forth by the Ohio Building Code.

16.07

ACCESSORY PARKING

In the Agricultural District, parking shall be required in Section 18.16.

16.08

SIGNS

See Article 20 for size and location of permitted signs.

ARTICLE 17

ARTICLE 17 PLANNED UNIT DEVELOPMENT DISTRICTS

17.01 PURPOSE AND INTENT OF PLANNED UNIT DEVELOPMENT DISTRICT PROVISIONS

The purpose of the Planned Unit Development ("PUD") District provisions is to provide a means of development that is flexible and innovative when development of a site by standard, more rigid, conventional zoning district regulations may produce less efficient use of the land and less amenities and benefits for the community and users of the development. Development under Planned Unit Development provisions provides a means for encouraging ingenuity, imagination and flexibility on the part of land owners, engineers, architects, site planners and developers in the planning and design of land areas. It is not the intent of the Planned Unit Development provisions to allow applicants to circumvent the intent of this Zoning Resolution or to allow development of land not in conformance with the Land Use Plan of the Township.

17.02 HOLD FOR FUTURE USE

17.03 VOLUNTARY PUD APPLICABILITY

Applicants may voluntarily request to be considered for PUD zoning classification and development under PUD District provisions. Approval for consideration shall not be construed or interpreted as approval of the requested PUD zoning.

DEVELOPERS OPTIONS

- A. The Developer shall have the following options:
 - 1. Submission of a Planned Unit Development District change, processed in a manner hereinafter set forth, and the subsequent submission of a Final Development Site Plan for any portion of the approved PUD District the Developer desires to develop, or
 - 2. Submission of a PUD District change and final development site plan without a prior district change and processed in the manner as hereinafter provided for.
- B. No Zoning Certificate shall be issued for any property for which a Planned Development classification is requested and no construction shall begin until an approved Final Development Plan is in effect for that phase or property, whichever of the above options is elected by a Developer.

17.04 TYPES OF PLANNED UNIT DEVELOPMENT DISTRICTS

Types of Planned Unit Development Districts include R-PUD (Residential Planned Unit Development), C-PUD (Commercial Planned Unit Development), MX-PUD (Mixed Use Planned Unit Development), and I-PUD (Industrial Planned Unit Development). Each PUD District shall be governed by the requirements specified for each respective PUD District and the general provisions governing Planned Unit Developments.

17.05 GENERAL PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENTS

17.05.1 DEFINITIONS AND INTERPRETATION

For the purposes of this Article, certain terms or words used herein shall be interpreted or defined as follows:

1. The term "**actual start of construction**" be interpreted as either the first placement or permanent construction of a structure on a site, such as the pouring of slab, footings or the installation of piles. The following shall not be construed as or be interpreted as constituting the actual start of construction: land preparation, such as clearing, grading and filling; the installation of streets and/or walkways; the excavation for a basement, footings, piers, foundations or the erection of temporary forms; the installation upon the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of a main structure.
2. The word "**community**" shall be interpreted as the physical environs and area located either totally or partially within the boundaries of Beavercreek Township, Ohio.
3. The term "**impervious surface**" shall mean all surfaces that do not absorb water, including but not limited to roads, sidewalks, parking areas, and any area paved in concrete, asphalt, or solid pavers.
4. The term "**institutional uses**" shall be interpreted to include colleges, universities, schools with any of first through twelfth (1-12) grades, seminaries, churches, places of worship, public or governmental libraries, hospitals and medical centers, museums, governmental or public offices and buildings, public community centers, public indoor recreation centers, cemeteries, or uses of similar character.
5. The term "**main building**" or "**main structure**" shall be interpreted as a building in which is conducted the main use of the

- lot where the building is situated and includes areas such as garages, carports, and storage areas that are attached to such building or structure. Such term shall not include buildings or structures in which accessory uses are conducted.
6. The term "**main use**" shall be the principal use or uses to which the premises are devoted and the principal purpose or purposes for which the premises exist.
 7. The term "**open space**" shall mean any area or areas within a development not covered by structures, parking lots, asphalt and/or concrete pavement. As determined by the Zoning Commission, walkways and certain structures that are an integral part of a landscaping and beautification plan for development may be counted as open space.
 9. A "**PUD Agreement**" means an agreement, entered into between the Township and the developer, intended to assure the completion of certain improvements, either not usually included in a sub divider's agreement and performance bond or in the absence of a sub divider's agreement and performance bond, which may not otherwise be completed in a timely and satisfactory manner. Such improvements may include, but are not limited to, landscaping, roadway improvements, and storm water detention facilities.
 10. The term "**specific site plan**" means a detailed development plan for a part of, or all of, a Planned Unit Development indicating the specific proposed locations of structures and signs, parking areas, means of vehicular access and movement, pedestrian walkways, landscaping and open space, lighting plans, buffering and screening devices, utility services, drainage and runoff control systems, and other details as required by this Resolution.
 11. The word "**slope**" shall mean the relationship between the change in elevation of land (rise) and the horizontal distance over which that change in elevation occurs (run). Slope shall be calculated by dividing the rise by the run, multiplied by 100, and expressed as a percentage.
 12. The term "**supplementary conditions**" shall be interpreted as Zoning Commission or Trustees conditions that modify or alter proposed PUD Zoning classification application or specific site plan applications

17.05.2 PROJECT CONTROL AND OWNERSHIP

Planned Unit Development District designation is intended to apply to development sites that are under single ownership or unified control to allow comprehensive design, planning and development of the site. The project land may be owned, leased, or controlled by either one or more persons, partnerships, corporation or other appropriate business associations capable of satisfying the objectives and requirements of the Planned Unit Development District. The Township may require proof of ownership, covenants, easements, and other forms of property rights or control to ensure satisfactory compliance with PUD objectives and requirements.

17.05.3 PUD AGREEMENT

Upon approval of a specific site plan, the Township, at its sole discretion, may require the PUD developer to enter into a PUD agreement with the Township, and to furnish a performance bond for the purposes of assuring satisfaction of completion requirements for improvements such as landscaping and drainage control facilities and any conditions and safeguards as may be set by the Township Trustees and the adopted Resolution approving the specific PUD development. At its discretion, the Township may accept a letter of credit or other form of performance guarantee and security in lieu of a performance bond. In all cases the sufficiency and adequacy of such bond, letter of credit or other form of guarantee or security shall be at the sole determination of the Trustees.

17.05.4 UTILITY REQUIREMENTS

All initial and all future expanded utility systems within the limits of all Planned Unit Development Districts are required to be placed underground. Utility systems subject to this requirement shall be those that primarily serve the development within the PUD District and shall include, but not be limited to telephone, cable television, and electrical systems. Appurtenances of these systems which can be effectively screened may be excluded from this requirement if the Township Trustees determines that such appurtenances are essential for utility service to other areas of the community and that such exclusion will not violate the intent or character of the proposed Planned Unit Development or any conditions, restrictions or other requirements imposed upon the development.

17.05.5 APPLICATION PROCESS AND SEQUENCE

Due to the flexible and special character of Planned Unit Development Districts and projects, and to assist reviewing authorities in evaluating the

merits and making findings of proposed PUD projects, the full PUD approval process generally involves either a two stage review or a single stage/concurrent review. The applicant may select either the two stage review process or the single stage/concurrent review process. Unless the applicant informs the Zoning Enforcement Officer at the time of submission of the PUD Zoning classification application of selection of the single stage/concurrent review process, the applicant shall be considered to have selected the two stage review process.

1. Two Stage Review Process

(a) First Stage

The first stage of the two stage PUD review process generally consists of submission of an application for PUD Zoning classification in accordance with Sections 17.05.6, 17.06.1, 17.06.2 and 17.06.3 of this Zoning Resolution. The Zoning Commission then reviews and makes a recommendation on the PUD Zoning classification application in accordance with Sections 17.06.4, 17.06.5 and 17.06.6 of this Resolution. The Township Trustees then, in accordance with Sections 17.06.7 and 17.06.8, reviews the PUD Zoning classification application and makes a decision to either approve as submitted, approve with supplementary conditions or disapprove the application. Approval of PUD zoning classification constitutes only approval of PUD District zoning for the subject property. (legislative action) A specific site plan shall be submitted and approved prior to the issuance of a zoning permit for the subject property.

(b) Second Stage

Unless the applicant selects the single stage/concurrent review process as per Section 17.05.5.2, the second stage of the two stage PUD approval process begins at the initiation of the applicant and only if the PUD Zoning classification application submitted in the first stage was approved or approved with supplementary conditions by Township Trustees. The second stage generally consists of submission of a specific site plan for the subject property in accordance with Sections 17.05.6, 17.07.1, 17.07.2, 17.07.5, and 17.07.6. An administrative review and recommendation upon the specific site plan application is then conducted by the Zoning Commission in accordance with Sections 17.07.7, 17.07.8 and 17.07.9 of this Resolution. The Township

Trustees then, in accordance with Sections 17.07.10 and 17.07.11, reviews the specific site plan application and makes an administrative decision to either approve the application as

submitted, approve with supplementary conditions or disapprove.
(administrative action)

2. Single Stage/Concurrent Review Process

At the applicant's option the first and second stage of the two stage review process may be combined for a single stage/concurrent review process. If the applicant elects such option, a PUD Zoning classification application and a related specific site plan application, in accordance with Sections 17.06.3 and 17.07.2, shall be simultaneously submitted by the applicant and both applications shall together proceed through a single stage/concurrent review process. In such case, the Zoning Commission shall concurrently review both applications, but shall first make a recommendation upon the PUD Zoning classification prior to making a recommendation upon the specific site plan application. The Township Trustees then shall concurrently review both applications, but shall first act upon the PUD Zoning classification prior to taking administrative action upon the specific site plan application.

17.05.6 APPLICATION COMPLETENESS AND OFFICIALLY FILED STATUS

Planned Unit Development and Specific Site Plan applications shall not be considered officially filed until the applicant has submitted all applicable filing fees, and submitted to the Zoning Department all information as may be required by this Zoning Resolution. Completeness of an application and submission of all necessary information is the responsibility of the applicant. Only after an application is determined by the Zoning Enforcement Officer and Planning Director to be complete and officially filed will application review procedures begin. Applications for specific site plan approval that do not adhere to the substantial conformance requirements of Section 17.07.6 of this Zoning Resolution may be considered to be incomplete, not officially filed, and not subject to Township review procedures.

17.05.7 SITE ARRANGEMENT REQUIREMENTS

The buildings, circulation, open space, landscaping and other elements of the proposed PUD development shall be arranged, planned and designed on the site to produce:

1. Favorable relationships with the existing natural topography, bodies of water or water courses, existing desirable vegetation, exposure to significant views and exposure to sunlight and wind;
2. Safety, convenience and ease of pedestrian and vehicular movement on, about and throughout the site and between the site and the community;

3. An overall positive visual quality throughout, into and from the development site;
4. An efficient, functionally organized, and cohesive development; and
5. All areas designed for future expansion or not intended for immediate improvements or development shall be landscaped or otherwise maintained in a neat and orderly manner.

17.05.8 ZONING MAP IDENTIFICATION

Areas approved as a Planned Unit Development District will be clearly marked and identified on the Zoning Map by indicating the specific PUD District upon which approval was granted, either R-PUD, C-PUD, MX-PUD or I-PUD; followed by the appropriate case number (Example: "C-PUD 90-5").

17.05.9 MULTIPLE PUD PROJECTS

A proposed PUD project, shall be considered a "Multiple PUD Project" when each individual use proposed for the project is permitted by at least one (1) of the various PUD Zoning Districts (Example: R-PUD), while at the same time all of the proposed uses for the project are not permitted by only one (1) single PUD Zoning District (Example: R-PUD and C-PUD). A multiple PUD project requires differing PUD District Zoning classifications for respective, contiguous portions of the property proposed for development. When the proposed development is a multiple PUD Project, the applicant shall file a single PUD zoning application, identifying each specific PUD zoning district, incorporating a functional and general location phasing plan for each individual PUD, a functional and general locational sequencing schedule for the full multiple PUD project, and all other necessary application materials as per Section 17.06.3 of this Zoning Resolution. A Multiple PUD differs from an MX-PUD (17.14) in that the differing uses (e.g. residential vis-à-vis commercial) are located in the distinctive appropriate PUD District.

17.05.10 PREVIOUS PUD APPROVALS

All PUD approvals, including any approved modifications, amendments or conditions, approved by the Township prior to the effective date and where any time limitation for such approvals has not expired, shall be governed by the Planned Unit Development provisions and regulations in effect as of the adoption of resolution effective date. If any time limitation attached to an approval of a PUD, modification, amendment or condition has expired, such approval shall be governed by the current provisions and regulations of Article 17 and this Zoning Resolution.

17.05.11 APPEAL OF ZONING ENFORCEMENT OFFICER AND PLANNING DIRECTOR DETERMINATION

In order to assure that Zoning Commission and Township Trustees have all information pertinent to the decision making process contained within this Article, the Zoning Enforcement Officer and Planning Director has been given the responsibility to require additional information as necessary in order for Zoning Commission and Township Trustees to make an informed decision. Any applicant who objects to the provision of additional information may request a determination by Zoning Commission at its next regularly scheduled meeting. No further action shall take place regarding the application and submission until Zoning Commission has rendered its decision, which shall be final.

17.06 APPROVAL PROCEDURES FOR PLANNED UNIT DEVELOPMENT ZONING CLASSIFICATION

17.06.1 NOTICE TO APPLICANTS

Notice is hereby provided to all applicants that:

1. Approval of PUD zoning classification shall not be deemed approval of a specific site plan or approval of a zoning permit;
2. The issuance of a zoning permit for all or any portion of a PUD project requires Township Trustees approval of a specific site plan: and
3. In accordance with Sections 17.07.3 and 17.07.4, unless an extended approval period is granted by Township Trustees, approval of any specific site plan shall expire if actual construction has not started in the area of approval for the respective specific site plan within five (5) years from the effective date of Township Trustees approval of the plan.

17.06.2 PRE-APPLICATION MEETING

1. Prior to filing an application for a Planned Unit Development, the applicant or developer is strongly encouraged to meet with the Zoning Enforcement Officer and Director or the Director's designee. The purpose of this meeting is to informally and generally discuss the proposed development and the purpose, criteria and standards of the Planned Unit Development provisions and this Resolution, and to provide the prospective applicant an opportunity to ask questions about PUD requirements and the PUD review and approval process. The applicant shall note that no statement or representation of the Zoning Enforcement Officer or Director, the Director's designee or any representative of the Beavercreek Township during this pre-application meeting and any subsequent pre application meetings shall be binding upon the Zoning

Commission, the Township Trustees or Beavercreek Township. In addition, the applicant is encourage to engage in informal consultation with the County Engineer, entities providing energy or utility services necessary for the proposed PUD, and such other individuals, entities or organizations as suggested by the Director or his designee. If the applicant elects to waive the opportunity for a pre-application meeting, at the time of submission of the PUD Zoning classification application, the applicant shall acknowledge such waiver by his signature on a pre-application meeting waiver form prepared by the Zoning Department.

2. The developer shall meet with the zoning commission prior to submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this resolution and the criteria and standards contained therein.

17.06.3

PLANNED UNIT DEVELOPMENT APPLICATION

The applicant shall officially file, in accordance with Section 17.05.6 of this Zoning Resolution, an application for Planned Unit Development District classification with the Zoning Department and shall make payment to the Township of Beavercreek in an amount equal to the established filing fee applicable to the PUD application for the proposed development. The application shall contain an application original and copies of all application materials in a quantity specified by the Zoning Department. The application shall contain, but not be limited to, the following information:

1. Name, address and telephone number of the applicant. If the applicant is not the sole owner of the subject property the application shall contain the name, address and telephone number of all owners of the property;
2. Each application shall be signed by the applicant, attesting to the truth and exactness of all information supplied on and with the application. If the applicant is not the owner of the property proposed for PUD Zoning classification, the applicant shall submit a current notarized, written statement from the property owner(s) appointing the applicant as the owner's agent. The statement shall further acknowledge the owner's consent to be bound by the application, by any agreement made by the agent, and by all decisions made by the Township on this matter;
2. A written and signed "letter of intent" from the applicant establishing the applicant's intentions as to development of the property, including existing and proposed use(s) of the property, and a detailed description of the common ownership or unified control of the entire property or properties included in the proposed development;

4. A location map of the property at a scale of 1 in. = 1000 ft., indicating location and boundary of the proposed PUD, and names of existing streets surrounding the proposed PUD;
5. The current zoning classification of each property included in the proposed development;
6. A written legal description of the property proposed for PUD classification. If a multiple PUD project is involved, the legal description for each proposed individual PUD shall be provided;
7. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography showing contours by two (2) foot intervals, existing natural and man made features of the development site, including major wooded areas, flood plains and wetland areas, structures, streets, easements, utility lines and current land use. If a multiple PUD project is involved, the applicant shall provide the dimensions and bearings, and acreage for each proposed individual PUD zoning District;
8. A location map showing the area proposed for PUD Zoning classification and all properties within five hundred (500) feet from the exterior boundaries of the area proposed for PUD Zoning. The applicant shall provide a list of the names and addresses of all owners of such properties. The names and addresses of property owners shall be those available from the Greene County Auditor's Office and current within fourteen (14) days prior to submission of PUD Zoning classification application to the Zoning Department. If the review and approval process of the application is substantially delayed, the Zoning Enforcement Officer may require the applicant to submit an updated list of names and addresses of owners of such properties;

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9. At a scale suitable for public meeting presentation purpose (preferred approximate scale of 1 inch = 200 feet), sketch plans and development concepts regarding land uses, types of residential development, generalized location of various land uses, generalized street access and vehicular circulation pattern, proposed setback from surrounding properties and general concepts for screening and buffering, generalized type and location of proposed recreational or open space areas and facilities, and the proposed density /densities and their arrangement(s) on the property. The applicant may indicate proposed building locations. The applicant shall furnish an 8 ½" by 11" transparency of this information suitable for projection by use of an overhead transparency projector onto a viewing screen.

10. Evidence of availability of water supply and sanitary sewer service;

11. Estimated vehicular traffic volume generated by the proposed development and proposed street improvements;
12. An estimated time schedule, including proposed starting and completion dates, indicating the timing and generalized location of development of generalized land use and functional areas, various phases of the project, and improvements to be constructed. If a multiple PUD project is involved, the sequencing, timing and functional relationship between each proposed individual PUD shall be provided;
13. If a C-PUD, MX-PUD or I-PUD is proposed, a listing, by individual PUD phase, and if applicable, by multiple PUD sequence, indicating the coverage or percent of total land area covered by buildings and all other impervious surfaces. If a R-PUD is proposed, a listing, by individual PUD phase, indicating the percent of the total proposed area of open space to be provided;
14. A listing of intended uses of the proposed PUD and the corresponding type of PUD zoning District (R-PUD, C-PUD, MX-PUD, and I-PUD) in which each listed use is identified as permitted or accessory;
15. A listing of any intended uses which may require a conditional use application; a listing of any intended uses not identified as a permitted or accessory use in any type of PUD Zoning District; and a listing of any intended uses which may require a determination of similarity of use. If any such list is submitted, the applicant shall meet and further confer with the Zoning Enforcement Officer and Planning Director regarding the provisions of Sections 17.10.1 and 17.10.2 and 21.05 of this Zoning Resolution;
16. A schedule and listing of the total proposed square footage of buildings for each proposed PUD, and if applicable, also for the total multiple PUD project. If a R-PUD or MX-PUD is proposed, the proposed overall gross residential dwelling unit density for each PUD, and a schedule and listing of the proposed total number and type of dwelling units; and
17. Any additional information as may be required by the Zoning Enforcement Officer and Planning Director within fifteen (15) days of the date of submission.
18. When any applications to the Township for some permit, certificate or approval involves submission of technical information by the applicant, it is recognized that the Township may need to incur expenses for the services of engineers and other experts to evaluate such technical data. As a condition of the Township agreeing to consider any such application, the applicant must agree to reimburse the Township at once

for any such expenses. That reimbursement must be received by the Township before any such permit, certificate or approval is issued.

19. A condition of the Township agreeing to consider any application for a permit, certificate or approval shall be that the applicant must pay the cost of publishing any newspaper notice of any public hearings on the application, and of any ordinance that grants the application in whole or in part. Similarly, the applicant must agree to reimburse the Township for any postage expense of mailing notices of the proceeding.

17.06.4

ZONING COMMISSION PUBLIC HEARING AND NOTICE

Notwithstanding Section 24.06 of this Zoning Resolution, the Zoning Commission shall hold a Public Hearing on an officially filed Planned Unit Development Zoning application not less than 20 nor more than 40 days after the application official filing date. Before holding such Public Hearing, notice of the Hearing shall be given in accordance with Section 24.07 of this Resolution. Notwithstanding Section 24.08 of this Zoning Resolution, notice shall also be provided by first class mail at least ten (10) days prior to the date of the Hearing, and such notice shall be deemed given on the date of mailing. Mailed notices shall be provided to all owners of property within five hundred (500) feet from the exterior boundaries of the area proposed for PUD Zoning classification. The Township, at its discretion and in lieu of mailed notice, may provide notice by other alternative means such as hand delivery of written notice. Mailed, newspaper publication and any forms of notice utilized in lieu of mailed notice shall set forth the time and place of the Public Hearing and the nature of the proposed development. The failure to deliver the notice as provided in this Section shall not invalidate the public hearing or any decision on the application.

17.06.5

ZONING COMMISSION REVIEW AND RECOMMENDATION OF PUD APPLICATION

After a Planned Unit Development application has been determined to be officially filed in accordance with Section 17.05.6 of this Resolution, the Zoning Commission shall review and study the application and any accompanying materials. In the course of its study, the Commission may confer with other agencies of government, request additional information or clarification from the applicant, and request additional study and comments from the staff. Within thirty (30) days after completion of the Public Hearing required in Section 17.06.4 of this Resolution, the Zoning Commission shall, by Resolution, recommend to the Township Trustees that the request for Planned Unit Development Zoning classification be approved as presented, or approved with supplementary conditions or modifications, or disapproved. The Commission shall then transmit to the Township Trustees all papers

constituting the record and the Resolution containing the Commission's recommendation. If the Commission recommends approval with supplementary conditions, such conditions shall be fully expressed in the recommendation Resolution. Any normally permitted or accessory use that is recommended to be excluded from the specific Planned Unit Development shall be fully identified and expressed in the Commission's Resolution and based upon findings in accordance with Sections 17.12.2, 17.13.2, 17.14.2 and 17.15.2 of this Resolution. If the Zoning Commission determines, in order to conduct a sufficient review and make its recommendation, that additional information is required from the applicant or additional study is required, the Commission may table consideration of the application with agreement of the appellant until such additional information is received by the Commission or the Commission's study is complete.

17.06.6 CRITERIA FOR ZONING COMMISSION RECOMMENDATION

Before making a recommendation for approval or approval with supplementary conditions or modifications, as per Section 17.06.5, the Zoning Commission shall find that the facts submitted with the application and presented at the Public Hearing, and any modifications, amendments or supplementary conditions, satisfy the standards and criteria for Planned Unit Development approval as per Section 17.06.9 of this Resolution.

17.06.7 BOARD OF TOWNSHIP TRUSTEES PUBLIC HEARING AND NOTICE

Within ten (10) days after the receipt of the Zoning Commission recommendation and Resolution, the Clerk of Township shall set a date for a Township Trustees Public Hearing and such hearing, notwithstanding Section 24.10 of this Zoning Resolution, shall be held within 30 days thereafter. Before holding such Public Hearing, notice of the Hearing shall be given in accordance with Section 24.11 of this Resolution. Notwithstanding Section 24.12 of this Resolution, notice shall also be provided by first class mail at least ten (10) days prior to the date of the Hearing, and such notice shall be deemed given on the date of mailing. Mailed notices shall be provided to all owners of property within five hundred (500) feet from the exterior boundaries of the area proposed for PUD Zoning classification. The Township, at its discretion and in lieu of mailed notice, may provide notice by other alternative means such as hand delivery of written notice. Mailed, newspaper publication and any forms of notice utilized in lieu of mailed notice shall set forth the time and place of the Public Hearing and the nature of the proposed development. The failure to deliver the notice as provided in this Section shall not invalidate the public hearing or any decision on the application.

17.06.8 ACTION BY BOARD OF TOWNSHIP TRUSTEES.

Within twenty (20) days after completion of the Public Hearing as required in Section 17.06.7 of this Zoning Resolution, the Trustees shall, act on the recommendation of the Zoning Commission as defined in Article 24.13. The approval resolution shall fully set forth any and all supplementary conditions for approval, and all standard district permitted or accessory uses excluded from the specific Planned Unit Development shall be fully expressed in the approval resolution and based upon findings in accordance with Sections 17.12.2, 17.13.2, 17.14.2 and 17.15.2 of this regulation. If the Trustees determines in order to conduct a sufficient review and make its recommendation that additional information is required from the applicant or additional study is required, the Board may table consideration of the application until such additional information is received by the Board or the Board's study is complete.

17.06.9 CRITERIA FOR PLANNED UNIT DEVELOPMENT ZONING APPROVAL

A Planned Unit Development zoning classification shall only be approved when the following criteria are satisfied:

1. The Planned Unit Development complies with the purpose and intent of this Zoning Resolution;
2. The proposed development promotes the health, safety and general welfare of the present and future inhabitants of the Township;
3. The proposed zoning and the conditions and requirements incorporated within the Resolution approving the PUD Zoning District provide for minimizing impacts on the surrounding development;
4. The site will be accessible from current or planned public thoroughfares adequate to carry traffic which will be imposed upon them by the proposed development;
5. Potential impacts on public services and facilities can be mitigated by site and building design and the benefits which will accrue to the Township and the public;
6. Existing and proposed utility services for the proposed residential population densities and nonresidential uses are or will be available to the project;
7. The proposed development complies with applicable requirements and conditions of Section 17.05 of this Zoning Resolution;

8. Each individual section or subarea of the development, as well as the total development, can exist as a functionally independent environment. In the alternative and at the discretion of the Township, adequate assurance has been provided by the applicant and to the satisfaction of the Township that such objective will be achieved:
9. Any permitted, conditional, or accessory uses excluded from the specify proposed Planned Unit Development are based upon findings in accordance with Sections 17.12.2, 17.13.2, 17.14.2 and 17.15.2 of this Zoning Resolution; and
10. The Planned Unit Development can be substantially completed within the time specified in the schedule of development submitted by the applicant.

17.07 APPROVAL PROCEDURES FOR SPECIFIC SITE PLAN

17.07.1 NOTICE TO APPLICANTS

Notice is hereby provided to all applicants that:

1. Legislative approval of PUD zoning classification shall not be deemed approval of a specific site plan or approval of a zoning permit,
2. The issuance of a township zoning permit for all or any portion of a PUD project requires Board of Trustees approval of a specific site plan; and
3. In accordance with Sections 17.07.3 and 17.07.4, unless an extended approval period is granted by Township Trustees, approval of any specific site plan shall expire if actual construction has not started in the area of approval for the respective specific site plan within five (5) years from the effective date of Township Trustees approval of the plan.

17.07.2 REQUIRED SPECIFIC SITE PLAN APPLICATION

Prior to the issuance of a Zoning permit for any PUD project, a specific site plan application shall be officially filed in accordance with Section 17.05.6 of this Resolution, proceed through the review and approval process as per Sections 17.07.7 through and including 17.07.11, and shall be approved by Township Trustees. The applicant shall submit a specific site plan application only after the subject property has been granted PUD Zoning classification approval, however, an applicant may elect to submit the specific site plan application at the same time as submission of PUD Zoning classification

application. If the applicant elects such option, a PUD Zoning classification application, as per Section 17.06.3 of this Zoning Resolution, and a related specific site plan application, as per Section 17.07.5, shall be simultaneously submitted by the applicant and reviewed concurrently by the Township as per Section 17.05.6. All specific site plan applications shall incorporate a minimum area of five (5) acres. In cases in which the total gross area of the property approved for PUD Zoning classification is less than five (5) acres, the specific site plan shall incorporate one hundred percent (100%) of the PUD property. In all cases the area incorporated in a specific site plan shall be contiguous.

17.07.3 EXPIRATION OF SPECIFIC SITE PLAN APPROVAL

Unless an extended approval period is granted in accordance with Section 17.07.4 of this Resolution, approval or approval with supplementary conditions of any specific site plan shall expire if, in the judgment and determination of the Township, the actual start of construction has not begun in the approved area of the respective specific site plan within five (5) years from the effective date of Township Trustees approval of the respective Plan. In the event of expiration of an approved specific site plan, the applicant shall start afresh, submit a specific site plan application in accordance with Sections 17.05.6 and 17.07.5 of this Zoning Resolution, and the application shall proceed through the review and approval process as per Sections 17.07.7 through and including 17.07.11.

17.07.4 EXTENSION OF SPECIFIC SITE PLAN APPROVAL PERIOD

Upon request by the owner, a one-time only, administrative extension of the five year approval period for a specific site plan may be granted by the Board of Trustees. In the event such an extension is granted the period of extension shall not exceed two (2) years. The owner shall submit a written request for an extended site plan approval period to the Zoning Enforcement Officer. The written request shall be submitted no sooner than nine (9) months prior to, but no later than ninety (90) days prior to the expiration date of the approved specific site plan which is the subject of the request for approval period extension. The written request shall include: the necessity for the extension, submission of documentation and evidence that the owner has made a reasonable effort to begin the actual start of construction, the reason(s) why construction has not actually started to date and will not start prior to expiration of the specific site plan, the requested length of time to extend the specific site plan approval period (not to exceed two (2) years), a description of the impact and major effects upon the full PUD project if the requested extension is not approved, a description of the major effects upon the full PUD project if the requested extension is approved, including changes in phasing or staging plans, and a revised time schedule showing the dates when construction will actually start for the area of the specific site plan

and, if applicable, the remaining areas of the complete PUD project. Within thirty (30) days from the Zoning Enforcement Officer's receipt of the owner's written request the Zoning Enforcement Officer shall forward the owner's request and the comments and recommendation to the Board of Trustees. Within thirty (30) days after Board of Trustees receives the request and the Zoning Enforcement Officer's comments and recommendation, the Trustees shall take administrative action upon the request. Board of Trustees shall, by Resolution and administrative action, either deny the request for extension, approve the request for extension as submitted, or approve the request for extension for a lesser period of time than requested by the owner. Any extension of approval period for a specific site plan shall become effective and begin to run on the date of Trustees approval of such extension. Trustees shall approve an extended approval period for a specific site plan only when the following conditions are satisfied:

1. The owner has submitted a written request for an extended approval period for the specific site plan:
2. The subject property currently has a PUD Zoning classification;
3. The approval period for the specific site plan has not been previously extended by the Board of Trustees;
4. An extension of approval period for the specific site plan will not cause the Township to breach any PUD agreement made with the owner;
5. The owner, in the judgment of the Board of Trustees, has taken reasonable steps and made reasonable efforts to actually start construction;
6. An extended approval period for the specific site plan will not violate the purpose and intent of Article 17 and this Zoning Resolution;
7. An extended approval period for the specific site plan promotes the health, safety and general welfare of the present and future inhabitants of the Trustees; and
8. The period of extension for the specific site plan does not exceed two (2) years.

17.07.5

SPECIFIC SITE PLAN APPLICATION

The applicant shall, in accordance with Section 17.05.6, officially file an application for a specific site plan with the Zoning Department, and shall make payment to the Beavercreek Township in an amount equal to the established filing fee applicable to the specific site plan application for the

proposed development. As per Section 17.07.6 of this Zoning Resolution, the specific site plan shall substantially conform to the PUD zoning plans, concepts, schedules, development information and conditions as approved or as approved with conditions by Township Trustees. The application shall contain an application original and copies of all application materials in a quantity specified by the Zoning Department. The application shall contain, but not be limited to, the following information:

1. Name, address and telephone number of the applicant. If the applicant is not the sole owner of the subject property, the application shall contain the name, address and telephone number of all owners of the property;
2. Each application shall be signed by the applicant, attesting to the truth and exactness of all information supplied on and with the application. If the applicant is not the owner of the property proposed for the specific site plan, the applicant shall submit a current notarized, written statement from the property owner(s) appointing the applicant as the owner's agent. The statement shall further acknowledge the owner's consent to be bound by the application, by any agreement made by the agent, and by all decisions made by the Township on this matter;
3. The legal description of the property incorporated in the proposed specific site plan;
4. A location map showing the area proposed for specific site plan approval and all properties within five hundred (500) feet from the exterior boundaries of the PUD Zoning property which contains the area proposed for specific site plan approval. The applicant shall provide a list of the names and addresses of all owners of such properties. The names and addresses of property owners shall be those available from the Greene County Auditor's Office and current within fourteen (14) days prior to submission of specific site plan application to the Zoning Department. If the review and approval process of the application is substantially delayed, the Zoning Enforcement Officer may require the applicant to submit an updated list of names and addresses of owners of such properties;
5. A detailed site plan at a scale no smaller than one inch equals one hundred feet (1" = 100'), showing at minimum, the location, outline and use of all structures, all proposed public and private rights-of-way, vehicular streets and parking areas, pedestrian walkways and paths, any bikeways, any proposed recreation facilities and areas, and any sites for public facilities. If the proposed project is a multiple PUD project, the detailed site plan may incorporate portions of individual PUDs that compose the multiple PUD. The applicant shall furnish an 8 1/2" x 11" transparency of this information suitable for projection by use of an overhead transparency projector onto a viewing screen:

6. All proposed vehicular parking areas shall be shown by total number of spaces, setbacks from structures and lot lines, dimensions of each parking space, location and dimensions of handicapped parking spaces, access aisles, points of ingress and egress, and landscaped areas. Fire lanes and location of "Fire Lane - No Parking" signs shall be shown;
 7. The dimensions, height, gross floor area, entrances and setbacks of all structures;
 8. The principal type of use, gross leasable floor area and entrances for all proposed business, office, industrial and nonresidential structures;
 9. Right-of-way width and street names for all proposed public and private streets and rights-of-way;
 10. A map with contour intervals of two (2) feet which shows the proposed final topography of the development site;
 11. Engineering studies and plans showing, to the extent determined appropriate by the Township, street improvements, nature and extent of earth work required for site preparation and development, location and size of water, sanitary sewer and storm drainage control systems, and waste disposal facilities;
 12. Location of fire hydrants and any fire connections to buildings;
 13. Any proposed street widening improvements and turn lane improvements adjacent to the project area;
 14. Landscaping plans including the location and size of all landscaped areas, the location of all natural screening devices, type (species) and location of proposed vegetation, location and type of exterior materials of man made screening devices, and initial (planting) and permanent (mature) height of all screening and buffering;
 15. Lighting plans showing location and type of all proposed external lighting of parking, building and landscaped areas, streets and accessways;
 16. The amount of open space and its percentage of developed area for each phase of development;
- Effective May 24, 2006**
17. When a Planned Unit Developer includes provisions for common open space, private streets and private right-of-ways, recreational facilities, or drainage control facilities, a statement describing the provisions for the care and maintenance thereof is required. If it is proposed that such open space or facility be owned and/or maintained by any entity other than a

government authority, copies of proposed documents assuring maintenance and care off covenants running with the land shall be submitted; provided however, any such document that may be applicable to a later phase of development of a Planned Unit Development to not need to be re-submitted if they have been previously submitted and reviewed in connection with an earlier phase of development of the same Planned Unit Development and have not been modified subsequent to such previous submission.

Based on a recommendation by the RPCC, the text will be modified to also include general language addressing the addition of a statement on the subsequent Specific Site Plan(s) identifying where above mentioned documentation is recorded and that the Specific Site Plan is subject to the previously reviewed and recorded documentation.

18. Any additional information that may be required by the Zoning Enforcement Officer or Planning Director within fifteen (15) days of the date of submission.

17.07.6 SPECIFIC SITE PLAN CONFORMANCE WITH APPROVED PUD

An officially filed specific site plan shall substantially conform to the PUD zoning plans, concepts, schedules and development information as approved by Board of Trustees. If the Zoning Enforcement Officer or the Planning Director or the Zoning Commission determines that the officially filed specific site plan does not substantially conform, the applicant may either modify the specific site plan to the extent necessary for substantial conformance and resubmit for review, or start afresh and submit a new specific site plan for review, or apply for an amendment to the PUD Zoning classification Resolution. Notwithstanding Section 17.05.6 of this Zoning Resolution, a submitted specific site plan shall not be considered officially filed if the Zoning Enforcement Officer determines prior to Zoning Commission review that the submitted specific site plan does not adhere to the substantial conformance requirement.

At the discretion of the Zoning Commission, a submitted specific site plan that contains modifications to the plans, concepts, schedules and development information as approved by Board of Trustees, may be determined to substantially conform. In no event shall a specific site plan be determined to substantially conform if the specific site plan involves changes in permitted uses as per Section 17.09 of this Resolution, or changes which result in exceeding any limitation or any maximum amount imposed by an Resolution originally granting or amending the PUD Zoning classification for the subject property.

17.07.7 ZONING COMMISSION PUBLIC HEARING AND NOTICE

The Zoning Commission shall hold a Public Hearing on an officially filed specific site plan application not less than twenty (20) no more than forty (40) days after the application's official filing date. Before holding such Public Hearing, notice of the Hearing shall be given in accordance with Section 24.07 of this Zoning Resolution. Notwithstanding Section 24.08 of this Zoning Resolution, notice shall also be provided by first class mail at least ten (10) days prior to the date of the Hearing, and such notice shall be deemed given on the date of mailing. Mailed notices shall be provided to all owners of property within five hundred (500) feet from the exterior boundaries of the PUD Zoning property which contains the area proposed for specific site plan approval. The Township, at its discretion and in lieu of mailed notice, may provide notice by other alternative means such as hand delivery of written notice. Mailed, newspaper publication and any forms of notice utilized in lieu of mailed notice shall set forth the time and place of the Public Hearing and the nature of the proposed specific site plan. The failure to deliver the notice as provided in this Section shall not invalidate the public hearing or any decision on the application.

17.07.8 RECOMMENDATION BY ZONING COMMISSION

Within thirty (30) days after completion of the Public Hearing required in Section 17.07.7, the Zoning Commission shall take administrative action and, by Resolution, recommend to the Township that the submitted specific site plan be approved as presented, or approved with supplementary conditions or modifications, or disapproved. The Commission shall then transmit all papers constituting the record and the Resolution containing the Commission's recommendation to the Board of Trustees. All Resolutions for specific site plan recommendations to Board of Trustees shall indicate the Commission is taking administrative action, and if the Commission's recommendation is for approval with supplementary conditions, the Resolution shall fully express such conditions. If the Zoning Commission determines in order to conduct a sufficient review and make its recommendation that additional information is required from the applicant or additional study is required, the Commission may table consideration of the application until such additional information is received by the Commission or the Commission's study is complete.

17.07.9 CRITERIA FOR ZONING COMMISSION RECOMMENDATION

Before making a recommendation for approval or approval with supplementary conditions in accordance with Section 17.07.8 of this Zoning Resolution, the Zoning Commission shall find, by Resolution, that the facts submitted with the specific site plan application and presented at the Public Hearing, and any modifications, amendments or supplementary conditions,

satisfy the standards and criteria for specific site plan approval as per Section 17.07.12 of this Resolution.

17.07.10 BOARD OF TRUSTEES PUBLIC HEARING AND ACTION

Within ten (10) days after the receipt of the Zoning Commission recommendation, the Clerk of the Township shall set a date for a public hearing and such hearing, notwithstanding Section 24.10 of this Resolution, shall be held as soon as reasonably possible thereafter. The Public Hearing shall be for the purposes of taking administrative action on the proposed specific site plan. Following the scheduled hearing the Township Trustees shall, by motion, either approve, approve with supplementary conditions, or disapprove the proposed specific site plan. Approval of such motion requires a vote of at least two (2) members of the Board of Trustees. If the Board of Trustees approves the specific site plan with supplementary conditions, the motion for approval shall fully set forth such conditions and be fully recorded in the meeting minutes. As the basis for Trustees approval of a specific site plan, with or without supplementary conditions, Trustees shall find that the facts submitted with the application and any accompanying materials, and any modifications, amendments or supplementary conditions satisfy the standards and criteria for specific site plan approval as per Section 17.07.12 of this Zoning Resolution. If the standards and criteria of Section 17.07.12 are not satisfied, Trustees shall disapprove the specific site plan and shall make findings of fact indicating which particular standards and criteria are not satisfied. If the Board of Trustees determines in order to conduct a sufficient review and make its decision that additional information is required from the applicant or additional study is required, the Board of Trustees may table consideration of the application until such additional information is received by the Trustees or the Trustee's study is complete.

17.07.11 NOTICE OF BOARD OF TRUSTEES PUBLIC HEARING

Before holding the Public Hearing specified in Section 17.07.10 of this Resolution, notice shall be provided in accordance with Section 24.11 of this Resolution. Notwithstanding Section 24.12 of this Resolution, notice shall also be provided by first class mail at least ten (10) days prior to the date of the Hearing, and such notice shall be deemed given on the date of mailing. Mailed notices shall be provided to all owners of property within five hundred (500) feet from the exterior boundaries of the PUD Zoning property which contains the area proposed for specific site plan approval. The Township, at its discretion and in lieu of mailed notice, may provide notice by other alternative means such as hand delivery of written notice. Mailed, newspaper, and any forms of notice utilized in lieu of mailed notice shall set forth the time and place of the Public Hearing and the nature of the proposed

specific site plan. The failure to deliver the notice as provided in this Section shall not invalidate the public hearing or any decision on the application.

17.07.12 STANDARDS AND CRITERIA FOR SPECIFIC SITE PLAN APPROVAL

A specific site plan shall only be approved when the following standards and criteria are satisfied:

1. The specific site plan complies with the purpose and intent of this Zoning Resolution;
2. The proposed development carries out the purpose and intent of the Land Use Plan;
3. The proposed development promotes the health, safety and general welfare of the present and future inhabitants of the Township;
4. The specific site plan substantially complies with the substantial conformance requirement of Section 17.07.6 of this Resolution;
5. The proposed development has no significant detrimental impact that outweighs the development's benefits to the community;
6. The proposed streets and driveways on the site of the proposed development will be adequate to serve the residents, occupants or users of the proposed development, and the specific site plan, along with any necessary off-site vehicular circulation improvements, provides adequate vehicular ingress and egress and will be accessible from current or planned public thoroughfares adequate to carry traffic which will be imposed upon them by the proposed development;
7. The proposed development minimizes conflicts between vehicular, pedestrian and bicycle circulation patterns and movement;
8. The benefits of the proposed development mitigate any burden on public services and facilities, including fire and police protection;
9. Existing and proposed utility services for residential population densities and nonresidential uses are adequate for the projected demand during all phases of development and at full completion of development;
10. The proposed development complies with applicable requirements and conditions of Section 17.05 of this Resolution;
11. Each individual section or subarea of the development, as well as the total development, can exist as a functionally independent environment.

In the alternative and at the discretion of the Township, adequate assurance has been provided by the applicant and to the satisfaction of the Township that such objective will be achieved;

12. The design and other amenities incorporated in the proposed development will provide increased benefits to the residents, occupants, users and the community and such design and other amenities are in accord with the Planned Unit Development provisions of this Zoning Resolution and other applicable resolutions of the Township; and
13. The proposed development contains such covenants, easements, and other such forms of property rights and control as may reasonably be required for the maintenance and care of common, private facilities and for the public health, safety and welfare. If governmental ownership of common open space, recreational facilities, or other common facilities is planned, a copy of its acceptance has been filed with the application.

17.08

PLANNED UNIT DEVELOPMENT OBLIGATION AND BINDING AND ENFORCEABLE CONDITIONS

If any portion of property included in a Planned Unit Development is sold or leased, the PUD Zoning classification and specific site plan obligations shall continue to be binding upon all subsequent owners or lessees, regardless of the acreage involved in the sale or lease. As a matter of procedure, all terms and conditions of any Planned Unit Development Zoning classification and specific site plan that were approved by the Township Trustees in the past or may be approved in the future shall remain binding upon and enforceable against the subject tract of land, except to the extent modified in accordance with Sections 17.11.2 and 17.11.3 of this Resolution.

17.09

MODIFICATIONS TO PUD PERMITTED USES

The permitted uses for an approved PUD development include all uses identified as permitted and accessory uses for the type of PUD District under which the PUD development was approved, except those uses expressly identified as excluded uses in the Resolution granting PUD Zoning approval for the subject property (Example: The permitted uses for an approved C-PUD development include all uses permitted in the C-PUD District, except any uses listed as excluded uses in the Resolution which granted C-PUD zoning for the property on which the development is located). Upon PUD Zoning approval, an applicant is not required to develop all uses permitted for the applicant's specific PUD development, however, an applicant shall only develop those uses permitted for the specific PUD development. Any request to modify or change the permitted uses of a specify PUD

development, as such uses are identified in Sections 17.12.2, 17.13.2, 17.14.2 and 17.15.2 of this Zoning Resolution, and as may be conditioned by the original Resolution granting PUD Zoning classification for the subject property, requires an amendment to such Resolution. Upon a request to modify or change the permitted uses for a specific PUD, the Township, at its discretion, shall require the applicant to either submit a new, full application in accordance with Section 17.06.3 of this Resolution, or submit a modified PUD Zoning application, or submit supplementary materials to accompany the original PUD Zoning application materials. In all cases, proposed amendments to the original zoning ordinance shall be subject to review and approval procedures in accordance with Sections 17.06.4 through and including 17.06.9 of this Resolution.

17.10 SIMILARITY OF USES AND CONDITIONAL USES

17.10.1 SIMILARITY OF USES

Notwithstanding Section 22.07(2) of this Zoning Resolution, the Zoning Commission shall have the appropriate power and duty to determine if uses not specifically mentioned in this Zoning Resolution are similar to uses permitted in Planned Unit Development Districts. In no event shall a determination of similarity of use by the Zoning Commission overrule a Board of Trustees determination of exclusion of uses from a specific PUD, and the Resolution originally granting or amending PUD Zoning classification shall govern. If a PUD Zoning classification application includes a list of intended uses which requires a determination of similarity, the Zoning Commission shall make such determination at the time of its review and recommendation on the PUD Zoning application.

17.10.2 PUD CONDITIONAL USES

Notwithstanding Section 22.07(5) of this Zoning Resolution, the Board of Trustees shall have the appropriate power and duty to hear and decide upon applications for conditional uses which are requested to be approved uses within a PUD. The Zoning Commission shall make a recommendation of approval, denial, or approval with conditions for PUD conditional use applications. After receipt and consideration of the Commission recommendation, the Trustees shall either approve, deny or approve with conditions the conditional use application. In approving a PUD conditional use application, the Trustees may attach appropriate conditions and safeguards in conformity with the provisions of this Zoning Resolution and the Commission's recommendation. Approval of a conditional use application

shall expire one (1) year after the effective date of Board of Trustees approval, unless actual construction has started for the conditional use.

17.11 MODIFICATIONS TO APPROVED SPECIFIC SITE PLANS

Requests to modify an approved specific site plan, when such requested modification does not involve a change of permitted uses for the specific PUD, may be approved by administrative action. Requests to modify shall be in writing and signed by the property owner. The Zoning Enforcement Officer shall determine the type and amount of any additional information necessary for consideration of the modification. Modifications shall be considered either major, minor or incidental, and shall be approved or disapproved by administrative action in accordance with sections 17.11.1, 17.11.2 and 17.11.3 of this Zoning Resolution. Requests to modify an approved specific site plan which involve a change of PUD permitted uses shall be considered a modification to PUD permitted uses and shall comply with Section 17.09 of this Resolution.

17.11.1 MAJOR MODIFICATIONS

Major modifications are defined as modifications which do not change the PUD's permitted uses and do not exceed any of the limitations and conditions of the PUD's approval resolution, and which result in: (a) an increase of five percent (5%) or more in building coverage; (b) a five percent (5%) or greater increase in dwelling unit density; (c) a significant redesign of roadways, or drainage; (d) an increase of greater than five feet (5 feet) in the height of a building or structure; (e) major redesign of a building which significantly alters the central architectural design or theme of the building; or (f) modifications not considered to be of minor or incidental character. Major modifications to an approved specific site plan require resubmission of a specific site plan application in accordance with Section 17.07.5 of this Zoning Resolution. At its discretion and in lieu of compliance with Section 17.07.5, the Zoning Commission may require the applicant to either submit a modified application or submit supplementary materials to accompany the original specify site plan application materials. In all cases major modifications to approved specify site plans shall be subject to review and approval procedures in accordance with Sections 17.07.6 through and including 17.07.12 of this Resolution.

17.11.2 MINOR MODIFICATIONS

Minor modifications are defined as modifications which do not change the PUD's permitted uses and do not exceed any of the limitations and conditions of the PUD's approval resolution, and which result in: (a) an increase of less than five percent (5%) in building coverage; (b) an increase of less than five percent (5%) in dwelling unit density; (c) changes not exceeding twenty-five

(25) feet in building location not affecting front yard setbacks from streets or setbacks from exterior property lines of the PUD; (d) an increase of more than two (2) feet but less than five (5) feet in the height of a building or structure; (e) minor redesign of a building such as significant alterations to exterior materials or colors, provided the redesign does not significantly alter the central architectural design or theme of the building; or (f) changes not considered to be of major or incidental modification character. The Zoning Commission shall, by motion, approve or disapprove minor modifications to approved specific site plans. Such approval shall be based on a Commission determination that the modifications are not in conflict with the intent and character of the approved specific site plan and such modifications do not change the permitted uses for the specific PUD. Minor modifications do not require a Public Hearing and Zoning Commission's decision shall be final.

17.11.3 INCIDENTAL MODIFICATIONS

Incidental modifications are defined as modifications which do not change the PUD's permitted uses and do not exceed any of the limitations and conditions of the PUD's approval resolution, and which result in: (a) less building coverage due to decreasing the size of structures; (b) a decrease in the number of structures; (c) a decrease in the number of dwelling units in a R-PUD or MX-PUD; (d) minor redesign of PUD streets, such as adjustments in a turning radius; (e) minor redesign, such as a realignment, of pedestrian circulation facilities or parking or loading areas; (f) changes in landscaping or screening materials that do not alter the intended function of the landscaping or screening; (g) an increase of two (2) feet or less in the height of a building or structure; (h) minor revisions of building elevations such as realignment of major building entrances or window placement, or insignificant alterations to exterior building materials or colors, provided the revisions do not alter the central design or architectural theme of a building; or (i) changes not considered to be of minor or major modification character. The Zoning Enforcement Officer and Director shall approve or disapprove incidental modifications to approved specific site plans. Such approval shall be based on the Zoning Enforcement Officer determination that the modifications are not in conflict with the intent and character of the approved specific site plan and such modifications do not change the permitted uses for the specific PUD. In the alternative and at the discretion of the Zoning Enforcement Officer, the Zoning Enforcement Officer may request that incidental modifications be approved by the Zoning Commission.

17.11.4 No use shall be established or changed and no structure shall be constructed on any portion of a Planned Unit Development until the final subdivision plat for that portion has been approved and recorded in compliance with the Subdivision Regulations for Greene County, Ohio, except as permitted in this Section. If development of streets, utilities or other improvements that are to be publicly dedicated begins on any portion of a Residential Planned Unit

Development before the plat for that portion has been recorded, the Zoning Enforcement Officer will, upon the developer's application, issue a township zoning permit authorizing the construction of one residential dwelling to commence before recording of the plat for that portion under the following conditions:

1. The proposed residential dwelling must conform to the main use permitted under the zoning classification and specific site plan requirements applicable to that portion of the Planned Unit Development in which the residential dwelling is to be located; and
2. The proposed residential dwelling must comply with all setback requirements applicable to the lot on which it will be located according to the approved plat; and
3. The property upon which the residential dwelling is to be located must remain titled in the name of the developer and cannot be conveyed to any other person or entity until the plat for that portion of the Planned Unit Development is recorded; and
4. No permanent or temporary use or occupancy of the residential dwelling will be permitted for any purpose until the plat for that portion of the Planned Unit Development is recorded; and
5. The developer must assume all risk and responsibility that the location of the residential dwelling will conform to all setback and other siting requirements applicable to the lot on which it is located after recording of the plat.
6. Only one pre-platting zoning permit authorizing one residential dwelling can be issue for each phase of the Planned Unit Development that is to be platted separately.
7. The pre-platting zoning permit will also cover other necessary site improvements that are directly related to the residential dwelling including driveways, sidewalks, mailboxes, lampposts and similar features.
8. No more than one structure is permitted on any parcel.
9. The exception and conditions for obtaining a pre-platting zoning permit under this section only apply to Residential Planned Unit Developments. Pre-platting zoning permits are not available for any other type of Planned Unit Development.

The process for applying for the pre-platting zoning permit authorized under this section will be the same as for zoning permits that are issued after plat recording

Approved: December 19, 2005

Effective: January 19, 2006

17.12 R-PUD: RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICTS

17.12.1 PURPOSE

This District is intended to provide flexibility in the arrangement and design of residential dwellings, based upon a unified development plan conceived and carried out for the entire PUD tract. Within this District, appropriate and reasonable population density is maintained while a variety of dwelling unit types is permitted. Developers are encouraged to retain, to the degree possible, natural features such as topography, trees, and drainage ways. Such developments are generally characterized by a significant proportion of usable open space, a unified design concept with particular attention devoted to the periphery of the development, with the objective of compatibility of the development with its surroundings.

17.12.2 R-PUD PERMITTED AND CONDITIONAL USES

1. Those uses included as permitted and accessory uses in the following listed Residential Districts are permitted in a R-PUD District: ES-2.5, R-1AA, R-1A, R-1B, R-2, R-3, and R-4. One or more of these permitted and accessory uses may be excluded from the specific R-PUD when the Board of Trustees determines that the specific permitted or accessory use normally allowed in the listed Residential Districts is inappropriate for the specific R-PUD development. Such exclusion(s) shall be based upon at least one of the following findings that the specific excluded use:
 - i. Cannot be serviced by adequate public utilities; or presents the potential for significant environmental damage and a satisfactory plan of mitigation has not been provided by the applicant; or is inconsistent with the overall character and other uses of the proposed PUD; or is inappropriate for the topography of the site; or is incompatible with surrounding legal land uses or other approved land uses; or is inconsistent with the Land Use Plan or other approved plans of the Township; or will create hazardous traffic conditions; or will impose an unmitigated burden on public services and facilities, such as fire and police protection; and
 - ii. Will not promote the purpose and objectives of the Planned Unit Development provisions of this Resolution; and

- iii. Does not advance the general welfare of the community and the immediate vicinity and will adversely affect or impact adjoining or surrounding development without satisfactory mitigation measures.
2. Upon approval by the Board of Trustees in accordance with Section 17.10.2 of this Zoning Code and the issuance of a conditional use permit, those uses included as conditional uses in the following listed residential districts are allowed in a R-PUD: ES-2.5, R-IAA, R-IA, R-IB, R-2, R-3 and R-4.

17.12.3 COVERAGE

For R-PUD developments, the coverage of the total gross area of the development shall not exceed forty-five percent (45%). For the purposes of this Section, coverage shall be interpreted to include the area covered by all buildings, all parking areas, all driveways, and all public and private streets and paved rights-of-way. Structures and other impervious surfaces included within, and developed as an integral part of an area of open space may, at the sole discretion of the Zoning Commission and the Board of Trustees, be excluded from the coverage of the total gross area percentage. Developers of R-PUDs are encouraged to achieve an approximate equal distribution of coverage for each individual phase or subarea of the total PUD.

17.12.4 LAND USE DENSITY

The overall gross density of an R-PUD shall not exceed eight (8) dwelling units per acre. In this Section gross density shall be interpreted to mean the measure of residential land use intensity, calculated by dividing the total number of dwelling units proposed for the site by the total acreage of the site. (Example: 43 total dwelling units divided by 10 acres = 4.3 dwelling units per acre).

17.12.5 BUILDING HEIGHT

No building shall be erected in excess of fifty (50) feet in height, except, at the discretion of the Board of Trustees, the maximum height may be increased when such increase is determined to improve site design and the overall aesthetic quality of the development, does not adversely affect surrounding neighborhoods and public facilities, does not obscure light and air sources to immediately surrounding structures, and satisfies applicable fire and safety regulations.

17.12.6 REQUIREMENTS FOR SCREENING, ACCESSORY PARKING, AND LOADING AND UNLOADING AREAS

All screening and buffering shall meet the requirements of Section 18.17 of this Zoning Resolution, accessory parking shall meet the requirements of Section 18.16 of this Resolution, and loading and unloading areas shall meet the requirements of Section 18.15. Upon approval of the Board of Trustees, any of these requirements may be modified, provided that such modification will increase benefits to the community that are derived from the development, will improve site design, will not adversely affect surrounding neighborhoods and public facilities, and the purpose of such modification is not to circumvent the intent of the respective section.

17.12.7 SIGNS

See Article 20 of this Zoning Resolution for size and location of permitted signs. In conjunction with and at the same time as submission of a specific site plan application, applicants may submit a proposed sign limitation and control package specifically fashioned for the PUD development.

17.13 C-PUD COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICTS

17.13.1 PURPOSE

This District is intended to provide for the development of business, office and commercial establishments within a unified commercial area and plan of development. Within this District, business, office and commercial establishments can be flexibly located to achieve compatible exterior physical design, to utilize the site more efficiently than allowed by standard zoning regulations, to take advantage of natural features of the site, to achieve a higher degree of pedestrian and vehicular separation, to eliminate undesirable features of strip commercial development, to reduce vehicular traffic conflicts within the site and with public rights-of-way, and to enhance compatibility of the development with its surroundings.

17.13.2 C-PUD PERMITTED AND CONDITIONAL USES

1. The following listed uses are included as permitted and accessory uses in the C-PUD Zoning District: Convention, Conference and Banquet Facilities, and those uses included as permitted and accessory uses in the B-2, B-3, B-4, and O-1 Zoning Districts. One or more of these permitted and accessory uses may be excluded from the specific C-PUD when the Board of Trustees determines that the specific permitted or accessory use is inappropriate for the specific C-PUD development. Such exclusion(s)

shall be based upon at least one of the following findings that the specific excluded use:

- i. Cannot be serviced by adequate public utilities; or presents the potential for significant environmental damage and a satisfactory plan of mitigation has not been provided by the applicant; or is inconsistent with the overall character and other uses of the proposed PUD; or is inappropriate for the topography of the site; or is incompatible with surrounding legal land uses or other approved land uses; or is inconsistent with the Land Use Plan or other approved plans of the Township; or will create hazardous traffic conditions; or will impose an unmitigated burden on public services and facilities, such as fire and police protection; and
 - ii. Will not promote the purpose and objectives of the Planned Unit Development provisions of this Resolution; and
 - iii. Does not advance the general welfare of the community and the immediate vicinity and will adversely affect or impact adjoining or surrounding development without satisfactory mitigation measures.
2. Upon approval by the Board of Trustees in accordance with Section 17.10.2 of this Zoning Resolution and the issuance of a conditional use permit, those uses included as conditional uses in the following listed Zoning Districts are allowed in a C-PUD: B-1, B-2, B-3, B-4, and O-1.

17.13.3 LAND USE INTENSITY

For C-PUD developments, the maximum land use intensity and lot coverage by all buildings, and by buildings and all other impervious surfaces is as follows:

Maximum Coverage <u>By All Buildings</u>	Maximum Coverage By All Buildings and Impervious <u>Surfaces</u>
30%	70%

17.13.4 BUILDING HEIGHT

The maximum height of any building in a C-PUD District shall be fifty (50) feet, except, at the discretion of the Board of Trustees, the maximum height may be increased when such increase is determined to improve site design and the overall aesthetic quality of the development, does not adversely affect surrounding neighborhoods and public facilities, does not obscure light and

air sources to immediately surrounding structures, and satisfies applicable fire and safety regulations.

17.13.5 REQUIREMENTS FOR SCREENING, ACCESSORY PARKING, AND LOADING AND UNLOADING AREAS

All screening and buffering shall meet the requirements of Section 18.17 of this Zoning Resolution, accessory parking shall meet the requirements of Section 18.16 of this Resolution, and loading and unloading areas shall meet the requirements of Section 18.15. Upon approval of the Board of Trustees, any of these requirements may be modified, provided that such modification will increase benefits to the community that are derived from the development, will improve site design, will not adversely affect surrounding neighborhoods and public facilities, and the purpose of such modification is not to circumvent the intent of the respective section.

17.13.6 SIGNS

See Article 20 of this Zoning Resolution for size and location of permitted signs. In conjunction with and at the same time as submission of a specific site plan application, applicants may submit a proposed sign limitation and control package specifically fashioned for the PUD development.

17.14 MX-PUD: MIXED USE PLANNED UNIT DEVELOPMENT DISTRICTS

17.14.1 PURPOSE

This District is intended to provide for the development of business, office and commercial establishments, and varied residential living opportunities within a unified plan of development. An MX-PUD must include residential uses. Within the planned development, selected residential uses can be integrated with commercial, business and office establishments, or developed as a subarea with residential neighborhood characteristics. This District provides for flexibility in locating uses, allows for utilization of the site more efficiently than standard zoning regulations, allows for advantageous use of natural features of the site, and allows for residential uses to be selectively integrated with or separated from business, commercial or office establishments.

17.14.2 MX-PUD PERMITTED AND CONDITIONAL USES

1. The following listed uses are included as permitted and accessory uses in the MX-PUD Zoning District: Hotels, Motels, Convention, Conference and Banquet Facilities, and those uses included as permitted and accessory uses in the R-4, B-3 and O-1 Zoning Districts. The following

uses are not permitted in an MX-PUD District: drive-in theaters, veterinary clinics, veterinary hospitals, and veterinarians with kennels. One or more of these permitted and accessory uses may be excluded from the specific MX-PUD when the Board of Trustees determines that the specific permitted or accessory use is inappropriate for the specific MX-PUD development. Such exclusion(s) shall be based upon at least one of the following findings that the specific excluded use:

- i. Cannot be serviced by adequate public utilities; or presents the potential for significant environmental damage and a satisfactory plan of mitigation has not been provided by the applicant; or is inconsistent with the overall character and other uses of the proposed PUD; or is inappropriate for the topography of the site; or is incompatible with surrounding legal land uses or other approved land uses, or is inconsistent with the Land Use Plan or other approved plans of the Township; or will create hazardous traffic conditions; or will impose an unmitigated burden on public services and facilities, such as fire and police protection; and
 - ii. Will not promote the purpose and objectives of the Planned Unit Development provisions of this Resolution; and
 - iii. Does not advance the general welfare of the community and the immediate vicinity and will adversely affect or impact adjoining or surrounding development without satisfactory mitigation measures.
2. Upon approval by the Board of Trustees in accordance with Section 17.10.2 of this Zoning Resolution and the issuance of a conditional use permit, those uses included as conditional uses in the following listed Zoning Districts are allowed in a MX-PUD: R-4, B-3, and O-1.

17.14.3 LAND USE INTENSITY

For MX-PUD developments, the maximum land use intensity and lot coverage by all buildings, and by buildings and all other impervious surfaces is as follows:

<u>Maximum Coverage By All Buildings</u>	<u>Maximum Coverage By All Buildings and Impervious Surfaces</u>
30%	70%

17.14.4 MX-PUD RESIDENTIAL USES

Residential uses in MX-PUD Districts are intended to be developed as separate, residential subareas of the MX-PUD, with a primary residential

character, or above business, commercial and office uses. Residential uses shall only be developed in MX-PUD Districts when the following conditions are satisfied.

1. A residential use shall only be developed at grade level, or at grade level and higher, provided a non-residential use is not planned or developed within a horizontal distance of at least one hundred (100) feet from the residential use. The Zoning Commission may recommend and the Board of Trustees may impose a distance greater than one hundred (100) feet.
2. If a non-residential use is planned or developed within a horizontal distance of less than one hundred (100) feet from a residential use, residential uses shall be developed only at the second story or higher of buildings in which grade level use is a business, office or commercial MX-PUD District permitted, or accessory or approved conditional use.
3. The overall gross residential density of a MX-PUD shall not exceed eight (8) dwelling units per acre. In this Section gross residential density shall be the measure of residential land use intensity, calculated by dividing the total number of dwelling units proposed for the site by the total acreage of the site.

17.14.5

BUILDING HEIGHT

The maximum height of any building in a MX-PUD District shall be fifty (50) feet, except, at the discretion of the Board of Trustees, the maximum height may be increased when such increase is determined to improve site design and the overall aesthetic quality of the development, does not adversely affect surrounding neighborhoods and public facilities, does not obscure light and air sources to immediately surrounding structures, and satisfies applicable fire and safety regulations.

17.14.6

REQUIREMENTS FOR SCREENING, ACCESSORY PARKING, AND LOADING AND UNLOADING AREAS

All screening and buffering shall meet the requirements of Section 18.17 of this Zoning Resolution, accessory parking shall meet the requirements of Section 18.16 of this Resolution, and loading and unloading areas shall meet the requirements of Section 18.15. Upon approval of the Board of Trustees, any of these requirements may be modified, provided that such modification will increase benefits to the community that are derived from the development, will improve site design, will not adversely affect surrounding neighborhoods and public facilities, and the purpose of such modification is not to circumvent the intent of the respective section.

17.14.7 SIGNS

See Article 20 of this Zoning Resolution for size and location of permitted signs. In conjunction with and at the same time as submission of a specific site plan application, applicants may submit a proposed sign limitation and control package specifically fashioned for the PUD development.

17.15 I-PUD: INDUSTRIAL PLANNED UNIT DEVELOPMENT DISTRICT

17.15.1 PURPOSE

This District is intended to provide for the development of varied or similar industrial establishments within a unified industrial area and plan of development. Within this District, industrial establishments can be flexibly located to achieve compatible exterior physical design, to utilize the site more efficiently than allowed by conventional development standards, to take advantage of natural features of the site, to achieve a higher degree of pedestrian and vehicular separation, to comprehensively provide for necessary services and facilities in accordance with a predetermined plan, to reduce vehicular traffic conflicts within the site and with public rights-of-way, and to enhance compatibility of the development with its surroundings.

17.15.2 I-PUD PERMITTED AND CONDITIONAL USES

1. Those uses included as permitted and accessory uses in the I-1 Zoning District are permitted in an I-PUD district. One or more of these permitted, accessory and conditional uses may be excluded from the specific I-PUD when the Board of Trustees determines that the specific permitted or accessory use normally allowed in the I-1 Zoning District is inappropriate for the specific I-PUD development. Such exclusion(s) shall be based upon at least one of the following findings that the specific excluded use:
 - i. Cannot be serviced by adequate public utilities; or presents the potential for significant environmental damage and a satisfactory plan of mitigation has not been provided by the applicant; or is inconsistent with the overall character and other uses of the proposed PUD; or is inappropriate for the topography of the site; or is incompatible with surrounding legal land uses or other approved land uses; or is inconsistent with the Land Use Plan or other approved plans of the Township; or will create hazardous traffic conditions; or will impose an unmitigated burden on public services and facilities, such as fire and police protection, and
 - ii. Will not promote the purpose and objectives of the Planned Unit Development provisions of this Resolution; and

- iii. Does not advance the general welfare of the community and the immediate vicinity and will adversely affect or impact adjoining or surrounding development without satisfactory mitigation measures.
- 2. Upon approval by the Board of Trustees in accordance with Section 17.10.2 of this Zoning Resolution and the issuance of a conditional use permit, those uses included as conditional uses in the I-1 Zoning District are allowed in an I-PUD.
- Effective June 7, 1998 3. When specifically listed in the I-PUD approval, those uses included as permitted uses and accessory uses in the O-1 and B-3 zoning districts may be permitted in an I-PUD as conditional uses in accord with Section 17.10.2 of this Zoning Resolution.

17.15.3 LAND USE INTENSITY

For I-PUD developments, the maximum land use intensity and lot coverage by all buildings, and by buildings and all other impervious surfaces is as follows:

<u>Maximum Coverage By All Buildings</u>	<u>Maximum Coverage By All Buildings and Impervious Surfaces</u>
35%	70%

17.15.4 BUILDING HEIGHT

The maximum height of any building in an I-PUD District shall be fifty (50) feet, except, at the discretion of the Board of Trustees, the maximum height may be increased when such increase is determined to improve site design and the overall aesthetic quality of the development, does not adversely affect surrounding neighborhoods and public facilities, does not obscure light and air sources to immediately surrounding structures, and satisfies applicable fire and safety regulations, and is necessary for the operation of a proposed industrial use.

17.15.5 REQUIREMENTS FOR SCREENING, ACCESSORY PARKING, AND LOADING AND UNLOADING AREAS

All screening and buffering shall meet the requirements of Section 18.17 of this Zoning Resolution, accessory parking shall meet the requirements of Section 18.16 of this Resolution, and loading and unloading areas shall meet

the requirements of Section 18.15. Upon approval of the Board of Trustees, any of these requirements may be modified, provided that such modification will increase benefits to the community that are derived from the development, will improve site design, will not adversely affect surrounding neighborhoods and public facilities, and the purpose of such modification is not to circumvent the intent of the respective section.

17.15.6

SIGNS

See Article 20 of this Zoning Resolution for size and location of permitted signs. In conjunction with and at the same time as submission of a specific site plan application, applicants may submit a proposed sign limitation and control package specifically fashioned for the PUD development.

ARTICLE 18

ARTICLE 18 GENERAL PROVISIONS

18.01 GENERAL REGULATIONS

Except as herein provided, no building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used:

1. Except for a purpose permitted in the district in which the building or land is located;
2. Except in conformance to the height or bulk limits established herein for the district in which the building or use is located;
3. Except in conformance to the yard and lot regulations of the district in which the building or use is located.
4. Except in conformance to the off-street parking and off-street loading space regulations of the district in which the building or use is located; and/or
5. **Unless such building or structure is located on a lot as herein defined and in no case shall there be more than one principal structure on a lot except as specifically provided hereinafter.**

18.02 YARDS REQUIRED FOR CORNER AND THROUGH LOTS

1. Front Yards: All buildings and structures on corner and through lots shall have the same setback requirement along all street frontage as the required front yard in the district in which the lot is located.
2. Rear Yard: The rear yard for a corner lot is an area bounded by the side lot lines and an imaginary line on an arc of fifty (50) feet from a point most distant from the front lot lines at which the side lot lines intersect. (See Figure 1). In the instance of a through lot, there is no rear yard.
3. Side Yards: On a corner lot, a required side yard setback of fifteen (15) feet shall be provided from each side yard lot line, except in ES-2.5 and R-1AA Districts, the side yard setback shall be twenty (20) feet. (See Figure Definition).

18.03 ACCESSORY BUILDINGS ON CORNER LOTS

Where a corner lot adjoins the side boundary of a lot within a residential district, no part of any accessory building within twenty-five (25) feet of the common lot line shall be nearer the street bounding the side lot line than the least depth of any front yard required along such side street, except that in the

case of a narrow lot where compliance would give impractical depth to a private garage, the Board of Zoning Appeals may grant a variance in the front yard requirement along such side street. In no case shall such garage project closer to the street than the building to which it is accessory, nor be located closer than ten (10) feet to any side or rear lot line of the lot on which it located.

18.04 LOTS ADJOINING ALLEYS

For purpose of applying lot area requirements of the Zoning Resolution, one half (1/2) the width of any alley abutting the lot shall be considered as part of such lot.

18.05 ACCESSORY BUILDINGS, STRUCTURES, AND APPURTENANCES WITHIN RESIDENTIAL DISTRICTS

1. Not Permitted in Required Front or Side Yards: In any residential district, no structure or appurtenances other than a fence shall be erected within a required side yard or front yard.
2. Front Setback Less Than Sixty Feet: When located less than sixty (60) feet from the front property line and not completely to the rear of the dwelling, garages shall be constructed as part of the main building or connected thereto by a covered breezeway.
3. Front Setback Greater Than Sixty Feet: When located at least sixty (60) feet from the front property line and completely to the rear of the main dwelling, an accessory building or structure may be erected not less than ten (10) feet from the side or rear lot lines. When access to a garage is from an alley, such garage shall be located not less than ten (10) feet from the alley.
4. Maximum Height Permitted: A detached accessory building or structure within a residential district shall not exceed the height of the principal structure, or eighteen (18) feet in height, whichever is less. This height limit may be raised to twenty-two (22) feet on lots measuring one acre or more in area. Height shall be measured from the established grade of the lot on which the structure sits to the peak of the structure's roof.
5. Maximum Size: Within any residential district, the total floor area of accessory buildings shall not be larger than fifty percent (50%) of the footprint of the main building or fifteen percent (15%) of the total acreage of the parcel on which they are situated, whichever is less. Accessory structures shall never cause the total impervious surface coverage of a given lot to exceed 70% of total lot area.

6. Maximum Allowable Area in Required Rear Yards: In any required rear yard, accessory structures may occupy no more than thirty percent (30%) of the area of such a required rear yard.

18.06 ACCESSORY FENCES, WALLS AND PLANTINGS

1. Fences and Walls in Side and Rear Yards: Fences or walls constructed within a side or rear yard shall not be higher than six (6) feet except as provided herein. Swimming pool and tennis court fences are permitted to a height of ten (10) feet.
2. Height of Hedges, Fences and Walls in Required Front Yard: No fence, wall or hedge shall rise over three (3) feet in height within any required front yard.
3. Front Yard Setback and Visibility Requirements: Fences, walls or hedges shall be prohibited:
 - (a) closer than twelve (12) feet from the back of curb;
 - (b) closer than twenty-five (25) feet from the center line of streets without curbs and gutters;
 - (c) within a public right-of-way.
 - (d) closer than twenty-five (25) feet from the intersection of any existing or projected right-of-way; and/or
 - (e) which interfere with visibility from driveways or at intersections.
4. Security Fences: Security fences up to eight (8) feet high are permitted in B-1, B-2, B-3, B-4, I-1, I-2, M-1, and IG-1 districts.
5. Prohibited Fences: Chain link fencing, cyclone fencing, or similar appurtenances shall be prohibited in the required front yard. Electric and barbed wire fences shall not be permitted within residential districts.

18.07 REMOVAL OF SOIL, SAND, GRAVEL OR STONE FROM A LOT

1. Temporary Conditional Use Permit Required: The removal or extraction, storage and processing of soil, sand, gravel or stone from any lot shall only be conducted in accordance with the requirements of this section and is permitted only in those districts where such use is specifically listed as a conditional use. This requirement, and any requirements within Article 18.07, do not apply to mining operations conducted within the M-1 Mineral Extraction zoning district. The temporary conditional use permit

may be denied or issued in appropriate cases after the filing of an application accompanied by an agreement secured by a bond, with the terms and amount of such agreement and bond acceptable to the Township. Such agreement and bond shall assure that such removal will not result in poor drainage or leave the surface of the land, at the expiration of such permit, in an unstable condition, or unfit for the growing of turf or for other land uses permitted in the district in which such removal occurs.

2. Extraction and Processing of Sand, Gravel, Stone, or Subsoil's: All mineral extraction and processing operations shall be in accordance with the following provisions:
 - (a) Extraction Less Than Six (6) Feet in Depth Adjacent to Residential Districts: Extraction involving the removal of any material to a depth not exceeding six (6) feet may be conducted up to one hundred (100) feet from a residential district, provided the operation is conducted over a temporary period not to exceed twelve (12) months and operation of equipment is limited to the extraction process between the hours of 7:00 a.m. and 7:00 p.m. Temporary operational roads shall not be closer than two hundred (200) feet to a residential district.
 - (b) Setback from Existing Residential Districts: Extraction which exceeds six (6) feet in depth and processing activities shall not be conducted closer than five hundred (500) feet from any residential district so zoned prior to the issuance of a conditional use permit, nor closer than two hundred (200) feet from any structure used for human occupancy within any district.
 - (c) Setback From Subsequently Created Residential Districts: Permitted uses shall not be located closer than five hundred (500) feet from any residential district except in cases when residential districts are so zoned after the construction of the plant and in these cases no new building or structure to support the extraction and processing function may be located closer than two hundred (200) feet from any residential dwelling.
 - (d) Removal of Unused Buildings or Structures: Buildings and structures for which no future use is contemplated and for which no other acceptable use is practicable or feasible shall be demolished and removed upon the expiration of the conditional use permit.
 - (e) Required Map for Application: At the time of application for a

temporary permit for extraction purposes, the applicant shall file with the Board of Zoning Appeals a detailed map of at least two hundred (200) feet to the inch scale which clearly shows areas to be excavated and the location of adjacent properties, roads, and natural features.

- (f) Erosion Control Plan Required: The applicant shall submit an erosion control plan. Such plan shall comply with the requirements of the Runoff Control and Sediment Abatement Resolution.

- (g) Information on Water Table Required: The applicant shall submit information on the anticipated depth of excavations and on the depth of and the probable effect on the existing water table. The operator shall provide proof that the source of community water supply shall not be adversely affected due to lowering the water table or contaminating the supply before the conditional use permit is granted. If the processing function causes the water table to drop and prevents an adequate supply of water to the homes in the area or causes existing wells to become contaminated, the owner and/or the operator of the extraction process shall be responsible for the cost of drilling new wells or for providing a source of water to the homes deprived of water.

- (h) Restoration Plan Required: The applicant shall also file with the Board of Zoning Appeals a detailed plan of at least two hundred (200) feet to the inch scale for the restoration of the areas to be excavated which include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet. The following shall apply incorporated in the restoration plan.
 - (i) All earthen banks shall be left with a slope no greater than two (2) feet horizontal to one (1) foot vertical, all rock banks may be left at a one (1) to one (1) slope.

 - (ii) The type and number per acre of trees or shrubs and type of ground cover or legumes to be planted shall be determined in consultation with the Zoning Enforcement Officer and County Agriculture Extension agent.

 - (iii) The location of future roads, drives, drainage courses, or other improvements or changes contemplated shall be shown as determined in consultation with the County Engineer and approved by the Planning Director.

 - (iv) The applicant and/or operator shall be required to restore areas within five hundred (500) feet of a residential district within a period of one year from the date of completion of the extraction

operations.

- (v) Bond Required for Restoration Plan: The operator is required to file a bond in such form and with such surety as may be acceptable to Beavercreek Township, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The bond amount shall be determined by the type and extent of restoration required, excluding that portion already required and bonded by the State of Ohio. The bond shall be released upon written certification of the Zoning Enforcement Officer that the restoration is complete and in compliance with the restoration plan.
3. Removal or Excavation of Topsoil: Removal or excavation of topsoil to a depth of not more than three (3) feet shall be permitted as a conditional use only in those districts where such conditional use is specifically permitted and shall be in accordance with the following provisions:
- (a) Removal or Excavation of Topsoil Adjacent to Residential Districts: Removal or excavation of topsoil shall not be conducted closer than one hundred (100) feet to a residential district. Excavation operations within five hundred (500) feet of a residential district shall be completed within one (1) year after the commencement of operations.
 - (b) Accessory Buildings or Structures: Accessory buildings and structures shall not be constructed within five hundred (500) feet of any residential district or any structure used for human occupancy within any other district.
 - (c) Required Map for Application: At the time of application for a temporary conditional use permit for removal of topsoil, the applicant shall submit a detailed map of at least two hundred (200) feet to the inch scale, which clearly shows areas where topsoil will be removed, the location of adjacent properties, roads, and natural features.
 - (d) Erosion Control Plan Required: The applicant shall submit an erosion control plan. Such plan shall comply with the requirements of the Runoff Control and Sediment Abatement Resolution.
 - (e) Information on Water Table Required: Information on the anticipated depth of excavations and on depth and probable effect on the existing water table. The applicant shall provide proof that the water table will not be affected, due to lowering the water table or contaminating the supply before permission for removal of topsoil is given. If the removal of topsoil causes the water table to drop and prevents an adequate supply of water to the homes in the area or if existing wells are contaminated, the owner and/or operator of the removal operation shall be responsible for the cost of drilling new wells or for providing a source of water to the homes deprived of safe drinking water.
 - (f) Restoration Plan Required: The applicant shall also file with the

Board of Zoning Appeals, a detailed plan at a scale of two hundred (200) feet to the inch, for the restoration of areas where topsoil will be removed. The plan will include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater intervals than five (5) feet. The following shall apply and be incorporated in the restoration plan:

- (i) If ponds of water are created by the removal of the topsoil, the plan shall show how the water will be drained off to the nearest stream.
 - (ii) All earthen banks shall be left with a slope no greater than two (2) feet horizontal to one (1) foot vertical. All rock banks may be left one to one slope.
 - (iii) The type and number per acre of trees, the type of ground cover to be planted, and the growing medium shall be determined in consultation with the County Agricultural Extension Agent.
- (g) Time Period for Restoration: The applicant and/or operator shall be required to restore areas within one hundred (100) feet of a residential district within a period of one (1) year from the date of completion of the extraction operations.
- (h) Bond Required for Restoration Plan: The operator is required to file a bond in such form and with such surety as may be acceptable to Beavercreek Township payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The bond amount shall be determined by the type and extent of restoration required, excluding that portion already required and bonded by the State of Ohio. The bond shall be released upon written certification of the Zoning Enforcement Officer that the restoration is complete and in compliance with the restoration plan.
4. M-1 Language Controls in Parcels Zoned M-1: On any parcel which has obtained the M-1 Mineral Extraction zoning designation, any mineral extraction or processing activities on said parcel shall be governed by the language governing the M-1 zoning district. If any such language is contradicted by any language found within Article 18.07 of this Resolution, the M-1 language shall supersede.

18.08 ESSENTIAL SERVICES

Essential services shall be allowed in any district insofar as permitted, authorized, or regulated by law or other Resolution.

18.09 EXTERNAL EFFECTS

No land, building or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise, brilliant light, vibration, smoke, dust, fumes, odor, or other form of air pollution; heat, cold, dampness; electrical or electronic disturbances, nuclear radiation, or any other condition, substance or element, to any person or property outside the premises on which such building, structure or use is located. Where uses are permitted under the provisions of this resolution that cause or create objectionable external effects, the use shall be operated in such a manner so as to ensure that the objectionable external effects are limited to the property that caused or created the objectionable external effects.

18.10 OUTDOOR STORAGE AND WASTE DISPOSAL

Every use shall be operated in accordance with the following provisions:

1. Flammable or Explosive Substances: No highly flammable or explosive liquids, solids or gasses shall be stored in bulk above ground, except in an industrial district. In an industrial district, storage of such materials shall be prohibited within one thousand (1,000) feet of a residential district. Tanks or drums of fuel directly connected with heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision. In addition, fuel products stored for use on farms are excluded from the provision.
2. Screening Required: All outdoor storage facilities for fuel, raw materials and products shall be enclosed by a fence, wall or planting to conceal such facilities from adjacent residential districts. Tanks or drums of fuel directly connected with heating devices or appliances located on the same lot as the tanks or drums are excluded from this provision.
3. Securing of Materials or Wastes Required: No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by wind, flood or natural causes or forces.
4. Closed Containers Required: All materials or wastes which might cause fumes, dust or which constitute a fire hazard, or which may be edible or attractive to rodents or insects may be stored only in closed containers constructed of impervious material.
5. Discharge of Wastes: No discharge at any point into any public sewer, private storage disposal system or stream or into or onto 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. All nonresidential sewer customers shall be in conformance with the

requirements of the local Publicly Owned Treatment Works Pretreatment Program.

18.11 PROJECTIONS INTO REQUIRED YARDS

1. Side Yards: Chimneys, flues, sills, pilasters, cornices, eaves, gutters, and other similar features may project into a required side yard a maximum of eighteen (18) inches.
2. Front Yards: No structure may project into a required front yard, however, unroofed porches and steps may extend from the dwelling into the required front yard a maximum of ten (10) feet.
3. Nonconforming Lot of Record: No structure may project into a required side yard except that, where a single lot under one ownership existed in a residential district at the time of passage of this resolution, and such lot is of insufficient width to meet the side yard requirements of this Zoning Resolution, the Board of Zoning Appeals may grant a minimum variance to permit the construction of a one-family residence.

18.12 EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport. Exceptions to height limitations shall not exceed ninety (90) feet, unless approved by the Board of Zoning Appeals.

18.13 TEMPORARY USES

In any district, subject to the conditions stated below, the Enforcing Officer may issue a permit for the following temporary uses:

1. Construction: Temporary building or yard for construction office, material or equipment, provided such use is adjacent to the construction site and removed when construction is completed. Each permit shall be valid for six (6) months and may be renewed if construction is underway and shall be removed when construction is completed or discontinued for more than thirty (30) days.
2. Real Estate Sales: Temporary office incidental and necessary to real estate sales and rentals. Each permit shall be valid for one (1) year and may be renewed for one (1) additional year if conditions warrant such renewal.

3. Location Subject to Enforcing Officer Approval: Temporary building and yard location shall be subject to such conditions and safeguards as the Enforcing Officer may deem necessary to preserve the character of the surrounding area.

18.14 MAJOR STREET SETBACK

Any building or structure shall be constructed in accordance with the required front yard setback in the district in which it is to be located, measured from the required or proposed right-of-way line on major streets and secondary streets.

18.15 OFF STREET LOADING REGULATIONS

On the same premises with every building or structure or part thereof, erected and occupied for commerce, industry, public assembly or other uses involving the receipt or distribution by vehicles of materials or merchandise, there shall be provided and permanently maintained adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets or alleys in conformance to the following:

1. General Provisions

- (a) Screening: Whenever a loading area is located adjacent to or across a street or alley from a residential district, it shall be effectively screened on all sides which adjoin or face any property used or zoned for residential purposes, by an acceptably designed wall, fence or planting screen. Such fence, wall or planting screen shall be not less than four (4) feet nor more than eight (8) feet in height and shall be maintained in good condition. The space between such fence, wall or planting screen 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. Required landscaping and screening shall be subject to the provisions set forth in Section 18.17.

- (b) Entrances and Exits: Off street loading spaces shall be provided with entrances and exits not less than twelve (12) feet in width and so located as to minimize traffic congestion.
- (c) Dimensions: Each off-street loading space shall be not less than twelve (12) feet in width, fifty (50) feet in length and fifteen (15) feet in height, exclusive of access drives.
- (d) Projection Into Yards: Off-street loading space may only occupy all or any part of any required side or rear yard space and shall not occupy any front yard.
- (e) If any off-street loading activity would result in the obstruction of any public vehicular travel lanes for a period to exceed fifteen (15) minutes, adequate traffic controls (as described in the Manual of Uniform Traffic Control Devices) shall be provided by the parties engaged in off-street loading.

2. Amount of Loading Space Required

The minimum amounts of off-street loading space shall be provided according to the table below. An area adequate for maneuvering, ingress and egress shall be provided in addition to required loading space.

<u>Sq. Feet of Gross Floor Area</u>	<u>Required No. of Spaces</u>
a. Up to 10,000 sq. ft.	1
b. 10,001 to 20,000 sq. ft.	2
c. 20,001 to 40,000 sq. ft.	3
d. 40,001 to 75,000 sq. ft.	4
e. 75,001 to 125,000 sq. ft.	5
f. Each additional 50,000 sq. ft. over 125,000 sq. ft.	1

18.16

OFF-STREET PARKING REGULATIONS

- 1. Off-Street Parking Required: No building shall be erected or altered, and no land used unless adequate off-street parking space or spaces together with means of ingress or egress for the needs of tenants, personnel and patrons are provided.
- 2. Parking Plan Required: A parking plan shall be submitted with any application involving the construction, expansion, or elimination of any off-street parking space. All parking plans shall be subject to review by the Community Development and Risk Department prior to approval of such application. Parking plans shall show, as necessary the following:

- (a) Boundaries of the property;
 - (b) Parking, loading, and/or drive-through spaces;
 - (c) Access driveways and circulation pattern;
 - (d) All existing or proposed structures on the premises;
 - (e) Drainage facilities;
 - (f) Landscaping;
 - (g) Screening and adjacent residential structures;
 - (h) Storm drainage, utility and/or access easements,
 - (i) On-site water supply and wastewater disposal systems;
 - (j) Fire lanes and access points; and
 - (k) Any other information necessary to determine compliance with this Article.
3. Minimum Parking Space and Driveway Aisle Dimensions:
4. The following minimum dimensions shall apply to all parking spaces and driveway aisles:
5. Handicap Spaces: Handicap parking spaces shall comply with the most currently approved version of the ADA Standards for Accessible Design or its equivalent.
6. Standard Width and Length: Parking spaces for retail or similar stores where packages are customarily placed in cars and parking spaces located adjacent to building areas and characterized by short duration and high turnover shall not be less than ten (10) feet in width and twenty (20) feet in length.
7. Reduced Width Permitted: Parking spaces for employees and spaces located at a distance from the building and characterized by medium- to-low use may have minimum width of nine (9) feet and a minimum length of twenty (20) feet.
8. Overhang Permitted: Any parking space adjoining a landscaped area of the parking lot may include a two (2) foot overhang into the landscaped area as part of the required twenty (20) foot length, provided curbing or other well maintained wheel stops are used.
9. Driveway Aisles: Driveway aisles shall have the following dimensions, at a minimum:

0° Parking (Parallel) One-Way 12 ft Two-Way 24 ft	60° Parking One-Way 17.5 ft Two-Way 24 ft
45° Parking One-Way 13 ft Two-Way 24 ft	90° Parking One-Way 25 ft Two-Way 25 ft

10. Reduction or Change in Required Parking Area: Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere. Off-street parking existing at the effective date of this Resolution in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
11. Special Provisions for Collective and Off-Site Parking Areas: The following special provisions shall be applicable to all collective and off- site parking areas serving non-residential uses:
- a) Collective Parking Areas: Two or more uses may collectively provide the required off-street parking area. The required number of parking spaces shall not be less than the sum of the requirements for the individual uses computed separately, unless the parking area is part of an approved planned unit development or Joint use is approved.
 - b) Joint Use of On-Site Parking Areas: Two or more non-residential uses may jointly provide and use parking spaces on the same lot when their hours of operation do not normally overlap, provided that such an arrangement is provided within written legal documents approved as to form by the Township Legal Counsel prior to issuance of a Zoning or Occupancy Permit.
 - c) Off-Site Parking Areas: Parking spaces located within three hundred (300) feet of the building and/or use served on abutting properties may be used toward the calculation of the required number of spaces for a use, provided a written legal instrument is used to reserve such spaces for the subject use. Such legal instruments shall be approved as to form by the Township Legal Counsel prior to issuance of a Zoning or Occupancy Permit.
12. Other Uses Within Required Parking Areas: No vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or associated with any off-street parking area. Display, sales, or storage of any merchandise within any required parking area shall not be permitted unless otherwise specifically provided within the Zoning Resolution.

13. Access to Public or Private Streets: All parking lots shall be designed in such manner that any vehicle entering or exiting the parking lot via a public or private street shall be traveling in a forward motion. Access roads or driveways for parking areas shall be located in such a way that any vehicle entering or leaving such lot shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access road or driveway from a public or private street. For one way traffic, the minimum width of the access road shall be fourteen (14) feet. For two-way traffic the minimum width shall be twenty-four (24) feet. Parking areas having more than one access road shall have directional signs or markings in each aisle or driveway. The Planning Commission may require the owner to provide acceleration and/or deceleration lanes where traffic volumes indicate the need.
14. Curb Required for Interior Access Lanes: All access lanes within a parking lot that serve two or more driveway aisles shall have a curb.
15. Required Surfacing: All parking lots shall be made of a four-inch compacted stone base and covered with at least one and one-half inches (1 1/2") of asphaltic concrete or some other comparable all-weather dustless material unless parking surfaces are designed to be permeable by stormwater. Such permeable parking surfaces do not count towards any impervious surface coverage limitations imposed elsewhere in this Resolution.
16. Marking Required: All parking spaces and driveway aisles shall be marked with an all-weather paint and/or curb stones. Such markings shall be maintained in clearly visible condition and be in accordance with the approved parking plan.
17. Perimeter and Landscape Barriers Required: Fencing, curb, wheel stops or other physical barriers shall be provided for all boundaries of the parking lot and landscaped areas within the lot itself, except at points of ingress and egress, to prevent encroachment of vehicles into non-parking or landscaped areas.
18. Lighting: Any parking area which is intended to be used during non- daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be arranged and designed so as to deflect the light away from adjoining or opposite residential property and public streets. (lighting plans shall be required)
19. Drainage: All parking areas shall provide for drainage of surface water in accordance with the Greene County Runoff Control and Sediment Abatement Resolution. Parking spaces may be located within drainage easements subject to approval by the Township
20. Screening: Screening shall be installed and permanently maintained along all boundaries of parking areas as required under Section 18.17.

1. Required Landscaped Area: In order to separate parking areas from moving traffic and to reduce the negative effects of wind and air turbulence, air pollution, heat generation, noise of engines, glare of lights, greater runoff from impervious surfaces, and any blighting appearance of parking areas and accessory access driveways, the following landscaped areas shall be required:
 - a. Separation from Streets: All parking areas shall be separated from rights-of-way for streets by a strip of land which shall be equal to the required front yard depth within any residential district, shall be at least ten (10) feet in depth within all other districts, and shall be at least twenty (20) feet in depth when across the street from any residential district. Such strip shall be reserved as open space, landscaped, and possess certain screening as required.
 - b. Separation from Side or Rear Yard Boundaries: All parking areas shall be set back a minimum of five (5) feet from any side or rear lot line unless a greater setback is required under Section 18.17. Such strip shall be reserved as open space and landscaped.
 - c. Separation from Residential Districts: All parking areas for non-residential uses located adjacent to any residential district shall be set back and screened in accordance with Section 18.17. All parking areas located across the street from any residential district shall be separated from such street right-of-way by a strip of land at least twenty (20) feet in width. Such strip shall be landscaped with screening in accordance with Section 18.17.
 - d. Interior Landscaped Areas Required: Within interior vehicular use areas ten thousand (10,000) square feet in size or greater, and for each additional ten thousand (10,000) square foot unit or a proportional fraction thereof, there shall be provided a minimum total of four hundred (400) square feet of planting area consisting of separate sub areas. For individual parking lots with more than five parking spaces and less than ten thousand (10,000) square feet in area, four percent (4%) of the vehicular use area irrespective of the perimeter requirements, shall be devoted to landscape. All interior landscaping shall be in accordance with the following provisions:
 - i. Required Trees: Trees shall be required within the ORP-1 Office Research Park District and the RP-1 Research Park District only. See Section 13.06(d) for requirements.

- (ii) Reduction of Landscaping Amount Permit: The total planting area for a unit may be reduced by one hundred (100) square feet if such amount is relocated elsewhere so as to emphasize an entrance corridor or feature.
- (iii) Total Landscaping Required: Grass or other ground cover shall be planted on all portions of the interior planting area not occupied by other approved landscape material. Landscaping, other than grass or ground cover, shall not be located closer than three feet from the edge of any pavement.
- (iv) Arrangement of Landscape Areas: In order that there shall be safe access to parking spaces, landscaped strips shall be arranged so as to divide parking corridors and to limit "cross taxiing" through open parking spaces.
- (v) Minimum Width: The minimum width of landscaped area shall be five (5) feet, except that the minimum distance from a tree to a vehicular use area shall be four (4) feet measured from the face of the tree.
- (vi) Distribution Variances: In vehicular use areas where the Zoning Inspector has determined that the strict application of this section will interfere with the function of the area, the required interior landscaping may be located near the perimeter of the paved area, including such perimeters which may be adjacent to a building.
- (vii) Credit for Preserving Existing Trees: If in the judgment of the Zoning Inspector it is deemed appropriate, credit may be received on the interior landscaping plan by preserving existing trees capable of tolerating adjacent construction. In order to maintain any tree deemed eligible for credit, fifty percent (50%) of the ground area under and within the drip line of the tree shall be preserved from the trunk out to the edge of the drip line and shall be maintained in either vegetative landscape material or pervious surface cover, except when the Zoning Inspector determines that lesser areas and other ground cover treatment will provide sufficient nourishment for the continued growth of the preserved type of tree. The required number of new trees may be reduced in accordance with the following schedule in exchange for preserving existing trees:

<u>Diameter of Existing Crown Spread of or Preserved Tree (1)</u>	<u>Diameter of Tree Trunk of = Preserved Tree (2)</u>	<u>Number of Trees Credited</u>
90 ft. or greater	36 in. or greater	7
60-89 feet	30-35 inches	6
50-59 feet	26-29 inches	5
40-49 feet	20-25 inches	4
30-39 feet	13-19 inches	3
20-29 feet	8-12 inches	2
16-19 feet	4-7 inches	1

- (1) Rounded off to the nearest whole foot.
- (2) Measured at a height of four and one-half feet above the natural grade and rounded off to the nearest whole inch.

8.17 Number of Parking Spaces Required: The following minimum number of parking spaces shall be provided on the same lot as the use or building they are intended to serve, or may be provided on adjacent lots subject to other provisions of this Section.

a. RESIDENTIAL & INSTITUTIONAL

<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u>
1. One Family Dwelling	Two spaces, plus one space for each two roomers.
2. Two Family Dwelling	Two spaces for each unit, plus one space for each two roomers.
3. Multiple Family Dwelling	Two spaces for each unit, plus one space for each employee, plus one space for each five units.
4. Apartment Hotel	Three spaces for each two units, plus one space for each employee.
5. Boarding House	One space for each sleeping room, plus one space for each employee.
6. Group Home	To be determined by the Board of Zoning Appeals for the type of residential population, plus two spaces for each permanent resident employee and one space for each non-resident employee.
7. Hospital	Two spaces for each three beds, plus one space for each staff doctor, plus one space for each full-time employee on the largest shift.
8. Hotel or Motel	One space for each sleeping room, one space for each employee on the largest shift, and one space for each four seats within an accessory restaurant. Accessory meeting room shall require an additional space for each three seats. Adequate space for parking busses and recreational vehicles must be provided to the satisfaction of the Zoning Inspector.

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| 9. Housing for the Elderly | Two spaces for each three units, plus one space for each employee, plus one space for each vehicle used for the complex which is maintained on the premises. |
| 10. Mobile Home | Two spaces for each mobile home. |
| 11. Sanitarium, Convalescent Home, Nursing Home, similar | One space for each two beds, plus, one space for each employee on the largest shift. |
| 12. Golf course | Five spaces for each hole, plus one space for each employee, plus one space for each four seats within an accessory restaurant. |
| 13. Library, museum, or art gallery | One space for each 400 square feet of floor area, plus one space for each employee. |
| 14. Private club, lodge, or similar use | One space for each three persons capacity, plus one space for each employee. |
| 15. Tennis facility, racquetball facility or similar use | Two spaces for each court, plus one space for each employee. |

b. SCHOOLS AND CHURCHES

<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u>
1. Business, technical, trade school	One space for each two students, plus one space for each employee.
2. Church or other place of religious assembly	One space for each three seats in the main assembly area plus one space for each vehicle owned by the church.
3. College or University	One space for each four students, plus one space for each employee.
4. Daycare Center/Nursery	One space for each five (5) children plus one space for each employee.

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|------------------------------|--|
| 5. Elementary or junior high | Two spaces for each classroom or one space for every eight (8) seats in auditoriums or assembly halls, whichever is greater. |
| 6. High School | 1.) One space for each three seats of the largest assembly area, or 2.) a total of one space for every six students, one space for every teacher, plus one space for every other employee; whichever is greater. |

c. RECREATIONAL

TYPE OF USE

PARKING SPACES REQUIRED

- | | |
|---|---|
| 1. Auditorium, sport arena, theater, or similar use | One parking space for each four (4) persons allowed by the fire code up to 1,000 seats, plus one parking space for each three persons allowed by the fire code over 1,000 seats, plus one space for each employee on the largest shift. |
| 2. Bowling Alley | Five spaces for each alley or lane plus one additional space for each four seats within an accessory restaurant. |
| 3. Dance hall, skating rink | One (1) space for each three (3) persons capacity. |
| 4. Swimming pool, recreation club | Two spaces for each three member families, or one for each five-person capacity, whichever is greater. |

d. COMMERCIAL

TYPE OF USE

PARKING SPACES REQUIRED

- | | |
|---------------------------|--|
| 1. Automobile Gas Station | One space for each 100 square feet floor area, plus one space for each employee. |
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2. Automobile Repair Station
One space for each 500 square feet of floor area, plus one space for each employee, plus one for each vehicle used in the business and kept on the premises.
3. Automobile Service Station
One space for each 100 square of floor area, plus one space for each accessory service bay, plus one for each employee, plus one for each vehicle used in the business and kept on the premises.
4. Automobile Sales Lot
One parking space for each 200 square feet of floor area in the main display room, plus one space for each 1500 square feet of outdoor display area, plus one space for each employee.
5. Automobile Washing Facility
One space for each employee.
6. Bank, Savings and Loan institution, or similar use.
One space for each 250 square feet of floor area, plus one space for each employee.
7. Barber or Beauty Shop
Three (3) spaces for each barber or beauty chair.
8. Contractor
One space for each employee, plus one adequately sized space for each vehicle and machine used in the business and kept on the premises.
9. Funeral parlor, mortuary, or similar use
One space for each 50 square feet of floor area in slumber rooms, parlors, or service rooms, plus one space for each vehicle used in the businesses and kept on the premises.
10. Grocery store or specialty food store
One space for each 200 square feet of floor area, plus one space for each employee.
11. Health Studio
One space for each 100 square feet of gross floor area.

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| 12. Laundromat | One space for each two washing machines, plus one space for each employee. |
| 13. Restaurant | One space for each three seats, plus one space for each automobile in which food is consumed on the premises, plus one space for each employee on the largest shift. |
| 14. Retail store for furniture, large appliances, or similar large items | One space for each 800 square feet of floor area, plus one space for each employee. |
| 15. Retail Stores not specified elsewhere | One space for each 200 square feet of gross floor area. |
| 16. Warehouse Store, building material store, motorcycle sales, or similar store for large items | One space for each 800 square feet of floor display area, plus one space for each employee. |

e. OFFICE

TYPE OF USE

PARKING SPACES REQUIRED

- | | |
|---|--|
| 1. Medical and dental office or clinic | Three spaces for every examination or treatment room, plus one space for each employee. |
| 2. Office/Manufacturing Combination | One space for each 300 square feet of office floor area, plus two spaces for each three employees on the largest shift within the manufacturing floor area portion. |
| 3. Professional and/or administrative office | One space for each 300 square feet of floor area, or one space for each employee, whichever is greater, plus one space for each vehicle used in the business and kept on the premises. |
| 4. Real estate, insurance, legal, finance or similar type of office | One space for each 200 square feet of floor area plus one space for each employee. |

5. Veterinarian

Three spaces for every examination or treatment room, plus one space for each employee.

f. INDUSTRIAL

TYPE OF USE

PARKING SPACES REQUIRED

1. Manufacturing Plant, Warehouse, Parcel Delivery, Freight Terminal or similar use

Two spaces for each three employees on the largest shift for which the building is designed, plus one for each motor vehicle used in the business and maintained on the premises.

g. USES NOT SPECIFICALLY MENTIONED

The requirement for off-street parking facilities shall be in accord with a use which the Board of Zoning Appeals considers as being similar in type.

17. Restricted Accessory Parking Areas: The Board of Zoning Appeals may permit accessory parking upon an adjacent lot within a residential district as a conditional use, providing:

- (a) Such lot is necessary for the public convenience and will not have an adverse effect on adjacent properties.
- (b) A public hearing is held in accordance with the procedure given in Section 22.06.
- (c) All provisions of Sections 18.16 and 18.17 of the Zoning Resolution are complied with.
- (d) No parking shall be permitted within any required front yard of the district in which the proposed parking area is located. The resulting open area shall be planted in grass or otherwise landscaped to create a permanent green area.
- (e) Whenever a lot located in a residential district is used for accessory parking purposes and is located across the street from land in a residential district, that portion of the lot used for parking purposes shall be screened from the street line in accordance with Section 18.17, except for the access drive. Such screening shall be placed along or behind the front setback line.

- (f) Ingress and egress for vehicles to any premises used for parking under conditional use permit by the Board of Zoning Appeals shall be by means of streets or alleys through business or industrial areas, not by means of streets or alleys through residential areas.

18.17 SCREENING AND BUFFERING

1. Screening Required: Hereafter, no buildings or structures shall be erected, altered or enlarged nor shall land be used for any non-residential use on a lot that adjoins or faces any residential district until a plan for screening has been submitted and approved by the Enforcing Officer or the Zoning Commission.
2. Purposes for Screening: Screening shall be provided for one or more of the following purposes:
 - (a) A visual barrier to partially or completely obstruct the view of structures or activities in order to minimize or prevent nuisances;
 - (b) As an acoustic screen to aid in absorbing or deflecting noise; and
 - (c) For the containment of ambient debris and litter.
3. Types of Screening Permitted: Screening may be one of the following or a combination of two or more:
 - (a) A solid masonry wall;
 - (b) A solidly-constructed fence;
 - (c) Dense evergreen plantings, and/or
 - (d) Landscaped mounding with ground cover.
 - (e) No invasive species (as defined by the Ohio Department of Agriculture) are permitted within areas serving as required screening
4. Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts: Non-residential buildings or uses shall not be located nor conducted closer than fifty (50) feet to any lot line of a residential district. Greater setbacks may be required for specific uses elsewhere in this Zoning Resolution. Screening shall be required along such mutual boundaries. Such screening shall have a minimum height of six (6) feet and be of sufficient density or opaqueness to accomplish the above stated purposes. Required Screening shall contain no advertisements of any kinds.

- 5. Front Yard Screening Requirements for Parking Lots Across the Street From Residential Districts: All parking lots located within any required front yard across the street from any residential district shall be separated from the street right-of-way according to the requirements of Section 18.16, Paragraph #15-C. Screening three (3) feet in height shall be provided along all sides of parking areas facing residential districts, except where the Zoning Inspector determines that a sight distance hazard would be created.

TABLE 4

SCHEDULE OF REQUIRED BUFFERS BETWEEN ZONING DISTRICTS

	ES-2.5 & R-1AA														
ES-2.5 & R-1AA	B	R-1A													
R-1A	B	B	R-1B												
R-1B	C	C	B	R-2											
R-2	D	D	A	A	R-3										
R-3	D	D	A	A	A	R-4									
R-4	D	D	A	A	A	A	MHP								
MHP	E	E	E	E	E	E	A	B-1							
B-1	F	F	F	F	F	F	F	A	B-2						
B-2	F	F	F	F	F	F	F	A	A	B-3					
B-3	F	F	F	F	F	F	F	A	A	A	B-4				
B-4	F	F	F	F	F	F	F	A	A	A	A	O-1			
O-1	F	F	F	F	F	F	F	A	A	A	A	A	ORP-1		
ORP-1	H	H	H	I	J	J	A	A	A	A	A	A	A	RP-1	
RP-1	H	H	H	I	J	J	A	A	A	A	A	A	A	I-1	
I-1	G	G	G	G	G	G	G	A	A	A	A	A	A	A	I-2
I-2	G	G	G	G	G	G	G	A	A	A	A	A	A	A	A
A-1	F	F	F	F	F	F	F	A	A	A	A	A	A	A	A

- A. None required. Yard requirements of the individual district shall apply.
 - B. None required. Yard requirements of the individual district shall apply. Conditional uses require a setback of three (3) feet for each foot of building height.
 - C. Adjoining lots shall be a minimum of 20,000 square feet or intervening permanent open space at least 50 feet in depth shall be provided. Conditional uses require a setback of three (3) feet for each foot of building height.
 - D. Adjoining lots shall be a minimum of 20,000 square feet or intervening permanent open space at least fifty (50) feet in depth shall be provided.
 - E. No mobile home shall be located nearer than two hundred (200) feet from a side or rear yard of any lot in any other residentially zoned district. Mobile homes and accessory buildings shall be located a minimum of seventy (70) feet from any major thoroughfare. Screening in accordance with Section 18.17 shall be provided along all sides and rear lot lines which abut another residential district.
 - F. Buildings or uses shall be set back a minimum of fifty (50) feet from all residential district lot lines and screening in accordance with Section 18.17 shall be provided along such mutual property lines.
 - G. Buildings or uses shall be set back a minimum of one hundred (100) feet from all residential district lot lines and screening in accordance with Section 18.17 shall be provided along such mutual property lines.
 - H. Adjoining two hundred (200) feet developed according to the requirements of the adjacent R-1 district or all non-residential buildings and uses shall be set back a minimum of three hundred and thirty (330) feet from such mutual property lines and screening as specified in Section 18.17 shall be required.
 - I. Adjoining one hundred and sixty (160) feet developed according to the requirements of the adjacent R-2 district or all non-residential buildings and uses shall be set back a minimum of two hundred and fifty (250) feet from such mutual property lines and screening as specified in Section 18.17 shall be required.
 - J. Adjoining 160 feet shall be left in open space or may be developed according to R-2, R-3, R-4, or O-1 if adjacent to an R-3 or R-4 district.
6. Mounding Specifications: Mounding provided in lieu of or in combination with walls, fences, and/or evergreen plantings shall consist of a strip of land as wide as necessary to obtain a maximum slope of 3 to 1 (angle of repose) for the required height. Mounding shall be planted with a ground cover suitable to prevent erosion.
7. Required Depth for Noise Screening: Screening for the purpose of absorbing or deflecting noise shall have a depth of at least fifteen (15) feet of mounding

with plantings or ground cover or be a solid masonry wall in combination with decorative plantings.

8.Protection and Maintenance of Screening: Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts or curbing to avoid damage by vehicles. All screening shall be trimmed and maintained in good condition and remain free of all advertising or other signs.

9.Required Buffers Between Zoning Districts: All development within the Beavercreek Township shall provide and maintain the required buffers between Zoning Districts as shown in Table 4.

18.18 CONVERSION OF DWELLING TO MORE UNITS

A residence may not be converted to accommodate an increased number of dwelling units unless:

1. The district is zoned for two (2) family or multi-family use as applicable.
2. The yard dimensions still meet the yard dimensions required by new structures in that district.
3. The lot area per family equals the lot area requirements for new structures in that district.
4. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.
5. The conversion is in compliance with all other relevant codes and ordinances.

18.19 SEPTIC TANKS OR WELLS

Any residential construction utilizing wells and/or septic tanks shall be situated on a lot having a minimum area not less than one acre. The Greene County Health Department may require a larger minimum lot size for sanitary purposes.

18.20 USE, PARKING AND STORAGE OF VEHICLES AND MOBILE HOMES

1. Trucks, Trailers and Commercial Vehicles: The overnight parking or storage outside a fully enclosed building of any truck, trailer or commercial vehicle with a gross vehicle weight in excess of ten thousand (10,000) pounds is prohibited within any residential district. Trailers of any type shall not be permitted to be stored in a front yard within any residential district.
2. Recreational Vehicles: All recreational vehicles stored or parked within the Township shall be in accordance with the following regulations:
 - (a) No recreational vehicle shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any district other than those districts in which such use is permitted by this Resolution.
 - (b) No recreational vehicle shall be parked or stored closer than five (5) feet to any property line.
3. Mobile Homes: All mobile homes stored, parked, and/or occupied within the Township shall be in accordance with the following regulations:
 - (a) No mobile home shall be parked or stored in any district except the "R-5" Mobile Home Residential District, the "I-1" Light Industrial District or the "I-2" Heavy Industrial District.
 - (b) No person shall occupy any mobile home in any district outside of the "R-5" Mobile Home Residential District.

18.21 DRIVE-IN SERVICE ESTABLISHMENTS

Establishments that by their nature create periodic lining up of customers in automobiles waiting to be served shall provide off-street areas for these waiting customers. This includes such activities as:

- Automobile Gasoline Pumps
- Drive-in banks
- Drive-in retail outlets
- Drive-in service and repair drop stations for such items as clothing, equipment, etc.
- Quick Auto Wash/Lubrication

Those establishments that can normally serve their customers in three minutes or less shall provide at least five (5) off-street waiting spaces from first drive-in point of service. Quick Auto Wash/Lubrication shall provide at least ten (10) off-street spaces. Where normal customer servicing time is greater than three minutes per car, additional spaces shall be provided on the basis of one additional space per additional minute of waiting time.

18.22 BARRIERS TO ENCROACHMENT BY VEHICLES

Hereafter, any lot used for parking, storage or display of vehicles for sale or rent, including boats, trailers, mobile homes or trucks, where such use is permitted to come within three (3) feet of any property line separating said lot from any property held by any other ownership including public land, such property lines shall be protected from encroachment by the installation of wheel stops, bumper guards or fencing so placed and erected as to prevent vehicles from projecting over said lines except at approved points of ingress and egress.

18.23 SWIMMING POOLS

1. Private Swimming Pools: No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements.

(a) The pool is intended and is to be used solely for the enjoyment of the occupants of the property on which it is located and their guests.

(b) It may not be located closer than ten (10) feet to any property line including any pool apron.

(c) The swimming pool shall be secured to prevent uncontrolled access by anyone other than the property owners or their guests. Security may be achieved by any of the following means:

i. A fence or wall of not less than five (5) feet in height that completely encloses the pool. Such fence or wall may be located on property lines or closer to the pool. Any gate through the fence or wall shall be self-closing and self-latching and shall be lockable. Solid structures such as garages, sheds or pool houses may be incorporated as part of the secured area, provided there is no gap of more than four (4) inches between structure and fence or wall. The spaces between pickets or other parts of any fence or wall shall not exceed four (4) inches.

**Revision effective
3/27/17; Res. No. 2017-139**

- ii. Above-ground pools may incorporate decking and fencing to achieve desired security. Barriers to pool access, including the walls of the pool itself, shall achieve a total height of not less than five (5) feet. Steps or stairs providing access to the pool shall include self-closing and self-latching gates and shall be lockable.
- (d) Swimming pools shall not be located in any required front yard.
- 2. Community or Club Swimming Pools: Community and club swimming pools shall comply with the following conditions and requirements:
 - (a) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
 - b) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than two hundred (200) feet to any property line:
 - (c) The swimming pool and all of the areas used by bathers shall be walled or fenced to prevent uncontrolled access by children from the streets or adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.
 - (d) If the property upon which the pool is located is used for any other purpose other than open green space, and the property is adjacent to residential property, the owners of the pool shall install and maintain screening as defined in Section 18.17 within five (5) feet of the residential property.
- 3. Commercial or Government Operated Swimming Pools: Commercial swimming pools shall comply with the requirements of 2(b), 2(c) and 2(d) above.

18.24

NOISE

No use, operation or activity in the Business or Industrial districts shall cause or create noise in excess of the sound levels prescribed below when measured as specified herein on or beyond the boundaries of the zoning district except for those uses, operations or activities specifically exempted herein:

- 1. Exemptions: The following uses, operations and activities shall be exempt from the noise regulations:
 - (a) Noise not directly under the control of the property owners or users;
 - (b) Noises emanating from construction and non-recurring maintenance activities between 7:00 a.m. and 7:30 p.m.;

- (c) The noises of safety signals, warning devices and emergency pressure relief valves and church bells,
 - (d) Transient noises of moving sources such as automobiles, trucks, airplanes and railroads.
2. Method of Measurement: For the purpose of measuring the intensity and frequency of sound, the sound level meter, the octave band analyzer and the impact noise analyzer shall be employed. The flat network and the fast meter response of the sound level meter shall be used. Sounds of short duration as from forge hammers, punch presses and metal shears which cannot be measured accurately with the sound level meter shall be measured with the impact noise analyzer. For impact sounds measured with the impact noise analyzer, the sound pressure levels may be increased by six (6) decibels in each octave band. The sound level shall be measured in five-foot (5 ft.) increments to a height of fifteen (15) feet above the ground at the lot line of any office, business, research park or industrial district if the surrounding lands are on the same level or at a declination angle from the level of the office, business, research park or industrial district. If the surrounding lands are above the level that the office, business, research park or industrial facilities are on, the measurement shall be made in five-foot (5 ft.) increments up to thirty (30) feet above ground level.
3. Standards: Octave Band Cycles per Second currently in use:

<u>FREQUENCY</u>	<u>MAXIMUM PERMITTED SOUND PRESSURE LEVEL IN DECIBELS</u>
31.5	67
63	66
125	61
250	54
500	47
1,000	39
2,000	29
4,000	20
8,000	20
16,000	20

18.25 JUNK VEHICLES

Junk vehicles stored or parked within the Township shall be in accordance with the following regulations:

- 1. Outdoor Storage of Junk Vehicle Prohibited: No person in charge or control of any property within the Township, whether as owner, tenant,

occupant, lessee or otherwise, shall allow any junk vehicle to remain on such property outside of a completely enclosed building.

2. Business Use of Junk Vehicles: No business shall be conducted in connection with any parked or stored junk vehicle except authorized junk yards, scrap metal processing facilities and automobile repair facilities.
3. Required Screening of Junk Vehicles: Authorized junk yards, scrap metal processing facilities and automobile repair facilities shall be exempted from required building enclosure insofar as junk vehicles are completely screened from public streets and adjoining property. Such screening shall consist of mounding, fence, wall and/or vegetation. Any screening shall be in accordance with the following requirements:
 - (a) Fences or walls shall be neatly constructed of opaque material and maintained to insure their opacity.
 - (b) Vegetation and/or mounding shall be designed and grown to an opaque state and maintained as such.
 - (c) It shall not be less than six (6) feet in height above grade.
 - (d) It shall be maintained in a condition so as to insure its opacity.
 - (e) It shall not contain advertising.
4. Removal of Junk Vehicle: No junk vehicle shall remain stored or parked in violation of this section after receipt of a notice of violation.

18.26

BEEKEEPING

1. The keeping of honeybees in residential areas is permitted under the following conditions:
 - (a) No more than four (4) hives shall be kept on lots having ten thousand (10,000) square feet. Additional hives may be added at the rate of one (1) additional hive per additional five thousand (5,000) square feet of lot area.
 - (b) Hives shall not be located within twenty-five (25) feet of any property line; except no closer than ten (10) feet from any property line when the hive is situated eight (8) feet or more from adjacent ground level or when situated less than six (6) feet above adjacent ground level and behind a solid fence or hedge six (6) feet in height, parallel to any property line within twenty-five (25) feet of the hive and extending at least twenty (20) feet beyond the hive in both directions.

2. Colony Registration Required: All colonies must be registered with the Greene County Agricultural Extension Agent.
3. Maintenance of Colonies: The maintenance of each colony shall meet the following conditions:
 - (a) Colonies shall be maintained in movable frame hives;
 - (b) Adequate space shall be maintained in the hive to prevent overcrowding and swarming;
 - (c) Colonies shall be requeened following any swarming or aggressive behavior.
4. Enforcement: Enforcement of this provision shall commence immediately with all existing hives to be brought into conformance within twelve (12) months of the date of this Resolution.

18.27

NON-CONFORMITIES

1. Intent: Within the districts established by this Resolution or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this Resolution was passed but which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendment. It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their continuance. Such uses are declared by this Resolution to be incompatible with permitted uses in the districts involved. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except upon application to the Board of Zoning Appeals for approval of specific plans. Expansions of existing non-conforming uses, where allowed by the Board of Zoning Appeals, may be made only on property owned by the applicant as of the effective date of this Resolution. A non-conforming use of a structure, non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved. To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been diligently carried out. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory

to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

2. Non-Conforming Lots of Record:

(a) Single Non-Conforming Lots of Record: In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Zoning Appeals.

(b) Non-Conforming Lots of Record in Combination: If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Resolution and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Resolution.

3. Non-Conforming Use of Land: Where, at the effective date of adoption of this Resolution, lawful use of land exists that is made no longer permissible under the terms of this Resolution as enacted or amended, such use may be continued, so long as it remains otherwise lawful and is not enlarged or increased nor extended beyond area designated non-conforming at the effective date of amendment of this Resolution except as elsewhere provided and in accordance with the following provisions:

(a) Where the use of land involves a processing operation said operation may be continued in the entire area utilized thereby. Modifications in processing operations by rearrangement of facilities or changes in methods shall be considered as part of such use.

(b) If any such non-conforming uses of land are voluntarily discontinued for a period of more than two (2) years, any subsequent use of such

land shall conform to the regulations specified by this Resolution for the district in which such land is located; and

- (c) No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such non-conforming use of land.
4. Non-Conforming Structures: Where a lawful structure exists at the effective date of this Resolution or any amendment that could not be built under the terms of this Resolution or amendment by reasons of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:
- (a) No such non-conforming structure may be enlarged or altered in any way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
 - (b) Should such non-conforming structure or non-conforming portion of structure be destroyed by any means, to an extent of more than 60 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Resolution (see 22.07, (4)).
 - (c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
5. Non-Conforming Uses of Structures or Structures and Premises in Combination: If a lawful use involving individual structures, or of a structure and premises in any combination, exists at the effective date of this ordinance or any amendment that would not be allowed, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (a) No existing structure devoted to a use not permitted by this Resolution or amendment in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located, except as provided in Section 22.07;
 - (b) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of enactment of this Resolution or amendment, but no such use shall be extended to occupy any land outside such building;
 - (c) If no structural alterations are made, any non-conforming use of a structure or structure and premises, may as a conditional use, in

accordance with Section 22.07, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguard in accord with other provisions of this Resolution;

- (d) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
 - (e) When a non-conforming use of a structure or structure and premises in combination is voluntarily discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises) the structure or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
 - (f) When non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.
6. Repairs and Maintenance: On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
7. Uses Under Conditional Use Provision Not Non-Conforming Uses: Any use which is permitted as a conditional use in a district under the terms of this Resolution shall not be deemed a non-conforming use in such a district, but shall without further action be considered a conforming use.
8. Restoring Buildings: When a building or structure the use of which does not conform to the provisions of this Resolution has been damaged to the extent of sixty percent (60%) or more of its reproduction value at the time of damage, it shall not be restored or reconstructed or in any way used except in conformity with the district regulations of the district in which the building is situated. The Board of Zoning Appeals may grant an exception under the provision of Section 22.07.

9. Violations Not Rendered Non-Conforming: A use, structure or lot in violation of the provisions of a Zoning Resolution subsequently amended shall not become non-conforming upon the adoption of an amendment, but shall continue as violations.

18.28 SOLAR ACCESS

1. Purpose: The purpose of this section is to establish the rights of those persons that have elected to use solar energy for heating/cooling their homes, heating their hot water supplies and/or heating their swimming pools.
2. Designation of Solar Access Areas: Hereafter, in new developments or sections of new developments that have been designated by the developer as being Solar Access Areas, the property owners are required to consider the effects of the location of structures and trees on their property in relation to the property of those neighbors to the east, north and west of them to insure that said structures and trees do not block the neighbors' houses from direct access to the sun's energy.
3. Determination of Field of View: For purposes of determining the location of the field of view of the house, it can be assumed that the area to be provided access to the sun's energy is an area located in elevation ten (10) feet above the normal ground level, hereafter referred to as "the plane", forty feet from the front property line, fifty (50) feet from the rear property line and ten (10) feet from the side property lines for lots one hundred (100) to one hundred forty (140) feet wide or a width not to exceed plus fifty (50) feet from a point midway between the side property lines for lots in excess of one hundred forty (140) feet wide.
4. Obstruction of Sunlight: Incident sunlight shall not be obstructed in the field of view defined in Section 18.28.3 above more than ten percent (10%) between the hours of 9:00 a.m. to 3:00 p.m. during the month of December.

18.29 NURSERY SCHOOL/DAY CARE CENTER

1. License Required: The nursery school/day care center shall secure a valid license from any state or federal agencies which require and issue such licenses to operate such facility in the Township.
2. Required Outdoor Play Space: The site shall have an outdoor play space which is located behind the required front yard setback, enclosed by a fence or wall a minimum of forty-two (42) inches high, and possess a minimum area of sixty (60) square feet for each child expected to use the play space at any one time.

3. Screening of Play Space: Any part of the play space abutting an existing residential district or a parking lot shall be screened by a hedge or other screening at least four (4) feet in height acceptable to the Board of Zoning Appeals.
4. Agricultural and Residential District Locations: Nursery schools and day care centers within agricultural and residential districts shall be accessory to a place of religious assembly located along a major street and have immediate access to such street without requiring traffic to pass through a residential neighborhood.
5. Maximum Enrollment: The Board of Zoning Appeals may establish a maximum enrollment based upon neighborhood impact. In no instance may the maximum enrollment exceed the number allowed by the State-issued Child Day Care License.

18.30

ADULT ENTERTAINMENT FACILITIES

An adult entertainment facility is a conditional use within the Township. A conditional use permit shall not be authorized unless the following conditions and the provisions of Section 22.07(5), at a minimum, shall be complied with:

1. Minimum Setback from Residential District: No adult entertainment facility shall be established within one thousand (1,000) feet of any residential district.
2. Minimum Setback from Library and Schools: No adult entertainment facility shall be established within a radius of two thousand (2,000) feet from any school, library, or teaching facility, whether public or private, governmental or commercial.
3. Minimum Setback from Park or Recreation Facility: No adult entertainment facility shall be established within a radius of two thousand (2,000) feet from any park or recreational facility.
4. Minimum Setback from Places of Religious Assembly: No adult entertainment facility shall be established within a radius of two thousand (2,000) feet from any permanently established place of religious services.
5. Minimum Setback from Other Adult Entertainment Facilities: No adult entertainment facility shall be established within a radius of two thousand (2,000) feet of any other adult entertainment facility.
6. Prohibited Public Display: No advertisements, displays or other promotional materials shall be shown or exhibited so as to be visible to the

public from pedestrian sidewalks or walkways, or from other public or semi-public areas.

7. Public View to be Prevented: All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
8. External Audio and Visual Impact: No screens, loudspeakers or sound equipment shall be used for motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.

18.31 OUTDOOR AND TEMPORARY SALES AT BUSINESS ESTABLISHMENTS

18.31.01 INTENT

It is the intent of this section to permit and regulate two types of retail sales not conducted in permanent buildings or structures which are part of a business establishment, as follows:

1. Outdoor Sales
2. Temporary Sales conducted from within a tent, any other temporary structure, truck, trailer, or similar vehicle or structure.

18.31.02 GENERAL REQUIREMENTS

The following requirements shall apply to all outdoor and temporary sales:

1. Permitted Uses: Outdoor and temporary sales shall be deemed to be permitted uses within any business zoning district, but only to the extent the products or services sold fall within a use that is specifically permitted for the business zoning district in question under this Zoning Resolution.

A further restriction, outdoor sales shall be permitted only for seasonal, non-manufactured items typically sold out-of-doors.

2. Permitted Sale Period: Outdoor sales shall be allowed for a period not to exceed forty-five (45) days. Temporary sale allowances shall be granted for a period not to exceed ten (10) days. No person or entity may obtain more than two such allowances in any calendar year, nor may any lot be used for outdoor sales or temporary sales more than twice in any calendar year. Further, both the opening and closing days of any outdoor sale and of any temporary sale must be separated by at least ninety (90) days from any other outdoor or temporary sale conducted by the same person or entity within Beavercreek Township or conducted on the same lot.
3. Other Permits Required: Before any person or entity engages in an outdoor or temporary sale, all state, county health and other applicable permits, licenses, and vendor numbers shall have been issued for that specific use and location and shall have been submitted to the Zoning Enforcement Officer.
4. Setback and Yard Requirements: All outdoor and all temporary sales shall conform to the setback and yard requirements of the zoning district in which the site is located.
5. Signs: Each outdoor and each temporary sale shall be permitted one (1) sign not more than twenty-four (24) square feet in area. The sign for a temporary sale must be attached to the tent, structure or vehicle in which the sale is conducted.
6. No Parking Encroachment: No outdoor nor temporary sale may occupy any of the required off-street storage or parking spaces of the principal use(s) on the business zoned lot.
7. Traffic Obstruction Prohibited: No outdoor nor temporary sale shall obstruct or impede the movement of traffic within the established right-of-way or obstruct or impede traffic movement on private property going to or from such public street.
8. Traffic Pattern on the Business Lot: The lanes of travel, turning radius, parking locations and other aspects of the traffic pattern on the business lot that will result from outdoor or temporary sales must conform to requirements applicable to other off-street parking lots.

18.31.03 COMPLIANCE WITH LAW

Both the person holding an outdoor or temporary sale and the owner of the business zoned lot will be responsible to the Township for compliance by such sale with all applicable laws, ordinances and regulations, including but not limited to health code and property maintenance requirements.

18.31.04 EXEMPTION FOR SPECIAL FIVE (5) DAY EVENTS

The provisions of this Section 18.31 shall not apply to special outdoor or temporary sales events to the extent that:

1. No part of any such special event, including the set-up and clean-up, extends for more than five (5) consecutive days.
2. No person or entity may hold more than two such special events in any calendar year, nor may any business zoned lot be used for such special events more than twice in any calendar year. Further, both the opening and closing days of any such special event must be separated by at least ninety

(90) days from any other such event conducted by the same person or entity within Beavercreek Township or conducted on the same lot.

18.32 **Agriculture use limitations**

Based on authority granted in Ohio Revised Code 519.21 (B), the Township shall regulate the agricultural use of lots created under Section 711.05, 711.09 or 711.10 of the Revised Code and in areas consisting of fifteen or more lots approved under Section 711.131 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road where:

- A. on lots of one acre or less, dairying and animal and poultry husbandry shall be prohibited.
- B. Buildings or structures incident to the use of land for agriculture purposes on lots greater than one acre but not greater than five acres shall observe district requirements for setback building lines, height and size.
- C. Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres may be permitted as a conditional use at a ratio of one animal per 2 acres of pasture after all district requirements for setback building lines, height and size have been observed. When at least thirty-five percent of the lots in the subdivision are developed with at least one building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Revised Code. After thirty-five percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered non-conforming use of land and building or structures pursuant to Section 519.19 of the Revised Code.

18.33 **Other Agricultural Uses**

18.33.01 **Farm Market**

Farm markets may be permitted in any agricultural, residential, industrial or commercial district to provide a retail outlet for farm products. In order to protect the public health and safety the following is required:

- A. Fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year;
- B. The maximum size of the farm market structure shall not be greater than:
 - 1. Permitted size requirements in the industrial and commercial district.

2. One-half the minimum dwelling square footage in a residential district.
 3. In an agriculture district, shall not be greater than 1000 square feet.
- C. Based on the size of the structure, parking shall be provided as required in Article 18.16 for similar and like uses;
 - D. All set back lines as stipulated in the zoning district shall be observed, and at a minimum, the front yard setback shall be 50 feet from the right-of-way. Where there is no established right-of-way, the front yard setback shall be 75 feet from the center line of the abutting road.
 - E. Ingress and egress locations shall be approved in number and location based on traffic safety and optimal sight distance based on posted speed limits. An on-site turn around shall be provided such that no vehicle will back out onto a traveled roadway.

18.33.02

Effective 6-26-17
Resolution 2017-224

Agritourism

A. Definitions

1. **Agritourism**, per the Ohio Revised Code (ORC) 901.80 is “An agriculturally related educational, entertainment, historical, cultural, or recreational activity, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.”
2. **Agritourism Provider**, per ORC 901.80, is “A person who owns, operates, provides, or sponsors an Agritourism activity or an employee of such a person who engages in or provides Agritourism activities whether or not for a fee.”
3. A **Farm**, per ORC 901.80, is “Land composed of tracts, lots, or parcels totaling not less than 10 acres devoted to agricultural production or totaling less than 10 acres devoted to agricultural production if the land produces an annual yearly gross income of at least \$2,500 from agricultural production.”
4. **Agricultural Production**, per ORC 929.01, is “Commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a non-commercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted

exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth; land devoted to biodiesel production, biomass energy production, electric or heat energy production, or biologically derived methane gas production if the land on which the production facility is located is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use, provided that at least fifty percent (50%) of the feedstock used in the production was derived from parcels of land under common ownership or leasehold. Agricultural production includes conservation practices, provided that the tracts, lots, or parcels of land or portions thereof that are used for conservation practices comprise not more than twenty-five percent (25%) of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed under Section 929.02 of the Revised Code.

5. **Conservation Practices**, per ORC 5173.30, are “Practices used to abate soil erosion as required in the management of the farming operation, and include, but are not limited to, the installation, construction, development, planting, or use of grass waterways, terraces, diversions, filter strips, field borders, windbreaks, riparian buffers, wetlands, ponds, and cover crops for that purpose.”

B. Application and Approval Process & Criteria

In order to protect public health and safety, the agritourism provider will submit an Application for Agritourism Permit and demonstrate that the following conditions have been met for the proposed agritourism activity:

1. Be an existing and operating working farm of 10 acres or more or an existing and operating working farm of less than 10 acres and enrolled in the Current Agricultural Use Value (CAUV) program or an existing and operating working farm of less than 10 acres and produces an average yearly gross income of at least \$2,500 from agricultural production.
2. Identify the educational, entertainment, historical, cultural or recreational relationship of the proposed agritourism activity to the existing agricultural use of the property and/or the surrounding community in general.
3. The agritourism operator shall provide ingress and egress via access points on a public road approved by the Township, County Engineer or Ohio Department of Transportation, depending on the jurisdiction of the road being accessed. Such ingress and egress shall be designed to accommodate emergency vehicle access. An on-site turn around shall be provided so that no vehicle will back out onto a traveled roadway.

4. Based on the size of the agritourism structure, off-street parking shall be provided as required in Article 18.16 for similar and like uses.
5. The size and setback of any structure used primarily for the agritourism activity will meet the standards as stipulated in the zoning district.

18.34 Wetland Protection

This section is under development

18.35 Township Facilities

Township Facilities shall be permitted in all zoning districts only as specified and in accordance with the following conditions:

- a. Township Facilities are permitted only on sites having primary access to roads other than local residential streets.
- b. All Road Department, Outdoor Storage, and Township Garage Facilities shall not be permitted closer than 500 feet to a residential district and shall be subject to the screening requirements of Article 18.17.
- c. All parking lots shall be designed and screened in accordance with the provisions of Article 18.16.
- d. The erection or expansion of a Township Facility shall be preceded by a public hearing in accordance with the notification procedures of Article 24.12 and Article 24.13.

ARTICLE 19

ARTICLE 19 ENFORCEMENT AND PENALTIES

19.01 ENFORCING OFFICER

The Township Zoning Inspector is hereby designated as the zoning enforcing officer of this Resolution. The enforcing officer is hereby authorized to enforce, issue orders to prevent and stop violations and administer the provisions of this Resolution; he may be assisted by any official or employee of the Township by reporting to him any new construction, reconstruction, land uses, changes or suspected violations. The Zoning Inspector, or their designee(s) shall be responsible for the following duties:

1. Review of all applications for zoning permits within the Township to insure they conform to all applicable provisions of this Resolution. If so met, then a zoning permit shall be issued and a record of all such permits maintained.
2. May periodically conduct on-site inspections to ensure the actual construction will conform to the zoning permit.
3. Upon finding that any of the provisions of this Resolution are being violated, shall identify and order the abatement of such violations.
4. May order discontinuance of illegal uses of land, buildings or structures.
5. May order removal of illegal buildings or structures or illegal additions or structural alterations.
6. Shall review all subdivision plats in order to determine if the plat conforms to all applicable provisions of this Resolution.
7. Shall perform those particular duties set forth in Article 20 relating to Signs.

19.02 ZONING PERMIT

No building or other structure shall be erected, moved, added to, or structurally altered without a zoning permit issued by the enforcing officer. No zoning permit shall be issued except in conformity with the provisions of this Resolution. No permit is required for any building or structure to be used for bonafide agricultural, public or parochial school purposes.

19.03 APPLICATION AND ISSUANCE OF ZONING PERMITS

Every application for a zoning permit shall include a plot plan and such other plans as may be necessary to show the location and type of buildings to be erected or alterations to be made. Where construction or physical improvement of the land is involved, the lot and location of the buildings to be erected thereon shall be staked out on the ground before construction is started and all dimensions shown on filed plans shall be based on an actual survey.

1. Each plan shall show:
 - (a) The lot, name and number or legal description of the property;
 - (b) The actual dimensions of the lot, including square footage or acres, the yard and other open space dimensions thereof and the location and size of any existing structures thereon;
 - (c) The location on the lot and size of the proposed structure and/or the proposed enlargement of the existing structure, indicating dimensions including building height and the existing and proposed number of off-street parking and/or loading space;
 - (d) For residential properties the number of proposed dwelling units must be indicated and in R-2, R-3 and R-4 districts, the number of bedrooms to be included in each dwelling unit must be indicated;
 - (e) The plan for screening when applicable. (See Section 18.17 for screening regulations for uses adjoining residential districts.)
 - (f) Any other information which in the judgment of the Enforcing Officer may be necessary to provide for the enforcement of this Resolution.
2. Each plan shall bear statements declaring that no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure.
3. Where complete and accurate information is not readily available from existing records, the Enforcing Officer may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.
4. Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.
5. A file of such applications and plans shall be kept in the office of the Enforcing Officer.

6. Approval of Zoning Permit: Within thirty (30) days after the receipt of an application, the Enforcing Officer shall either approve or disapprove the application in conformance with the provisions of this Resolution. One copy of the plan shall be returned to the applicant, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Enforcing Officer.

7. Submission to Ohio Director of Transportation: Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed, as described in the certification to local officials by the Ohio Director of Transportation, or affecting any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Enforcing Officer shall give notice by certified mail to the Ohio Director of Transportation. The Enforcing Officer shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Ohio Director of Transportation. If the Ohio Director of Transportation notifies the Enforcing Office that the Director has purchased or begun proceedings to appropriate the land, the Enforcing Officer shall refuse to issue the zoning permit.

If, however, the Ohio Director of Transportation notifies the Enforcing Officer that acquisition of the land at this time is not in the public interest or upon the expiration of one hundred twenty (120) day period (or any extension thereof agreed upon by the Ohio Director of Transportation and the property owner) without notice being received from the Director, the Enforcing Officer shall, if the application is in conformance with all provisions of this Zoning Resolution, issue the zoning permit.

If there is any conflict between this paragraph and O.R.C. 5511.01 as it may be amended, that State statute shall control.

8. When any applications to the Township for some permit, certificate or approval involves submission of technical information by the applicant, it is recognized that the Township may need to incur expenses for the services of engineers and other experts to evaluate such technical data. As a condition of the Township agreeing to consider any such application, the applicant must agree to reimburse the Township at once for any such expenses. That reimbursement must be received by the Township before any such permit, certificate or approval is issued.

A condition of the Township agreeing to consider any application for a permit, certificate or approval shall be that the applicant must pay the cost of publishing any newspaper notice of any public hearings on the application, and of any resolution that grants the application in whole or in part. Similarly, the applicant must agree to reimburse the Township for any postage expense of mailing notices of the proceeding.

9. When on-site wastewater disposal is proposed, an approval design from the Greene County Combined Health District or OEPA, as appropriate shall be required.
10. No Zoning Permit shall be issued for any improvement within any recorded easement unless the holder or controller of the easement provides a written statement consenting to the proposed improvement. This written approval must be submitted together with any zoning permit application for such improvements

19.04 CERTIFICATE OF ZONING COMPLIANCE

It shall be a violation of this Resolution to use or occupy or permit the use or occupancy of any building or land, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the Enforcing Officer stating that the proposed use of the building or land conforms to the requirements of this Resolution. This provision shall apply to all buildings and uses, except those for agricultural and public or parochial school purposes.

19.05 REMEDIES

1. If any building or land is used, altered, constructed, enlarged or any such action proposed in violation of the provisions of this Resolution or any amendment or supplement thereto, the Township legal counsel, the Enforcing Officer, any person or any property owner damaged by or subject to damage by such violation in addition to other remedies provided by law is hereby empowered or authorized to institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, enlargement, change, maintenance or use.
2. Failure to obtain a zoning permit shall be a violation of this Resolution and punishable under Section 19.07.
3. Construction and Uses to be as Provided in Application, Plans, Permits and Certificates: Zoning permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Enforcing Officer authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement or

construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this Resolution, and punishable as provided in Section 19.07.

19.06 OTHER ACTION

Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation.

19.07 PENALTIES

Any person, firm or corporation violating any of the provisions of this Resolution or any amendments thereto or failing to comply with any of the requirements of this Resolution or any amendments or supplements thereto, shall be subject to prosecution and, upon conviction, shall be fined up to the maximum amount allowable by the Ohio Revised Code under RC 519.99, and in addition shall pay all costs and expenses incurred in the case. Each day such violation continues shall be considered a separate offense.

Resolution 2004-273
October 12, 2004

Rev. August 3, 2015
Resolution 2015-278

19.08 AFFECTED PARTIES

The owner or tenant of any building, structure, premises or part thereof, and any architect, engineer, surveyor, builder, contractor, agent or other person who commits, participates in, assists in or maintains a violation may be found guilty of a separate offense and suffer the penalties herein provided.

19.09 VIOLATION, NUISANCE PER SE: ABATEMENT

Buildings erected, altered, razed or converted, or uses carried on in violation of any provision of this Resolution are hereby declared to be a nuisance per se. The court shall be requested to order such nuisance abated and the owner or agent in charge of such building or land shall be adjudged guilty of maintaining a nuisance per se.

19.10 FEES FOR ZONING PERMITS

A fee shall accompany each application for a zoning permit as deemed reasonable and proper by the Board of Trustees in accordance with the fee schedule heretofore adopted by the Board of Trustees. The Board of Trustees may, at any time, review the schedule of fees, charges and expenses. The schedule shall be posted in the office of the Zoning Inspector. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

19.11 ZONING PERMITS

Period of Validity: A zoning certificate shall become null and void six (6) months after the date on which it is issued unless within such six-month period construction, building, moving, remodeling or reconstruction of structure is commenced or a use is commenced.

ARTICLE 20

ARTICLE 20 SIGNS

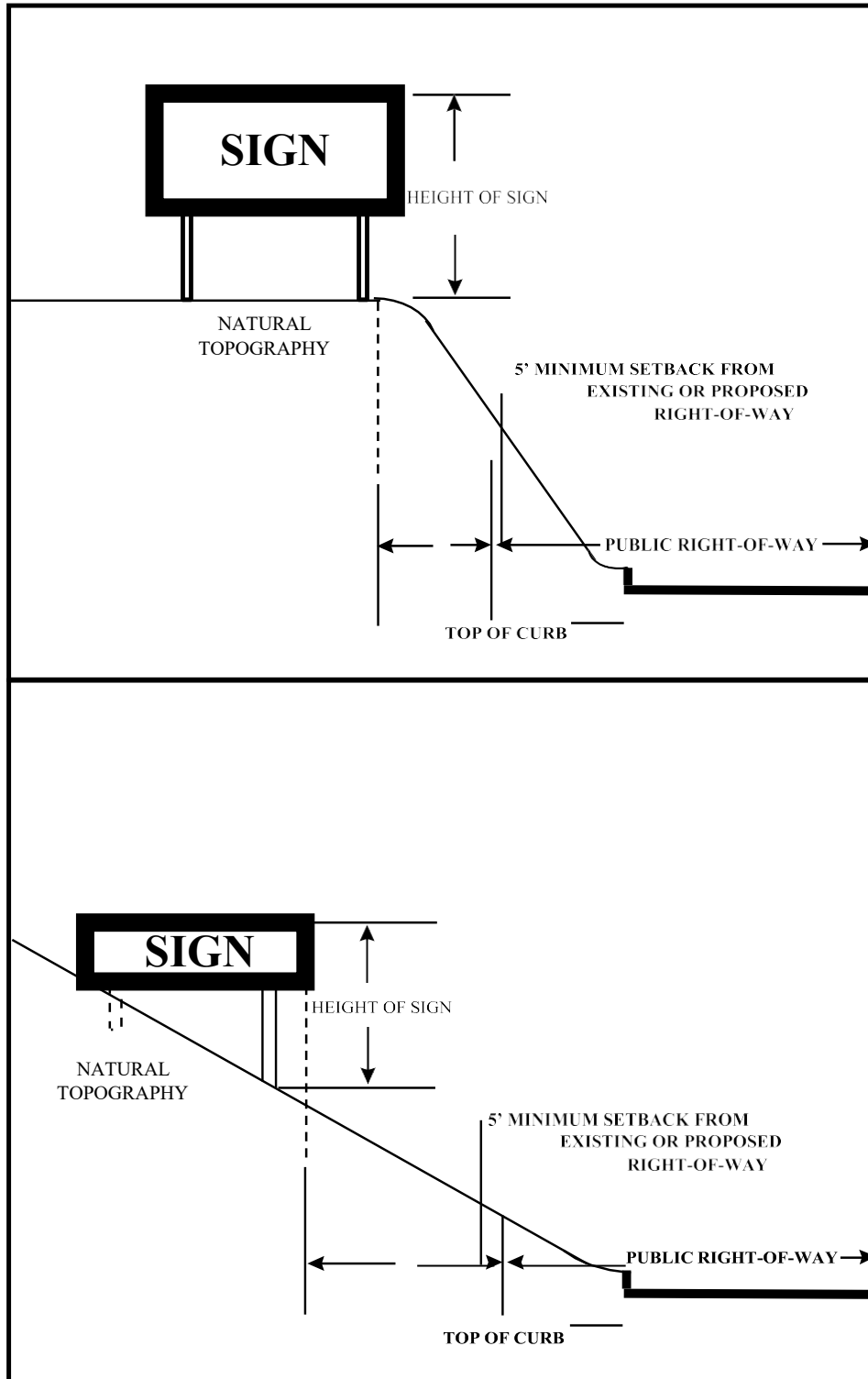
20.01 DEFINITIONS

1. Abandoned Sign: A sign or sign structure which no longer conforms to the maintenance standards for signs set forth in Section 20.12.07 of this code.
2. Animated or Moving Sign: Any sign or part of a sign which changes physical position by any movement or rotation or which gives visual impression of such movement or rotation.
3. Awning: A roof-like cover that is temporary or permanent in nature and that projects from the wall of a building for the purpose of shielding an area of a structure and constructed of a rigid supporting framework with a canvas, vinyl or fabric covering.
4. Awning Sign: A permanent sign that is mounted or painted on or attached to a seasonal or permanent awning structure.
5. Billboard: A sign with a minimum square footage of one hundred (100) square feet, that is affixed to or erected upon a freestanding framework.
6. Building Frontage: The maximum horizontal width of the ground floor of a building that approximately parallels and faces an adjacent public right-of-way.
7. Canopy: A free standing permanent roof-like shelter not attached to or requiring support from an adjacent structure.
8. Canopy Sign: Any permanent sign attached to or constructed in or on a canopy.
9. Changeable Copy Sign: Permanent or temporary sign on which copy is changed manually in the field.
10. Code: This Article 20, sometimes referred to as the sign code or the code.
11. Direct Illumination: lighting by means of an unshielded source, including neon tubing, which is effectively visible as a part of the sign, where light travels directly from the source to the viewer's eye
12. Earthen Mound: A mound or berm formed as a result of man- made grading and/or excavation.
13. Electronic Copy Sign: A permanent sign where different copy changes are shown on the same lamp bank.
14. Exempt Sign: Signs exempted from normal permit requirements.

15. **External Illumination:** Illumination of a sign that is affected by an artificial source of light not contained within the sign itself.
16. **Flashing Sign:** Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or any externally mounted intermittent light source.
17. **Ground Sign:** Any permanent or temporary sign six (6) feet in height or less placed upon the ground or attached to a supporting structure not attached to any building.
18. **Governmental Sign:** A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance, resolution or other governmental regulation.
19. **Height of Sign:** The vertical distance to top of sign structure measured from the adjacent street grade or upper surface of the nearest street curb excluding any elevated roadway. In cases where the site is elevated above an adjacent roadway on natural topography, sign height shall be determined from the lowest ground elevation point where sign is mounted, to top of sign structure. If sign is located on man-made earthen mound, mounding shall be considered part of sign height. If the earthen mound is mandated by the Township for the purpose of screening or landscaping and meets or exceeds the district height requirement, a sign may be erected on top of such earthen mound with height of sign not to exceed two (2) feet. Any visible material whose major function is providing structural support for the sign shall be considered part of the overall sign height. (See Figures 2 and 3.)
20. **Illegal Sign:** Any sign which is contrary to the requirements of this Resolution and which does not satisfy the non-conforming specifications stated in this Resolution.
21. **Illuminated Sign:** A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.
22. **Indirect Illumination:** lighting by means of a light source which is directed at a reflecting surface in such a way as to illuminate the sign from the front, or a light source which is directed at a reflecting surface in such a way as to illuminate the sign from the back, or a light source which is primarily designed to illuminate the entire building facade upon which a sign is displayed. Indirect illumination does not include lighting which is primarily used for purposes other than sign illumination, for example, parking lot lights or lights inside a building which may silhouette a window sign but which are primarily installed to serve as inside illumination.
23. **Individual Establishment:** A separate and distinct operation.

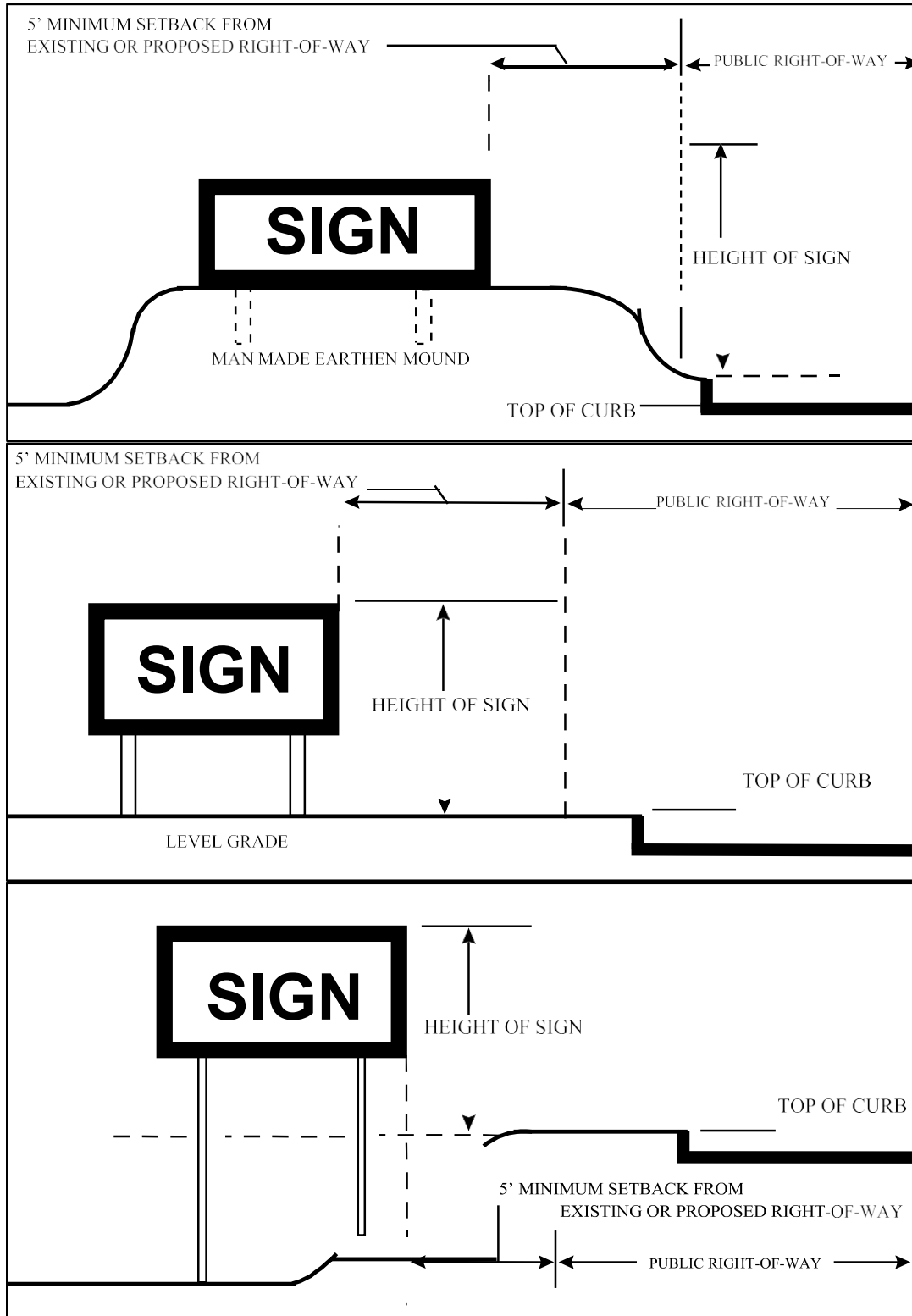
24. **Internal Illumination:** lighting by means of a light source which is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs which are themselves made of translucent material.
25. **Marquee:** Any permanent structure which projects from a wall of a building over a walkway or entrance way to a shopping center and plaza generally 10 (ten) feet or more above a walkway.
26. **Marquee Sign:** Any permanent sign attached to or constructed in or on a marquee.
27. **Neon Sign:** A sign formed from neon lamps containing neon gas.
28. **Non-conforming Sign:** Any sign lawfully existing on the effective date of a resolution, which does not conform to all the standards and regulations of the current resolution.

FIGURE 2



HEIGHT OF SIGN DETERMINATION PERMANENT GROUND SIGNS

FIGURE 3



HEIGHT OF SIGN DETERMINATION

PERMANENT GROUND SIGNS

29. Parcel: A distinct portion or tract of land as is recorded and distinguished in the GreeneCounty Auditor's Property Tax Atlas.
30. Permanent Sign: A sign permitted by this code to be located on a premises for an unlimited period of time.
31. Premise: A building together with its ground or other appurtenances.
32. Pylon sign: A permanent sign that is mounted on a free-standing pole or other support in which the sign exceeds six (6) feet in height.
33. Portable Sign: A sign intended to be movable and not permanently affixed to a building, structure, vehicle or the ground.
34. Projecting Sign: A sign that is wholly or partly dependent upon a building for support and which projects more than eighteen (18) inches from the face of the building at right angles.
35. Roof Sign: A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the eave line of a building.
36. Sign: Any object, device, display or structure or part thereof situated outdoors or adjacent the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.
37. Sign Area: The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure. The area of individual elements of a sign placed against a non-localized background (such as letters placed against an awning, canopy, wall or window) shall be measured by calculating the area of the smallest single rectangle which would completely enclose all elements of the sign.
38. Sign Code: This Article 20, sometimes referred to as the sign code or the code.
39. Street Frontage: The maximum horizontal width of a parcel of land that parallels and abuts an adjacent right-of-way.
40. Temporary Sign: A sign permitted by this sign code to be located on a premises for a limited period of time.

41. Under Marquee Sign: Any sign attached to the underside of a marquee.
42. Wall Sign: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project more than eighteen (18) inches from such building or structure.
43. Window Sign: A sign that is applied or attached to the interior or exterior of a window or located in such manner within a building that it conveys a message to the exterior of the structure through a window.

20.02 EXEMPT SIGNS

These signs shall be exempt on the basis that they implement a compelling government interest in protecting the health and safety of persons and property in the Township.

The following signs are exempt from this resolution and shall not require permits:

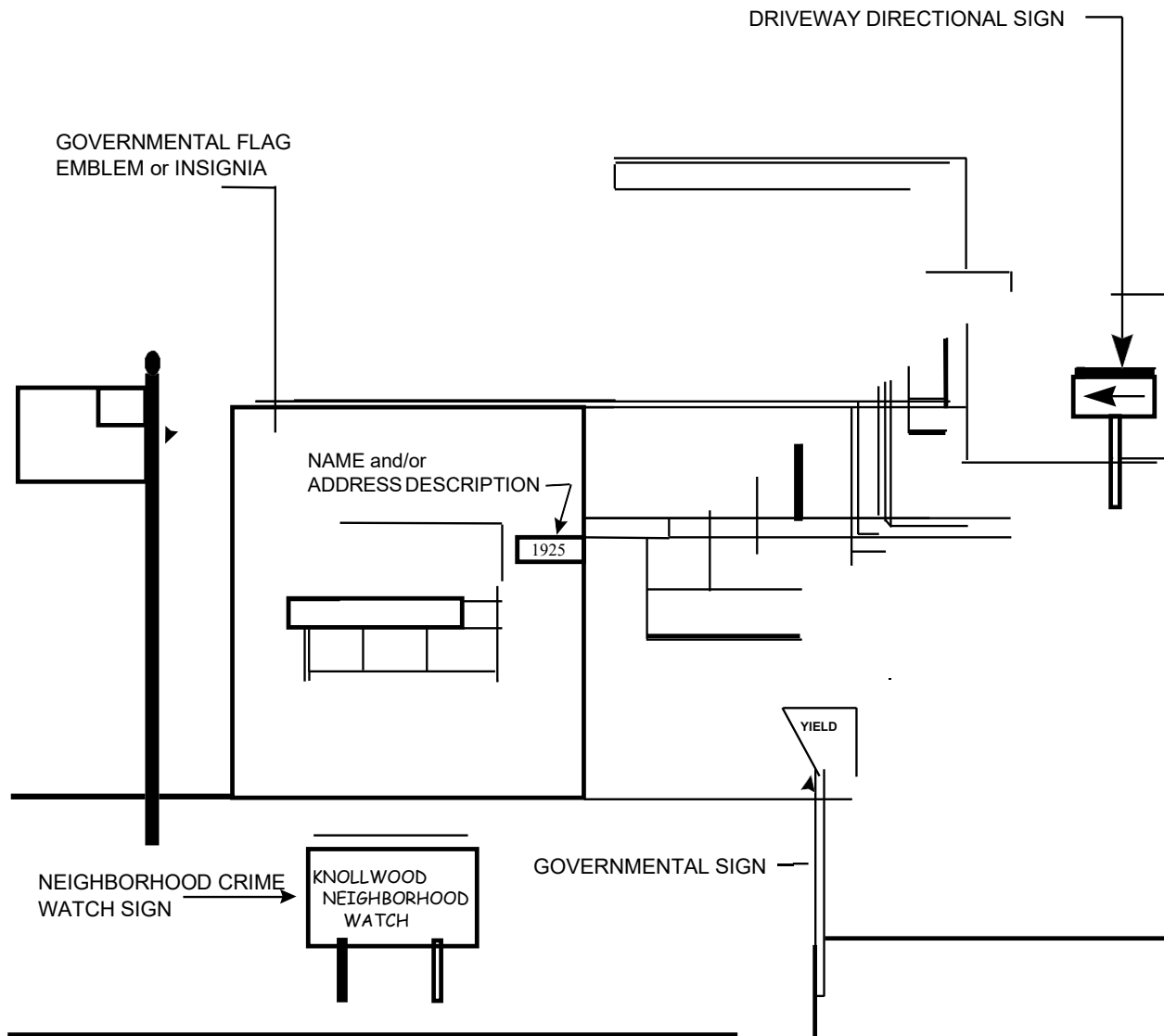
1. Temporary or permanent signs erected and maintained by the City, Township, County, State or Federal Government.
2. Flags, emblems and insignias of national, state or local political subdivisions.
3. Signs that do not exceed eight (8) square feet in sign area and six (6) feet in height for the purpose of enhancing public safety (i.e., a Neighborhood Watch Program).
4. Name and/or address descriptions mounted to the front wall of a building or to a lamp post in the front yard not to exceed two (2) square feet in sign area.

20.03 PROHIBITED PERMANENT AND TEMPORARY SIGNS

All signs not expressly permitted under this Article or exempt from regulation under the previous section are prohibited in the Township; such signs include but are not limited to:

1. Abandoned signs.
2. Beacons and searchlights except for emergency, health or safety purposes.
3. Billboards.

FIGURE 4

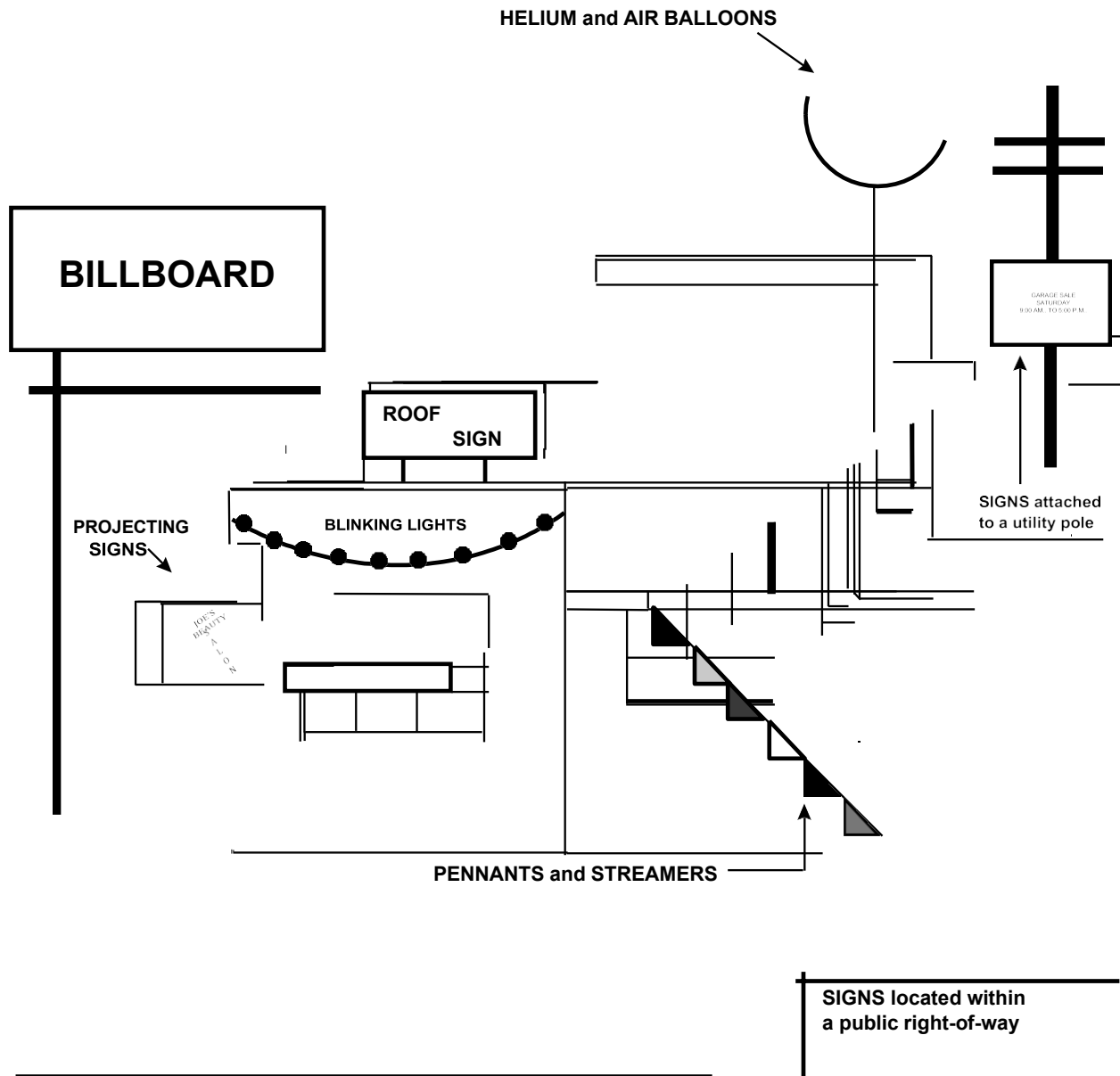


EXEMPT SIGNS

This illustration represents a general graphic depiction of signs contained within this category; it should not be construed to include all possible design solutions for the signs indicated above.

4. Blinking, flashing or intermittent lighting, except those permitted under electronic copysigns in "B" Districts.
5. Moving, animated or rotating signs.
6. Pennants, streamers, and similar devices.
7. All helium, gas and air balloons located on or anchored to structures, vehicles, theground, or to anything connected to or on the ground.
8. Portable signs except as authorized under temporary signs.
9. Projecting signs.
10. Roof signs.
11. Signs attached to any tree, utility pole, fence, bench, trash receptacle, or newspaper vending machine.
12. Signs for which a permit has not been issued by the Beavercreek Township or which are not exempt under 20.02.
13. Signs attached to or painted on the face of accessory buildings except those attached to automatic teller machines or similar structures.
14. Any signs which, by reason of its size, shape, location, coloring or manner of illumination:
 - (a) Constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers or by obstructing or detracting from the visibility of any traffic sign or control device on public streets and roads.
 - (b) May be confused with a traffic control sign, signal or device or the light of an emergency or road equipment vehicle.
15. Signs which make use of words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic.
16. Signs which obstruct free ingress and egress from a required door, window, fire escape, or other required exit way.
17. Signs or parts thereof which are erected within or above a public right-of-way.
18. Signs which may be prohibited under the obscenity statutes of Ohio.

FIGURE 5



PROHIBITED SIGNS

This illustration represents a general graphic depiction of signs contained within this category, it should not be construed to include all possible design solutions for the signs indicated above.

19. Spinning devices or strings of spinning devices.
20. Window signs in any district which cover more than fifty (50) percent of total window area.

20.04 GENERAL PROVISIONS

Every sign shall be designed, erected, altered, reconstructed, moved and maintained in accordance with the provisions of this section unless specifically modified by another section of Article 20.

1. Automatic Teller Machine Signs - (ATMs):
Automatic Teller Machines or similar devices either attached to a primary structure or enclosed within an independent free-standing structure shall be permitted two (2) square feet of sign area for every one (1) foot width of the ATM structure not to exceed twenty (20) square feet of total sign area.
2. Awning Signs:
 - (a) Awning signs may be displayed in lieu of but not in addition to a wall sign for an individual establishment.
 - (b) If illuminated, such awning shall have lighting concealed from view.
 - (c) An awning sign shall not project higher than the top of the awning to which sign text is affixed.
3. Changeable copy Area:
 - (a) Permanent ground signs located in "B" Districts as well as permitted conditional uses in Agricultural and Residential Districts may incorporate up to 50% of total sign area for changeable copy.
 - (b) Changeable copy may be used in lieu of but not in addition to electronic copy.
 - (c) All changeable copy signs must be enclosed and locked securely in a clear glass or plastic casing.
4. Dangerous or Defective Signs Not Permitted:
A sign in dangerous or defective condition shall not be permitted on any premises. Any such sign constitutes a nuisance and shall be removed or repaired as required under Section 20.12.

5. Electronic Copy Signs:

- (a) Free standing permanent ground signs located in "B" Districts may incorporate twenty-five (25%) percent of total sign area for electronic copy with a maximum letter copy of eighteen (18) inches in height.
- (b) Electronic copy may be used in lieu of but not in addition to changeable copy.
- (c) Electronic display shall remain constant for a period not less than two (2) and not more than ten (10) seconds per message.

6. Ground Signs:

(a) General:

Any temporary ground sign or any part thereof shall be set back a minimum distance of fifteen (15) feet from the edge of an adjacent roadway pavement. Additional setback may be required to avoid placement within the public right-of-way.

A permanent ground sign or any part thereof shall be set back a minimum distance of five (5) feet from any right-of-way or from any proposed right-of-way or as otherwise required in this article. Greater setbacks for temporary or permanent signs may be required to improve sight distances at intersections. All ground signs must be located only in the front yard unless otherwise expressly permitted by this article. In no instance may a ground sign be located closer than fifteen (15) feet from the edge of roadway pavement.

The Zoning Administrator may permit slight variation from the minimum street frontage spacing requirements for ground signs applicable in individual zoning districts if conflict with driveways, natural barriers, trees, and utility equipment is unavoidable.

(b) Minimum Street Frontage:

Permanent ground signs shall be prohibited on parcels with street frontage less than fifty (50) feet in width at the right-of-way line unless otherwise expressly permitted in this sign code.

(c) Landscaping Requirements: A permanent ground sign shall require a single continuous landscaped area to be maintained around the base of the sign in accordance with the following standards:

- (i) The minimum landscaped area shall be equal to the total sign area of the sign. (See Figure 6).

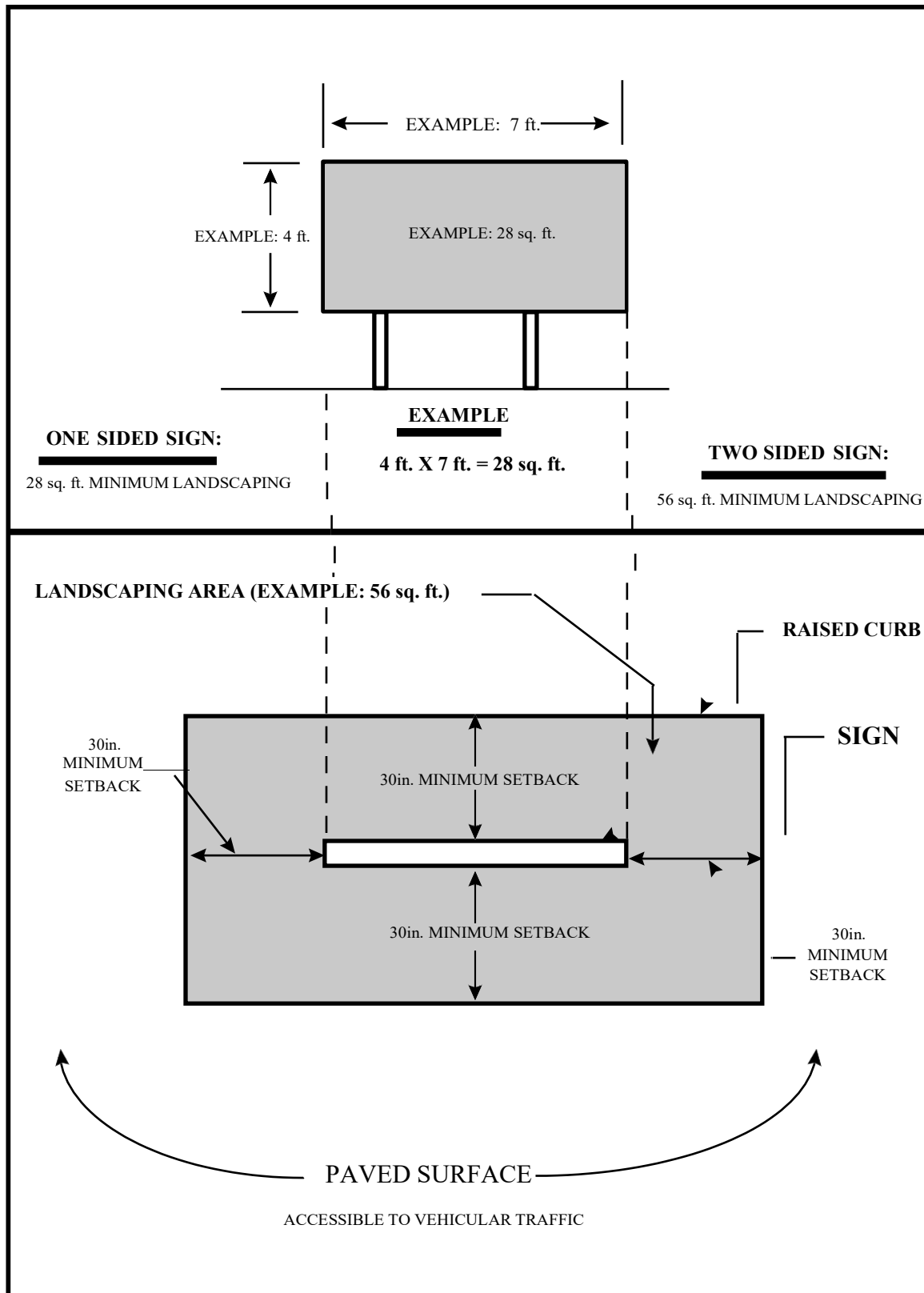
- (ii) The landscaped area shall include all points where sign structural supports attach to the ground and are visible.
- (iii) Where the required landscaped area is adjacent to a paved surface accessible to vehicular traffic, a raised non-mountable curb suitable to prevent the encroachment of vehicles into the landscaped area shall be required. The minimum distance between the face of any such required curb and any part of the sign shall be thirty (30) inches.
- (iv) The landscaped area shall include one or more of the following plant materials: shrubs, trees, grass and/or seasonal varieties permanently located and properly maintained with dead vegetation replaced as soon as weather permits. The use of exposed concrete, asphalt, or any other paved surface inside the required landscaped area beneath the sign is prohibited. The planting or harboring of invasive species (as defined by the Ohio Department of Natural Resources) is prohibited.

7. Major Development Signs:

Developments in excess of ten (10) acres in area, and shopping centers of more than five (5) acres in area located in B, O, and I Districts, fronting on an expressway, principal arterial, major arterial, arterial or thoroughfare roadway-shall be permitted one permanent freestanding ground or pylon sign per street frontage up to a maximum of two permanent ground or pylon signs per development. Any such major development sign should be located at or adjacent to the primary access street to the development and must comply with the following:

- a. Shall not exceed one hundred (100) square feet of sign area per face with a maximum of two sign faces permitted per sign. A second major development sign where permitted may not exceed seventy-five
- b. (75) square feet of sign area per sign face.
- c. Shall not exceed twenty (20) feet in height.
- d. Shall be set back a minimum of twenty (20) feet from the right-of- way.
- e. The maximum allowable area, per sign face, of a ground or pylon sign shall be based on one-fifth (1/5) square foot of sign area for each linear foot of highway, arterial, major arterial or thoroughfare frontage.

FIGURE 6



LANDSCAPING REQUIREMENTS PERMANENT GROUND SIGNS

- f. Shall not be located nearer than one hundred (100) feet to an adjoining development or unrelated premise or property line on same side of street.
- g. Shall have landscaping conforming with requirements of 20.04 (7) dealing with ground signs.

8. Marquee Signs:

- (a) Marquee signs may be displayed in lieu of but not in addition to any other form of permanent sign identification with the exception of under marquee signs for an individual business establishment.
- (b) If illuminated, such marquee signs shall have lighting concealed from view.

9. Neon Signs:

- (a) Neon signs shall be permitted in B1, B2, B3, B4, and non-residential PUD districts only.
- (b) Neon signs may be displayed in lieu of, but not in addition to, a wall sign for an individual establishment.

10. Planned Unit Development Sign Programs:

Signs which have been approved as part of an approved planned unit development Specific Site Plan may vary from the requirements stated within this article. Variations permitted through a PUD Specific Site Plan may include but are not limited to the following: total number of signs permitted, sign size, sign setback, sign height, material composition of sign and percentage of sign area devoted to changeable copy or electronic copy. Such deviations are recognized to be primarily for safety or unique parcel configuration circumstances and are not intended to circumvent the intent of the sign code.

11. Sign Location with Respect to Street and Building Frontages:

All signs permitted by virtue of a premises having street frontage or building frontage shall be located only along the front of the structure or property visible from the fronting roadway or from the adjacent parking lot.

In the case where an individual occupant would have no building frontage, the maximum horizontal width of the portion of the building where that occupant's main entrance is located shall be considered that occupant's separate and distinct building frontage. In the case where the ground floor of a building is occupied by two (2) or more different tenants, the portion of the building frontage occupied by each tenant shall be considered a separate and distinct building frontage.

12. Temporary Sign Illumination:

Illumination of a temporary sign shall be prohibited.

13. Temporary Signs (Additional permitted):

In addition to temporary signs permitted in the specific district requirements of this article, temporary signs shall also be permitted which comply with the following requirements:

- a. The maximum number permitted on a Lot shall be as follows:
 - i) Non-Residential Zoning Districts: One (1) per Lot plus one (1) per every two hundred (200) feet of Lot Frontage on a public or private street.
 - ii) PUD-R and Residential Zoning Districts: One (1) per parcel plus one (1) per every one-hundred and fifty (150) feet of frontage on a public or private street.
 - iii) Temporary Signs located seventy-five (75) feet or more away from a Right-of-Way, regardless of zoning district, shall not count towards the aforementioned maximums.
- b. Such Signs shall have no minimum spacing requirements.
- c. Such Signs shall be placed no closer than fifteen (15) feet to any property line or street edge of pavement.
- d. Such Signs shall be permitted to be erected without a Zoning Permit for no more than seven (7) consecutive days.
- e. Temporary Signs erected for more than seven (7) consecutive days shall require a permit. Temporary signs which require a permit shall be limited to one (1) continuous thirty (30) day period of display in any one-half calendar year, except as referenced in 20.04.14.(i)

- f. Such Signs shall be constructed of poster board, cardboard, masonite, plywood or plastic material and mounted to wood, plastic, metal, or wire frames or supports.
- g. Sign height shall not exceed four (4) feet.
- h. Total sign area shall not exceed six (6) square feet per sign face or twelve (12) square feet in total sign area.
- i. Any permit issued by the Township for erecting, installing or having in place a temporary sign as defined in Article 20.04 (14) during the period of time extending from thirty- one days before any scheduled primary, general, local and/or special election through five days after any scheduled primary, general, local and/or special election may include the installation, erection or placement of such temporary signs at one or more locations, providing that any and all signs approved by such permit are of the same information content.
 - i) The duration of time for which any such temporary sign is erected and in place during the period of time delineated in (i) above shall not be counted against or included in the limitation of one thirty-day continuous period, as such limitation is set forth in Article 20.04.14(e).
 - ii) The maximum number of allowable signs indicated in Article 20.04.14.a(i-iii) shall be increased to an unlimited number of signs during the period of time extending from thirty-one days before any scheduled primary, general, local and/or special election through five days after any scheduled primary, general, local and/or special election
 - iii) The maximum allowable sign height of such temporary signs shall not exceed six (6) feet.
 - iv) The total maximum allowable sign area of such temporary signs shall not exceed sixteen (16) square feet per sign face.
- j. The requirements of Article 20.04.14(a-h) shall also apply.
- k. Property owner permission required prior to placement of sign.

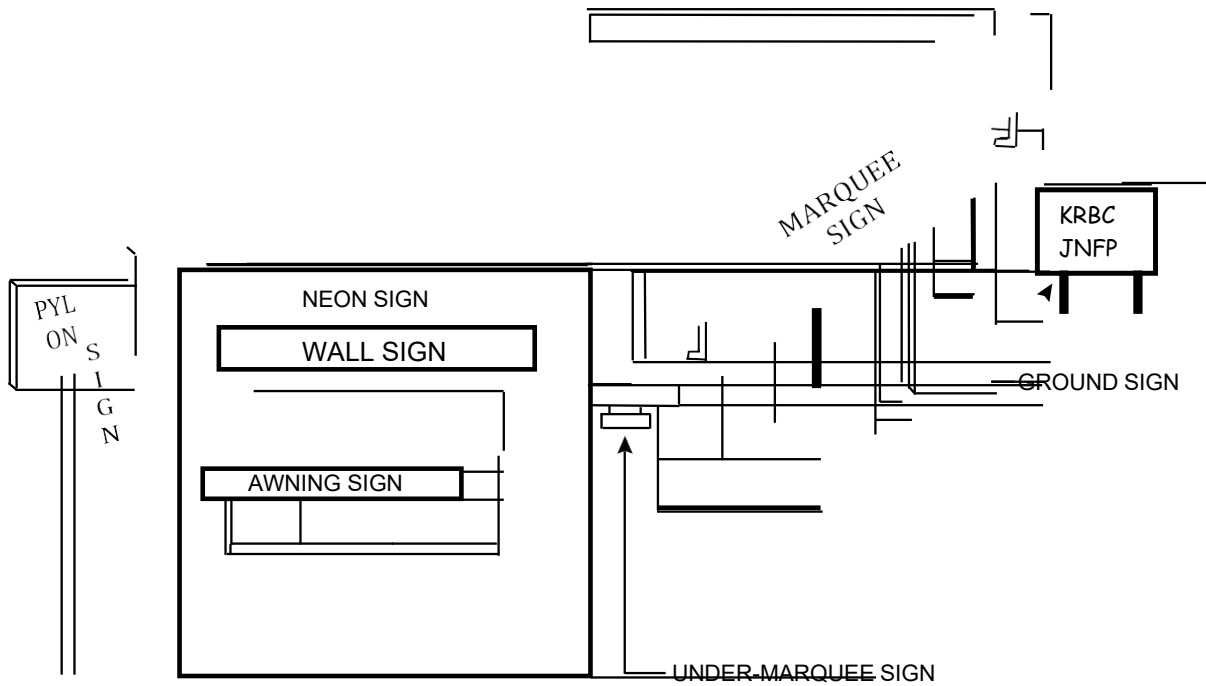
	R-1	R-O	B-1 B-2	B-3 B-4	O-1 RP-1 ORP-1	I-1 I-2	A-1
PERMANENT GROUND	X	X	X	X	X	X	X
PERMANENT AWNING			X	X	X	X	
PERMANENT NEON			X	X			
PERMANENT WALL		X	X	X	X	X	X
PERMANENT CANOPY				X			
PERMANENT MARQUEE				X			
PERMANENT UNDER MARQUEE			X	X			
* TEMPORARY GROUND	X	X	X	X	X	X	X
* MAJOR DEVELOPMENT			X	X	X	X	
* SEE 20.04 GENERAL PROVISIONS FOR REQUIREMENTS AND RESTRICTIONS							

**PERMITTED PERMANENT AND TEMPORARY SIGNS
BY DISTRICT**

	Sign Face (Sq. Ft.)	Sign Area (Sq. Ft.)	Max. Height (Ft.)	Min. Setback (Ft.)
* R- DISTRICTS	24	48	4	5
R-O DISTRICTS	6	12	3	5
B-1, B-2 DISTRICTS	25	50	5	5
B-3, B-4 DISTRICTS	50	100	6	5
O-1, RP-1 ORP-1 DISTRICTS	25	50	5	5
I-1, I-2 DISTRICTS	50	100	6	5
A-1 DISTRICTS	24	48	4	5
* PERTAINS ONLY TO SIGNS UTILIZED TO IDENTIFY SUBDIVISION, NEIGHBORHOOD, MULTI-FAMILY DEVELOPMENT COMPLEX, OR PERMITTED CONDITIONAL USES (See Section 20.05)				

**PERMANENT GROUND SIGN SIZE, HEIGHT,
SETBACK DETERMINATION BY DISTRICTS**

FIGURE 7



PERMITTED PERMANENT SIGNS

This illustration represents a general graphic depiction of signs contained within this category, it should not be construed to include all possible design solutions for the signs indicated above.

Under Marquee Signs: Under marquee signs shall be mounted as nearly as possible to right angles of the building face. Under Marquee Signs shall be mounted at a height of at least eight (8) feet.

14. Wall Signs:

- (a) A wall sign may be displayed in lieu of, but not in addition to, an awning sign or neon sign for an individual establishment.
- (b) A wall sign shall not project more than eighteen (18) inches from the wall of the building upon which it is mounted.
- (c) A wall sign shall be inclined from the vertical only to the extent necessary for conformity to the general contour of the wall to which the sign is mounted.
- (d) A wall sign shall not extend above the top of the wall and shall not extend beyond the limits of any wall to which they are attached.
- (e) A wall sign shall not mask or interrupt a major architectural feature (such as, but not limited to, doors, windows, or trim).
- (f) A wall sign shall have hidden structural supports and shall be mounted in such a way as to not allow movement by atmospheric conditions.
- (g) If illuminated, such lighting shall comply with industry standards for glare elimination and all lighting elements, including wiring, shall be concealed from view.

20.05

SIGNS PERMITTED IN "R" DISTRICTS

Sign requirements for "R" Districts area as follows:

1. Permanent Ground Signs:

- (a) One permanent ground sign shall be permitted to identify an approved subdivision, neighborhood, multi-family development complex, or permitted conditional use. These signs shall be permitted so as to implement a compelling government interest in protecting the health and safety of persons and property in the Township through proper identification of subdivisions, neighborhoods, multi-family developments and conditional uses. A larger number of ground signs may be approved through the Specific Site Plan or Variance processes.

- (b) Ground signs must be located along a principal arterial, major arterial or visually definable entryway to a residential subdivision or permitted conditional use.
- (c) The total sign area of such a ground sign shall not exceed forty-eight (48) square feet. The sign shall not exceed twenty-four (24) square feet per face.
- (d) Such ground signs shall not exceed four (4) feet in height from the established grade to top of the sign structure.

2. Temporary Ground Signs:

- (a) Only one (1) temporary ground sign shall be permitted on an individual residential parcel for a period of time not to exceed one (1) continuous seven (7) day period in any one calendar year. Such signs shall conform to all requirements set forth in 20.04.13(f) of this Article.
- (b) The sign height shall not exceed four (4) feet.
- (c) Total sign area for a temporary ground sign shall be based on one (1) square foot of sign area for every ten (10) linear foot of street frontage. The total sign area shall not exceed ten (10) square feet per sign face or twenty (20) square feet in total sign area.
- (d) See also: Temporary Signs (additional permitted) 20.04.14.

20.06

SIGNS PERMITTED IN “B-2” DISTRICTS

Sign requirements for “B-2” Districts are as follows:

1. Total Sign Area Allowed:

Total sign area for a permanent ground sign for each developed parcel shall be based on one-half (1/2) square foot of sign area for each linear foot of street footage. Sign area for permanent awning, wall, neon and under marquee signs shall be based on one (1) square foot of sign area for each linear foot of building frontage.

2. Permanent Ground Signs:

- (a) One ground sign shall be permitted for each developed parcel.

- (a) Where a developed parcel has street frontage in excess of two hundred fifty (250) feet, one additional ground sign may be permitted for additional occupants of a parcel provided that the distance between the ground signs is not less than one hundred fifty (150) feet and are not located closer than fifty (50) feet to any adjoining side property line.
 - (b) The total sign area of a ground sign shall not exceed twenty-five (25) square feet per sign face or fifty (50) square feet in total sign area.
 - (c) No ground sign shall exceed five (5) feet in height from established grade to top of sign structure.
 - (d) No ground sign shall be located within five (5) feet of any public right-of-way. Greater setbacks may be required to improve sight distances at intersections.
3. Permanent Awning Signs:
One (1) awning sign per building frontage shall be permitted for an individual establishment. Additional signs may be permitted at the Discretion of the Community Development and Risk Department.
4. Permanent Neon Signs:
One (1) neon sign per individual establishment shall be permitted.
5. Permanent Wall Signs:
- (a) No more than one (1) wall sign per building frontage shall be permitted for an individual establishment.
 - (b) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.
 - (c) A wall sign shall not project above the top of the wall to which attached or be more than 15 feet in height, whichever is less.
6. Permanent Under Marquee Signs:
- (a) No more than one (1) under marquee sign is permitted for an individual establishment.
 - (b) Signs attached to the underside of a marquee shall have a sign area no greater than four (4) square feet per sign face.

- (c) Such signs shall have a minimum clearance of eight (8) feet from the bottom of the sign to the sidewalk.

7. Temporary Ground Signs:

- (a) Only one (1) temporary portable ground sign containing changeable copy or an A-frame sign shall be permitted for each individual establishment for a period of time not to exceed one (1) continuous thirty (30) day period in any one (1) calendar year.
- (b) The sign height shall not exceed five (5) feet.
- (c) Total sign area for a temporary portable ground sign or an A-frame sign shall be based on one and one-half (1 1/2) square feet of sign area for every ten (10) linear feet of street frontage. The total sign area shall not exceed twenty-four (24) square feet per sign face or forty-eight (48) square feet in total sign area.
- (d) See also: Temporary Signs (additional permitted) 20.04.14.

20.07

SIGNS PERMITTED IN "B-3" AND "B-4" DISTRICTS

Sign requirements for "B-3" and "B-4" Districts are as follows:

1. Total Sign Area Allowed:

Total sign area for a permanent ground sign for each developed parcel shall be based on three-fourths (3/4) square feet of sign area for each linear foot of street footage. Sign area for permanent awning, wall, neon, canopy, marquee and under marquee signs shall be based on 1.5 square feet of sign area for each linear foot of building frontage.

2. Permanent Ground Signs:

- (a) One ground sign shall be permitted for each developed parcel.
- (b) Where a developed parcel has street frontage in excess of three hundred (300) feet, additional ground signs may be permitted for additional occupants of a parcel provided that the distance between the ground signs are not less than two hundred (200) feet and are not located closer than fifty (50) feet to any adjoining side property line.
- (c) The total sign area of a ground sign shall not exceed fifty (50) square feet per sign face or one hundred (100) square feet in total sign area.
- (d) No ground sign shall exceed six (6) feet in height from established grade to top of sign structure.

3. Permanent Awning Signs:
One (1) or more awning signs per building frontage shall be permitted for an individual establishment.
4. Permanent Neon Signs:
One (1) or more neon signs per individual establishment shall be permitted.
5. Permanent Wall Signs:
 - (a) One (1) wall sign per building frontage shall be permitted for an individual establishment.
 - (b) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.
 - (c) A wall sign shall not project above the top of the wall to which attached
6. Permanent Canopy Signs:
 - (a) One or more canopy signs per canopy frontage shall be permitted per establishment.
 - (b) Canopy signs may not project above or below canopy facing.
 - (c) Total sign area permitted for all canopy signs attached to a canopy structure shall not exceed fifty (50) percent of the total sign area allotted the primary building frontage.
7. Permanent Marquee Signs:
 - (a) A changeable copy marquee sign shall be permitted only on places of public entertainment such as theaters, arenas, etc.
 - (b) Total sign area permitted for a marquee sign shall not exceed seventy-five (75%) percent of total sign area allotted the building frontage.
 - (c) The marquee sign shall not project above the top of the wall to which it is attached and shall not be less than nine (9) feet in height from the sidewalk.
 - (d) The marquee sign shall not extend more than eighteen (18) inches from the wall of the building upon which it is mounted.

8. Permanent Under Marquee Signs:
 - (a) No more than one (1) under marquee sign shall be permitted for an individual establishment.
 - (b) Signs attached to the underside of a marquee shall have a sign area no greater than six (6) square feet per sign face.
 - (c) Signs shall have a minimum clearance of nine (9) feet from the bottom of the sign to the sidewalk.

9. Temporary Ground Signs:
 - (a) Only one (1) temporary portable ground sign containing changeable copy shall be permitted for each individual establishment for a period of time not to exceed one (1) continuous thirty (30) day period in any one (1) calendar year.
 - (b) The sign height shall not exceed five (5) feet.
 - (c) Total sign area for a temporary portable ground sign shall be based on one and one-half (1 1/2) square feet of sign area for every ten (10) linear feet of street frontage. The total sign area shall not exceed thirty-two (32) square feet per sign face or sixty-four (64) square feet in total sign area.
 - (d) See also: Temporary Signs (additional permitted) 20.04.14.

20.08

PERMITTED IN "O-1", "RP-1" AND "ORP-1" DISTRICTS

Sign requirements for "O-1", "RP-1" and "ORP-1" Districts are as follows:

1. Total Sign Area Allowed:

Total sign area for a permanent ground sign for each developed parcel shall be based on one-half (1/2) square foot of sign area for each linear foot of street footage. Sign area for permanent awning and wall signs shall be based on one (1) square foot of sign area for each linear foot of building frontage.

2. Permanent Ground Signs:
 - (a) One ground sign shall be permitted for each developed parcel.

- (b) Where a developed parcel has street frontage in excess of two hundred (200) feet, additional ground signs may be permitted for additional occupants of a parcel provided that the distance between ground signs is not less than one hundred fifty (150) feet and the signs are not located closer than twenty-five (25) feet to any adjoining side property line.
- (c) The total sign area of a ground sign shall not exceed twenty-five (25) square feet per sign face or fifty (50) square feet in total sign area.
- (d) No ground sign shall exceed five (5) feet in height from grade to top of sign structure.

3. Permanent Awning Signs:

One (1) or more awning signs shall be permitted for an individual establishment with orientation toward a street or an internal pedestrian movement or courtyard area.

4. Permanent Wall Signs:

- (a) One (1) wall sign per building frontage shall be permitted for an individual establishment.
- (b) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.
- (c) A wall sign shall not project above the top of the wall to which attached or be more than twenty (20) feet in height, whichever is less.

5. Temporary Ground Signs:

- (a) Only one (1) temporary portable ground sign containing changeable copy shall be permitted for each individual establishment for a period of time not to exceed one (1) continuous thirty (30) day period in any one (1) calendar year.
- (b) The sign height shall not exceed five (5) feet.
- (c) Total sign area for a temporary portable ground sign shall be based on one and one-half (1 1/2) square feet of sign area for every ten (10) linear feet of street frontage. The total sign area shall not exceed thirty-two (32) square feet per sign face or sixty-four (64) square feet in total sign area.

- (d) See also: Temporary Signs (additional permitted) 20.04.14.

20.9 SIGNS PERMITTED IN "I-1" AND "I-2" DISTRICTS

Sign requirements for "I-1" and "I-2" Districts are as follows:

1. Total Sign Area Allowed:

Total sign area for a permanent ground sign for each developed parcel shall be based on one-half (1/2) square feet of sign area for each linear foot of street footage. Sign area for permanent awning and wall signs shall be based on three-fourths (3/4) square foot of sign area for each linear foot of building frontage.

2. Permanent Ground Signs:

- (a) One ground sign shall be permitted for each developed parcel.
- (b) Where a developed parcel has street frontage in excess of five hundred (500) feet, additional ground signs may be permitted for additional occupants of a parcel provided that the distance between ground signs is not less than two hundred fifty (250) feet and are not located closer than one hundred twenty-five (125) feet to any adjoining side property line.
- (c) The total sign area of a ground sign shall not exceed fifty (50) square feet per sign face or one hundred (100) square feet in total sign area.
- (d) No ground sign shall exceed six (6) feet in height from grade to top of sign structure.

3. Permanent Awning Signs:

One (1) or more awning signs shall be permitted for an individual establishment with orientation toward a street or an internal pedestrian movement area.

4. Permanent Wall Signs:

- (a) One (1) wall sign per building frontage shall be permitted for an individual establishment.
- (b) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

- (c) A wall sign shall not project above the top of the wall to which attached or be more than twenty (20) feet in height, whichever is less.

5. Temporary Ground Signs:

- (a) Only one (1) temporary portable ground sign containing changeable copy shall be permitted for each individual establishment for a period of time not to exceed one (1) continuous thirty (30) day period in any one (1) calendar year.
- (b) The sign height shall not exceed five (5) feet.
- (c) Total sign area for a temporary portable ground sign shall be based on one (1) square feet of sign area for every ten (10) linear feet of street frontage. The total sign area shall not exceed thirty-two (32) square feet per sign face or sixty-four (64) square feet in total sign area.
- (d) See also: Temporary Signs (additional permitted) 20.04.15.

20.10

SIGNS PERMITTED IN "A-1" DISTRICTS

Sign requirements for "A-1" Districts are as follows:

1. Total Sign Area Allowed:

Total sign area for a permanent ground sign for each non- residential or non-agricultural parcel with a permitted or conditional use shall be based on one quarter (1/4) square foot of sign area for each linear foot of street frontage. Sign area for permanent wall signs shall be based on one quarter (1/4) square foot of sign area for each linear foot of building frontage.

2. Permanent Ground Signs:

- (a) One ground sign shall be permitted for each parcel.
- (b) Developed parcels located on corner lots are permitted only one ground sign.
- (c) The total sign area of a ground sign shall not exceed twenty-four (24) square feet per sign face or forty-eight (48) square feet in total sign area.
- (d) No ground sign shall exceed four (4) feet in height from established grade to top of sign structure.

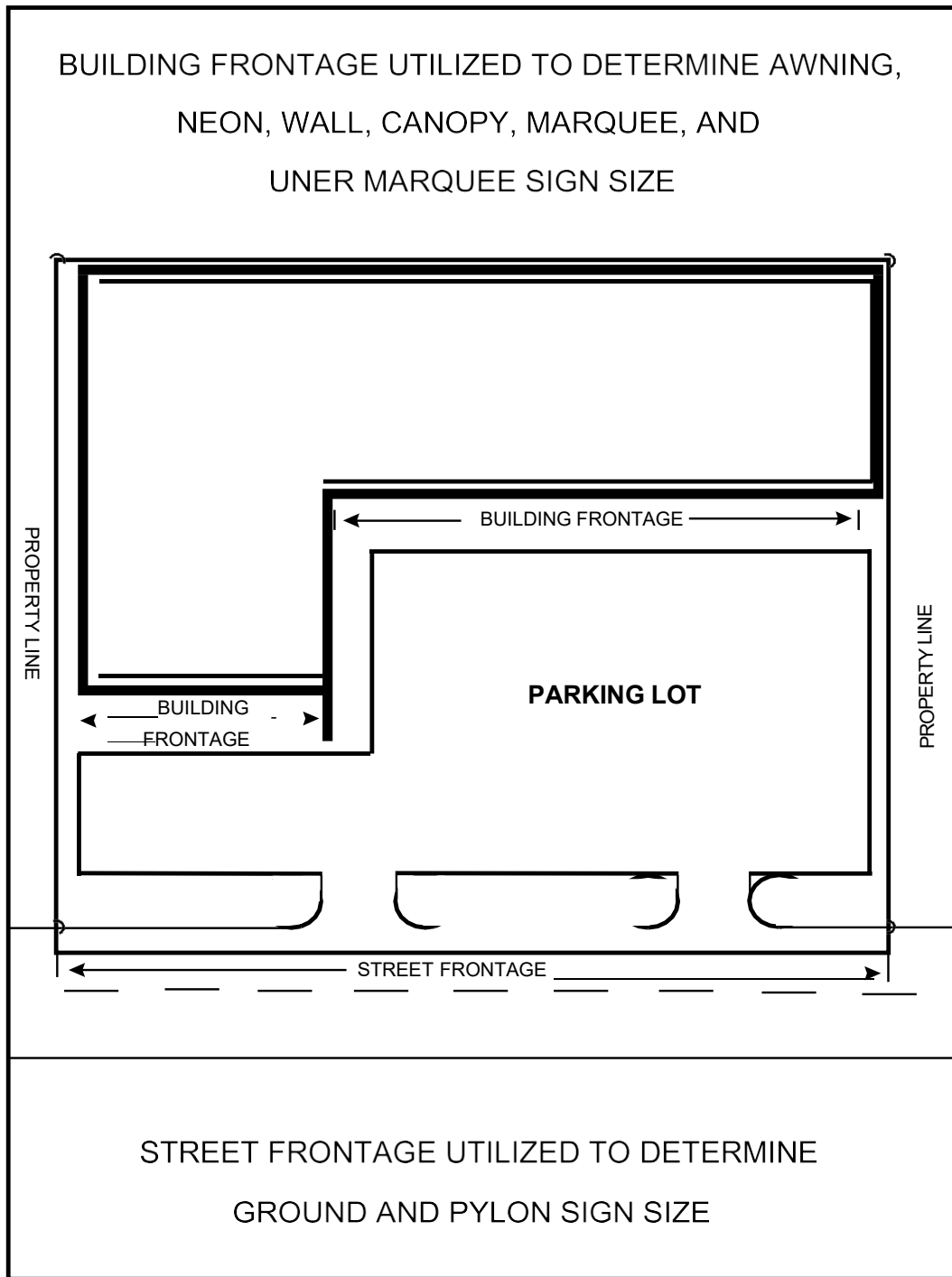
3. Permanent Wall Signs:

- (a) One (1) wall sign per building frontage shall be permitted for non-residential or non-agricultural premises with a permitted conditional use.
- (b) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of signs on one building frontage.
- (c) The total sign area of a wall sign shall not exceed sixteen (16) square feet in sign area.
- (d) A wall sign shall not project above the top of the wall to which attached.

4. Temporary Ground Signs:

- (a) Only one (1) temporary portable wheeled ground sign containing changeable copy shall be permitted on each premises for a period of time not to exceed one (1) continuous thirty (30) day period in any one (1) calendar year.
- (b) The sign shall not exceed five (5) feet in height.
- (c) Total sign area for a temporary ground sign shall be based on one (1) square foot of sign area for every ten (10) linear feet of street frontage. The total sign area shall not exceed thirty-two (32) square feet per sign face or sixty-four (64) square feet in total sign area.
- (d) See also: Temporary Signs (additional permitted) 20.04.15.

FIGURE 8



SIZE OF SIGN DETERMINATION

BUILDING AND STREET FRONTAGE

20.11

ADMINISTRATION AND ENFORCEMENT

1. General: A Zoning Enforcement Officer shall enforce all provisions of this Article.

2. Removal of Signs by the Zoning Enforcement Officer: A Zoning Enforcement Officer shall cause to be removed any temporary or permanent sign that violates any provisions of this Article when it endangers the public safety, such as a sign which has been abandoned, is illegal, is dangerous, or is materially, electrically, or structurally defective. A Zoning Enforcement Officer shall also cause to be removed any sign (except a valid non-conforming sign, or temporary sign as referenced in Section 20.04(13)(e) of this Article), for which no permit has been issued or a sign which is not in compliance with the permit issued. Before removing or causing the removal of any such sign, however, a Zoning Enforcement Officer shall first prepare and serve upon the property owner or occupant a notice which describes the sign and specifies the violation involved. This notice shall require that a permanent sign shall be removed or the violation corrected within the next ten (10) days or that a temporary sign shall be removed or the violation corrected within the next twenty-four (24) hours. If this notice is not complied with, the sign may be removed immediately by a Zoning Enforcement Officer or prosecution under Article 19.07 shall commence following the applicable time frames in accordance with the provisions of this article.

All notices issued by a Zoning Enforcement Officer may be served by certified mail or delivery to the property owner, current occupant, to a person temporarily or permanently in charge of the establishment or the sign owner in case of temporary signs. Any time periods provided in this section shall be deemed to commence on the date of the service of the notice.

The property owner and current occupant shall be jointly and severally obligated to reimburse the Township immediately for all third party and administrative expenses incurred in removing any sign including but not limited to costs to Township of time of Township employees. If the violations are corrected and removal obligations paid, the property owner, the occupant or the sign owner of temporary sign may reclaim the sign from the Township.

The sign shall become the property of the Beavercreek Township after thirty (30) days if removal costs are not paid or if violations are not corrected. Thereafter the sign shall be disposed of in any manner deemed appropriate by the Township Trustees. This possible result shall also be explained by the served notice.

3. Permits Required: A zoning permit shall be obtained for erection, construction, relocation, or alteration of any sign unless exempted by this article. Any sign subject to this article shall comply with all Township zoning, building, and electrical codes.
4. Permit Application: Application for a permit to install a temporary or permanent sign shall be made upon an application form provided by the Zoning Department. This application shall be accompanied by such information as may be required to assure compliance with all appropriate provisions of this Article.
5. Permit Fee: Application for permits shall be filed with the Zoning Administrator, together with a permit fee.
6. Permitted Sign Duration: Any sign deemed permanent under this article shall remain a permanent sign unless otherwise stated in Article 20. A renewal fee is not required.
7. Maintenance of Signs: Every sign, whether requiring a sign permit or not, shall be maintained in a safe and aesthetically presentable condition at all times and must not appear to be in a deteriorated or dilapidated condition. Proper sign maintenance includes, but is not limited to, the replacement of defective parts, painting, cleaning, and other acts required for maintenance of the appearance and structural condition of said sign.
8. Removal of Unlawful Sign from the Public Right of Way and/or Edge of Pavement: Signs, other than governmental signs, are specifically prohibited from being erected near enough to the edge of road or sidewalk pavement OR public right-of-way as to hinder access or prevent proper line of sight. The Township shall immediately remove or cause to be removed any sign (other than governmental as referenced above) which hinders access or blocks line of sight to public rights-of-way. Just as a private property owner may remove any sign placed on his or her private property so may the Township if the sign is in violation of this Article. Such removal authority must be exercised in a nondiscriminatory manner.

20.12

NON-CONFORMING SIGNS

1. General: Any sign lawfully existing on the effective date of an amendment to this section which does not conform to all the standards and regulations of the current ordinance shall be deemed to be non-conforming.
2. Rules for Non-Conforming Signs:
 - (a) A non-conforming sign shall not be replaced by another non-conforming sign except that the substitution or interchange of poster panels, painted boards or demountable material on non-conforming

signs shall be permitted.

- (b) Minor repairs and maintenance of non-conforming signs such as repainting, electrical repairs and neon tubing repair shall be permitted. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this article or to make it less non-conforming.
- (c) If a non-conforming sign is damaged by more than one-half (1/2) of its replacement value, it shall be removed and shall not be repaired or replaced except in conformance with this article.
- (d) Any non-conforming sign which is altered, relocated or replaced shall comply with all provisions of this Sign Resolution as if it were a new sign.

20.13 ILLEGAL SIGNS

- 1. General: Any sign which is contrary to the requirements of this resolution and which does not satisfy the non-conforming specifications stated in this resolution shall be deemed an illegal sign.

Signs which were illegally erected, established or maintained with respect to the applicable requirements of prior resolutions or ordinances shall be removed or brought into compliance with this sign resolution per the requirements and procedures of Section 20.12 of this Sign Resolution.

20.14 PENALTIES

See 19.07

ARTICLE 21

ARTICLE 21 ZONING COMMISSION

21.01 CREATION, MEMBERSHIP, APPOINTMENT

The board of township trustees of any township proceeding under sections 519.01 to 519.09 inclusive, of the Revised Code, shall create and establish a township zoning commission. The commission shall be composed of five members who reside in the unincorporated area of the township, to be appointed by the board, and the terms of the members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the zoning commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the board, upon written charges being filed with the board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the board and shall be for the unexpired term.

21.02 ORGANIZATION

21.02.1 The Zoning Commission shall elect its own officers annually and shall adopt the rules necessary for the conduct of its affairs in keeping with the provisions of this Resolution.

Meetings shall be held at the call of the Chairman and at such other times as the Zoning Commission may determine. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Zoning Commission shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be a public record.

21.02.2 A majority of the Zoning Commission shall constitute a quorum for conducting business.

21.03 OFFICIAL ACTION

The Zoning Commission shall act by resolution or motion on which a majority of the members must concur in any action before the commission. The results of such resolution or motion shall be forwarded to the Board of Trustees for its action, except as may otherwise be provided herein.

In the event of a tie vote, the motion only fails, and a further motion must be brought to a vote to resolve the issue. If an issue cannot gain a simple majority vote at a meeting, then said issue shall be continued until a majority vote can be taken. A motion or resolution can only be voted upon by members who are present at a meeting.

21.03.1

The Zoning Commission shall review the Land Use Plan and the Zoning Resolution for additions, deletions and changes whenever such a review is applicable, necessary, and/or requested by the Township Board of Trustees. Recommendations shall be presented to the Trustees.

ARTICLE 22

ARTICLE 22 BOARD OF ZONING APPEALS

22.01 CREATION, MEMBERSHIP, APPOINTMENT

The board of township trustees shall appoint a township board of zoning appeals of five member who shall be residents of the unincorporated territory in the township. The terms of all members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided by Section 21.01. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term.

22.02 ORGANIZATION

22.02.1 The Board of Zoning Appeals shall elect its own officers annually and shall adopt the rules necessary to the conduct of its affairs. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. A majority of the members of the Board of Zoning Appeals shall constitute a quorum for the conducting of business.

22.02.2 The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses and production of documents. All meetings and records shall be open to the public.

22.03 OFFICIAL ACTION

The Board of Zoning Appeals shall act by resolution or motion on which three (3) members must concur and shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent, or failing to vote indicating such facts, and a statement of the facts of each appeal considered by the Board, and the section of this Resolution where applicable which the Board has considered in approving or disapproving any petition or other matter brought before the Board. All persons appearing before the Board shall be sworn before giving testimony.

22.04 RIGHT OF PETITION OR APPEAL

22.04.1 Any person, property owner, tenant or any governmental officer, department, board or bureau may apply for a conditional use permit or a variance from the strict application of the terms of this Resolution or appeal a decision of the Enforcing Officer to the Board of Zoning Appeals.

22.04.2

An appeal of a ruling of the Enforcing Officer shall stay all proceedings unless the Enforcing Officer certifies that, by reason of facts pertaining to the matter in question, a stay in his opinion would cause imminent peril to life and property. When such certification is made, proceedings shall not be stayed except by a restraining order granted by the Board of Appeals or by the Court of Common Pleas.

22.05

FEES

1. Each application for a variance or conditional use permit shall be accompanied by a fee as established by the Board of Township Trustees..
2. Application fees shall not be refunded in any case;
3. When any applications to the Township for some permit, certificate or approval involves submission of technical information by the applicant, it is recognized that the Township may need to incur expenses for the services of engineers and other experts to evaluate such technical data. As a condition of the Township agreeing to consider any such application, the applicant must agree to reimburse the Township at once for any such expenses. That reimbursement must be received by the Township before any such permit, certificate or approval is issued.
4. A condition of the Township agreeing to consider any application for a permit, certificate or approval shall be that the applicant must pay the cost of publishing any newspaper notice of any public hearings on the application, and of any ordinance that grants the application in whole or in part. Similarly, the applicant must agree to reimburse the Township for any postage expense of mailing notices of the proceeding.

22.06

HEARING

The Board of Zoning Appeals shall fix a reasonable time for the hearing of any application, petition or appeal. It shall give at least ten (10) days notice of the time and place of such hearing, to the Enforcing Officer, and to the owners of record of property within five hundred (500) feet of the premises in question, such notice to be delivered personally or by mail addressed to the respective owners at the address given on the last assessment roll and by one publication in one or more newspapers of general circulation in the Township. Any party may appear at such hearing in person, by agent or by attorney. The Board shall decide the application or appeal within a reasonable time.

22.07 POWERS AND DUTIES

The Board of Zoning Appeals shall have all the appropriate power and duties prescribed by law and by this Resolution. The Board shall have the following duties and powers:

1. Administrative Review: To hear and decide appeals only in such cases where it is alleged there is error in any order, requirement, decision or determination made by the Enforcing Officer in the enforcement of this Resolution and such appeal must be made within twenty (20) days. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Enforcing Officer, or to decide in favor of the applicant on any matter upon which they are required to pass under the terms of this Resolution.
2. Determination of Similar Uses: To determine if uses not specifically mentioned in this Resolution are similar to uses permitted within a district.
3. Determination of District Boundary Location: To determine the exact location of any district boundary if there is uncertainty as to exact location thereof. In making such determination the Board shall be guided by the provision of Section 4.03.
4. Granting of Exceptions: To hear and decide appeals for the granting of exception to this Resolution in the following instances:
 - (a) Permit the extension of a district where the boundary line of a district divides a lot or tract held in a single ownership at the time of the passage of this Resolution.
 - (b) Interpret provisions of this Resolution, in such a way as to carry out the intent and purpose, as shown upon the map fixing the several districts, accompanying and made a part of this Resolution where the street layout actually on the ground varies from the street layout as shown on the map aforesaid.
 - (c) Permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than sixty (60) percent of its fair market value where the Board finds some compelling necessity requiring a continuancy of the non-conforming use and the primary purpose of continuing the non-conforming use will not adversely affect the health, safety or morals of the surrounding area.

- (d) Reduce the parking and loading requirements in any of the districts whenever the character of use of the building is such to make unnecessary the full provision of parking or loading facilities or where such regulations would impose unnecessary hardship on the use of the lot, as contrasted with merely granting an advantage or a convenience.
 - (e) The Board shall have the authority to grant an exception of a building devoted to a non-conforming use upon a lot occupied by such building where such extension is necessary and incidental to the existing use of such building; provided, however, that the floor areas of such extension not exceed in all one hundred per cent (100%) of the floor area of the existing building or buildings devoted to a non-conforming use and provided further that such extension or extensions shall be undertaken within five (5) years of the date when the use of such building became non-conforming.
 - (f) Provide exceptions to height limitations in accordance with Section 18.12 and 18.17.
5. Conditional Use Permits: To hear and decide only such conditional uses as the Board of Zoning Appeals is specifically authorized to pass on under the terms of this Resolution, or to deny conditional use permits when not in harmony with the intent and purpose of this Resolution. The following requirements shall be complied with prior to any approval of a conditional use permit by the Board of Zoning Appeals:
- (a) A written application for a conditional use is submitted indicating the section of this Resolution under which it is requested.
 - (b) A public hearing shall be held as specified in Section 24.07 of this Resolution.
 - (c) The Board of Zoning Appeals shall determine:
 - (i) Authority: If it has the authority to grant the request.
 - (ii) Adverse Affect: That the granting of the conditional use will not adversely affect the neighborhood in which the conditional use is to be located.
 - (d) The applicant shall submit a plan showing the location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout, and its relation to street giving access to it shall be such that vehicular traffic to and from the use will not be more hazardous than the normal traffic of the district, both at the time and as the same may be expected to increase

with increasing development of the community, taking into account vehicular turning movements in relation to routes of traffic flow, relation to street intersections, sight distances, and relations to pedestrian traffic.

- (e) Conditions: In granting any conditional use permit, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity to the provisions of this Resolution and the recommendation of the Zoning Commission. The Board of Zoning Appeals shall require a bond to assure conformance to such conditions and safeguards as may be necessary. Violation of such conditions and safeguards shall cause the performance bond mentioned above to be forfeited and shall be deemed a violation of this Resolution and punishable under Section 19.07. A conditional use permit shall expire in one (1) year after it is issued unless actual construction has taken place or is underway except as provided elsewhere in this Resolution. If a conditional use is approved, the plan must be followed. Any deviation requires reapplying for another conditional use permit.
6. Variances: To vary the strict application of any of the requirements of this Zoning Resolution whereby such strict application would result in practical difficulty or unnecessary hardship not economic in nature, that would deprive the owner of the reasonable use of the land or building involved but in no other case. Increased profitability is not a valid basis for legally granting a variance. Under no circumstances shall the Board grant a variance which will permit a use which is not permitted in the district involved. No non-conforming use of neighboring lands, structures or buildings in the same district and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- a. Granting of Variances: No variance of the strict application of this Zoning Resolution shall be granted by the Board of Zoning Appeals until and unless the Board finds the following:
 - (i) There exists conditions and/or circumstances relating to the property that would create practical difficulties for the property owner if strict conformance to the requirements of this Zoning Resolution were required.
 - (ii) The variance to be granted is the minimum variance possible and other alternatives for resolving the conflict between the applicant's plan and the requirements of the Zoning Resolution are impractical or infeasible.

- (iii) The granting of the variance will be in harmony with the general spirit, intent and purpose of this Zoning Resolution.
- (iv) The granting of the variance will not be injurious to surrounding properties and the general neighborhood or be otherwise detrimental to the public welfare.
- (v) The granting of the variance will not result in a deleterious change in the character of the community.
- (vi) The granting of the variance will not infringe upon the rights and quiet enjoyment of adjacent property owners and will not diminish property values, endanger the public safety, or public nuisance.
- (vii) The granting of the variance is for a compelling reason and not simply because the applicant's plans conflict with Zoning Resolution requirements when reasonable alternatives are available.
- (viii) The granting of the variance is not solely for economic benefit to the applicant.

(b) Procedure for Consideration of Petitions for Variances:

- (i) The Board of Zoning Appeals shall make a finding that the reasons set forth in the application are valid and justify the granting of the variance, and that the items in (a) of this Subsection 6, above, have been fully satisfied.
- (ii) Conditions: The Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Zoning Resolution. The Board may require a bond or irrevocable letter of credit to assure conformance to such conditions and safeguards as the Board may require.
- (iii) Violation or noncompliance of such conditions and safeguards when such are made a part of the terms under which a variance is granted shall cause the bond or letter of credit mentioned in (ii), above, to be forfeited or called upon and shall further be deemed a violation of this Zoning Resolution and punishable under Section 19.07 of this Zoning Resolution.
- (iv) Public Hearings: Prior to taking action on a request for a variance, the Board of Zoning Appeals shall hold a public hearing and give notice to property owners as required in Section 24.07 of this Zoning Resolution.

- (v) Period of Validity: No variance granted by the Board of Zoning Appeals shall be valid for a period longer than one (1) year from the date on which the Board grants the variance unless within such period: 1.) a zoning certificate is obtained and the construction, moving or remodeling of structure is started, or 2.) an occupancy permit is obtained and a use commenced. The Board may grant a maximum of two (2) extensions not exceeding six (6) months each, upon written application, without notice of Hearing.

22.08

EFFECTIVE DATE

The Board of zoning Appeals shall make specific findings of fact upon which it based its order or decision. The Board's order or decision shall become final upon the signing of it by the Chairman of the Board and upon receipt by the applicant or appellant and appellee involved in the matter, of a copy of the Board's order or decision. Delivery of the Board's order or decision may be made by certified mail, personal or residence service by the Zoning Inspector or the Beavercreek Police Department, or other persons designated by the Board.

ARTICLE 23

ARTICLE 23 TOWNSHIP TRUSTEES

23.01 INTENT

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Township Trustees, in connection with this Resolution, shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in Section 22.08.

23.02 POWERS AND DUTIES

The Township Trustees shall be responsible for the following duties:

1. To consider, adopt, reject or modify all proposed amendments to this Resolution as provided in Section 24.13.
2. To appoint a Zoning Inspector and members of the Board of Zoning Appeals, and members of the Zoning Commission.
3. To establish a schedule of fees for issuing zoning permits, appeals, variances, conditional use permits, processing amendments, and any other zoning actions requiring postage, legal advertising, inspections or general processing of applications.

ARTICLE 24

ARTICLE 24 AMENDMENT

This Resolution may be amended by utilizing the procedure outlined herein. Amendments include changes in zoning districts. See Article 17, Planned Unit Development Districts, for procedures for applications for Planned Unit Development Zoning Districts.

24.01 GENERAL

Whenever the public necessity, convenience, general welfare or good zoning practices require, the Board of Trustees may by Resolution and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property.

24.02 INITIATION OF ZONING AMENDMENTS

Amendments to this Resolution may be initiated in one of the following ways:

1. By adoption of a resolution by the Zoning Commission.
2. By the filing of an application by at least one (1) person who holds an ownership interest in the area proposed to be rezoned by said amendment.
3. By adoption of a resolution by the Board of Trustees.

24.03 CONTENTS OF APPLICATION

The application for amendment shall contain at a minimum the following information:

1. Name, address and telephone number of applicant;
2. Proposed amendment to the text or legal description of the property involved;
3. Present use;
4. Present zoning district;
5. Proposed use;
6. A vicinity map at a scale of one (1) inch to 1,000 feet showing property lines, streets, existing zoning and proposed zoning and such other items as the Zoning Commission may require;

7. A survey of the plat of land being proposed for rezoning at a scale of one (1) inch to 100 feet, showing the dimensions and bearings of the property lines, area in acres or square feet, topography of the land and proposed streets, may be required by the Zoning Commission.
8. A list of all property owners within 500 feet of the boundaries of the property proposed to be rezoned and others that may have a substantial interest in the case.
9. A fee as established by the Board of Township Trustees.

24.04 TRANSMITTAL TO THE ZONING COMMISSION

Immediately after the adoption of a resolution by the Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or applicant shall be transmitted to the Zoning Commission

24.05 SUBMISSION TO THE COUNTY PLANNING COMMISSION

Within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Township Trustees or the filing of an application by at least one (1) owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution or application together with the text and map pertaining to the case in question to the County Planning Commission. The County Planning Commission shall recommend the approval or denial of the proposed amendment or approval with some modification thereto and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

24.06 SUBMISSION TO DIRECTOR OF DEPARTMENT OF TRANSPORTATION

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation, or affecting any land within a radius of five hundred (500) feet from the point of intersection of the said centerline with any public road or highway, the Township shall give notice, by certified mail, to the Director of Transportation. The council shall not approve the zoning amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Township that he has purchased or has begun proceedings to appropriate the land, the Township shall refuse to approve the rezoning of land which includes the land which the Director has purchased or has begun proceedings to appropriate. If the Director of Transportation notifies the Township that acquisition at this time is not in the public interest or upon

the expiration of the one hundred twenty (120) day period (or any extension thereof agreed upon by the Director of Transportation and the property owner) without notice being received from the Director, the Township shall proceed as required by law and this zoning resolution. If there is any conflict between this paragraph and O.R.C. 5511.01 as it may be amended, that state statute shall control.

24.07 PUBLIC HEARING BY ZONING COMMISSION

The Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be not less than twenty (20) days nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

24.08 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding a public hearing as required in Section 24.06, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in the municipality at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Trustees for further determination.

24.09 NOTICE TO PROPERTY OWNERS BY ZONING COMMISSION

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Trustees. The failure to deliver the notice as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 24.07.

24.10 RECOMMENDATION BY ZONING COMMISSION

Within thirty (30) days after the public hearing required by Section 24.06, the Zoning Commission shall recommend to the Trustees that the request be:

1. Granted as requested.
2. May recommend a modification of the amendment or request.
3. May recommend the amendment or request not be granted.
4. Table/delay pending receipt of further information, etc.

24.11 PUBLIC HEARING BEFORE BOARD OF TOWNSHIP TRUSTEES

Upon receipt of the recommendation from the Zoning Commission, the Board of Township Trustees shall schedule a public hearing. The date of said hearing shall be not more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.

24.12 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Notice of the Public Hearing required in 24.10 shall be given by the Board of Township Trustees by at least one (1) publication in one (1) or more newspapers of general circulation in the Township affected. Said notice shall be published at least ten (10) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and the nature of the proposed amendment.

24.13 NOTICE TO PROPERTY OWNERS BY BOARD OF TOWNSHIP TRUSTEES

If the proposed amendment intends to rezone or redistrict property within the Township, written notice of the hearing shall be mailed by the Clerk of the Township, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the "Treasurer's" mailing list and to such other list or lists that may be specified by the Trustees. The notice shall contain the same information required of notices published in newspapers as specified in Section 24.11.

24.14 ACTION BY BOARD OF TOWNSHIP TRUSTEES

Within twenty (20) days after the public hearing required in Article 24.10, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Zoning Commission, the unanimous vote of the Board of Township Trustees is required. The Resolution of the Township Trustees shall provide which precincts of the Township are most affected by the Resolution and shall provide which precincts of the Township shall be permitted to vote on the referendum in the event that appropriate petitions therefore are filed. A copy of the Resolution of the Township Trustees, showing their action, shall be sent to the Greene County Planning Commission for information purposes.

24.15 EFFECTIVE DATE AND REFERENDUM

Such amendment adopted by the Trustees shall become affective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition signed, by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to but not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

24.16 TECHNICAL REVIEW COSTS

When any applications to the Township for some permit, certificate or approval involves submission of technical information by the applicant, it is recognized that the Township may need to incur expenses for the services of engineers and other experts to evaluate such technical data. As a condition of the Township agreeing to consider any such application, the applicant must agree to reimburse the Township at once for any such expenses. That reimbursement must be received by the Township before any such permit, certificate or approval is issued.

24.17 PUBLIC NOTICE COSTS

A condition of the Township agreeing to consider any application for a permit, certificate or approval shall be that the applicant must pay the cost of publishing any newspaper notice of any public hearings on the application, and of any ordinance that grants the application in whole or in part. Similarly, the applicant must agree to reimburse the Township for any postage expense of mailing notices of the proceeding.

24.18 AMENDMENT LIMITATION

Application for zoning amendment, conditional use permits and variances concerning any parcel of property, portion thereof, or use thereon shall not be accepted for consideration more than once during any consecutive twelve (12) month period. Applications on the same parcel of property may, however, be made within the specified twelve (12) month period provided that a different zoning classification, conditional use permit, or variance is requested.

ARTICLES 25 TO 28

ARTICLE 25 VALIDITY AND SEVERABILITY

Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE 26 INTERPRETATION AND CONFLICT

In its interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, convenience, comfort, prosperity and the general welfare. Wherever the requirements of this Resolution are at variance with the requirements of any other lawfully adopted rules, regulations or Resolution, the most restrictive, or that imposing the higher standards, shall govern.

ARTICLE 27 REPEAL OF CONFLICTING RESOLUTIONS

All resolutions, or parts of resolutions or resolution in conflict with this Resolution or inconsistent with the provisions of this Resolution, are hereby repealed and declared null and void and of no effect.

ARTICLE 28 EFFECTIVE DATE

1. Date of Public Hearing -
2. Date of Publication -
3. Date of Adoption by the Township Trustees -
4. Date and time this Resolution shall take effect -

ARTICLE 29

ARTICLE 29 WIRELESS TELECOMMUNICATIONS FACILITIES

29.01 PURPOSE AND INTENT OF WIRELESS TELECOMMUNICATION REGULATIONS

The purpose of this Article is to regulate the placement, construction, and modification of wireless telecommunication facilities and their support structures in order to protect the public health, safety and morals, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications industry in the Miami Valley Region. Specifically, the purposes of this Article are:

1. To direct the location of various types wireless telecommunication facilities into appropriate areas of Beavercreek Township;
2. Protect residential areas and land uses from potential adverse impacts of wireless telecommunication facilities;
3. Minimize adverse visual impacts of wireless telecommunication facilities through careful design, siting, landscaping and innovative camouflaging techniques;
4. Promote and encourage shared use/co-location wireless telecommunication antenna(s)/platform(s) as a primary option rather than construction of additional single-use wireless telecommunication towers;
5. Avoid potential damage to adjacent properties caused by wireless telecommunication facilities by ensuring such structures are soundly designed, constructed, modified, are appropriately maintained, and are fully removed when the use ceases;
6. To the greatest extent feasible, ensure that wireless telecommunication facilities are compatible with surrounding land uses; and
7. To the greatest extent feasible, ensure that wireless telecommunication facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.

29.01.1 This Article shall not unreasonably discriminate among providers of functionally equivalent services nor shall it prohibit or have the effect of prohibiting the provision of personal wireless services. Any requests for authorization to place, construct, or modify personal wireless service facilities shall be acted upon as specified in Resolution, Article 19.03.6, after the request has been duly filed with the Beavercreek Township Zoning Inspector. Any decision to deny a request to place, construct, or

modify wireless telecommunication facilities shall be in writing and supported by substantial evidence contained in a written record. This Article shall not regulate the placement, construction, and modification of wireless telecommunication facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's (FCC) regulations concerning such emissions.

29.02

DEFINITIONS

For the purposes of this Article, the following terms, phrases, words, and their derivations shall have the meanings given herein. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. All capitalized terms used in the definition of any other term shall have their meaning as otherwise defined in this section. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their customary meaning as defined in Webster's New World Dictionary.

Applicant Any person that applies for a permit pursuant to this Article.

Application The process by which an applicant submits a request and indicates a desire to be granted a zoning certificate under the provisions of this Article. An application includes all written and graphic documentation, verbal statements and representations, in whatever form or forum, made by an applicant to Beavercreek Township concerning such a request.

Co-location The use of a wireless telecommunication tower by more than one wireless telecommunications provider.

Engineer Any engineer licensed by the State of Ohio.

FAA The Federal Aviation Administration and any legally appointed, designated or elected agent or successor.

FCC The Federal Communications Commission and any legally appointed, designated or elected agent or successor.

Personal Wireless Services (PWS) Including cellular telephone, personal communication services (PCS) other mobile radio services, and any other FCC - licensed wireless common carriers.

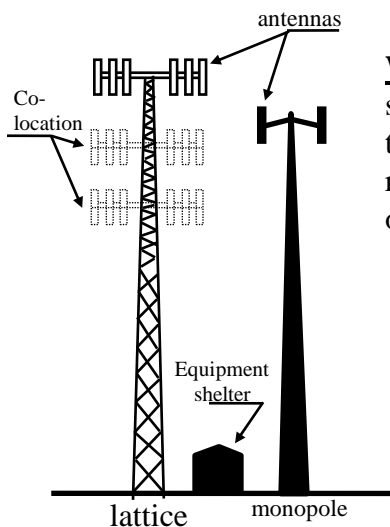
Township The township of Beavercreek.

Wireless Telecommunication Antenna Any panel, whip, dish, or other apparatus designed for communications through the sending and/or receiving of electromagnetic waves, excluding any support structure other than brackets/platforms.

Wireless Telecommunication Equipment Shelter The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

Wireless Telecommunication Facility A facility consisting of the equipment, tower, antenna, and structure involved in receiving wireless telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone lines. However, the term wireless telecommunication facilities shall not include:

- A. Any satellite earth station antenna two (2) meters in diameter or less and personal television antennas.
- B. Antennas used by amateur radio operators.



Wireless Telecommunication Tower Including but not limited to self-supporting lattice, guyed, or monopole which elevate the wireless telecommunication antenna and may include accessory transmission and receiving equipment. The term tower shall not include amateur radio operator's equipment, as licensed by the FCC.

Lattice Tower framework or structure of crossed metal strips typically resting on three or more members constructed vertically to which antennas are affixed.

Monopole A support structure constructed to a single, self-supporting hollow metal tube securely anchored to a foundation.

29.03 LOCATION OF WIRELESS TELECOMMUNICATION FACILITIES

29.03.1 PROHIBITED

Subject to Article 29.06, wireless telecommunication facilities in locations not specifically listed in this Article shall not be permitted, nor shall any zoning certificate be issued therefor.

29.03.2 PERMITTED USES IN DISTRICTS ZONED FOR RESIDENTIAL USE, ES-2.5, R-1AA, R-1A, R-1B, R-2, R-3, R-4, R-5, A-1, R-PUD, and MX-PUD

The erection, construction or replacement of a wireless telecommunication antenna(s) on a lawfully existing wireless telecommunication tower and with the necessary wireless telecommunication equipment shelter may be a permitted use as a co-location only on an existing wireless telecommunication tower.

29.03.3 ACCESSORY USES, ES-2.5, R-1AA, R-1A, R-1B, R-2, R-3, R-4, R-5, A-1, R-PUD, and MX-PUD

1. An antenna for a wireless telecommunication facility may be attached to an existing residential building four (4) or more stories in height or to an existing nonresidential structure, excluding residential accessory structures, subject to the following conditions:
 - A. Maximum Height. The antenna shall not extend more than ten (10) feet above the roof of the existing building or top of the existing structure, subject to Article 29.03.4C.
 - B. Separate Wireless Telecommunication Equipment Shelter. If the applicant proposes to locate the wireless telecommunications equipment in a separate wireless telecommunications equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district and shall be located below existing grade.
 - C. Vehicular Access. Vehicular access to the equipment shelter shall be via the existing circulation system and subject to Article 29.04.16.
2. Failure to meet the above conditions the applicant can apply for a conditional use.

29.03.4 CONDITIONAL USES, ES-2.5, R-1AA, R-1A, R-1B, R-2, R-3, R-4, R-5, A-1, R-PUD, and MX-PUD

A wireless telecommunication facility is permitted as a conditional use upon a parcel in districts zoned for residential uses, subject to the following conditions.

- A. The minimum parcel size shall comply with the parcel requirements of the district.

- B. The minimum setback from the nearest lot line to the base of the wireless telecommunication tower shall be a 1:1 ratio in height from the nearest lot line and any structure. The equipment shelter shall comply with minimum setback requirements for the established Zoning District.
- C. The maximum height shall be less than two hundred (200) feet from the existing grade to the highest point of the wireless telecommunication facility.
- D. There is no feasible co-locatable tower site available for the applicants antenna(s) and related facilities within the geographic area to be served as provided by a radio frequency (R.F.) Engineer and subject to Article 29.04.8.
- E. As a condition of issuing a conditional zoning certificate to construct and operate a wireless telecommunication facility in the Township, the owner/operator is required to allow and agree to such co-location until said tower has reached full antenna capacity. In no event shall fewer than two (2) additional antenna platforms of equal loading capacity to the owner's/operator's antenna platform be provided for two (2) additional wireless telecommunication providers. Agreement to this provision must be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation must be presented to the Zoning Inspector evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of Article 29.03.E. for co-location as well as all other applicable requirements, regulations and standards set forth in Article 29 and the parcel owner understands the taxing implications that the wireless telecommunication facility may have on the parcel.
- F. The Beavercreek Township Board of Zoning Appeals may require a bond for tower removal and site restoration.

29.04

GENERAL REGULATIONS

The regulations and conditions set forth in this Article shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunication facility and all appurtenances thereto. Except as otherwise provided in this Article, all wireless telecommunication facilities shall comply with the following standards:

1. All towers shall be of a monopole design, as opposed to a lattice design. Lattice towers existing on the effective date of this provision, however, may be rebuilt as lattice towers of the same height and volume for the purpose of increasing the structural loading capacity of the tower in order to provide for co-location of additional antennas.
2. Only one (1) wireless telecommunication tower shall be located on a parcel, unless otherwise approved by the Beavercreek Township Board of Zoning Appeals.
3. No telecommunication facility shall be located within a designated one hundred (100) year flood plain as depicted on the maps published by the Federal Emergency Management Agency.
4. No telecommunication facility shall be located within a “wetland” as defined by federal law.
5. A telecommunication facility shall not be mounted on a building or structure listed on a federal, state, or local historic register.
6. A report shall be prepared and submitted by a qualified and licensed professional engineer and shall provide proof of compliance with all applicable federal, state, and county regulations. The report shall include a detailed site plan as required by Article 19.03 of this Resolution; a detailed description and construction plans of the wireless telecommunication tower, antenna(s), equipment building, and appurtenances as well as the tower's structural loading capacity to support at least three (3) antenna platforms of equal loading capacity; and shall verify that radio frequency (electromagnetic) emissions are in compliance with the regulations established by the Federal Communications Commission (FCC), and a photograph of the proposed site prior to construction.
7. For applications for wireless telecommunication towers and related facilities, as opposed to applications for co-location of antennas and related equipment building(s), the applicant shall demonstrate that the proposed site is the most appropriate location for a telecommunication tower, equipment building, and appurtenances. The applicant shall submit a study by a qualified and R.F. engineer comparing all potential host sites for the proposed facility to the subject site. The study shall include a description of such sites and a discussion of the ability or inability of the alternative sites to host a wireless telecommunication facility. Reasons for excluding an alternative site from consideration may include, but are not limited to, the following:

- A. Written documentation of the property owner's refusal to locate a telecommunication facility on the site;
 - B. Topographic limitations on the site;
 - C. Adjacent impediments that would obstruct transmission;
 - D. The physical constraints on the site that would preclude construction; and
 - E. Other technical limitations including a violation of federal, state, or county regulations.
8. The shared use (i.e. co-location) of pre-existing wireless telecommunication towers is preferred to the construction of new towers. For applications for wireless telecommunication towers and related facilities, as opposed to applications for co-location of antennas and related equipment building(s). The applicant shall submit a report by a qualified R.F. engineer inventorying existing wireless telecommunication facility sites within a two (2)-mile radius of the proposed site outlining the reasons each existing site may or may not be used as an alternative for co-location. The applicant shall demonstrate that co-location is not feasible for the following reasons:
- A. Written documentation of the owner's refusal to allow co-location on the existing tower;
 - B. The proposed antenna/platform would exceed the structural capacity of existing towers, provided the existing tower cannot be reinforced, modified, or replaced to accommodate the proposed antenna/platform at a reasonable cost;
 - C. The proposed antenna/platform would cause interference impacting the usability of other existing equipment at the tower or building as documented by a qualified R.F. engineer and the interference cannot be prevented at reasonable cost;
 - D. Existing or approved towers and buildings cannot accommodate the planned antenna/platform at a height necessary to function reasonably as documented by a qualified R.F. engineer;

- E. The applicant shall demonstrate that to facilitate co-location on an identified potential wireless telecommunication tower site that they have offered to allow the owner/operator of the other wireless telecommunication tower to co-locate antenna(s) on another wireless telecommunication tower owned by the applicant within the area, if such a wireless telecommunication tower exists and that space is unavailable on the wireless telecommunication tower for co-location on reasonably reciprocal terms and the offer was not accepted.
 - F. Co-location would violate federal, state, or county regulations.
9. The applicant shall submit a plan documenting how the telecommunication facility will be maintained on the site in an ongoing manner and this document shall be a condition of approval.
 10. An antenna or the tower top shall be illuminated with a red light unless other requirements are mandated by the Federal Aviation Administration (FAA).
 11. A fence approved in design by the Beavercreek Township Board of Zoning Appeals and not less than six (6) feet in height shall fully enclose the base of the wireless telecommunication facility including anchors for guy wires. Gates shall be locked at all times when the facility is unattended by an agent of the wireless telecommunication provider.
 12. A landscaped buffer area of not less than fifteen (15) feet in depth shall be placed between the fence surrounding the wireless telecommunication facilities and the public rights-of-way and any adjacent properties with a direct view of the facilities, other than the tower itself. The fifteen (15)-foot landscaped buffer shall be of hardy evergreen shrubbery not less than six (6) feet in height and of a density to obstruct the view. The landscaping shall be continuously maintained and promptly restored, if necessary.
 13. No advertising sign(s) shall be permitted anywhere on a wireless telecommunication tower, equipment building, and appurtenances or on the site.
 14. A permanent sign with a minimum size of two (2) square feet and a maximum size of six (6) square feet shall be posted on the site as well as the emergency telephone number of the owner/operator, base elevation, Long./Lat., tower height, tip elevation, of each platform. The owner/operator shall also provide the Beavercreek fire department,

and the Beavercreek police with information on who to contact, in the event of an emergency.

15. There shall be no outdoor storage of equipment or other items on the site except during the facility construction period and to supply emergency power to the facility only during a power outage.
16. The access driveway to the wireless telecommunication facility shall, whenever feasible, be provided along the circulation driveways of the existing use on the parcel, if any. Where use of an existing driveway is not feasible, the driveway to the site shall be a minimum of fourteen (14) feet in width and shall be setback a minimum of twenty (20) feet from the nearest side or rear lot line. This driveway shall meet the load limitations and standards of the Beavercreek Fire Department.
17. A wireless telecommunication tower shall be painted a color to minimize its visibility, approved by the Beavercreek Township Board of Zoning Appeals unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
18. If at any time all the uses of the wireless telecommunication facility are discontinued for one (1) year, said facility shall be deemed abandoned. The Zoning Inspector shall notify the applicant in writing and advise that the facility must be reactivated within twenty (20) days or it must be dismantled, removed from the site and the site restored within sixty (60) days to a condition reasonably similar to the condition at the time of the issuance of the zoning certificate. This shall be done at the cost of the owner/operator.
19. The owner/operator of the wireless telecommunication facility shall, by January 7th of every year from the date of issuance of the zoning certificate, file a declaration with the Zoning Inspector, including verification that the radio frequency (electromagnetic) emissions are in compliance with the current Federal Communications Commission (FCC) regulations, with the appropriate fee(s) as to the continuing operation of every facility which is subject to Article 29.
20. After issuance of a zoning certificate to construct a wireless telecommunication facility, the applicant shall commence construction within one hundred eighty (180) days and shall complete construction within one (1) year or the zoning certificate shall expire.

21. The maximum cumulative total size of all equipment buildings accessory to a wireless telecommunication tower or antenna on a parcel shall be six hundred (600) square feet and its maximum height shall be fifteen (15) feet from building grade, if not feasible to be placed below grade. All wireless telecommunication equipment shelters shall be configured to appear as one (1) building, on any one (1) parcel.
22. There shall be no tower erected between a public road and the principal building on a parcel which is nearest to the public right-of-way.
23. A wireless telecommunication tower, antenna, equipment shelter, and appurtenances shall comply with all of the regulations for the zoning district in which it is located, except as may otherwise be specified in Article 29 of this Resolution.
24. The applicant shall demonstrate to the Township that it is licensed by the Federal Communications Commission (FCC)

29.05

FEES

1. Application Fee. The fees for application for zoning certificates as required by this Article shall be as specified by the Beavercreek Township Board of Trustees.
2. Reimbursement of Expenses. The applicant for a wireless communication facility shall be responsible for all expenses incurred by the Township for any technical and/or engineering services deemed necessary by the Beavercreek Township Zoning Inspector, the Beavercreek Township Board of Zoning Appeals, or the Beavercreek Township Board of Trustees to perform the reviews and/or inspections set forth in this Article which are not covered by the application fee established by the Beavercreek Township Board of Trustees.

29.06

PUBLIC UTILITY EXEMPTION

1. In the event a wireless telecommunications facility is to be owned or principally used by a public utility engaged in the provision of wireless telecommunication services, the regulations of this Article do not apply when the proposed location of the wireless telecommunication facility is in an area of the Township which is not zoned for residential use(s). The applicant of the proposed wireless telecommunication facility must file a written application with the Beavercreek Township Zoning Inspector supported in writing by substantial evidence that the wireless telecommunication facility will be owned or principally used

by a public utility engaged in the provision of wireless telecommunication services. The applicant must also demonstrate by substantial evidence that it possesses a sufficient degree of the following attributes associated with being a public utility to be considered a "public utility" for purposes of this exemption:

- A. Whether the applicant devotes an essential good or service to the general public which has a legal right to demand or receive this good or service;
 - B. Whether the applicant provides its good or service to the public indiscriminately and reasonably;
 - C. Whether the applicant has an obligation to provide the good or service which cannot be arbitrarily or unreasonably withdrawn;
 - D. Whether the applicant conducts its operations in such a manner as to be a matter of public concern;
 - E. Whether the good or service is vital;
 - F. Whether there is a lack of competition in the local marketplace for the good or service;
 - G. Whether there is regulation by a government authority and the extent of that regulation; and
 - H. Whether the applicant possesses the power of eminent domain.
2. This Article does not apply in respect to 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 land by any public utility, for the operation of its business. However, subject to Ohio Revised Code (R.C.) 519.211(B) and Article 29.06 of this Resolution, the provisions of this Article shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunication facilities.
3. If the Beavercreek Township Zoning Inspector determines to deny the applicant such "public utility" status, he/she shall do so in writing, and state the reasons therefor. Any determination by the Beavercreek Township Zoning Inspector that the applicant is not a public utility engaged in the provision of wireless telecommunications services may be appealed to the Beavercreek Township Board of Zoning Appeals within twenty (20) days pursuant to the procedures set forth in Article

22.07 of this Zoning Resolution. The decision of the Beavercreek Township Board of Zoning Appeals shall be the final determination on the request, unless overturned by the Court of Common Pleas.

4. In the event a wireless telecommunication facility is proposed to be located the Township, in an area zoned for residential use, and is to be owned or principally used by a public utility engaged in the provision of wireless telecommunication services, the public utility shall be exempt from the requirements of this Zoning Resolution and a certificate of exemption will be issued if it meets all of the criteria in A, B, and C below, as follows:
 - A. All of the requirements of Article 29.06. 1 through 3 are met;
 - B. The public utility provides each of the following by certified mail:
 1. Written notice to each owner of property, as shown on the County Auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the wireless telecommunication facility is proposed to be constructed and to any owner and resident whose residential dwelling is within one hundred feet of a proposed wireless telecommunication facility, stating all of the following in clear and concise language:
 - (a) The public utility's intent to construct the wireless telecommunication facility; and
 - (b) A description of the property sufficient to identify the proposed location; and
 - (c) That no later than fifteen (15) days after the date of mailing of the notice, any such property owner/occupant may give written notice to the Beavercreek Township Board of Township Trustees requesting that the provisions of this Zoning Resolution apply to the proposed location of the wireless telecommunication facility. If the notice to a property owner is returned unclaimed or refused, the applicant shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice; and

2. Written notice to the Beavercreek Township Board of Trustees of the information specified in Article 29.06.4.B.1; and
- C. If the Beavercreek Township Board of Trustees receives notice from a property owner under Article 29.06.4.B.1. (c) within the time specified in that Article, or if a Trustee makes an objection to the proposed location of the wireless telecommunications facility within fifteen (15) days after the date of mailing of the notice sent under Article 29.06.4.B.2., the Board of Trustees shall request that the Clerk of the Township send the person proposing to construct the wireless telecommunications facility written notice that the wireless telecommunications facility is subject to the regulations of this Zoning Resolution. The notice shall be sent no later than five (5) days after the earlier of the date the Board of Trustees first receives such a notice from a property owner or the date upon which a Trustee makes an objection. Upon the date of mailing of the notice to the person, the provisions of this Zoning Resolution shall apply to the wireless telecommunications facility without exception. If the Beavercreek Township Board of Trustees, however, receives no notice under Article 29.06.4.B.1 within the time prescribed by that Article or no Trustee has an objection as provided under this Article 29.06.4.C. within the time prescribed by this Article, the applicant will be exempt from the regulations of this Zoning Resolution.

Article 30: AX-1 Aviation Support District

30.1 Purpose

The AX-1 Aviation Support District and its regulations are established in order to achieve, among others, the following purposes:

- (a) To provide an Aviation Support District at a location designated on the Zoning Map;
- (b) To provide supplemental regulations for the height of structures;
- (c) To improve the Aviation Support District by permitting only those uses which are logical, necessary and beneficial to the optimum and safe operation of the airport facility;
- (d) To permit as conditional uses certain additional types of principal uses which have the potential to enhance the Aviation Support District, but which require additional development controls and requirements; and
- (e) To promote the most desirable use of land in accordance with the Comprehensive Land Use Plan and to stabilize and enhance property values.

30.2 Permitted Uses

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved, or maintained, in whole or in part, in an Aviation Support District only for a use specified herein as either a principal use, conditional use or accessory use.

(a) Principal Uses. The categories of principal uses (together with their accessory uses) permitted by right in the Aviation Support District are as follows:

1) Airport Uses.

- A. Airport administration and control structures;
- B. Passenger and freight terminals;
- C. Aircraft sales, rental, repair, reconstruction, research and development;
- D. Aircraft hangars;
- E. Landing pads and runways
- F. Aircraft fuel-handling facilities;
- G. Aircraft handling, training and instruction;
- H. Communications center and weather bureau;
- I. Educational facilities related to any principally permitted use;
- J. Training facilities related to any principally permitted use; and
- K. Public Safety facilities

2) Airport Related Uses.

- A. Motels and hotels;
- B. Restaurants and cocktail lounges;
- C. Offices;
- D. Business equipment and supplies;

- E. Service establishments, including post offices and package delivery services;
- F. Auto rental establishments and associated parking lots;
- G. Certain retail uses targeted to airport employees, pilots and travelers
- H. Museums or other educational displays related to aviation
- I. Temporary Structures for aviation-related events

3) Other Acceptable Uses

- A. Health Studios
- B. Newspaper, Magazine, and Book Stores

(b) Conditional Uses. The following categories of conditional uses may (together with their accessory uses) be permitted, provided they are approved for a particular lot in accordance with the administrative provisions of Section 22.07.5 of this Resolution.

- 1) Restricted industry related specifically to aircraft or air transportation;
- 2) Wholesaling, and warehousing; and
- 3) Laboratories and research facilities.
- 4) Commercial facilities for indoor and outdoor recreation.
- 5) Employer childcare facility.
- 6) Principally permitted uses within Light Industrial (I-1) Districts.
- 7) Educational facilities related to any conditionally permitted use
- 8) Training facilities related to any conditionally permitted use

(c) Accessory Uses. Accessory uses and structures that are clearly incidental and subordinate to a permitted principal or conditional use, and located on the same lot as the principal or conditional use are permitted provided such accessory uses are intended to serve transient traffic and/or airport personnel, and shall include (but are not limited to) the following:

- 1) Medical clinics, lunchrooms, cafeterias in association with a permitted use and located in the same building as the permitted use;
- 2) Recreation facilities in association with a permitted use intended for use by employees or customers of the permitted use.
- 3) Accessory garages and off-street parking areas;
- 4) Signs;
- 5) Trash receptacles; and
- 6) Fences and walls.

30.3 Building and Lot Requirements

Airport uses, as described in Section (X).2 of this Article, shall be located on a zoning lot in such a manner as to conform to the requirements of this section. Each yard shall be unobstructed by a principal use or principal building, except as otherwise provided in this Resolution.

- (a) Front yards shall be not less than fifty (50) feet in depth, excepting where

an Airport District is adjacent or across a street from any residential district, the required front yard shall be not less than sixty (60) feet.

- (b) No side yard shall be required, except where the side yard abuts a residential district, it shall be no less than sixty (60) feet. Any portion of a side yard which is in excess of fifteen (15) feet from a side property line may be used for parking. If a side yard is provided voluntarily, it shall not be less than 10 feet in width.
- (c) Rear yards shall be not less than fifty (50) feet in depth except where the rear yard abuts a residential district, it shall be not less than one hundred (100) feet.
- (d) All business and commercial buildings in excess of 150 feet in length must have a twenty (20) foot clearance on three (3) sides for fire lanes. On high hazard buildings, a distance of no less than fifty (50) feet shall be between buildings. This area shall be reasonably level and solid enough to support fire equipment year-round.
- (e) From the right-of-way line, there shall be a 10-foot landscaped area to be maintained in grass/plantings. No planting shall be higher than three (3) ft.

30.4 Building Location & Height Requirements

The height and location of any building or structure within the Aviation Support District shall comply with regulations set forth by the Federal Aviation Administration and the Ohio Department of Transportation, Division of Aviation. Additionally, building height and location shall comply with any regulations associated with the most-recently adopted Official Greene County Regional Airport Zoning Map, the Lewis E. Jackson Regional Airport Master Plan Update, Federal Aviation Standards Part 77, and any Runway Protection Zones. If conflicting standards exist between any required sets of regulations, the higher or more restrictive standard shall take precedence. No zoning permits will be issued for any property within the Aviation Support district unless documents are also submitted which confirm that the proposed action has been approved by the Federal Aviation Administration and the Ohio Department of Transportation, Division of Aviation.

30.5 Parking/Outdoor Activity Requirements

Off-street parking and outdoor activity areas shall comply with the minimum setbacks, measured from the street right-of-way or property line, as specified in Sections 18.16 of this Resolution, unless otherwise noted in this section.

- (a) Off-street parking areas shall not be located in a required front yard.
- (b) Outdoor Storage. No outdoor storage of goods, materials, products, equipment or waste shall be permitted within any required yard. All outdoor storage shall be screened according to the regulations set forth in Section 18.17 of this Resolution.

30.6 Accessory Use regulations

Accessory uses, buildings and structures permitted in an Airport District shall conform to the regulations of this section.

(a) **Waste Receptacles.** All solid waste products resulting from any permitted principal, conditionally permitted or permitted accessory use shall either be disposed of or stored in buildings or completely enclosed containers. Such building, container or dumpster may be located in a side or rear yard and shall comply with the minimum parking setbacks established in Section 18.16 of this Resolution.

(b) **Fences and Walls.** Fences and walls may be erected in an Airport District provided they comply with the regulations of Section 18.06 of this Resolution.

(c) **Off-Street Parking and Loading Regulations.** Off-street parking and loading areas shall conform to the minimum parking setback requirements specified in Sections 18.15 and 18.16 of this Resolution.

(d) **Signs.** Signs shall be in compliance with the regulations specified in Article 20.08 for “B-3” and “B-4” Zoning Districts, with the following exceptions:

1. In addition to all other signs allowable within “B-3” and “B-4” Zoning Districts, electronic-copy style signs shall be permitted within the Aviation Support District. Such signs shall comply with the following restrictions:
 - i. Electronic-Copy style signs within the AX-1 District may incorporate up to fifty percent (50%) of total sign area for electronic copy with a maximum letter copy of twenty-four (24) inches in height.
 - ii. Electronic copy may be used in lieu of but not in addition to changeable copy.
 - iii. Electronic displays shall remain constant for a period not less than two (2) and no more than ten (10) seconds per message.
2. No ground sign within the AX-1 Aviation Support District shall exceed eight (8) feet from established grade to top of sign structure.

(e) **Medical clinics, lunchrooms, cafeterias and recreational facilities** which are accessory to a principal or conditional use, shall be completely enclosed in and accessed internally from the principal or conditional use.

30.7 Landscaping/Screening

Landscaping and screening of uses in the Airport District shall be in accordance with the regulations of Article 18.17 of this Resolution.

ARTICLE 31

Article 31: M-1 Mineral Extraction and Storage District

31.1 Intent and Purpose

- 1) The purpose of this Section is to ensure that the mineral resources of Beavercreek Township are properly managed, and that the land is used with a minimum of environmental degradation, screened and reclaimed so as not to create a hazard or nuisance which may adversely affect the public health, safety, morals or general welfare of the community, either immediately or in the future and will conform to the standards, objectives, and policies of the current land use plan as adopted by the Beavercreek Township Trustees. The intent is to create a progressive plan for concurrent mining and reclamation which restores the land to its original or agreed upon use. Quarries, sand and gravel operations, or other mineral extraction operations will be permitted within the M-1 district. Associated industries which utilize the products of these operations shall be subject to approval as Conditional Uses by the Board of Zoning Appeals as described in Section 31.6.

- 2) Applications will be reviewed by Greene County Regional Planning. Public hearings shall be held by the Beavercreek Township Zoning Commission and the Beavercreek Township Trustees for review of all mining permits and proposed reclamation plans. These hearings shall be advertised by the placing of signs by the Township on the land with frontage on the roadway. This zoning district is only created through a map amendment. Therefore, additional restrictions in accordance with Article 7 (Amendments) of the Beavercreek Township Zoning Resolution shall apply.

31.2 Permitted Uses

- 1) Mineral Extraction Operations
- 2) Mineral Processing Activities, including bituminous asphalt concrete plants or concrete batch plants
- 3) Storage, for any purpose, of extracted materials
- 4) Any uses accessory to other permitted uses
- 5) Outdoor Recreation and Parks

31.3 Application for Map Amendment

- 1) All applications for the M1 District within Beavercreek Township shall be accompanied by the following information, at a minimum:
 - a) General Information
 - i) Name and address of the applicant, including all partners, officers, owners and/or operators of the corporation.
 - ii) Name and address of the owner of the property.
 - iii) Name and address of the owner of the surface rights of the property.
 - iv) A list of the types of resources or minerals to be extracted.
 - v) The proposed method of removal of resources.
 - vi) A general description of the equipment to be used for excavating, processing, and/or transporting.
 - vii) A transportation plan for the site illustrating any proposed temporary operational

- roads, external routes and access points to the site.
- b) Schedule
 - i) A proposed schedule for the initiation and progression of mining on the property; and
 - ii) Estimate the location, description, and size of the area to be disturbed in the first year, and subsequent years, hereinafter called the footprint.
 - c) Maps
 - i) Vicinity maps, drawn at a scale of one (1) inch equal to one thousand (1000) feet illustrating:
 - (1) The site in relation to surrounding existing and proposed land uses.
 - (2) Existing and proposed road uses.
 - ii) Surrounding zoning districts.
 - iii) Relation to the land use plan currently adopted by Beavercreek Township.
 - iv) An aerial photo of the vicinity from a publicly available source.
 - v) Contour maps at a scale of at least one (1) inch equals two hundred (200) feet illustrating:
 - (1) Existing contours at intervals of five (5) feet or less.
 - (2) Any existing structures.
 - (3) Any public utilities or easements on the property.
 - vi) Surface water map indicating flow rates and direction of flow.
 - d) Screening Plan
 - i) Whenever the floor of a quarry is greater than five (5) feet below the average elevation of an adjacent public street or any adjacent property, the property containing such quarry shall be completely enclosed by an earth mound not less than six (6) feet in height or higher as needed to provide a visual and noise barrier, and planted with suitable landscaping, and/or fence not less than six (6) feet in height.
 - ii) An earth mound that requires mowing shall have a slope no greater than 3:1. All plantings or fences shall be sufficient, in either case, to potentially deter persons from trespassing upon the property and shall be properly maintained by the owner/operator. Such mound shall be located not less than twenty-five feet from any street right-of-way or boundary of the quarry property. Such barriers may be excluded where deemed unnecessary by the Board of Trustees because of the presence of a lake, stream, or other existing natural barrier.
 - e) Studies
 - i) Studies shall be conducted by a qualified professional engineer registered in the State of Ohio, or other expert in the field as approved by the Board of Trustees, at applicant's cost:
 - (1) Study of excavations and existing water table:
 - (a) Anticipated depth of excavation.
 - (b) Effect to water table.
 - (c) Data on wells in the vicinity.
 - (d) Existing ground water conditions at the site.
 - (e) Demonstration that the source of any public or private water supply shall not be adversely affected due to the lowering of the water table or contamination of the water supply.

(2) Hydrologic Study

- (a) If a hydrology study is required by Ohio Department of Natural Resources (ODNR), a copy of that study must be provided to the Board of Township Trustees upon issuance of a surface mining permit from ODNR.

f) Proposed Structures

- i) The proposed location of any processing plant and related structures to be used and any accessory or kindred operations that may be utilized in connection with the operation of a processing plant by the mining processor or any other firm, person, or corporation, buildings and structures, storage facilities, plantings, and fences if necessary. As site conditions change over time, these structure locations may change to facilitate extraction at new locations.

g) Reclamation Plan

- i) A plan for the reclamation and restoration of the site as specified in this Section. The reclamation plan for the site shall be reviewed for compliance at the end of each twelve (12) month period by the Beavercreek Township Trustees or their designated representative. Reclamation shall comply with the intent of the reclamation plan. Operator shall provide a copy of Ohio Department of Natural Resources (ODNR) annual approved permit. The reclamation plan for the site shall contain, at a minimum, the following information and meet the following requirements:
 - (1) A map at a scale of at least one (1) inch equals two (200) hundred feet showing future contours at intervals of five (5) feet or less, any proposed structures, and any public utilities or easements on the property.
 - (2) The materials used in reclamation shall be identified.
 - (3) The angle of slope of all earthen banks shall be no greater than one (1) foot vertical to three (3) feet horizontal. In areas where at the commencement of excavation a greater angle existed, the angle of slope shall be no greater than that which existed at the commencement of excavation.
 - (4) The angle of slope of all banks consisting of rock and the required cover.
 - (5) The location of fences or effective plantings in those locations where the Board of Trustees determines that such angles of slope are not physically or economically feasible to reduce.
 - (6) The number of trees and shrubs, and the type of ground cover to be provided: The type and number per acre of trees, shrubs, ground cover or legume to plant shall be determined in consultation with the Greene County Agricultural Extension Agent.
 - (7) The location of proposed ultimate land uses and physical improvements such as roads, drives, drainage courses, utilities and other improvements as determined in consultation with the Regional Planning and Coordinating Commission, the County Engineer, and the Sanitary Engineer.
 - (8) A statement that vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of grasses or planting of shrubs and trees in all parts of said reclamation area where the same is not submerged under water.

h) Demonstration of compliance with all previously issued permits.

- i) Any other information the reviewing board(s) may deem necessary to determine that the proposed extraction operation will not be detrimental to surrounding land uses and

the community in general.

31.4 Mining Permits

- 1) The operator of any mining operation is required to provide the Township Trustees a copy of the annual operating permit issued by Ohio Department of Natural Resources (ODNR). This shall function as the operator's local permit to engage in mining activity.
 - a) Permit – Ohio Department of Natural Resources
 - i) All proposed mineral extraction operators shall be required to secure a permit for such activities from the Chief of the Department of Mineral Resource Management, ODNR. Where possible, the operator will complete the state permit application using the same specifications as approved by the Board of Township Trustees in the rezoning process.

31.5 Environmental Concerns and Restrictions

- 1) Dust
 - i) All trucks will be prohibited from depositing foreign materials onto the public roadways. This shall include, but not be limited to, dust, rocks, sand, and clay.
- 2) Blasting
 - i) The operator shall maintain complete records of all blasting operations including records of the time, the date, the location, and complete description of weather conditions such as time, temperature, humidity, and wind velocity relating to each such blast. Such records shall be available to the Zoning Inspector upon request.
- 3) Public Roadway Restrictions
 - i) At no time shall an emergency vehicle be restricted from access to a public road for any reason including but not limited to on-road parking, deliveries, business operations, moving of equipment, etc.
- 4) Gas Pipeline Safety
 - i) Residents, schools, and businesses within 2500 feet of a blast shall be notified 24 hours in advance of a planned blast when the blast is within 500 feet of a high- pressure gas pipeline. If possible, the operator will provide a blasting schedule to the Township.

31.6 General Provisions

- 1) Depth and Setbacks from Residential Uses:
 - a) Mineral extraction to a depth not exceeding six (6) feet may be conducted at distances over one hundred (100) feet from any residential district, provided the operation is conducted over a temporary period not to exceed twelve (12) months, and the operation of equipment is limited to the extraction process.
 - b) Mineral extraction to a depth exceeding six (6) feet may be conducted at distances over

two hundred and fifty (250) feet from any residential district or existing dwelling, providing the operation does not use explosives and the operation of equipment is limited to the extraction process.

- c) All other mineral operations shall not be conducted closer than five hundred (500) feet from an existing Residential District or existing dwelling.
 - d) In instances where residential districts are created after mining operations commence on a given parcel, no new building or structure to support the mineral extraction and/or processing operation may be located closer than two hundred (200) feet from any residential dwelling in the newly created residential district.
- 2) Buildings: Buildings and structures designed and constructed exclusively for mineral extraction, storage, or processing, for which no future use is contemplated, and no other use is practical or feasible, shall be demolished and removed in accordance with the reclamation plan.
- 3) Temporary Roads: Temporary operational roads shall not be located closer than four hundred (400) feet from any Residential District or any existing dwelling. All trucks leaving the location of operations shall use paved or improved roads only.
- 4) Lateral Support – Public Road: To ensure adequate lateral support for public roads in the vicinity of mineral extraction operations:
- a) All excavations shall be located at least 100 feet and back filled to at least 150 feet from a street right-of-way line; and
 - b) All quarrying, or blasting shall be located at least 100 feet from any right-of-way; and
 - c) Such excavation or quarrying may be permitted within these limits to the point of reducing the ground elevation to the elevation of the existing or platted street, road, or highway centerline where officially approved by the authority charged with maintenance of such platted street, road, or highway
- 5) Excavations – Depth or Grade: All excavations shall either be: (1) made to a depth not less than five feet below a water-producing level, or (2) graded and/or back filled with non-toxic and non-flammable solids, to assure that the excavated area will not collect and retain stagnant water. The graded or back filled surface shall create an adequate finished topography to minimize erosion by wind or rain and substantially conform with the contours of the surrounding area.
- 6) Banks: The underwater banks of all excavations which are not back filled shall be sloped at a grade of not less than 3-feet horizontal to 1-foot vertical a minimum six (6) feet below the water line. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes, or grasses where re-vegetation is possible.
- 7) Excavation Area – Lake
- a) When any quarrying has been completed, such excavated area shall either be left as a permanent lake, or the bottom floor thereof shall be leveled to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion.

Said floor shall be covered with soil, of adequate thickness for the growing of turf or other ground cover as required by Beavercreek Township.

- b) If such quarried area is left as a permanent lake, all sides must be sloped to no greater than one (1) foot vertical to three (3) feet horizontal extending to a six (6) foot depth, or a stable bank be established.

31.7 Annual Operating Report

- 1) The Township Trustees reserve the right to request a copy of the Annual Report required by Ohio Department of Natural Resources (ODNR) for the mining operation, and any mapping associated therewith. This shall serve as a record of the mine's permission to operate under ODNR regulations.

31.8 Enforcement

- 1) The Beavercreek Township Zoning Inspector or their designee shall be granted access to the permitted land for on-site inspection after a twenty-four (24) hour notice has been given to the operator.
- 2) The Zoning Inspector or designee may visit the site at any time if a violation to the conditions exists.
- 3) No materials may be used for reclamation which are hazardous or have the potential to contaminate ground water or threaten the public health. Permission to use any material may be revoked upon written notification to the operator from the township zoning inspector.
- 4) If it is established as a matter of fact that the operation site fails to adequately comply with the provisions of this Section, said operators shall take immediate steps to provide full compliance herewith. In the event the operator does not comply, ODNR shall be notified of the violation and nonconformance with local zoning regulations.
- 5) In the event the operator has been found responsible for the diminution, contamination, or interruption of a public or private water supply, the operator shall be responsible for costs of replacement of that water supply including drilling new wells or providing a connection and hook up to public water.
- 6) The operator of any mining operation is responsible for meeting the water quality standards and effluent guidelines established by the Ohio EPA as they relate to mining activity. In the event that it is proven that the operator fails to meet any of these standards, the Township Zoning Inspector shall notify all relevant agencies of the discrepancy.

31.9 Minimum Lot Size

- 1) 20 Acres

31.10 Minimum Lot Frontage

- 1) 300 Feet

ARTICLE 32

Article (32) | GS-1 and GS-2 Green Spaces Zoning Districts

32.1 INTENT AND PURPOSE

Green Space Districts in Beavercreek Township serves two key purposes. The first is to provide zoning classifications that fit the observable uses of existing areas within the Township. The second is to provide the Township with a zoning classification that matches future use expectations for green spaces as seen in both the Township and County Land Use Plans.

32.2 GS-1 ACTIVE RECREATION

The GS-1 Active Recreation district is designed for green spaces where residents can engage in sports, play, assembly, or other activities which occur outside and may produce levels of noise and activity not necessarily conducive to quiet enjoyment of natural resources.

32.2.1 PERMITTED USES

- A. Athletic fields for organized sports Including, but not limited to, baseball, Football, soccer, and track.
- B. Play lots intended for use by pre-school children.
- C. Playgrounds for organized use, including team and court sports for both children and adults.
- D. Swimming pools, ice rinks, fishing lakes, boating and other water sports.
- E. Pitching courses including, but not limited to, horseshoe pitching.
- F. Standard and miniature golf courses, pitch and putt courses, but not including driving ranges.
- G. Walking, horseback riding, non-motorized bicycle riding, winter sports and picnicking areas.
- H. Community centers.
- I. Food and soft drink concession stands in locations suitable for such on-site use.
- J. Areas for educational programs.
- K. Arts and crafts shows; plant sales.
- L. Parking spaces for vehicles.
- M. Assemblies with or without sound amplification.

32.2.2 ACCESSORY USES.

- A. Buildings or other structures customarily incidental to any aforesaid permitted use; provided that such accessory use shall not involve the conduct of any business, trade or industry for private profit, or any way or walk giving access to such activity, unless a proper permit has been issued by the Beavercreek Township Board of Trustees or their delegated authority.
- B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

32.2.3 CONDITIONAL USES.

The following Conditional Uses are subject to approval in accordance with Section 22.04 if this Resolution.

- A. Roads for mechanized vehicles and bicycles, for ingress and egress only, when the size of the reserve requires them for easy access to the interior. Such roads or bicycle paths shall be so located and so designed as to prevent damage or destruction to trees, plants, and wildlife.
- B. Organized activities, including but not limited to; carnivals, musical or drama productions, movies, and assembly, provided all required local permits are obtained, with all activities subject to the requirements of Section 32.2.4 (Required Conditions).
- C. Winter sports other than snowmobile riding.

32.2.4 REQUIRED CONDITIONS.

- A. The use of all Active Recreational Districts shall be in accordance with all State and local regulations.
- B. Development shall be confined to locations in the area where a minimal amount of disturbance to vegetation (including trees) will occur. Rare or endangered species of plants and trees shall not be removed. Geological features and scenic vistas shall be preserved where possible.
- C. Play-lots, unless part of a general, active recreational park, shall be enclosed with a fence, a minimum of four (4) feet in height and maintained in good condition with a gate and latch to prevent uncontrolled access.
- D. Swimming pools shall be a distance of at least one hundred fifty (150) feet from all residential property lines.
- E. A swimming pool and bathhouse, or the entire property on which they are located, shall be walled or fenced to prevent uncontrolled access. Said wall or fence shall be not less than five (5) feet in height and maintained in good condition with a gate and lock. Such five (5) foot fence or wall may be an extension of the side walls of the swimming pool.
- F. Athletic fields shall not be located closer than one hundred fifty (150) feet from any property line and shall have installed all necessary safety equipment and devices including, but not limited to, backstops and screening, in order to prevent undue injury to spectators and bystanders.
- G. Where a property line separates an Active Recreational District from a residentially used property, no building or structure, other than a wall, fence or sign permitted in this "GS-1" Active Recreational district shall be erected closer to such property line than one hundred fifty (150) feet.
- H. No building or structure shall be used for residential purposes.

I. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any Residential District or upon any public street or road. Such lighting shall be shaded wherever necessary to avoid casting direct light upon any residentially used property.

J. Signs permitted in a "GS-1" Active Recreational District include the following:

1. Signs and bulletin boards shall be permitted provided they are no larger than six (6) square feet per face. Such signs shall be limited in number to one (1) per use or activity.
2. No sign shall be attached to a tree, except a marker not exceeding four (4) square inches may be attached for tree identification or dedication purposes. Attachment of such markers shall be in such a manner as to not cause injury to the trees.
3. No sign shall be more than eight (8) feet high, measured from grade to the top of the sign face.
4. Monuments, commemorative plaques, flags, emblems, and artistic structures shall be subject to approval by resolution of the Beavercreek Township Board of Trustees. The location of such shall not cause damage to trees, plants, wildlife, and geological features or vistas.
5. All signs shall require a permit be obtained from Beavercreek Township as described in Section 20.12 of this Resolution.
6. All signs shall conform to Section 20.04 (General Sign Provisions) of this Resolution.

K. Receptacles shall be provided for the disposal of materials, paper, garbage, ashes, embers, refuse or other waste materials.

L. Vehicles shall be permitted only in designated area.

M. Parking areas shall be provided in compliance with Section 18.16 of this Resolution.

N. Trails for walking, bridle paths and paths for bicycle riding shall be so located and designed to prevent the abuse and destruction of the ecological value of natural areas.

P. Fires shall be permitted in a park only in a fireplace or charcoal burner at designated locations during approved burning times. All fires shall be extinguished by the person or persons building the fire before leaving the vicinity. No wood found in the park shall be burned except wood designated as firewood. No coals shall be scattered or deposited any place in a park other than in a receptacle provided for the purpose.

Q. Lot sizes in an Active Recreational District shall be not less than one (1) acre.

R. No structure within an Active Recreational District shall exceed thirty (30) feet in height.

32.2.5 SUBMISSION OF DEVELOPMENT PLAN

Development shall be in harmony with the surrounding area with a minimal amount of disturbance to vegetation (including trees) where possible. No alteration shall be made to the natural state of the land in an Active Recreational District until a zoning certificate has been obtained. The requirements for obtaining a zoning certificate in this district shall be the filing of an application together with the submission of a plan with the Beavercreek Township Zoning Administrator.

Two (2) copies of the plan shall be required delineating the area to be utilized as specified under Principal Permitted, Accessory and Conditional Uses, and shall include in text and map form:

A. A survey of the location that is to be developed showing all existing physical features of the property, including utility lines, location and identification of rare, fragile and endangered species, scenic views, water courses and wetlands.

B. A site plan showing the location, size and arrangement of all existing and proposed structures within the proposed recreational area, including the following:

1. Location of all proposed temporary uses, structures, and improvements incidental to any development of the area.
2. Location of all proposed exterior lighting.
3. Size and location of all proposed signage.
4. The location of all traffic circulation patterns within the developed area.
5. The size and location of all designated parking areas.
6. The areas to be developed or designated for specific recreational activities.
7. Sanitation facilities including drinking fountains.
8. Location of access roads with all points of ingress and egress to the recreational area.
9. The relationship of abutting land uses and zoning districts.

C. Sketches of all proposed buildings, structures and improvements shall be submitted.

D. A brief statement on all proposed maintenance arrangements.

32.3 GS-2 PASSIVE RECREATION

The GS-2 Passive Recreation district is designed for green spaces where residents can engage in quiet, respectful enjoyment of natural resources. Land uses in this district occur outside and may only produce levels of noise and activity conducive to quiet enjoyment of natural resources. Any use not specifically provided for herein shall be prohibited.

32.3.1 PRINCIPAL PERMITTED USES.

A. Trails for walking and hiking so located and so designed as to prevent damage and destruction to trees, plants, and animals.

- B. Areas for daylight activities of picnicking when available areas are so designed as to prevent damage or destruction to trees, plants, and animals.
- C. Areas for educational programs.
- D. Fishing areas.
- E. Horseback riding on bridle paths specifically provided for such use.
- F. Assemblies with no sound amplification.
- G. Amphitheater activities with no sound amplification.
- I. Parking spaces for vehicles at the entrance to the area.

32.3.2 ACCESSORY USES.

- A. Buildings or other structures customarily incidental to any aforesaid permitted use, exclusive of tents used for public assembly, boat docks, watercraft ramps, and other accessory watercraft uses; provided that such accessory use shall not involve the conduct of any business, trade or industry for private profit, or any way or walk giving access to such activity, unless a proper permit has been issued by the Beavercreek Township Board of Trustees or their delegated authority.
- B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the on-site construction work. Such buildings, structures and improvements shall not cause damage to plants or trees; nor cause hardship to wildlife, or their natural habitat.

32.3.3 CONDITIONAL USES.

The following Conditional Uses are subject to approval in accordance with Section 22.04 of this Resolution.

- A. Roads for mechanized vehicles and bicycles, for ingress and egress only, when the size of the recreation area requires them for easy access to the interior. Such roads or bicycle paths shall be so located and so designed as to prevent damage or destruction to trees, plants, and wildlife.
- B. Food and soft drink concession stands in locations suitable for such on-site use.
- C. Live bait and supply buildings when accessory to on-site activities.
- D. Canoeing, rowing, sailing and other boating activities under the condition that no boats or other water vehicles have greater than seven and one half (7 1/2) horsepower engines. Watercraft storage buildings or structures for storage of watercraft customarily used on-site.

32.3.4 REQUIRED CONDITIONS.

- A. The use of all Passive Recreational Districts shall be in accordance with all State and local regulations.

B. Development shall be confined to locations in the area where a minimal amount of disturbance to vegetation (including trees) will occur. Rare or endangered species of plants and trees shall not be removed. Geological features and scenic vistas shall be preserved.

C. No organized team sports permitted.

D. Where a property line separates a Passive Recreational District from a residentially used property, no building or structure, other than a wall, fence or a sign permitted in this GS-2 Passive Recreational District shall be erected closer to such property line than one hundred fifty (150) feet.

E. No building or structure shall be used for residential purposes.

F. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any Residential District or upon any public street or road. Such lighting shall be shaded wherever necessary to avoid casting direct light upon any residentially used property.

G. Signs permitted in a GS-2 Passive Recreational District include the following:

1. Signs and bulletin boards shall be permitted provided they are no larger than six (6) square feet per face. Such signs shall be limited in number to one (1) per use of activity.

2. No sign shall be attached to a tree, except a marker not exceeding four (4) square inches may be attached for tree identification or dedication purposes. Attachment shall be in such a manner as not to cause injury to the tree.

3. No sign shall be more than eight (8) feet high measured from grade to the top of the sign face.

4. Monuments, commemorative plaques, flags, emblems and artistic structures shall be subject to approval by resolution of the Beavercreek Township Board of Trustees. The location of such shall not cause damage to trees, plants, wildlife and geological features or vistas.

5. All signs shall require a permit be obtained from Beavercreek Township as described in Section 20.12 of this Resolution.

6. All signs shall conform to Section 20.04 (General Sign Provisions) of this Resolution.

H. Receptacles shall be provided for the disposal of materials, paper, garbage, ashes, embers, refuse or other waste materials.

I. Vehicles shall be permitted only in designated areas.

J. Trails for walking and bridle paths shall be so located and designed to prevent the abuse and destruction of the ecological value of the natural areas.

K. Horses shall be permitted only on bridle paths designated for horseback riding and in stables.

L. Fires shall be permitted in a Passive Recreational Area only in a fireplace or charcoal burner at designated locations during approved burning times. All fires shall be extinguished by the person or persons building the fire before leaving the vicinity. No wood found in the park shall be burned except wood designated as firewood. No coals shall be scattered or deposited any place in a park other than in a receptacle provided for the purpose.

M. No structure within a Passive Recreational District shall exceed thirty (30) feet in height.

32.2.5 SUBMISSION OF DEVELOPMENT PLAN.

Development shall be in harmony with the surrounding area with a minimal amount of disturbance to vegetation (including trees) wildlife and geological features or vistas. No alteration shall be made to the natural state of the land in a Passive Recreational District until a zoning certificate has been obtained. The requirements for obtaining a zoning certificate in this district shall be the filing of an application together with the submission of a plan with the Beavercreek Township Zoning Administrator. Two (2) copies of the plan shall be required delineating the area to be utilized as specified under Principal Permitted, Accessory and Conditional Uses, and shall include in text and map form:

A. A survey of the location that is to be developed showing all existing physical features of the property, including utility lines; location and identification of rare, fragile and endangered species; scenic views; water courses and wetlands.

B. A site plan showing the location, size, and arrangement of all existing and proposed structures within the proposed recreational area, including the following:

1. Location of all proposed temporary uses, structures, and improvements incidental to any development.
2. Location of all proposed exterior lighting.
3. Size and location of all proposed signage.
4. The location of all traffic circulation patterns within the developed area.
5. The size and location of all designated parking areas.
6. The areas to be developed or designated for specific recreational activities.
7. Sanitation facilities including drinking fountains.
8. Location of access roads with all points of ingress and egress to the recreational area.
9. The relationship of abutting land uses and zoning districts.

C. Sketches of all proposed buildings, structures and improvements shall be submitted.

D. A brief statement on all proposed maintenance arrangements.

Appendix A: Tables of Permitted/Conditional Uses

**TABLE 1
SCHEDULE OF YARD AND LOT REQUIREMENTS**

	No. of Family Units	Minimum lot area (sq. ft.)	Min. Lot width (ft.)	Min. Corner lot width (ft.)	Min. front yard set-back (ft.) #1, #2	Min. Rear yard (ft.) #4	Min. side yard (ft.) #5	Total of both side yds. (ft.)	Min. floor area per unit (sq. ft.)
A-1	1	5 Acres	250	250	50	50	25	50	1500
ES-2.5 #6	1	1 Acre	150	150	50	50	20	50	1500
	1	2 Acres	175	175	50	50	20	50	1500
	1	2.5 Acres	175	175	50	50	20	50	1500
	1	3 Acres	200	200	50	50	20	50	1500
	1	4 Acres	225	225	50	50	25	50	1500
	1	5+ Acres	250	250	50	50	25	50	1500
R1AA	1	1 Acre	150	150	50	50	20	40	1600
R1A	1	20,000	100	125	40	50	10*	25	1200
R1B	1	16,000*	100	125	40	40*	10*	25	1200
R2	1	16,000*	100	125	40	40*	10*	25	1000
	2	16,000**							
R3	1	16,000*	100	125	40	40*	10*	25	#3
	2	16,000**	100						
	3	18,000**	125						
	4	20,000**	125						
R4	2	16,000**	100	125	40	40*	10*	25	#3
	3	18,000**	125	125					
	4	20,000**	125	125					
	5	22,000**	150	150					

For each additional unit over 5, add 2000 square feet of lot area

- * For each bedroom over 3 add 1,000 square feet of lot area
- ** For each unit with over 2 bedrooms add 1,000 square feet for each additional bedroom.
- #1 When the frontage of one side of a block is more than forty percent (40%) developed at the time of enactment of this Resolution, the required set-back for new construction or alteration shall be the average of the established set-backs, provided, this regulation shall not be interpreted as to require a front yard of more than fifty (50) feet for residential use.
- #2 Minimum front yard along major streets must be seventy (70) feet unless the street has been widened and the result of the widening has reduced the size of the original seventy (70) feet setback. In this case the setback as stated above will prevail.
- #3 1000 square feet for one (1) and two (2) family dwellings; 600 sq. ft. for efficiency apartments; 750 sq. ft. for one (1) bedroom apartments; 900 sq. ft. for two (2) bedroom apartments. For each bedroom over two (2), add 150 sq. ft. for each additional bedroom.
- * #4 Corner lots: Rear setback may not be less than 50 feet.
- * #5 Corner lots: Minimum side yard of 15 feet is required, except in R-1AA and E-2.5 Districts, 20 feet. See Article 18.02.
- #6 Planned Residential Estate Subdivision lot average net density may not exceed 2.5 acres per unit. A single lot shall not be less than 2.5 acres outside a plat.

Schedule of Permitted Principal Uses

*Approved by BZA as a similar use

X - Permitted Uses

C - Conditional Uses

TABLE 2

Complete Revision: 10-22-18

SCHEDULE OF PERMITTED PRINCIPAL USES	B-2	B-3	B-4	O-1	I-1	I-2
Acetylene, Oxygen Manufacture					C	C
Adult Entertainment Facilities in accordance with Section 18.30			C			
Agricultural Implement Sales & Service			X		C	C
Amphitheaters			C		C	C
Animal training facilities, including boarding			C		X	X
Antiques & Secondhand Merchandise Stores, excluding Auction Houses	X	X	X	C		
Art School Supply Stores	X	X	X	C		
Art Galleries	X	X	X	X		
Artist, Sculptor & Composer Studios	X	X	X	X		
Asphalt or asphalt products, manufacture or refining					C	C
Assembly plants except automobile assembly plants or plants of similar nature limited to 100,000 square feet of floor space					X	X
Auction Houses			C		C	C
Auditoriums		X	X			
Automobile Wash Facilities***		C	X		X	X
Automobile Paint & Body Shops***					X	X
Automobile Parking Garages & Lots (Commercial)		X	X	C	C	C
Automobile Parts & Accessories – Retail***	X	X	X		X	X
Automobile Repair Services & Service Stations	C	C	X		X	X
Automobile & Truck Sales & Service (New and Used)***		C	X		X	X
Automobile Service Stations (Gas, Lubricant, Coolants & Accessories Only)	C	X	X		X	X
Automobile & Truck Rental Service***		C	X		C	X
Automobile wrecking, junk or salvage yard, if in a completely enclosed building, or the premises on which such use is conducted is entirely enclosed within a solid fence or masonry wall not less than six (6) feet in height						X
Automotive, tractor, trailer, farm implement assembly or manufacture						X
Bakeries, Wholesale		C	C		X	X
Bakery & Donut Shops Retail	X	X	X		C	C
Banking & Bank Related Functions	X	X	X	X		
Banquet Halls* and event facilities	C	C	C	C	C	C
Bed & Breakfast (B&B)	C	C	C	C		

NEC - Not Elsewhere Classified

The Board of Zoning Appeals may allow any use similar in character to one of the specified uses listed above if such use is in harmony with the character of the district as a permitted use.

Schedule of Permitted Principal Uses

*Approved by BZA as a similar use

X - Permitted Uses

C - Conditional Uses

TABLE 2

Complete Revision: 10-22-18

SCHEDULE OF PERMITTED PRINCIPAL USES	B-2	B-3	B-4	O-1	I-1	I-2
Bicycle Sales (Retail) Rental & Repair	X	X	X			
Billiard Rooms		X	X			
Bleaching, Cleaning & Dyeing Plant						X
Boat & Marine Equipment Sales, Rental & Repair		C	X		X	X
Boiler Shops, Structural Steel Fabricating Shops, Metal Working Shops					C	X
Bottling Works						X
Bowling Alleys		X	X		X	X
Builder's Supply Store			X		X	X
Bulk Storage of Corrosive Acids and Acid Derivatives						C
Business Machine, Sales & Service	X	X	X	X	C	C
Canvas, Tent & Awning Sales & Service		X	X		X	X
Carry Out. Beer, Wine & Party Supplies	X	X	X			
Carpet and Rug Cleaning Plants					X	X
Catering; Service	X	X	X		X	X
Cement Products Manufactures, including Ready Mix Concrete Batching Plants					X	X
Cigars, Cigarette, Loose & Hookah Tobacco, and all electronic nicotine delivery systems (ENDS) Retail - excluding Marijuana	X	X	X		C	
China & Glassware Stores Retail	X	X	X			
Church, Synagogue, Temple, and/or Places of Religious Assembly	X	C	C	C		
Clothing, Apparel & Accessory Stores	X	X	X			
Cold Storage Plants					X	X
Commercial Greenhouse	C	C	C		X	X
Contractor Sales, Storage & Equipment Yards Service					X	X
Contract Construction Services (General)			X		X	X
Crematory Service		X	X		X	X
Dairy Products Manufacture					X	X
Dance Club/Night Club, to include Bars & Taverns		X	X			
Delicatessen	X	X	X	C		
Dental Services	X	X	X	X		
Dental Laboratory Services	X	X	X	X	X	X
Department Stores including Discount Stores	C	X	X			
Dextrin, Starch or Glucose Processing						X

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TABLE 2

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SCHEDULE OF PERMITTED PRINCIPAL USES	B-2	B-3	B-4	O-1	I-1	I-2
Drapery Stores	X	X	X			
Dressmaking, Seamstress	X	X	X			
Drive In Movies			C			
Drug Stores	X	X	X	C		
Dry Cleaning & Laundry (Pick up Stations)	X	X	X	C		
Dry Cleaning & Dyeing	C	C	C		X	X
Dry Cleaning operation (retail) utilizing machinery on site, not requiring cooling machinery on site, not requiring cooling towers and external venting*	C	X	X			
Electrical Appliance Repair Services	C	X	X			
Electrical Appliances & Supplies Retail	C	X	X			
Electric Power Manufacture						X
Emery Cloth or Sandpaper Manufacture						X
Enameling, Lacquering or Japanning						X
Equipment Rental & Leasing Service (except) automobile, trucks & trailers)		X	X		X	X
Excavation, Storage, Separation, Clearing and Marketing of Sand and Gravel					C	C
Excavation, Processing and Sale of Minerals & Stone					C	C
Exterminating Services		X	X		C	C
Fabrication, processing, packaging and/or manufacture of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, horn, leather, paint, paper, plastics, precious or semi precious metals or stones, textiles, tobacco, wax, wood and yarn					X	X
Fabrication, processing, packaging and/or manufacture of cosmetics, drugs, perfumes, pharmaceutical and toiletries					X	X
Fabrication, processing, packaging and/or manufacture of food products and condiments excluding slaughterhouses and rendering and refining of fats, oils, fish, vinegar, yeast & sauerkraut					X	X
Fabrication, processing, packaging and/or manufacture of ice, cold storage plant, bottling plant					X	X
Fabrication, processing, packaging and/or manufacture of musical instruments, toys, novelties, rubber or metal stamps					X	X
Farm Implement and Contractor Equipment, Sales and Service			C		X	X
Farm Supply, Hay, Grain & Feed Stores			X		X	X
Feed Lots Commercial						C

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Schedule of Permitted Principal Uses

*Approved by BZA as a similar use

X - Permitted Uses

C - Conditional Uses

TABLE 2

Complete Revision: 10-22-18

SCHEDULE OF PERMITTED PRINCIPAL USES	B-2	B-3	B-4	O-1	I-1	I-2
Fertilizer, Compost, Manufacture or Storage						C
Floor Covering Stores	X	X	X			
Florist Retail	X	X	X	C		
Flour or Grain Mill					X	X
Foundry casting light weight non ferrous metals, or electric foundry, not causing noxious fumes or odors					X	X
Fuel and Coal Companies			X		X	X
Fuel Oil Sales and Distribution					X	X
Funeral Services	C	X	X			
Furniture, Home Furnishing & Equipment Retail	X	X	X			
Furniture Re upholstery and Repair	C	C	C		X	X
Furriers & Fur Apparel Sales, Repair & Storage	X	X	X		C	C
Garbage Offal, Dead Animals Refuse Reduction						C
Garden Stores, Garden Center; Retail	X	X	X			
Glass products, pottery, figurines or manufacture of similar products using previously pulverized clay	X	X	X	X	X	X
Glass Stores	X	X	X			
Gifts, Novelties, Greeting Cards and Stationery Stores	X	X	X	C		
Golf Driving Range			C		C	
Golf, Miniature			C			
Go cart Tracks			C			C
Grocery Stores Convenience	X	X	X	C	C	
Grocery Stores Including Specialty Stores such as meat, candy, dairy, etc.	X	X	X			
Gymnasiums & Athletic Clubs		X	X			
Handyman Do It Yourself Centers*		X	X			
Hardware Stores	X	X	X			
Health Studios	C	X	X		X	
Health Studios (Inside Activity Only)	X	X	X	C	X	X
Heating, Air Conditioning & Plumbing Stores - Retail	C	X	X			
Heating, Air Conditioning & Plumbing Service & Repair (Excluding Well Drilling)	C	X	X		C	
Hobby Shops	X	X	X			
Hospitals		X	X			

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TABLE 2

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SCHEDULE OF PERMITTED PRINCIPAL USES	B-2	B-3	B-4	O-1	I-1	I-2
Household Appliance Stores Retail	X	X	X			
Household Appliance Repair Services	C	X	X		C	C
Ice Skating (Indoor)		X	X		C	C
Industrial Research Laboratories			C		X	X
Interior Decorating Stores & Services	X	X	X			
Janitorial Services	C	X	X			
Jewelry Stores Retail	X	X	X			
Kennels			C		C	
Landfill or Extraction of Topsoil					C	C
Laundries, Dry Cleaning Plants and Linen Supply			C		X	X
Laundry & Dry Cleaning Self Service (Coin op)	C	X	X			
Lawn & Garden Equipment Sales, Services, Repair, and Rental					X	X
Lawn Mower Sales, Service & Repair	C	X	X		C	C
Legitimate Theater		X	X			
Locksmith	X	X	X		C	C
Lumber & Other Building Materials Retail	C		X		X	X
Machine Shops and Tool & Die Shops					X	X
Machinery & Heavy Equipment Sales & Storage					X	X
Manufacture, sale & storage of building materials, excluding cement products					X	X
Manufacturing, assembling or repairing of electrical & electronic products, components and equipment		C	C		X	X
Mail Order Houses					X	X
Mail Order Catalogue Stores Retail		X	X			
Medical Clinics Out Patient Services & excluding Marijuana	X	X	X	X		
Medical Laboratories - except patient services & excluding Marijuana	X	X	X	X	C	C
Mobile Food Trucks & Trailers	X	X	X	X	X	X
Mobile Home Sales, Rental & Repair			X		X	X
Motels, Hotels & Tourist Courts	C	C	X		X	X
Motion Picture Theaters (Indoor)		X	X			
Motorcycle Sales, Services, Repair & Rental	C	C	X	X	X	X
Motor Freight Depot or Trucking Terminal, provided the truck entrances and exits are onto streets whose pavement width is at least thirty (30) feet.					X	X

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Schedule of Permitted Principal Uses

TABLE 2

Complete Revision: 10-22-18

*Approved by BZA as a similar use

X - Permitted Uses

C - Conditional Uses

SCHEDULE OF PERMITTED PRINCIPAL USES	B-2	B-3	B-4	O-1	I-1	I-2
Monument Sales, including incidental mechanical operations					X	X
Moving & Storage Companies					X	X
Music/Musical Instrument Stores Retail	X	X	X		X	✗
Newspaper, Magazine & Book Stores Retail	X	X	X	X	X	✗
Nursery School/Day Care Centers in accordance with Section 18.29	C	C	C	C		

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TABLE 2

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SCHEDULE OF PERMITTED PRINCIPAL USES	B-2	B-3	B-4	O-1	I-1	I-2
Offices are as follows:						
Accounting, Auditing & Bookkeeping Services	X	X	X	X		
Advertising Services	X	X	X	X		
Business Associates	X	X	X	X		
Civic, Social & Fraternal Association Meeting Rooms & Offices	X	X	X	X		
Credit Reporting, Adjustment & Collection Services	X	X	X	X		
Detective & Protective Services	X	X	X	X		
Duplicating, Mailing & Stenographic Services	X	X	X	X		
Educational & Scientific Research Services	X	X	X	X	C	C
Employment Services	X	X	X	X	C	C
Engineering & Architectural Services	X	X	X	X	C	C
Engineering Research & Prototype Development Associated with Offices	C	X	X	X	C	C
Executive, Administrative and Similar Enterprises	X	X	X	X		
Financial Holding & Investment Services	X	X	X	X		
Insurance Carriers, Agent Broker & Services	X	X	X	X		
Labor Unions & Similar Labor Organizations (excluding hiring halls)	X	X	X	X	C	C
Labor Unions & Similar Labor Organizations (hiring halls)		C	X		C	C
Legal Services	X	X	X	X		
Other Professional Services NEC	C	X	X	X		
Security & Commodity Brokers	X	X	X	X		
Professional & Membership Organizations	X	X	X	X		
Real Estate & Related Services	X	X	X	X		
Office facilities relating directly to any of the other principal permitted uses of I 1 or I 2	C	C	C	C	X	X
Office Furniture Stores Retail	X	X	X			
Office Supply Stores	X	X	X	X		
Optical Services & Sales	X	X	X	X		
Painting, Varnishing Shops					X	X
Paint, linseed oil, shellac, turpentine, lacquer or varnish manufacture						C
Paint & Wallpaper stores	X	X	X			
Pawn Shops	C	X	X			
Video Game Arcades & any games of chance	C	C	C			

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TABLE 2

Complete Revision: 10-22-18

SCHEDULE OF PERMITTED PRINCIPAL USES	B-2	B-3	B-4	O-1	I-1	I-2
Pet Sale & Supply Stores	C	X	.X			
Photographic Supplies, Services & Studios	X	X	X		X	
Physician Services	X	.X	.X	X		
Plumbing Supply and Contracting Shops, not including Storage Yards	C	C	C	C	X	X
Plumbing Supply and Contracting Shops, including Storage Yards					X	X
Livestock Processing						X
Printing Services	X	X	X		X	X
Public Garages, Motor Vehicle and Bicycle Repair Shops, Auto Paint and Body Shops					X	X
Public Buildings, including Community Center Buildings and Libraries	X	X	X	X		
Railroad Freight Stations, but not including switching, storage, freight yards, or maintenance or fueling facilities					X	X
Railroad Freight Stations, including switching, storage, freight yards, maintenance facilities and fueling facilities					C	X
Reclamation of Industrial Wastes, but not within 1,000 feet of any residential district						C
Recreation Facilities & customary accessory buildings			C		X	C
Recycling Center, collection point only - no outside storage					X	X
Repair, Rental & Servicing of Appliances and Equipment	C	C	C		X	X
Research and Engineering Laboratories	C	C	C	C	X	X
Residential, either alone or in combination with commercial uses**	C	C				
Residential Cleaning Services*	C	C	C		C	C
Restaurants Inside Service Only	X	X	.X	X		
Restaurants Drive-in		C	X		X	X
Rock Crushing						X
Roller Skating Rinks		X	X		X	X
Sales Offices and Service Centers	X	X	X	X		
Savings and Loans	X	X	X	X		
Sawing and Planing Mills						X
Schools are as follows:						
Art/Music/Charter/STEM/Trade	X	X	X		X	X
Barber & Cosmetology	C	X	X		X	X
Business	C	X	X	X		

NEC - Not Elsewhere Classified

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Schedule of Permitted Principal Uses

*Approved by BZA as a similar use

X - Permitted Uses

C - Conditional Uses

TABLE 2

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SCHEDULE OF PERMITTED PRINCIPAL USES	B-2	B-3	B-4	O-1	I-1	I-2
Dance & Gymnastics	X	X	X		X	X
Driver Training	C	X	X		X	X
Shoe Repair, Shoe Shining & Hat Cleaning Services	X	X	X			
Security Guards Live On Premises	C	C	C		C	C
Self-Storage Facilities	C		C		C	C
Shoe Stores	X	X	X			
Sign Painting and Manufacturing					X	X
Skeet or Rifle Shooting Range (Commercial, but not within 100 yards of any residential district)					C	C
Small-Scale Lodging		C	C	C		
Sporting Goods Stores Retail	X	X	X			
Stone Grinding, Dressing, Cutting						X
Storage yards for building supplies and equipment, contractor's equipment, food, fabrics, hardware and similar goods when located entirely within a building, provided such buildings shall not be used for wrecking or dismantling of motor vehicles					X	X
Tailor Shops	X	X	X	C		
Taxidermist Services	X	X	X		C	C
Television and Radio Broadcasting Towers					C	C
Tin and Sheet Metal Shops					X	X
Tool and Die Shop, Wrought Iron Shop, Blacksmith or Machine shop, providing they comply with the maximum, permitted sound pressure levels specified in Section 18.					X	X
Trailer and Mobile Home Rental, Sales & Storage					X	X
Trailer Sales, Services & Rental		C	X		X	X
Travel Bureaus & Ticket Sales	X	X	X	X		
Truck Terminal					X	X
Variety stores Retail	X	X	X			
Outdoor Vehicle Storage, either commercial or private, including boats, RVs & trailers					X	X
Veterinarians with Kennels (Non-boarding)		C	X			
Veterinary Clinic or Kennels and Animal Hospitals, provided that all animals are housed in buildings or enclosures which are at least 500 feet from any "R" district			C	X	C	C
Warehouses					X	X

NEC - Not Elsewhere Classified

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Schedule of Permitted Principal Uses

TABLE 2

Complete Revision: 10-22-18

*Approved by BZA as a similar use

X - Permitted Uses

C - Conditional Uses

SCHEDULE OF PERMITTED PRINCIPAL USES	B-2	B-3	B-4	O-1	I-1	I-2
Watch, Clock & Jewelry Repair Services	X	X	X	C		
Wig Shops	X	X	X			
Welfare & Charitable Services	C	X	X	X		
Well Drilling Services					X	X
Wire or Rod Drawing, Nut, Screw or Bolt Manufacture					X	X
Wholesale, Sales & Distribution					X	X
Wholesale, Storage of Petroleum, Gasoline, Oil						C

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Schedule of Permitted Uses (O-1; ORP-1; RP-1)

TABLE 2-A

Complete Revision: 10-22-18

X - Permitted Uses
C - Conditional Uses

SCHEDULE OF PERMITTED PRINCIPAL USES	O-1	ORP-1	RP-1
Artist, Sculptor & Composer Studios	X		
Dental Services	X		
Dental Laboratory Services	X		
Heliport Landing Areas Accessory to Permitted Uses			C
Medical Clinics - Out Patient Services & excluding Marijuana	X		
Medical Laboratory Services	X	X	X
Medical Research Laboratories		X	X
Newspaper, Magazine & Book Stores - Retail	X		
Nursery School/Day Care Centers in accordance with Section 18.29	C		
Offices are as follows:			
Accounting, Auditing, and Bookkeeping Services	X	X	X
Advertising Services	X	X	X
Audio and Visual Communication Services	X	X	X
Banking Services	X	X	X
Business Associates, Civic, Social, and Fraternal Association Meeting Rooms	X	X	X
Civic, Social, and Fraternal Association (offices only)	X		
Commodity Brokers and Security	X	X	C
Computer Services of Data Processing Facilities	X	X	X
Conference Center Services		X	X
Corporate Insurance Carriers, Home or Regional Offices, excluding drive-in claims		X	X
Credit Reporting, Adjustment, and Collection Services	X	X	
Detective and Protective Services	X		
Duplicating and Mailing Services	X	X	X
Educational and Scientific Research Services	X	X	X
Employment Services	X	X	X
Engineering and Architectural Services	X	X	X
Engineering Research, Prototype Development, and related manufacturing		X	X
Executive, Administrative, and similar enterprises	X	X	X
Financial Holding and Investment Services	X	X	X
Insurance Carriers, Agent Broker and Services	X		

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Schedule of Permitted Uses (O-1; ORP-1; RP-1)

TABLE 2-A

Complete Revision: 10-22-18

X - Permitted Uses
C - Conditional Uses

SCHEDULE OF PERMITTED PRINCIPAL USES	O-1	ORP-1	RP-1
Labor Union and similar Labor Organizations (excluding hiring halls)	X		
Legal Services	X	X	
Professional and Membership Organizations	X		
Professional Services	X	X	
Real Estate and Development Management Services	X	X	X
Stenographic, Clerical, and Answering Services	X	X	X
Office Supply Stores	X		
Optical Services & Sales	X		
Physician Services	X		
Public Buildings, including Community Center Buildings and Libraries	X		
Research and Engineering Laboratories		X	X
Restaurants - Inside Service Only	X	C	C
Schools are as follows:			
Business, Stenographic, Correspondence, and Typing	C		
Technical Training Schools	C	C	C
Security Guards - Live On Premises	C	C	C
Travel Bureaus & Ticket Sales	X	X	X
Veterinary Clinic or Kennels and Animal Hospitals, provided that all animals are housed in buildings or enclosures which are at least 500 feet from any "R" district	C		

NEC - Not Elsewhere Classified

The Board of Zoning Appeals may allow any use similar in character to one of the specified uses listed above if such use is in harmony with the character of the district as a permitted use.