

ARTICLE 1 AUTHORITY AND ADOPTION

Be it resolved by the Board of County Commissioners of Miami County, Ohio, that the following amendments and supplements to the Zoning Resolution of Miami County as adopted November, 1957 and thereafter amended, consisting of twenty-eight (28) articles and the official map be and the same, are hereby adopted.

ARTICLE 2 INTENT AND PURPOSE

This Resolution is based on a plan, the purpose of which is to lessen the congestion on public streets, reduce undue hazards due to flooding, and to promote public health, safety, and morals. The above mentioned Plan has been formulated with due consideration, among other things, to the character of each district of the County and its peculiar suitability for particular uses; to the conservation of property values; to the general trend and character of building and population development; to the advancement of social and economic stability; and to the adequate provision of public transportation, streets, and other public facilities. It is the further purpose of this Resolution to safeguard the public health, safety, and morals.

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 "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied"; the word "building" includes the word "structure", the word "dwelling" includes the word "residence" and the word "lot" 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. 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.

Adult Entertainment Facility. See Sexually Oriented Business definition.

Agriculture. includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; 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 secondary to, such husbandry or production. (per ORC Section 303.01)

Alley. Any dedicated 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 or type of occupancy, or any change in the structural members of a building, such as walls or partitions, columns, beams or girders, 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 as a place of residence for a single family or for a group of individuals living together as a single housekeeping unit herein defined.

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 a 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, motor oil and lubricants or grease (for the operation of motor vehicles) are retailed directly to the public on the premises; including the sale of minor accessories and the servicing of 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; and/or the over-all painting and under-coating of automobiles.

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 paragraph 90.

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 limits of a municipality.

Board of Appeals. Means the Board of Zoning Appeals of Miami County, 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 shall be deemed a boarding house for the purposes of this Resolution.

Breezeway. A permanent structure consisting of a floor, one wall and a roof typically connecting a main building and an accessory building.

Building. Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattel or property of any kind.

Building Height. Is the vertical distance measured from the established grade to the highest point of the roof surface. 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 Setback Line. Is a line formed by the face of the building and, for the purposes of this Resolution, a building setback line is the same as a front setback line.

Carry-Out. A place of business where food and beverages 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 other licensed medical practitioners.

Club. Is a non-profit organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like.

Conditional Use. A conditional use is a use permitted only after review of an application by the Board of Appeals, such review being necessary because the provisions of this Resolution covering conditions precedent or subsequent, are not precise enough to apply without interpretation, and such review is required by this Resolution. A conditional use does not require “undue hardship” in order to be allowable. The conditional uses that are found in this Resolution appear as a “special approval, by the Board of Appeals. These land uses could not be logically allocated to one zone or another, or the effects of such uses could not be definitely foreseen as of a given time.

Conditional Use Permit. This is a permit issued by the Board of 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 the 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. The applicant submits plans and if approved, he must follow those plans exactly or reapply for a permit before deviating from that plan.

Constructed. See Erected.

Convalescent or Nursing Home. An establishment which specializes in providing necessary services to those unable to care for themselves.

County Commission. Means the Board of County Commissioners of Miami County, Ohio.

District. Is a portion of the unincorporated area of the County within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Resolution.

Domestic Sale. A sale conducted on any portion of the property which offers more than two items of personal property for sale to the general public, to include but not be limited to, garage sales, patio sales, yard sales, carport sales, basement sales, porch sales, driveway sales, rummage sales and the like.

Drive-In. Is a business establishment so developed that its retail or service character is dependent on providing a driveway 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 portion thereof, designed for occupancy by one (1) family for residential purposes and having or intended to have cooking facilities.

Dwelling, One-Family. Is a building designed exclusively for and occupied exclusively 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.

Electronic Message Center: A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Erected. Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the construction. Excavation, fill, drainage, and the like shall be considered a part of erection.

Essential Services. Is the erection, construction, alteration or maintenance of public utilities or units of government of underground, surface, or overhead gas, electrical, telephone, telegraph, steam, fuel or water transmission or distribution systems, collection, 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, including only governmental buildings which are necessary for the furnishing of adequate service for the general health, safety or welfare.

Established. Includes any of the following:

- A. The opening or commencement of any business as a new business.
- B. The conversion of an existing business to any other business.
- C. The addition of any business to any other existing business; or
- D. The relocation of any business.

Excavation. Is any breaking of ground except tilling, 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 three persons who need not be related living together as a single housekeeping unit in a dwelling unit.

Farm. All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager, or tenant farmer by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of more than five (5) acres in area; provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, vineyards, orchards, chicken hatcheries, poultry farms, and apiaries. No farm shall be operated for the disposal of garbage, sewage or sewage by-product, rubbish, offal, or rendering plants.

Farm Market. A building located on a farm, which building is used by the owner-operator, or lessee operator of such farm, for the sale of (1) produce and plants raised on such farm, (2) produce and plants raised on other farms operated by such owner or lessee, and (3) produce and plants raised elsewhere, but which produce and plants are offered for sale as a replacement of and to the extent of a crop shortage, due to natural causes such as weather, lack of plant development and disease, on such farm or other farms operated by such owner or lessee.

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

Filling. Is the depositing or dumping of any matter onto or into the ground except common household gardening and ground care.

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 exterior faces of the exterior walls. This floor area measurement is exclusive of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches, except finished basements 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. The gross floor area of a building shall include the floor area of accessory buildings, on the same lot, measured the same way.

Floor Area. (For the purpose of computing parking) 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 useable 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.

Frontage. Horizontal distance between side lot lines parallel to the front lot line, measured at the depth of the minimum front yard required for the zoning district in which it is located.

Garage Parking. A space, structure or series of structures for the temporary storage or parking of motor vehicles.

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.

Home Occupation. An accessory use which is a service, craft or revenue enhancing hobby intended for financial gain that is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit or elsewhere on the premises by Conditional Use Permit and which shall not change the residential and/or agricultural character of the property or area.

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, and in which there are ten (10) or more sleeping rooms with no provision made for cooking in any individual room or apartment. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

Junk Yard (Salvage Yard). 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 areas for storage, keeping, or abandonment of junk, unless established entirely within enclosed buildings. Two (2) or more unhoused, inoperative or unlicensed (if applicable) vehicles shall be construed to be a junk yard.

Kennel. The keeping of dogs, cats or other household pets whether for sale, boarding, or breeding, on any lot, premises or contiguous lots under common ownership. Kennel shall also mean the keeping on or in any lot, group of commonly owned contiguous lots, or building, of 3 or more dogs, cats or other household pets, which are over the age of six months.

Loading Space. Is an off-street space on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle, while loading and unloading merchandise or materials.

Lot. Is a parcel of land occupied or to be occupied by a main building or a group of such 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. Every lot shall abut upon and have permanent access to a public street and have a minimum frontage of forty (40) feet thereon. Ownership of more than 1 lot contiguous to or adjoining the principal lot, shall be considered as one lot for the purpose of computing square footage for accessory buildings and other uses stating per lot.

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, 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, each side of each lot adjacent to a street 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 right-of-way side line of a street or roadway. In the case of a corner lot, or double frontage lot, is that line separating said lot from either right-of-way side line.

B. Rear Lot Lines: 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 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 opposite the front lot line.

C. Side Lot Lines: Is any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street, is a side street lot line. A side lot line separating a lot from another lot or lots, is an interior side lot line.

Lot of Record. Is a parcel of lands, the dimensions of which are shown on a document or map on file with the County Recorder.

Lot Width. Is the horizontal distance between the side lot lines measured at the two points where the building setback line intersects the side lot lines.

Main Building. Is a 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.

Major Thoroughfares. Is an arterial street which is intended to serve as a large volume traffic-way and which has an existing or proposed right-of-way width of at least eighty feet (80 feet as shown in the official Thoroughfare Plan of Miami County).

Major Thoroughfare Plan. The official Thoroughfare Plan of the Village of Miami County, as adopted by the Planning Commission, of the major highways and streets on file in the office of the County Recorder, including all amendments and supplements subsequently adopted.

Master Plan. Is the Miami Comprehensive Plan (land use plan, development plan or other similar titled document), as approved by the Planning Commission, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical developments of the Village, and includes any unit or part of such plan and any amendment to such plan or parts thereof.

Mezzanine. Is an intermediate floor in any story occupying not more than two-thirds (2/3) of the floor area of such story.

Mobile Home. Is a detached single-family dwelling to be located on foundation supports designed for long term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems and designed to be transported after fabrication on its own wheels.

Motel. Is a series of attached, semi-detached, or detached rental units containing a bedroom, bathroom, and closet space. Units shall provide for overnight lodging, 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, that does not conform to the provisions of the Resolution in the district in which it is located.

Non-Conforming Use. Is a use which lawfully occupied a building or land at the effective date of this Resolution or amendments thereto, that does not conform to the use regulations of the district in which it is located.

Nude, Nudity or State of Nudity. A live person exhibiting: (1) specified anatomical areas, or (2) a state of dress which fails to opaquely and fully cover specified anatomical areas.

Nursery. Is defined as follows:

A. Wholesale: Is a space including accessory buildings or structures 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 used for gardening or landscaping.

Off Street Parking Lot. Is a facility providing vehicular parking spaces for more than two (2) vehicles including adequate drives and aisles for maneuvering and proper access for entrance and exit.

Open Space. That part of a lot, including courts or yards, which is open and unobstructed from its lowest level to the sky and which is accessible to all tenants living on the lot.

Open Space, Common. An area dedicated to the public, or commonly owned and/or available to all the residents of a development.

Parking Space. Is hereby determined to be a minimum area of two hundred (200) square 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.

Planned Unit Development. Land under unified control which is planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots or building sites, site plans, and design principles for all buildings as intended to be located, constructed, used, and related to each other and for other uses and improvements on the land as related to buildings. Development may be a single operation or a definitely programmed series of development operations, including all lands and buildings, with a program for provision, operation, and maintenance of such areas, improvements, and facilities necessary for common use by the occupants of the development.

Planning Commission. Means the Planning Commission of Miami County, Ohio.

Pool, Swimming. A structure constructed or placed below ground or above ground which is designed to contain water in excess of twenty-four (24) inches in depth and is suitable or utilized for swimming or wading.

Public Utility. Is any person, firm or corporation, governmental department, board or commission duly authorized to furnish under federal, state, or local regulations to the public: gas, steam electricity, sewage disposal, telegraph, telephone, transportation or water.

Recreational Vehicle. Includes travel trailers, campers, motor homes, truck campers, boats, boat trailers, snowmobiles, wet bikes, etc.

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

Row House or Town House. A two (2) story row of three (3) or more attached one (1) family dwellings, each unit of which extends from the basement to the roof.

Sexually Oriented Business. Any business defined as follows:

A. Adult Arcade. An establishment where, for any form of consideration, one or more still or motion picture projectors, side projectors, or similar machines, or other image producing machines, or other visual representations, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

B. Adult Bookstore, Adult Novelty Store or Adult Video Store. A commercial establishment which has at least 50% of its stock-in-trade or derives at least 50% of revenues or devotes at least 50% of its interior business or advertising to the sale or rental for any form of consideration, of any one or more of the following:

1. Books, magazine, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, digital video discs, or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
2. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing “specified sexual activities” or “specified anatomical areas,” and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store if the above definition is met.

C. Adult Cabaret. A nightclub, bar, restaurant, bottle club, juice bar or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (a) a person or persons who appear nude or semi-nude or in a state of nudity or semi-nudity; (b) live performances which are characterized by the exposure of “specified anatomical area” or by “specified sexual activities;” or, (c) films, motion pictures, video cassettes, digital video discs, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

D. Adult Motel. A motel, hotel or similar commercial establishment which offers public accommodation, for any form of consideration, which provides patrons with closed-

circuit television transmissions, films, motion pictures with closed-circuit television transmissions, films, motion pictures, video cassettes, digital video discs, slides or other photographic reproductions which are characterized by the depiction of description of “specified sexual activities” or “specified anatomical areas” and which advertises the availability of this sexually oriented material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television.

E. Adult Motion Picture Theater. A commercial establishment where films, motion pictures, video cassettes, digital video discs, slides or similar photographic reproductions which are characterized by the depiction of description of “specified sexual activities” or “specified anatomical areas” are regularly shown for any form of consideration.

F. Adult Theater. A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features a person or persons who appear in a state of nudity or semi-nudity or live performances which are characterized by exposure of “specified anatomical areas” or by “specified sexual activities” and which is not customarily open to the general public during such features because it excludes minors by reason of age.

G. Massage Parlor. Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as a part of or in connection with “specified sexual activities” is offered, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her “specified anatomical areas.” The definition of massage parlor shall not include: the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a licensed physician, surgeon, chiropractor, or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or shoulder, nor by any other individual licensed by the state to perform massages.

H. Semi-nude Model Studio. Any place where a person or persons regularly appear in a state of nudity or semi-nudity or displays “specified anatomical areas” for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted for other reasons. Reference above to nudity should not be construed or interpreted to permit nudity or a state of nudity in a semi-nude model studio. Semi-nude model studio shall not include any school, college, or university licensed by the state.

I. Sexual Encounter Establishment. A business or commercial establishment, that as one of its principal business purposes, offers for any form of consideration: (1) a place where two or more persons may congregate, associate, or consort for the purpose of “specified sexual activities” or the exposure of “specified anatomical areas;” or (2) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity. A sexual encounter establishment shall

not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

J. Striptease Parlor/Escort Agency. A person or business association that furnishes, offers to furnish, or advertises to furnish, for hire, striptease performances, or the appearance of a person or persons in a state of nudity or semi-nudity for another person or persons.

Seed Dealer, Home. A portion of a residence located upon a farm from which the owner-operator, tenant, or manager of such farm sells farm crop seed, operated as and subject to the limitations of a home occupation, except that such farm crop seed and the equipment utilizing the same is not normally used for purely domestic or household purposes, and such seed may be stored in other buildings on such farm.

Sign. A name, identification, description, display or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, parcel, or lot, and which directs attention to an object, product, place, activity, person, institution, organization or business.

Sign, Ground. A detached sign which is solely supported by one or more poles, uprights, or braces in or upon the ground.

Sign, Wall. A sign which is attached directly to the wall of a building and which extends nor more than twelve (12) inches from the wall.

Sign, Window. A sign either painted on or attached to the interior surface of a window.

Specified Anatomical Areas. Includes any of the following:

A. Less than completely and opaquely covered human genitals, pubic region, anus, or areolas or nipple of female breast; or

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities. Includes any of the following:

A. The fondling or other intentional touching of human genitals, pubic region, anus, or female breast;

B. Sex acts, normal or perverted, whether actual or simulated, including: vaginal intercourse, fellatio, cunnilingus, bestiality, anal intercourse, oral copulation, or sodomy;

C. Masturbation, or the masturbation of another, whether actual or simulated;

D. Human genitals in a state of sexual stimulation, arousal or tumescence; or

E. Excretory functions as part of or in connection with any of the activities set forth in the above subsections (1) through (4).

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 one hundred ninety (190) square feet with a clear height of seven feet six inches (7'6"). For the purposes of this Resolution, the useable floor area is only that area having at least four feet (4') clear height between floor and ceiling.

Street. Is a dedicated public thoroughfare or roadway which affords the principal means of access to abutting property.

Structure. Is anything constructed or erected, the use of which requires location on or in the ground, or attachment to something having location on or in the ground. However, for the purposes of this Resolution,

A. The following structures shall be deemed accessory to permitted uses and shall be exempted from provisions specified in Section 19.12 and 21.05 of this Resolution:

1. Basketball, tennis, or other sport courts.
2. Concrete patio slabs unless they are constructed or intended to be sheltered by an above-ground structure.
3. Decorative yard ornaments.
4. Dog and bird houses.
5. Driveways.
6. Fences.
7. Flag poles.
8. Flower planters.
9. Sidewalks.
10. Tents used for play purposes.
11. Yard lights.

12. Other uses, which in the opinion of the Enforcing officer, are similar to the above.

B. The following structures shall be deemed accessory to permitted uses and shall be exempt from provisions specified in Section 21.05 of this Resolution:

1. Back yard fireplaces or barbecue pits.
2. Children's play sets
3. Children's tree or play houses not exceeding sixty-four (64') feet in area.
4. Non-commercial television and radio dishes and discs.
5. Non-commercial television and amateur radio antenna towers.
6. Storage bins for wood.
7. Other uses, which in the opinion of the Enforcing officer, are similar to the above.

Temporary Mobile Homes. A mobile home when its intended use is of a temporary nature as interim living quarters until such time as construction or reconstruction of a detached one-family dwelling is completed

Tent. Any structure used for living and sleeping purposes or for sheltering a public gathering; constructed wholly or in part from canvas, tarpaulin, or other similar materials; and including shelter provided for circuses, side shows, revival meetings, camp meetings, and all similar meetings or exhibitions in temporary structures.

Trailer Court (Mobile Home Park). Any plot of ground upon which two or more mobile homes occupied for dwelling or sleeping purposes may be located.

Use. Is the purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.

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.

Vehicle. Any kind of carriage or conveyance; anything by means of which something else is transported.

Vehicle, Collectors. Any motor vehicle, agricultural tractor, traction engine or special interest having a fair market value or one hundred dollars or more, whether operable or not, that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's

principal means of transportation, and that displays current, valid collector's vehicle license tags where applicable.

Winery. A building located upon a farm, which building is used for the sale of and production of wine made from grapes grown in a vineyard located upon such farm. In addition, there shall be permitted:

A. The sale of cheese, crackers, bread and soft drinks produced elsewhere but consumed on the premises and sold in connection with a wine tasting room located in such building.

B. For each acre of vineyard which has been planted and cultivated on such farm, for at least three (3) growing seasons, there shall be permitted:

1. The use, for blending purposes, of grapes or grape juice, not grown in such vineyard, not to exceed four and one-half (4-1/2) tons of grapes or its equivalent in grape juice, for each of such acre.
2. The use of grapes or grape juice, not grown in such vineyard, to replace the crop in the extent of a crop shortage due to natural causes such as weather, lack of plant development and disease, in such vineyard, provided that the actual grape crop grown in such vineyard plus the grape crop and/or grape juice not grown in such vineyard, shall not together exceed four and one-half (4-1/2) tons of grapes, or the equivalent thereof in grape juice, for each such acre.

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.

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.

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 main building.

ARTICLE 4 ZONING DISTRICTS AND MAP

4.01 DISTRICTS

In order to carry out the intent and purpose of this Resolution, Miami County is hereby divided into the following districts:

- R-IAAA One Family Residential Dist. 0.717-4.99 acre lots
- R-1AA One Family Residential Dist. 0.5-.716 acre lots
- R-1A One Family Residential Dist. 0.275-0.35 Acre Lots
- R-1B One Family Residential Dist. 0.229-0.274 Acre Lots
- R-1C One Family Residential Dist. 0.18-0.228 Acre Lots
- R-2 Two Family Residential Dist. 1 & 2 Family
- R-3 Multi-Family Residential District, 3 or more families
- B-1 Highway Business
- B-2 Convenience Shopping District
- B-3 Neighborhood Business District
- OR-1 Office/Residential District
- I-1 Light Industrial District
- I-2 General Industrial District
- F-1 Flood Plain
- A-1 Domestic Agricultural District
- A-2 General Agricultural District

4.02 DISTRICT BOUNDARIES

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

The official zoning map shall be identified by the signature of the County Commissioners, attested by the Clerk of the County Commission, and bearing the seal of the County 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 Miami 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 within five (5) normal working days after the

effective date of said approved amendment, together with an attached entry on the official zoning map as follows: "On (date), by official action of the County Commission, the following change(s) were made, (brief description with reference number to Commission proceedings)".

The original and one copy of the official map are to be maintained and kept up to date - the copy on public display in the County Safety Building and the original in the vault of the County Treasurer, accessible to the public upon request. The original and attached entries shall be final authority as to the current zoning status of lands, buildings, and other structures in the County.

4.03 UNCERTAINTY OF BOUNDARY LOCATIONS

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

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

C. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;

D. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks;

E. Boundaries indicated as following shore lines shall be construed to follow such shore lines and, in the event of 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 lines.

F. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official Zoning Map and/or the copy shall be determined by the scale of the Map.

G. Where physical or cultural features existing on ground are at variance with those shown on the Official Zoning Map and/or the copy or in other circumstances not covered by subsections A through F above, the Board of Appeals shall interpret the district boundaries.

ARTICLE 5 R-1AAA, R-1AA, R-1A, R-1B, R-1C SINGLE FAMILY RESIDENTIAL DISTRICT

5.01 INTENT

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.

5.02 PERMITTED PRINCIPAL USES

- A. One one-family dwelling and private garage incident thereto, not including house trailer, mobile homes, recreation vehicle or tent dwelling.
- B. Churches and similar places of worship; provided such use is adjacent to a school or commercial area and/or access is by means of roads designated as arterial or collector thoroughfares by the official Thoroughfare Plan.
- C. Public community center buildings, parks, playgrounds, and golf courses except miniature golf courses.
- D. Public and parochial elementary, junior and senior high schools.
- E. Parish houses and convents in conjunction with churches or schools.
- F. Agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located as permitted by Section 303.21 of the Ohio Revised Code.

5.03 ACCESSORY USES

- A. Private garages and utility buildings when customarily incidental to a one-family dwelling.
- B. In any case involving a vacant lot, any accessory building thereon shall be subject to the provisions of Section 7.08 of the Miami Co. Zoning Resolution.
- C. Swimming pools for use by residents and guests only, provided such pools are set back fifteen (15) feet from all lot lines and enclosed with a fence sufficient to make such body of water inaccessible to small children. Such fence shall be not less than five (5) feet above the underlying ground. Above ground pools with at least a five (5) foot high enclosure sufficient to make such body of water inaccessible to small children, and with a fold away ladder, shall be exempt from additional enclosures. Electric pool covers may be substituted for the required 5' fence on lots which are greater than 1.5 acres.

D. Domestic sales, provided such sale or sales are not conducted for more than six (6) days of each calendar year except for change of occupancy. See Section VII for sign restrictions.

E. Sleeping Rooms: The renting or leasing of rooms provided the number of roomers does not exceed two in any dwelling.

F. Signs: No signs will be permitted except as provided in Article 20.

5.04 CONDITIONAL USES

The following uses are allowed in any R-1 residential district provided: A conditional use permit is granted by the Board of Appeals as provided in Article 22 of this Resolution, and further provided that all buildings allowed by such conditional use permit shall have the minimum setback requirements of the zoning district in which it is located.

A. Recreation areas or buildings operated by membership clubs for the benefit of their members and not for gain; provided that any principal building, accessory building or out-of-doors swimming pool shall be located not nearer than two hundred (200) feet from any adjoining land zoned for a residential use.

B. Public owned or leased buildings, public utility buildings, telephone exchanges, transformer stations and sub-stations, except garage and maintenance buildings.

C. Private schools, institutions of higher learning and libraries.

D. Cemeteries, when an extension of existing cemeteries.

E. Home occupations.

F. Nursery schools may be permitted in the R-1AAA district only provided there is at least two hundred (200) square feet of out-door play area for each child, such space having a minimum dimension of at least twenty (20) feet and being enclosed by a fence or wall thirty-six (36) to forty-two (42) inches high.

5.05 YARD REQUIREMENTS

See Section 7.08, Schedule of Yard and Lot Requirements.

5.06 BUILDING HEIGHT REGULATIONS

In any R-1 Residential District no building shall be erected in excess of 2-1/2 stories or thirty-five (35) feet in height.

5.07 ACCESSORY PARKING

Two (2) car spaces for each dwelling unit. Parking for other uses: See Article 19.16.

5.08 DEPTH OF LOT

In any R-1 District, no lot shall have an average depth which is more than three (3) times its average width.

5.09 FRONTAGE REQUIREMENT

Every lot located in a residential district shall have a minimum frontage equal to the minimum lot width for the zoning district in which it is located, except a lot located upon a cul-de-sac shall have its minimum frontage measured at the depth of the minimum front yard for the district.

ARTICLE 6 R-2 TWO FAMILY RESIDENTIAL DISTRICT

6.01 INTENT

This district recognizes the existence of older residential areas of the county 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.

6.2 PERMITTED PRINCIPAL USES

- A. One two-family dwelling.
- B. Churches and similar places of worship provided such use is adjacent to a school or commercial area and/or access is by means of roads designated as arterial or collector thoroughfares by the official Thoroughfare Plan.
- C. Public community center buildings, parks, playgrounds and golf courses, except miniature golf courses.
- D. Public and parochial elementary, junior and senior high schools, private schools, institutions of higher learning, libraries.
- E. Parish houses and convents in conjunction with churches or schools.
- F. One one-family dwelling, not including house trailers, mobile homes, recreational vehicles or tent dwellings.

6.03 ACCESSORY USES

- A. Those accessory buildings and accessory uses customarily incidental to the Permitted Principal Uses in this district.
- B. No sign shall be permitted except as provided in Article 20.
- C. Private garages and utility buildings when customarily incidental to a one-family or two-family dwelling. See Section 7.10, Maximum Floor Area for Accessory Buildings.
- D. Domestic sales, provided such sale or sales are not conducted for more than six (6) days of each calendar year, except for change of occupancy. See Section 20.07 for sign restrictions.

6.4 CONDITIONAL USE

- A. Recreational areas or buildings operated by membership clubs for the benefit of their members and not for gain, provided that any principal building, accessory building, or out-of-doors swimming pool shall be located not nearer than 200 feet from any adjoining land zoned for a residential use.
- B. Private schools, institutions of higher learning, libraries.
- C. Cemeteries when an extension of existing cemeteries.
- D. Mobile Home Parks.

6.05 YARD REQUIREMENTS

See Section 7.08, Schedule of Yard and Lot Requirements.

6.06 BUILDING HEIGHT REGULATIONS

In any R2 District, no building shall be erected in excess of 2 1/2 stories or 35 feet in height, except as provided in Section 18.12.

6.07 ACCESSORY PARKING

- A. There shall be provided four off-street parking spaces for each two-family dwelling.
- B. All other uses, see Section 18.16.
- C. There shall be two off-street parking spaces provided for each one-family dwelling.

ARTICLE 7 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

7.01 INTENT

This district provides for higher density residential areas of the County that may serve to separate areas of more intense uses from areas of less intense uses.

7.02 PERMITTED PRINCIPAL USES

- A. Multiple dwelling (3 or more units) including: Apartment house, apartment hotel, boarding house, row house and town house.
- B. Churches and similar places of worship.
- C. Parish houses and convents in conjunction with churches or schools.
- D. Public Community center buildings, parks, playgrounds and golf courses, except miniature golf courses.
 - E. Public and parochial schools.
- F. Public libraries.

7.03 ACCESSORY USES

- A. Private garages and utility buildings when customarily incidental to a multi-family dwelling. Garages shall be permitted for storage purposes only, with no repair facilities. See Section 7.10 Maximum Gross Floor Area for Accessory Buildings.
- B. Those accessory buildings and accessory uses customarily incidental to the permitted principal uses in this district.
- C. No sign shall be permitted except as provided in Article 20.
- D. Domestic Sales, provided such sale or sales are not for more than six (6) days out of each calendar year, except for change of occupancy. See Section 20.07 for sign restrictions.

7.04 CONDITIONAL USES

- A. Convalescent or nursing homes.
- B. Hospitals, clinics, sanitariums for human care.
- C. Motels

7.05 YARD REQUIREMENTS

See Section 7.08, Schedule of Yard and Lot Requirements.

7.06 BUILDING HEIGHT REGULATIONS

In any R-3 District, no building may be erected in excess of three (3) stories or 40 feet in height, except as provided in Article 19.13.

7.07 ACCESSORY PARKING

- A. In any R-3 District there shall be provided two off street parking spaces per dwelling unit.
- B. There shall be provided one off-street parking space for each two roomers.
- C. For parking space required for other than residential uses, see Section 19.17.

7.08 SCHEDULE OF YARD AND LOT REQUIREMENTS

See Section 7.08

7.09 MINIMUM FLOOR AREA AND LOT REQUIREMENTS

See Section 7.08 and 7.09

7.10 MAXIMUM GROSS FLOOR AREA FOR ACCESSORY BUILDINGS

See Section 7.10

District	Min. Lot Area	Min. Lot Width & Coverage	Min. Corner Lot Width	Min. Lot Depth	Min. Front Yard	Min. Rear Yard	Min. Side Yard
R-1AAA	31,250 sq. ft.	125 (1)	150	125	50	50	20
R-1AA	21,780 sq. ft.	100 (2)	125	125	40	50	15
R-1A	12,000 sq. ft.	100	125	100	35	40	10
R-1B	10,000 sq. ft.	90	110	90	30	35	10
R-1C	8,000 sq. ft.	70	85	80	25	30	10
R-2	8,000 sq. ft.	70	85	80	25	30	10
R-3	10,000 sq. ft.	100	125	80	20	30	10
B-1 (3)					25	25	10
B-2 (4)					20	30	10
B-3 (5)					25	25	10
OR-1					25	10	10
I-1 (6)					25	15	15
I-2 (7)					25	15	15
F-1		125	150	125	50	50	20
A-1	5.0 acres	125	150	125	50	50	20
A-2	10.0 acres	125	150	125	50	50	10

- (1) Whenever the frontage of one side of a block is more than 40% developed at the time of enactment of this Resolution, the required setback for new construction or alteration shall be the average of the established setbacks, provided this regulation shall not be so interpreted as to require a front yard of no more than 50 feet for a residential use.
- (2) Minimum lot area for a three family dwelling in this district. For each additional dwelling unit, there shall be an additional 2,500 square feet of lot area.
- (3) See Section 8.05 for additional yard requirements
- (4) See 9.04 for additional yard requirements
- (5) See Section 10.04 for additional yard requirements
- (6) See Section 12.04 for additional yard requirements
- (7) See Section 13.05 for additional yard requirement

7.09 MINIMUM FLOOR AREA FOR DWELLING

The minimum total livable floor area per dwelling unit in the various residential zoning districts established by this Zoning Resolution shall be as follows:

R-1AAA	1200 square feet
R-1AA	1100 square feet
R-1A	1100 square feet
R-1B	1000 square feet
R-1C	1000 square feet
R-2	1000 square feet
R-3	720 square feet
A-1	1200 square feet

7.10 MAXIMUM GROSS FLOOR AREA FOR ACCESSORY BUILDINGS

	<u>Acreage</u>	<u># of accessory buildings permitted</u>	<u>Max sq. ft. for accessory on lot</u>	<u>Setback</u>
1.	.183-.275	2	672 sq. ft.	5'
2.	.276-.716	2	900 sq. ft.	5'
3.	.717-1.5	2	1200 sq. ft.	5'
4.	1.5-3.0	2	1600 sq. ft.	5'
5.	3.001-4.99	2	2000 sq. ft.	10'
6.	5.0-10	2	2600 sq. ft.	10'
7.	10+	-	-	10'

All accessory buildings 200 square feet or less shall not require a zoning permit but shall be included when figuring the total square footage requirements for a lot.

Any lot under 10 acres shall have no more than 2 accessory buildings.

Each accessory building shall be located no closer than 10 feet from another such accessory building.

No accessory building shall exceed the height of the main dwelling.

No truck trailer bodies or cargo containers shall be considered as an accessory structure or permanent storage building.

ARTICLE 8 B-1 HIGHWAY BUSINESS DISTRICT

8.01 INTENT

This district is designed to provide for highway oriented uses and less intensive business types to serve the market of the urban area rather than the neighborhood, and is typically mapped along major traffic arteries.

8.02 PERMITTED PRINCIPAL USES

- A. Automobile service stations including light repairs and accessory sales and installation.
- B. Automobile and mobile home sales and services.
- C. Auto Wash facilities
- D. Bars and refreshment stands.
- E. Bicycle repair shop and lawn mower repair shop.
- F. Building services and supplies, including lumber yard.
- G. Carry-outs.
- H. Drive-in banks.
- I. Drive-in dry cleaning establishments.
- J. Drive-in restaurants.
- K. Farm implement and lawn and garden equipment sales and service.
- L. Fraternal clubs, lodges, and similar establishments.
- M. Fruit, florist, nursery stock, produce sales and greenhouse.
- N. Household appliance sale, service and repair.
- O. Mortuary establishments (a caretaker's residence may be provided within the main building of a mortuary establishment).
- P. Motels.
- Q. Open air commercial amusements.

R. Plumbing, electrical and heating shops.

S. Restaurants.

T. Utility trailer sales and rental.

U. Veterinary office limited to the cure and treatment of disease in household pets.

V. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales, provided that no interior display shall be visible from the exterior of the building, and the total area devoted to product display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed ten percent (10%) of the useable floor area of any story.

W. Professional and other offices drawing a large number of clients and/or customers, such as, but not restricted to:

1. Chambers of commerce and automobile clubs.
2. Doctors, dentists, lawyers and architects.
3. Insurance, realtors and unions.
4. Post offices and utility offices.
5. Medical and dental laboratories.

X. Other uses, which in the opinion of the Board of Appeals are similar to the above uses indicated as being permitted.

Y. Television and radio facilities including office, studios, discs and towers.

8.03 ACCESSORY USES

Paint and body shop in conjunction with automobile; or mobile homes sales and service.

8.04 CONDITIONAL USES

Commercial self-storage of household items.

8.05 YARD REQUIREMENTS

In a B-1 Highway Business District the following yard area shall be provided:

A. Front Yards: No less than a 25 foot front yard shall be required, excepting where the frontage on one side of the block is divided between B-1 Highway Business District and a residential district, the front yard of the residential district shall apply to the area in the B-1 Highway Business District.

B. Side Yards: No less than a ten (10) foot side yard shall be required, except a yard of not less than twenty (20) feet in width shall be provided where a side lot line of the B-1 Highway Business District abuts a residential district.

C. Rear Yards: No less than a 25 foot rear yard shall be required, except where a rear lot line of the B-1 Highway Business District abuts a residential district, a rear yard of 50 feet shall be provided.

8.06 BUILDING HEIGHT REGULATIONS

No building in the B-1 Highway Business District shall exceed 2 stories of 35 feet in height.

8.07 ACCESSORY PARKING

Space shall be provided in accordance with the provision of Section 19.16.

8.08 OFF-STREET LOADING

Spaces shall be provided in accordance with the provisions of Section 19.15.

8.09 SIGNS

Wall or ground signs, single or double face, shall not exceed 50 square feet in area for each face. Maximum height above grade at sign shall not exceed thirty-five feet (35). There shall be permitted one (1) wall sign and one (1) ground sign. No more than two (2) signs shall be permitted for each street front of the lot on which the signs are located. Wall signs shall not extend above or beyond any part of the roof line.

8.10 SCREENING

See Section 19.17 for screening regulations of uses adjoining residential districts.

ARTICLE 9 B-2 CONVENIENCE SHOPPING DISTRICT

9.01 INTENT

This district is designed to provide for a limited range of convenience goods to supply the emergency needs of those living in the immediate vicinity. Size will be approximately one (1) acre and contain three (3) to five (5) uses to serve approximately 2,000 people.

9.02 PERMITTED PRINCIPAL USES

- A. Barber and beauty shops.
- B. Drug stores.
- C. Food stores.
- D. Laundry and dry cleaning pickup service and coin-operated washing and dry cleaning facilities.

9.03 ACCESSORY USES

Uses customarily accessory to the above uses.

9.04 YARD REQUIREMENTS

Those yard requirements of the adjacent or surrounding residential district. If more than one residential district is adjacent, the greater yard requirements of the involved residential districts shall be used.

9.05 BUILDING HEIGHT REGULATIONS

Maximum permitted height for buildings in this district shall be 2-1/2 stories or 35 feet.

9.06 ACCESSORY PARKING

As required in Section 19.16.

9.07 OFF-STREET LOADING

Spaces shall be provided as required in Section 19.16.

9.08 SIGNS

Wall or ground signs, single or double face, shall not exceed fifty (50) square feet in area for each face. Maximum height above grade at sign shall not exceed thirty-five (35) feet. There shall be permitted one (1) wall sign and one (1) ground sign. No more than two (2) signs shall be permitted for each street front of the lot on which the signs are located. Wall signs shall not extend above or beyond any part of the roof line.

9.09 SCREENING

See Article 19.17 for screening regulations of uses adjoining residential districts.

ARTICLE 10 B-3 NEIGHBORHOOD BUSINESS DISTRICT

10.01 INTENT

The purpose of this district is to provide an integrated collection of structures and uses designed to provide for a variety of retail stores and related activities, and for office buildings and service establishments which serve for the comparison, convenience and service needs of the 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 movements, but to exclude non-retail uses which generate a large volume of truck traffic.

10.02 PERMITTED PRINCIPAL USES

Any generally recognized retail businesses, service establishment, or processing use as follows:

- A. Apparel shops including specialty shops of all sorts, shoe stores, and similar uses.
- B. Auto service station for only the sale of gas lubricants, coolants, and accessories, and the performance of incidental service such as tire installation and automobile washing, cleaning and polishing, but not major overhaul, bumping or painting.
- C. Sale of automobiles.
- D. Banks, loan offices, stock exchange offices, and other financial institutions.
- E. Commercial recreation facilities such as bowling alleys, movie theaters etc.
- F. Medical and dental laboratories.
- G. Department stores.
- H. Drug stores.
- I. Eating and drinking – restaurants, dairy bars, or other places service food and/or beverages.
- J. Floral shops, fruit, nursery stock, and produce sales, and greenhouses.
- K. Food stores including supermarkets and all types of specialty food stores, such as bakeries, candy stores and similar uses.
- L. Furniture and appliances, including rugs, floor coverings, draperies, sewing machine shops, used furniture, office equipment, supplies, and similar uses.

M. Gift shops, camera shops, record shops, book and stationary stores, jewelry stores, and similar uses.

N. Hardware and such related stores as paint, wallpaper, and similar uses.

O. Hotels and Motels.

P. Office buildings for any of the following occupations: Executive, administrative, professional, accounting; writing; clerical, stenographic, drafting; and sales, provided that no interior display shall be visible from the exterior of the building, and the total area devoted to product display, including both the object displayed and the floor space set aside for persons observing the display objects, shall not exceed ten (10) percent of the usable floor area of any story.

Q. Professional and other offices drawing a large number of clients and/or customers such as, but not restricted to:

1. Chambers of commerce and automobile clubs
2. Doctors, dentists, lawyers and architects.
3. Insurance, realtors, and unions.
4. Post offices.
5. Utility offices.

R. Photographic studios.

S. Publishing and printing establishments not exceeding 1000 square feet in building area.

T. Repair shops such as shoe, watch and bicycle repair.

U. Service shops such as barber, beauty, laundry cleaning and similar uses including laundry pick-up service and coin operated washing and dry cleaning facilities.

V. Travel agencies.

W. Variety stores.

X. Public and semi-public buildings such as, but not restricted to:

1. Churches.
2. Library.
3. Municipal offices.
4. Parking garage.

Y. Other uses, which in the opinion of the Board of Appeals are similar to the above uses indicated as being permitted.

10.03 ACCESSORY USES

Uses customarily accessory to the above.

10.04 YARD REQUIREMENTS

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

A. Front Yard: A front yard of not less than 25 feet shall be required except:

1. When the frontage on one side of a block is divided between a Neighborhood Business District and a residential district, or is across the street from any residential district, the front yard requirement of the residential district shall apply to the area in the Neighborhood Business District. If more than one residential district is adjacent, the greater yard requirements of the involved residential districts shall be used.

B. Side Yard:

1. A yard not less than 20 feet in width shall be provided where a side lot line of Neighborhood Business District abuts a residential district.
2. In all other cases a side yard of not less than ten (10) feet shall be required.

C. Rear Yard: A rear yard of not less than twenty-five (25) feet shall be required excepting where a rear lot line of Neighborhood Business District abuts a residential district. In such Instance, there shall be a minimum rear yard of fifty (50) feet. Such a yard may be measured from the centerline of an intervening alley.

1. A wall or decorative fence at least five feet six inches (5'6") high shall be placed along the boundary line of a rear yard abutting a residential district.

10.05 BUILDING HEIGHT REGULATIONS

Maximum permitted height for buildings in this district shall be thirty-five (35) feet except as provided in Article 19.12.

10.06 ACCESSORY PARKING

In a Neighborhood Business District, parking shall be provided as required in Section 19.16 of this Resolution.

10.07 OFF-STREET LOADING

Spaces shall be provided as required in Section 19.15.

10.08 SIGNS

Wall or ground signs, single or double face, shall not exceed 50 square feet in area for each face. Maximum height above grade at sign shall not exceed thirty-five (35) feet. There shall be permitted one (1) wall sign and one (1) ground sign. No more than two (2) signs shall be permitted for each street front of a lot on which the signs are located. Wall signs shall not extend above or beyond any part of the roof line. Off-Premise signs are permitted if they meet the requirements of Article 20.

10.09 SCREENING

See Section 19.17 for screening regulations of uses adjoining residential districts.

ARTICLE 11 OR-1 OFFICE/RESIDENTIAL DISTRICT

11.01 INTENT

This district is designed to provide for a mixture of residential, small office and professional service establishments, there by maintaining the residential appearance in the area in which established, and which shall not create or generate a pronounced increase in traffic or noise. Structures shall not be expanded for uses described under this District. This District is designed to act as a buffer between more intense non residential uses and medium and high density residential uses.

11.02 PERMITTED PRINCIPAL USES

- A. Any use permitted in any of the R-1, Single Family Residential Districts.
- B. Barber and beauty shop provided:
 - 1. It is a one-chair/basin operation; and
 - 2. The sole proprietor is the resident on the premises.
- C. Nursery or childcare center provided:
 - 1. There shall be an outdoor play area of 150 square feet or more per child, and;
 - 2. Such play area shall be located in rear yards only and be enclosed with a chain link fence or other equivalent in strength and protective character to a height of four feet, but not more than six feet.
 - 3. Proof of compliance with state regulations for child care facilities.
- D. Professional services, including but not limited to; office of physicians, surgeons, dentists, lawyers, architects, engineers, insurance and real estate agents, accountants and members of similar professions.

11.03 ACCESSORY USES

Accessory building incidental to the principal use which does not include any activity conducted as a business. (Regulations governing accessory facilities and uses are specified in Section 7.10).

11.04 CONDITIONAL USES

- A. All conditional uses listed within any of the R-1, Single Family Residential Districts.
- B. Funeral homes

11.05 YARD REQUIREMENTS

In an OR-1 District the following yard area shall be provided:

- A. Front yards: No less than a 25 foot front yard shall be required.
- B. Side yards: No less than a 10 foot side yard shall be required.
- C. Rear yards: No less than a 30 foot rear yard shall be required.

11.06 BUILDING HEIGHT REGULATIONS

No building in the OR-1 District shall exceed 2 1/2 stories or 35 feet in height.

11.07 PARKING AND LOADING REGULATIONS

Spaces shall be provided in accordance with the provisions of Section 19.15 and 19.16.

11.08 SIGNS

A. Size: The total area of all signs erected on the lot and building of any single office use shall be within the allowable square footage as follows:

1. Total sign area shall not exceed one square foot for each lineal foot of building frontage to a maximum of fifty square feet. Such sign shall be limited to the display of either the name and address of the occupant or the name and address of the building.
2. Entrance door identification signs. Maximum size shall be one square foot per business with a maximum area for signage of three square feet.

B. Location:

1. Flat wall signs may be located anywhere on the front wall of the building as determined in subsection (A) 1. No flat wall signs shall extend above the coping or cornice of the building, whichever is higher.
2. Projection signs or supporting structures shall not project more than forty-eight inches from the wall of a building, nor less than ten feet above the grade. Every face of a projecting sign shall be considered as a separate sign for the purposes of computing allowable area.

ARTICLE 12 I-1 LIGHT INDUSTRIAL DISTRICT

12.01 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 for the protection of adjacent residential and business activities.

12.02 PERMITTED PRINCIPAL USES

- A. Any use charged with the principal function of basic research, design and pilot or experimental product development.
- B. Any use charged with the principal function of technical training when such use is operated for profit.
- C. Assembly plants except automobile assembly plants or plants of a similar size, scale and nature.
- D. Automobile, truck and mobile home repair, public garages, paint and body shops but no commercial wrecking, dismantling or salvage yard.
- E. Auto service station.
- F. Automobile, truck and boat sales.
- G. Builders' supply stores, lumber yards including incidental millwork, coal, brick, and stone, plumbing supply and contracting shops.
- H. Storage yards for material and equipment including indoor storage for building supplies and 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.
- I. Carpet cleaning, dry cleaning and dyeing, and laundry.
- J. Commercial greenhouse.
- K. Dairy products manufacture.

- L. Fabrication, processing, packaging, and/or manufacture of food products and condiments excluding fish products, slaughter houses, and rendering and refining of fats, oils, fish, vinegar, yeast and sauerkraut.
- M. Fabrications, processing, packaging, and/or manufacture of cosmetics, drugs, perfumes, pharmaceuticals, and toiletries.
- N. 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.
- O. Fabrication, processing, packaging and/or manufacturing of musical instruments, toys, novelties, and rubber or metal stamps.
- P. Fabrication, processing, packaging and/or manufacture of ice, cold storage plant, and bottling plant.
- Q. Farm implements and contractor equipment sales and service.
- R. Foundry casting lightweight non-ferrous metals or electric foundry, not causing noxious fumes or odors.
- S. Fuel company, including distribution, transportation and flammable liquid storage.
- T. Furniture reupholstering and repair.
- U. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired by only electricity or gas.
- V. Monument sales including incidental mechanical operation.
- W. Wholesale and/or retail painting and supply shops.
- X. Publishing and printing.
- Y. Railroad freight-related uses including incidental storage and siding operations.
- Z. Repair, rental, and servicing of household appliances.
- AA. Sign contractor.
- BB. Storage buildings.
- CC. Tool and die shops, tin and sheet metal shops.
- DD. Trailer rental and sales.

EE. Veterinary clinic or kennels and animal hospital provided that all animals are housed in buildings or enclosures, which are at least one hundred (100) feet from any Residential district.

FF. Warehouse and wholesale distributors.

GG. Uses similar to the above uses as determined by the Board of Appeals.

HH. Auction Houses - excludes livestock sales, heavy earth moving equipment and manufacturing equipment.

12.03 CONDITIONAL USES

The following uses may be permitted by the Board of Appeals upon application and approval of a Conditional Use Permit under the provisions of Section 22.08 and 22.11

A. Sexually Oriented Business.

B. Child Day Care Center: permitted upon submission of demonstration of compliance with the minimum standards of the Child Daycare licensing law of the Ohio Revised Code.

C. Eating and drinking establishments including restaurants, dairy bars, fast food, drive-ins, carry outs or other places serving food and/or beverages.

D. Bars and refreshment stands.

E. Flea market permitted if in 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.

F. Industrial research laboratories.

12.04 ACCESSORY USES

Uses customarily accessory to the above uses.

12.05 YARD REQUIREMENTS

In a Light Industrial District the following yards shall be required:

A. Front Yards: Front yards shall be not less than 25 feet in depth, excepting where a Light Industrial District is adjacent to or across a street from any residential district, the required front yard shall be not less than 50 feet. However, if there be a loading dock in

the front yard, the front yard shall be not less than 80 feet.

B. Side Yards: Side yards shall be not less than 15 feet in width on each side except where the side yard abuts a residential district; it shall be not less than 50 feet. Any portion of a side yard, which is in excess of 15 feet from a side lot line, may be used for parking.

C. Rear Yards: Rear yards shall be not less than 15 feet in depth, except where the rear yard abuts an alley, it shall be not less than 30 feet, or where the rear yard abuts a residential district, it shall be not less than 50 feet. Any portion of the rear yard, which is in excess of 15 feet from the side lot line, may be used for parking.

12.06 BUILDING HEIGHT REGULATIONS

In this district, no building shall exceed three (3) stories or forty (40) feet in height, provided an additional one foot of building height may be allowed for each foot the building or portion thereof is set back from all required yard lines.

12.07 ACCESSORY PARKING

In a Light Industrial District, parking shall be provided as required in Section 19.16.

12.08 OFF-STREET LOADING

Space shall be provided in accordance with the provisions of Section 19.15.

12.09 SIGNS

Wall or ground signs, single or double face, shall not exceed 50 square feet in area for each face. Maximum height above grade at sign shall not exceed thirty-five (35) feet. There shall be permitted one (1) wall sign and one (1) ground sign. No more than two (2) signs shall be permitted for each street front of the lot on which the signs are located. Wall signs shall not extend above or beyond any part of the roofline. See Section 19.11 for Industrial Park Signs. Off-premise signs are permitted if they meet the requirements of Article 20.

12.10 SCREENING

See Section 19.17 for screening regulations of uses adjoining residential districts.

ARTICLE 13 I-2 GENERAL INDUSTRIAL DISTRICT

13.01 INTENT

The purpose of this district is to provide for industrial and other uses that, by virtue of their external effects, should be isolated or have a high degree of separation from residential and non-compatible use(s). These uses should be provided for in areas that are best suited for industrial development by reasons of location, topography, soil conditions, and availability of adequate utilities and transportation systems.

13.02 PERMITTED PRINCIPAL USES

- A. Any principal permitted use permitted in the I-1, Light Industrial District.
- B. General manufacturing activities normally associated with industrial parks or research and development parks.
- C. Automotive wrecking, junk or salvage yard, if in a completely enclosed with in an opaque fence structure or in an enclosed building.
- D. Automotive or automotive parts, farm implement assembly or manufacture.
- E. Machine shops, steel fabricating shops, and metal working shops.
- F. Emery cloth or sandpaper manufacturing.
- G. Flour or grain mills and production of food related products.
- H. Glass products, pottery, figurines, or manufacture of similar products.
- I. Wholesale storage of petroleum, propane, diesel, gasoline, oil, bio-diesel and ethanol related products.
- J. Wire or rod drawing, nut, screw or bolt manufacture.
- K. The Board of Appeals may allow any use similar in character to one of the specified uses listed above, if such use is equal in harmony with the character of a permitted use within the district.
- L. Auction house, when completely enclosed in a building.

13.03 ACCESSORY USES

Those uses which are customarily accessory to the above uses.

13.04 CONDITIONAL USES

The following uses may be permitted by the Board of Appeals upon application and approval of a conditional use permit under the provisions of Section 22.08 and 22.11.

- A. Asphalt or asphalt products manufacture or refinishing.
- B. Butchering or processing of meat or meat related products intended from human consumption.
- C. Plastic products manufacture or storage.
- D. Cement products, cement, lime, gypsum or plaster manufacture.
- E. Chemical compounds manufacture.
- F. Crematory.
- G. Distillation and processing of ethanol and ethanol by-products.
- H. Fertilizer and compost manufacture or storage.
- I. Solid waste, sanitary landfill, incinerator site, or construction demolition debris sites.
- J. Paint, linseed oil, shellac, turpentine, lacquer or varnish manufacture.
- K. Reading mix concrete batching plants.
- L. Reclamation of industrial wastes but not within 1,000 feet of any residential district.
- M. Rock crushing, mining and sale of limestone and related quarry activities.
- N. Sand and gravel extraction.
- O. Sexually Oriented Business: Subject to the terms and conditions of Section 22.11 herein.
- P. Truck Plazas, truck stops or other related uses, which may involve overnight stay and support uses.

Q. Any other use not previously permitted anywhere in this Resolution that, in the opinion of the Board of Appeals, will perform a valuable net benefit to the County, and can be built and operated in such a manner that the property adjacent to the proposed use will not be adversely affected.

13.05 YARD REQUIREMENTS

In a General Industrial District, the following yard shall be required:

Front Yards: Front yards shall be provided with a minimum depth of twenty-five feet (25'), excepting where a Heavy Industrial District is adjacent to or across the street from any residential district, where the required front yard shall be not less than fifty feet (50) in depth. However, should there be a loading dock in the front yard, the front yard shall be not less than eighty feet (80').

Side Yards: Side yards shall be not less than fifteen feet (15') in width on each side, excepting where the side yards abuts a residential district, it shall not be less than 100 feet. Any portion of a side yard which is in excess of fifteen feet (15') from a side lot may be used for parking.

Rear Yards: Rear yards shall be not less than fifteen feet (15') in depth, excepting where the rear yard abuts an alley, it shall be not less than thirty feet (30') or, where the rear yard abuts a residential district, it shall be not less than fifty feet (50').

13.06 BUILDING HEIGHT REGULATIONS

The maximum building height shall not be in excess of three stories or forty feet (40'). However, an additional one foot of building height may be allowed for each foot the building or portion thereof is set back from the required yard lines.

13.07 ACCESSORY PARKING

In this district parking shall be provided as required in Section 19.17.

13.08 OFF-STREET LOADING

Space shall be provided in accordance with the provisions of Section 19.16.

13.09 SIGNS

Wall or ground signs, single or double face, shall not exceed 50 square feet in an area for each face. Maximum height above grade at sign shall not exceed thirty-five feet (35'). There shall be permitted one (1) wall sign and one (1) ground sign. No more than two (2) signs shall be permitted for each street front of the lot on which the signs are located. Wall signs shall not extend above or beyond any part of the roofline. See Section 20.11 for Industrial Park Signs.

13.10 SCREENING

See Section 19.18 for screening regulations of uses adjoining residential districts.

ARTICLE 14 F-1 FLOOD PLAIN DISTRICT

14.01 INTENT

This district is composed of lands that are subject to periodic flooding. It is intended to preserve the existing “flood plain” so as to allow the waterways a place to overflow at high water levels and thus assist to protecting other areas not now subject to flooding. In this district only those uses that would not be extensively damaged by flooding are permitted and, in addition, must meet the requirements and specifications of the Miami County Flood Damage Reduction Resolution.

14.02 PERMITTED PRINCIPAL USES

- A. Agriculture, farmer’s market and gardening.
- B. Parking lots.
- C. Public or private recreational facilities including parks, playgrounds, golf courses, boat docks, and driving ranges.
- D. Temporary uses—those permitted in Section 19.13.

14.03 ACCESSORY USES

Any use customarily accessory or incidental to the above uses.

14.04 STATE DESIGNATED SCENIC STREAMS

Establishment of Buffer Area:

- A. **Purpose:** A buffer area is hereby established to lessen impact of land uses upon water courses designated by the Director of the Ohio Department of Natural Resources as components of Ohio’s Scenic River System in order to preserve and conserve the plant and animal habitat, the quality and Free-flowing condition of streams, maintain natural water temperatures, prevent erosion of stream banks, lessen the level situation of stream waters, and preserve valuable water resources in the interest of present and future generations.
- B. **Boundary:** The buffer area shall be maintained along both sides of stream channels which have a mean surface width at normal low water of at least twenty (20) feet or greater and which are designated as components of the State Scenic Rivers Systems. The minimum boundary of the buffer area shall be set at one hundred twenty (120) feet in a horizontal plane outward from the normal low water mark of the stream channel. The buffer area shall be preserved in its natural state.

C. Permitted Uses: Uses or activities shall not significantly affect the natural quality of the area and are limited to the following:

1. Passive recreational uses either by, or with permission of the property owner.
2. Selective harvesting of timber, where a minimum of 75% of the crown cover is maintained, and trees on the immediate stream bank are not removed. Damaged or diseased trees, or those in imminent danger of being uprooted or falling, may be removed. The stump and root structure of trees on the stream bank shall be left in place to retard bank erosion. In wooded areas of less than 75% crown cover, only damaged or diseased trees, or those in imminent danger of falling, may be removed.

14.05 CONDITIONAL USE

- A. Single Family Residence
- B. Business or commercial type structures
- C. Airport landing field.
- D. Amusement park.
- E. Extraction of minerals, soil, and gravel.
- F. Outdoor entertainment facilities.
- G. Overnight campground.
- H. Rifle or skeet shooting range but not within one thousand (1,000) feet of any residential district.
- I. Home occupations.
- J. Temporary asphalt plant when erected in conjunction with (3) above and only when located no closer than fifteen hundred (1500) feet from any residential use.
- K. Light and Heavy Industrial type structures when located no closer than five hundred (500) feet of any residential use, and meeting the requirements of paragraph G of permitted uses. Specific details shall be submitted to the Board of Zoning Appeals for consideration of approval.
- L. Animal shelters and kennels.
- M. Stables and Riding Academy.

14.06 YARD REQUIREMENTS

See Section 7.08, Schedule of yard and lot requirements.

14.07 BUILDING HEIGHT REGULATIONS

In the Flood Plain District, no building shall exceed 2 1/2 stories or thirty-five (35) feet in height.

14.08 ACCESSORY PARKING

In this district, parking shall be provided as required in Section 19.16.

14.09 SIGNS

Wall or ground signs, single or double face, shall not exceed (50) square feet in area for each face. Wall signs shall not extend above or beyond any part of the roof line. Maximum height above grade at sign shall not exceed thirty-five (35) feet. Not more than one (1) sign for each street front of the lot, on which the sign is located, may be used. Off-premise signs are permitted if they meet the requirements of Article 19.

14.10 SCREENING

See Section 19.17 for screening regulations of uses adjoining residential districts.

ARTICLE 15 A-1 DOMESTIC AGRICULTURAL DISTRICT

15.01 INTENT

This District is composed of certain parcels of land which, due to their size, can be defined neither as purely residential nor purely agricultural in their use. It is the intent of this District to provide for the use of land for either Single Family Residential or Agricultural purposes, or the two in combination with either use predominant.

15.02 PERMITTED PRINCIPAL USES

- A. Agriculture and gardening.
- B. One (1) one-family dwelling and private garage incident thereto, not including house trailer, mobile home, recreational vehicle or tent dwelling.
- C. Parks and playgrounds.
- D. Public and parochial elementary, junior and senior high schools.
- E. Sale of produce and plants raised on the premises.

15.03 ACCESSORY USES

- A. Any use accessory to the permitted uses listed as an accessory use under R-1 district.
- B. Domestic sales, provided such sale or sales are not conducted for more than six (6) days out of each calendar year, except for change of occupancy. See Article VII for sign restrictions.

15.04 CONDITIONAL USES

- A. Churches and similar places of worship.
- B. Parish houses and convents in conjunction with churches or schools.
- C. Home occupations.
- D. Stables or riding academies.
- E. Commercial television and radio towers and discs including one accessory building not larger than one hundred square feet for the housing of equipment only.

F. Commercial storage of boats, recreational vehicles, and/or construction equipment only within the confines of an enclosed building.

G. Any conditional use permitted in the R-1 Districts.

15.05 YARD REQUIREMENTS

See Section 7.08, Schedule of Yard and Lot Requirements.

15.06 BUILDING HEIGHT REQUIREMENTS

In this district no building shall be erected in excess of 2 1/2 stories or thirty five feet (35') in height.

15.07 ACCESSORY PARKING

Two (2) off-street parking spaces for each dwelling unit. Parking for other uses: See Section 19.16.

15.08 SIGNS

See Article 20 for size and location of permitted signs.

15.09 DEPTHS OF LOTS

In the A-1 District no lot shall have an average depth which is more than three (3) times its average width, nor shall it have a depth of less than one hundred fifty feet (150'), except that whenever a lot fronts upon an exterior curved portion of a street, the centerline radius of which is one hundred feet (100') or less than the required minimum lot depth, may be reduced to not less than one hundred feet (100').

15.10 FRONTAGE REQUIREMENT

No lot located in the A-1 District shall have a minimum frontage less than the minimum lot width allowed in the district, except a lot located upon a cul-de-sac shall have its minimum frontage measured at the depth of the minimum front yard for the district.

ARTICLE 16 A-2 GENERAL AGRICULTURE DISTRICT

16.01 INTENT

This district is composed of certain land being used for agricultural activities, open recreational uses, and other open land use. Sub-marginal lands having no principal uses also are included in this district.

16.02 PERMITTED PRINCIPAL USES

- A. Agricultural and gardening.
- B. Either one (1) one-family dwelling or mobile home on each parcel.
- C. Public or private recreational facilities including parks, playgrounds, golf courses, boat docks, driving ranges, swimming pools, and customary accessory buildings, excluding outdoor entertainment facilities.
- D. Sale of produce and plants raised on the premises.
- E. Farm market for the sale of produce and plants.
- F. Stable and riding academy.
- G. Seed dealers.

16.03 ACCESSORY USES

- A. Any use customarily accessory or incidental to the permitted uses, including the storage of salvageable farm related material in an area not to exceed 2000 square feet.
- B. Domestic sales, provided such sale or sales are not conducted for more than six (6) days out of each calendar year, except for change of occupancy. See Section 20.07 for sign restrictions.

16.04 CONDITIONAL USE

- A. Those uses listed as conditional uses in Section 14.05 of the F-1, Flood Plain District, may be permitted by the Board of Appeal application and approval of a conditional use permit under the provisions of Section 22.08 and 21.11.
- B. Either an additional one-family dwelling or mobile home.
- C. Cemeteries.

- D. Churches.
- E. Disposal of refuse or garbage by the County.
- F. Fraternal clubs, lodges, similar organizations and outdoor entertainment facilities.
- G. Public and parochial elementary, junior, and senior high schools, private schools, institutions of high learning and libraries.
- H. Beauty and barber shops operated and used as a home occupation.
- I. Home occupation.
- J. Television and radio towers and discs, including one accessory building not larger than 100 square feet in area for the housing of equipment only.
- K. Veterinary clinic, kennel and animal hospital, provided that all animals are housed in buildings or enclosures which are at least 100 feet from any residential district.
- L. Wineries.
- M. Fur dealers.
- N. Commercial storage of boats, recreational vehicles, and/or construction equipment, only when confined within an opaque fence.
- O. Commercial Mulching Facilities when functions are located not less than 500' from any residential district. Operations, including but not limited to surface water and storm water detention and retention shall be approved by the Ohio EPA, Miami County Engineer and or any other regulatory authority with jurisdiction over said use. Screening requirements shall be specified by the Miami County Board of Zoning Appeals.

16.05 YARD AND LOT REQUIREMENTS

- A. Required yards: See Section 7.08, Schedule of Yard and Lot Requirements.
- B. Minimum lot area: The minimum lot shall be not less than 10 acres with a minimum frontage of not less than 125 feet.

16.06 BUILDING HEIGHT REGULATIONS

In the General Agricultural District, no building shall exceed 2-1/2 stories or 35 feet in height.

16.07 ACCESSORY PARKING

In the Agricultural District, parking shall be provided as required in Section 19.17.

16.08 SIGNS

On-premise wall or ground signs, single or double face, shall not exceed 144 square feet in area. Wall signs shall not extend above or beyond any part of the roof line. Maximum height above grade at sign shall not exceed thirty-five (35) feet. There shall be permitted one (1) wall and one (1) ground sign for each street front of the lot on which the sign is located. The total of both signs shall not exceed 144 square feet. Signs permitted by this section shall be exempt from the minimum front yard requirements of this district. However, no part of such sign shall encroach upon the established right-of-way. Off premise signs are permitted if they meet the requirements of Article 20.

ARTICLE 17 PLANNING UNIT DEVELOPMENT

17.01 INTENT

The purpose of this Section is to permit the creation of new Planned Unit Developments, permitted as Conditional Uses where maximum variations of design may be allowed on application and approval of specific and detailed plans, where tracts suitable in location and character for the uses and structures proposed are adapted to unified planning and development as units. Such areas, after approval, are to be clearly identified on the zoning map by appropriate markings. Applications for Conditional Use Permits for Planned Unit Developments will be granted only when the plan for the project is such that the public health, safety and morals will not be jeopardized by a departure from the restrictions on corresponding uses in the standard zoning district.

17.02 TYPES OF PLANNED DEVELOPMENT

- PD - 1 Planned Residential Development
- PD - 2 Planned Business Development
- PD - 3 Planned Industrial Development

17.03 STANDARDS FOR PLANNED DEVELOPMENT

Approval of an application for a Conditional Use Permit for a Planned Unit Development shall be based on a specific case, based on the particular evidence presented, which support conclusions that:

- A. The proposed development is consistent in all respects with the purpose and intent of this Zoning Resolution.
- B. The Plan is in conformity with the Comprehensive Plan.
- C. The proposed development advances the general welfare of the community and the immediate vicinity.
- D. The Planned Unit Development can be substantially completed within the time specified in the schedule of development submitted by the developer.
- E. The site will be accessible from public thoroughfares adequate to carry the traffic which will be imposed on them by the public development, and the streets and driveways of the occupants of the proposed developments.
- F. The development will not impose an undue burden on public services and facilities, including fire and police protection.

G. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities will be compatible with the surrounding land uses, and any part of a Planned Unit Development not used for structures, access ways parking and loading areas, will be landscaped or otherwise improved.

17.04 PLANNED UNIT DEVELOPMENT PROCEDURES

A. Pre-Application Meeting: Prior to application for a Conditional Use Permit to allow a Planned Unit Development, the developer shall establish a meeting with the County Engineer, County Sanitary Engineer and the Planning Director. The purpose of the meeting will be to discuss a preliminary site plan showing the proposed location of structures indicating unit density, types and total number of units in a residential plan, or in the case of a business or industrial plan, a statement identifying the principal types of office, business and/or industrial uses that are to be included in the proposed development; also the proposed provision of water, sanitary sewer, and surface drainage including engineering studies showing feasibility or other evidence of reasonableness; also the proposed traffic circulation pattern, including public or common open space, parking, walks, school sites and recreational facilities, indicating their relationship to topography, streets, etc., and the proposed relationship of the development plan to existing and future land services and other public improvements, in the surrounding area.

B. Application: The owner or owners of a tract of land may request a Conditional Use Permit to allow a Planned Unit Development in the R-1 through R-3 Residential Districts, B-1 and B-3 Business Districts, and I-1 and I-2 Industrial Districts in accordance with Section 22.08 (D) of this resolution. No application for a Conditional Use Permit for a Planned Unit Development shall be considered by the Board of Appeals until the plan has been submitted by the applicant to the Rural Zoning Commission and the Rural Zoning Commission has approved the plan.

C. Development Plan: The following are to be submitted to the Rural Zoning Commission:

1. Three copies of a survey of the tract that is to be developed showing existing features of the property including thoroughfares, easements, utility lines, existing land use, general topography and physical features.

17.05 ACTION BY BOARD OF APPEALS

The Board of Appeals shall consider the application for a Conditional Use Permit for a Planned Unit Development in accordance with Section 22.08 (D) of this Resolution.

The Board of Appeals shall require performance bonds or irrevocable letters of credit in amounts equal to the developer's share of estimated cost of construction of utilities, access ways, parking areas, landscaping or other improvements which the Board may deem necessary.

The approval of the Development Plan of a single stage Planned unit development shall become null and void, unless within two (2) years the Subdivision Plat shall have been recorded in the records of the County Recorder.

When the recording of the Subdivision Plat for the successive stages of a multi-stage Planned Unit Development falls more than two (2) years behind schedule submitted, approval of the Development Plan shall become null and void as to that portion of the tract for which no Subdivision Plat shall have been recorded.

Appropriate markings shall be placed on the Zoning Map to clearly identify areas approved for a Planned Unit Development and removed when and if approval becomes null and void.

17.06 PD - PLANNED RESIDENTIAL DEVELOPMENT

A. Permitted Uses:

1. Those uses included as permitted and accessory uses in R-1 and R-3 Residential Districts, developed in a unified manner in accordance with the approved Development Plan.
2. Convenience establishments as accessory uses which have been established as necessary for the proper development of the community, and to be so located, designed, and operated to service primarily the needs of the persons within the Planned Unit Development if specifically approved as part of the Development Plan. Uses shall be generally limited to those uses permitted in the Business District with no direct access or advertising signs for such uses to be visible from the exterior of the development.

B. Area Requirements: The minimum land area required for a Planned Residential Development shall be ten (10) acres.

C. Land Use Intensity: To be determined by the Rural Zoning Commission. The calculation of residential density shall meet the required minimum lot requirements, but may include all areas dedicated for recreation or open space uses either dedicated to the public or commonly owned by all the residents of the Planned Unit Development area except it shall exclude street right-of-way and land used for convenience establishments as permitted in 17.06 A.2 under Permitted Uses.

D. Building Height Regulations: Those that apply in the Zoning District in which the land is located.

E. Accessory Parking: See Section 19.16.

F. Signs: See Article 20 for size and location of permitted signs.

G. Site Planning: Yards with a minimum width of fifty (50) feet shall be provided along all property lines, and maintained in landscaping to the extent of twenty (20) feet along such property lines, except where it adjoins a Business or Industrial District.

H. Loading and Unloading Areas: See Section 19.15

I. Screening: See Section 19.17.

17.07 PD - 2 PLANNED BUSINESS DEVELOPMENT

A. Permitted uses: Those uses included as permitted and accessory uses in B-1 and B-3 Business Districts, developed in accordance with the approved Development Plan.

B. Area Requirements: The minimum land area for a Planned Business Development shall be two (2) acres.

C. Land Occupancy by Buildings: To be determined by the Rural Zoning Commission.

D. Building Height Regulations: Those that apply in the Zoning District in which the land is located unless otherwise limited by the Rural Zoning Commission.

E. Accessory Parking: See Section 19.16.

F. Signs: See Article 20 for size and location of permitted signs.

G. Site Planning: Yards with a minimum width of fifty (50) feet shall be provided along all property lines, and maintained in landscaping to the extent of twenty (20) feet along such property lines, except where it adjoins a Business or Industrial District. Where lots in Residential Districts front on a residential street at the boundary of a Planned Business Development, the nearest thirty (30) feet to the right-of-way within the Development Plan shall be maintained in landscaping and no off-street parking shall be permitted in such areas.

H. Loading and Unloading Areas: See Section 19.15.

I. Screening: See Section 19.17.

17.08 PD - 3 PLANNED INDUSTRIAL DEVELOPMENT

A. Permitted Uses: Those uses including permitted and accessory uses in the I-1 and I-2 Industrial Districts, developed in accordance with the approved Development Plan.

B. Area Requirements: The minimum land area for a Planned Industrial Development shall be ten (10) acres.

C. Land Occupancy by Buildings: To be determined by the Rural Zoning Commission.

D. Building Height Regulations: Those that apply in the Zoning District in which the land is located unless otherwise limited by the Rural Zoning Commission.

E. Accessory Parking: See Section 19.16.

F. Signs: See Article 20 for size and located of permitted signs.

G. Site Planning: Yards with a minimum width of one hundred (100) feet shall be provided along all property lines and maintained in landscaping to the extent of thirty (30) feet along such property lines, except where it adjoins a Business or Industrial District. Where lots in Residential Districts front on a residential street at, the boundary of a Planned Industrial Development, the nearest fifty (50) feet to the right-of-way within the Development Plan shall be maintained in landscaping and no off-street parking shall be permitted in such area.

H. Loading and Unloading Areas: See Section 19.15.

I. Screening: See Section 19.17.

Article 18
Aircraft Noise Overlay Zoning

ARTICLE 18 AIRCRAFT NOISE OVERLAY ZONING

18.01 INTENT

The Aircraft Noise Overlay Zone (ANOZ) is hereby created with the following purposes.

- To protect the public health, safety, and welfare by regulating development and land use within noise sensitive areas; and
- To encourage and promote compatibility between surrounding land uses and the aircraft activity around the Dayton International Airport

The Aircraft Noise Overlay Zone shall serve as an overlay zone that applies additional noise level reduction requirements to new regulated structures as defined herein that are located within the underlying zoning district. In the case of conflicting requirements, the more stringent requirements shall apply.

18.02 ZONING DISTRICTS

A. There is hereby established a map entitled the Aircraft Noise Overlay Zoning District Map which indicates the boundaries of the districts hereinafter described. The geographic locations of these districts are indicated on the Miami County Zoning Map, having been duly adopted by the Board of Miami County Commissioners as per the requirements of the Miami County Zoning Resolution and the Ohio Revised Code. Said map shall be maintained in the Miami County Planning and Zoning office. The map, with all explanatory material thereon, is hereby made part of this resolution, and all amendments to the aforementioned map shall be part of this resolution.

B. For the purposes of this section, the Aircraft Noise Overlay Zoning is divided into zoning districts which represent differing levels of aircraft noise impacts. These districts are noted on the official Aircraft Noise Overlay Zoning District Map and designated throughout these regulations by the following numbers:

District A – Includes the areas in which aircraft noise levels (DNL) may be objectionable to new residential building.

18.03 DEFINITIONS

A. Aircraft Noise Overlay Zoning (ANOZ) – The geographic area that is affected by the airport air traffic noise and defined on the basis of those areas immediately affected by the 65 DNL and greater noise exposure are from the 2009 Projected, without abatement, noise contours as shown in the Noise Exposure Maps (NEM's) of the Dayton International Airport 2004 Part 150 Noise Compatibility Plan Update.

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The area in represented as the Aircraft Noise Overlay Zoning (ANOZ) and contains one districts based on day-night sound levels (DNL).

B. Day-Night Average Sound Level (DNL) – The estimated cumulative aircraft or other noise exposure in decibels as measured by an A-weighted sound level meter. In calculating the DNL metric, noise exposures are accumulated for a typical 24-hour period and averaged over 365 days. A weighting factor equivalent to a penalty of 10 decibels in applied to aircraft operations or other noise sources between 10:00 p.m. and 7:00 a.m. to account for the increased sensitivity of people to nighttime noise.

C. Decibel (dBA) – A unit of measure of a sound expressed from a calibrated sound level meter utilizing an A-weighting scale.

D. DNL contour – A line linking together a series of points of equal cumulative noise exposure based on the DNL metric. Such contours are developed based upon aircraft flight patterns, number of flights by types of aircraft and time of day, noise characteristics of each aircraft, and typical runway usage patterns.

E. Exterior Doors – All doors with one side exposed to the exterior or the structure or a room or part of the structure that has not been constructed to meet noise level reduction requirements of this regulation that connect to an interior habitable room.

F. Floor Area – The sum of gross areas of all floors of a building or structure exclusive of areas used for off-street parking and loading facilities, whether or not such area is enclosed by walls on each side or a roof. Floors or parts of floors used for purposes incidental or accessory to principal uses such as utility rooms shall be included as part of the floor area or the building or structure within which they are located.

G. Habitable Rooms – Those rooms within a enclosed structure which are, or may reasonably be expected to utilized as living quarters, such as bedrooms, kitchens, living rooms, family rooms, and dining rooms.

H. Interior Noise Level – The sound level in any habitable room with windows and/or doors closed

I. Modular\Industrialized Unit – A modular structure which complies with the standards and specifications for Industrial Units of Closed Construction, as provided for by the Ohio Building Code as amended and as authorized by the Board of Building Standards pursuant to Ohio Revised Code Section 3781.01 *et seq.*

J. Noise – Aircraft or other noise which interferes with speech and hearing and is unwanted or otherwise annoying.

K. Noise Level Reduction (NLR) – The difference between interior and exterior single event noise levels (SEL's).

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L. Non-Habitable Rooms – Those rooms within an enclosed structure such as bathrooms, garages, furnace, equipment, and/or utility rooms and unfinished basements that are not defined as habitable rooms and are not normally used for sleeping, eating and living activities.

M. Regulated Structures – All proposed new residential type structures and all other non-transient, dwelling type structures, including nursing homes and assisted living structures, wherein person(s) would be domiciled for periods beyond 30 days.

N. Single Event Level (SEL) – The total sound energy of a single sound event that takes into account both its intensity and durations normalized to duration of one second.

O. Sound Transmission Classification (STC) – A classification system adopted by acoustical engineers as a measure of the resistance of a building element such as a door or wall to the passage of audible sounds. STC is measured in a laboratory according to ASTM E90, Standard Test Method for Laboratory measurement of Airborne Sound Transmission Loss of Building Partitions. Audible sounds are defined as voice, music, or any other noises not related to impact sound.

18.04 APPLICATION OF ZONING RESOLUTION

Within the Aircraft Noise Overlay Zoning District (ANOZD), any proposed new regulated structure wherein persons would be domiciled for periods beyond 30 days will be subject to the requirements described herein.

18.05 EXEMPTIONS

The provisions of this section shall not apply to the following when existing or already permitted within the underlying district.

A. Existing Uses: Uses existing on or before the effective date of the section shall not be required to change in order to comply with this section. Any residential building or structure that has been issued zoning approval prior to the adoption of this section shall be exempt. The nonconforming use requirements of this zoning resolution shall apply to the future applicability of the standards and requirements contained herein.

B. Other Uses: Other uses are determined by Miami County to be minor or incidental and within the intent, purposes or objectives of this section.

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18.06 NONCONFORMING STRUCTURES

A. Enlargement, Repair, Alterations: Any residential structure lawfully existing on or prior to the effective date of this section may be enlarged, maintained, repaired or structurally altered.

B. Damage or Destruction: In the event that any residential structure lawfully existing on or prior to the effective day of this section is damaged or destroyed, such replacement or repair of the structure is exempt from this section.

18.07 RIGHT TO APPEAL

An appeal from a decision of the Zoning Inspector with respect to the interpretation or application of the provisions of this section may be taken to the Board of Zoning Appeals by any persons aggrieved by such decision of the Zoning Inspector.

18.08 DEVELOPMENT STANDARDS

The following development standards shall apply to all proposed uses and structures

A. Uses and Structures: Table 1, Aircraft Noise Overlay Zoning Summary Uses and Structures, contained herein, identify standards that apply to proposed uses and structures within the Aircraft Noise Overlay Zoning (ANOZ). All proposed regulated uses and structures must comply with these standards

B. Noise Level Reduction (NLR): All proposed uses and structures must comply with the Noise Level Reduction (NLR) standards as provided in Table 1. Compliance with NLR requirements shall be required prior to issuance of an Occupancy Permit.

18.09 FIELD TESTING OF INTERIOR SOUND LEVELS

Field testing of interior sounds levels may be requested by Miami County as a condition of approval. Where a complaint as to noncompliance with this chapter requires a field test to resolve the complaint, the complainant shall post a bond or adequate funds in escrow for the cost of said testing. Such costs shall be chargeable to the complainant when such field tests show that compliance with this section is in fact present. If such tests show noncompliance, then such testing costs shall be borne by the owner or builder. Actions shall then be immediately undertaken or provided for by the owner or builder to comply with the sound attenuation provisions of this section. All field testing must be performed using appropriate sound measuring devices by technicians trained in their use.

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Table 1
Aircraft Noise Overlay Zone
Summary Uses & Structures

Proposed Uses and Structures	< 65 DNL	District A
Residential Use – includes modular / industrialized units	Y	N (1)
Nursing Homes, extend care facilities	Y	N (1)
Manufactured Homes	Y	N
Key To Table 1 Standards		
Y (Yes)	Land use and related structures are compatible without restrictions	
N (No)	Land use and related structures are not compatible and should be prohibited without restrictions	
(1)	Where Miami County determines that residential uses shall be allowed, measures to achieve outdoor to indoor NLR of at least 25 decibels (dBA) shall be incorporated into building and design specifications. The use of NLR criteria will not eliminate outdoor noise annoyances.	
(2)	New residential building and uses are not permitted.	

18.10 NOISE LEVEL REDUCTION (NLR) DESIGN REQUIREMENTS

A. Purpose: The purpose of this Section is to establish uniform noise level reduction design standards to mitigate the effects of aircraft noise on persons within those regulated structures as defined herein that are located within District A of Aircraft Noise Overlay Zoning District Map. Effects of airborne noise include persistent interference with speech and sleep.

B. Scope: The performance standards in this section are intended to achieve an exterior to interior Noise Level Reduction (NLR) of 25 dBA. The goal is to reduce exterior noise levels by 25 dBA within new regulated structures with doors and windows closed. The standards shall be applied to the construction of new regulated structures within the Aircraft Overlay Zone, District A.

C. Applicability: Structures to be protected shall include all regulated structures defined within the Aircraft Noise Overlay Zoning District and herein, that will be either be wholly or partially within District A of the Aircraft Noise Overlay Zone.

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18.11 NOISE LEVEL REDUCTION STANDARDS

- A. The requirements to achieve a minimum noise level reduction (NLR) of 25 dBA as specified herein may be achieved by any suitable combination of building designs, choices of materials, and execution of construction details in accordance with established architectural and acoustical principles. The noise level reduction should be applied to all rooms having one or more exterior walls or ceilings. Compliance with construction standards herein are sufficient to comply with the NLR requirements specified for District A of the Aircraft Noise Overlay Zone.
- B. The standards shall be applied to plan and specification for any proposed residential structure or use submitted for zoning approval. If the plans and specifications do not indicate compliance with the standards contained herein, a written statement from a qualified acoustical consultant shall accompany the plans and specifications certifying that the construction of the building as indicated in the plans and specifications will result in a NLR at least as great as the NLR value specified for District A within the Airport Noise Overlay Zone.
- C. Sound Transmission Class (STC) rating for windows and door assemblies are valid only if they are determined by laboratory test performed by an independent laboratory for the product manufacturer. A rating estimated for glass alone is not acceptable substitute for STC tests for window assemblies. Likewise, ratings estimated for door leafs along are not acceptable substitute for STC ratings of door assemblies. The installed products must have the same accessories such as storm panels, glazing thickness, glazing size, gaskets, bottom door seals, threshold, etc., as the tested assembly.
- D. In order to achieve the STC treating specified herein special measures are necessary to install doors and windows. These include the use of non-hardening (acoustical) caulk at all hidden surfaces, flexible caulk at all exposed surfaces, and the filling of all voids around door and window assemblies in such a manner that voids are completely filled and the perimeter of the door and window assemblies are sealed airtight to the exterior wall construction with a resilient sealant.
- E. Non-habitable rooms as defined herein that have not met the prescribed noise level reductions of these regulations, shall be capable of being isolated form other habitable area of the residence by solid core doors with minimum nominal thickness of 1 3/8" with no air vents or openings and an airtight seal and threshold. The perimeter of door frames shall be sealed airtight to the wall construction with resilient sealant conforming to one of the following federal specifications: TT-S-00227, TT-S-00230, or TT-S011-53.
- F. Additionally, stud walls common to the habitable and non-habitable rooms shall be at a minimum nominal thickness of four inches, cavity spaces insulated and both sides finished with drywall with no opening to habitable areas.

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G. Compliance with this standards shall require inspection of all exterior walls, door and window assemblies prior to covering or insulating.

18.12 BUILDING REQUIREMENTS – 25 DBA NLR

A. General: All structures regulated under this chapter shall meeting the following criteria:

1. Brick veneer, masonry walls, or stucco exterior walls shall be constructed airtight, except for weep holes.
2. All joints shall be grouted or caulked airtight.
3. At the penetration of the exterior wall by pipes, ducts, or conduits, the space between the wall and pipes, ducts or conduits shall be caulked or filled with mortar.
4. Window and/or through-wall type HVAC units shall not be used.
5. Operational, vented fireplaces shall have air-tight dampers or be enclosed with sealable glass fireplace enclosure/doors.
6. Through-the-wall or door devices such as mailboxes, pet doors, or mail slots shall not be permitted.

18.13 EXTERIOR WALLS

A. Exterior walls other than as described in this section shall have a laboratory sound transmission class rating of at least STC-39.

B. Masonry walls having a surface weight of at least 25 pounds per square foot do not require a furred interior wall. At least one surface of concrete block wall shall be plastered or painted with heavy “bridging” paint.

C. Stud walls shall be at least four inches in nominal depth and shall be finished on the outside with siding on sheathing, stucco, or brick veneer.

1. Interior surface of the exterior stud walls shall be of gypsum board or plaster at least 5/8-inch thick, installed on the studs.
2. Continuous OSB board, plywood, or gypsum board sheathing at least 7/16-inch thick shall cover the exterior side of the wall studs behind wood or other siding. Asphalt wood shake shingles are acceptable forms of siding.

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3. Sheathing panels shall be butted tightly and covered on the exterior with overlapping building paper. The top and bottom edges of the sheathing shall be sealed airtight. All edges of the sheathing shall be sealed with resilient caulking.
4. Insulation material shall be installed continuously throughout the cavity space behind exterior sheathing and between the wall studs. Insulations shall be glass fiber or mineral wool. Batts or blankets shall be held firmly in place between studs, with fasteners if necessary, to prevent sagging; however, packing the insulation such that it is compressed may slightly reduce its acoustical (and thermal) performance.

18.14 WINDOWS

- A. Window assemblies shall have a laboratory sound transmission class rating of at least STC-30
- B. All operable windows shall be weather-stripped and airtight when closed so the air infiltration will not exceed 0.5 cubic foot per minute per foot of crack length in accordance with ASTM E-282-65-T.
- C. Glass of fixed-sash windows shall be sealed in an airtight manner with non-hardening sealant, or equivalent airtight adhesive.
- D. The perimeter or the window frames shall be sealed airtight to the exterior wall construction with a resilient sealant conforming to one of the following federal specifications: TT-S-00227, TT-S-00230, or TT-S001-53.
- E. The total area of the glass for all windows, including skylights and exterior doors in sleeping spaces shall not exceed 20% of the floor area.
- F. Skylights shall have laboratory sound transmission class rating of at least STC-28.

18.15 DOORS

- A. Exterior doors, or door and storm composite assemblies, other than as described in the section shall have a laboratory sound transmissions class rating of at least STC-28
- B. All exterior side-hinged doors shall be solid-core wood or insulated hollow metal at least 1 3/4 –inch thick and shall be fully weather-stripped.
- C. Exterior sliding doors shall be weather-stripped with an efficient airtight gasket

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system that is airtight when closed so that air infiltration will not exceed 0.5 cubic foot per minute per foot of crack length in accordance with ASTM E-282-65-T.

D. Interior doors between non-habitable space and habitable areas shall be solid core doors with minimal nominal thickness of 1 3/8-inch with no vents or openings and an airtight seal and threshold. The perimeter of the door frames shall be sealed airtight to the wall construction with resilient sealant.

E. Glass in doors shall be sealed in an airtight non-hardening sealant or in a soft elastomer gasket, or glazing tape, or equivalent airtight adhesive.

F. The perimeter of door frames shall be sealed airtight to exterior wall construction with a resilient sealant conforming to one of the following federal specifications: TT-S-00227, TT-S-002230, or TT-S001-53.

18.16 ROOFS

A. Combined roof and ceiling construction other than as described in this and the following subsection shall have a laboratory sound transmission class rating of at least STC-39.

B. With an attic or rafter space at least six inches deep, and a ceiling below, the roof shall consist of at least 7/16-inch thickness closely butted OSB board or plywood topped by roofing as required.

C. If the underside of the roof is exposed over a habitable room (as with a cathedral ceiling), or if the attic or rafter space is less than 6-inch, the roof construction shall have a surface weight of at 25 pounds per square foot. Rafters, joists, or other framing may not be included in the surface weight calculation.

18.17 CEILING BELOW ATTICS

A. Gypsum board or plaster ceilings shall be at least 5/8-inch thick. Ceilings shall be substantially airtight, with minimum numbers of penetrations.

B. Glass fiber or mineral wool insulation at least R-38 shall be provided above the ceiling between joists.

C. Recessed light fixtures shall be IC rated and covered with insulation.

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18.18 FLOORS

- A. Openings through the wall to any crawl spaces below the floor of the lowest occupied rooms shall not exceed 2% the floor area of the occupied rooms.
- B. All door and window openings in the fully enclosed basement shall be tightly fitted.
- C. All floors above crawl spaces shall be insulated between joists.
- D. Ventilated crawl spaces that are insulated along the foundation wall are not required to have floor insulation per this requirement.

18.19 VENTILATION

- A. A mechanical ventilation system shall be installed that will provide that the minimum air circulation and fresh air-supply requirements for the various uses in the occupied rooms as specified in the Residential Code Ohio (RCO), without need to open windows, doors, or other openings to the exterior.
- B. Gravity vent openings in the attic shall not exceed code minimum in number and size.
- C. If a fan is used for forced ventilation, the attic inlet and discharge opening shall be fitted with sheet metal transfer ducts of at least 20-gauge steel, which shall be lined with approved one-inch thick glass fiber and shall be at least five feet long with at least one 90-degree bend.
- D. All vent ducts and combustion air ducts connecting the interior space to the outdoors, attics and crawl spaces, excepting domestic range and dyer exhaust ducts, shall contain at least a 5-foot length of approved internal sound-absorbing duct lining. Each duct shall be provided with a bend in the duct such that there is no direct line-of-sight through the duct from the venting cross-section to the room opening cross-section.
- E. Duct lining shall be coated glass fiber duct liner at last one-inch thick, approved and suitable for the intended use.
- F. Domestic range and dyer exhaust ducts connecting the interior space to the outdoors shall contain a baffle plate across the exterior termination that allows proper ventilation. The dimensions of the baffle plate should extend at least one diameter beyond the line-of-sight into the vent duct. The baffle plate shall be of the same material and thickness as the vent duct material.

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G. Building heating units with flues or combustion air vents shall be located in a closed or room closed off from the occupied space by doors. There shall be no louvers communication between HVAC unit room and habitable rooms.

18.20 SUBSTITUTIONS

Building materials that have been specified in this section may be substituted with other materials that achieve that same or greater noise level reduction as the specified manner.

ARTICLE 19 GENERAL PROVISIONS

19.01 GENERAL REGULATIONS

Except as herein provided, no building or structure shall be erected, converted, enlarged, reconstructed, moved, etc.:

- A. Except for a purpose permitted in the district in which the building or land is located.
- B. Except in conformance with the height or bulk limits established herein for the district in which the building or use is located.
- C. Except in conformance with the yard or lot regulations of the district in which the building or use is located.
- D. Except in conformance with the off-street parking, and off-street loading space regulations of the district in which the building or use is located.
- F. Unless such building or structure is located on a lot as herein defined and, in no case, shall there be more than one main building on a lot except as specifically provided hereinafter.

19.02 YARDS REQUIRED FOR CORNER AND THROUGH LOTS

- A. In any district, the side yard of a corner lot that abuts the side street shall have the same setback requirements as the front yards.
- B. The street of the least dimension shall be considered the front yard.
- C. On Through lots, the front yard requirements shall apply to all street frontages.

19.03 CORNER LOT ACCESSORY BUILDINGS

In no case shall a corner lot accessory building project beyond the building to which it is accessory, be closer than five feet (5') to a common lot line, nor be located closer than ten feet (10') to the rear lot line of the lot on which it is to be located.

19.04 LOTS ADJOINING ALLEYS

In calculating the area of a lot that adjoins an alley, for the purpose of applying lot area requirements of this Resolution, one-half (1/2) the width of such alley abutting the lot, shall be considered as part of such lot.

19.05 ACCESSORY BUILDINGS

A. In any residential zone, no garage or other accessory building shall be erected within the front yard.

B. No garage or accessory building shall be constructed in the required side yards except that a garage or accessory building erected entirely to the rear of the main dwelling, may not be located less than five feet (5') from the side or rear lot line or any dedicated easement.

C. No detached garage or accessory building in the residential and business districts shall exceed the height of the main building.

D. All applications for accessory building permits shall be accompanied by a site plan as required under Section 21.02.

19.06 HEIGHT OF FENCES

A. Front, Side and Rear Fences: In any residential (R Districts) and A-1 Districts, fences constructed within a front, side or rear yard shall not be higher than six feet (6'). In all other districts, such fences shall not exceed eight feet (8') in height.

B. Planting, Fences, and Walls in the Front Yard: No fence, wall or hedge planting shall interfere with visibility from a driveway. The Enforcing officer is hereby empowered to cause all such obstructions to be moved in the interest of the public safety.

19.07 REMOVAL OF SOIL, SAND OR OTHER MATERIAL

The use of land for the removal of topsoil, sand or other material, other than materials from basement excavations, is not permitted in any zone unless otherwise provided. When permitted as a conditional use, a bond or letter of credit will be required to assure that such removal will not cause stagnant water to collect or leave the surface of the land in an unstable condition, unfit for the growing of turf, or for other land uses permitted in the district in which such removal occurs.

19.08 WATER RETENTION AND DETENTION

No approved drainage or detention/retention structures, including but not limited to ponds, pipes, channels, inlet and outlet structures or other devices may be modified, blocked, added, removed or altered in any way without the written consent of the Miami County Engineer's Office. All such structures shall be maintained by the appropriate private entity or combination of private entities, i.e. homeowner's association, condo association, developer, property owner or any such applicable entity, in a fashion so as to function as originally designed and approved. Such maintenance shall include, but is not limited to, periodic mowing, cleaning, and re-grading to meet the approved design grades. In addition, no plantings, landscaping, structures, fencing, or other devices shall

be allowed in an approved retention/detention area without the written consent of the Miami County Engineer's Office. The provisions of Section 19.08 shall not apply to any agricultural use as defined by ORC Section 303.01.

19.09 ESSENTIAL SERVICES

Essential services shall be allowed in any district insofar as permitted, authorized or regulated by law or other Resolutions. Buildings required by a public utility in conjunction with an essential service, may be permitted in any district when approved by the Planning Commission. In granting such permission, the Planning Commission shall consider the location, size, use, and effect such building will have upon adjacent land and buildings.

19.10 EXTERNAL EFFECTS

No land, building, or structure in any district shall be used or occupied in any manner so as to be unsightly or create any dangerous, injurious, noxious, or otherwise objectionable vibration; smoke, dust, fumes, odor, or other forms of air pollution; heat, cold, or dampness; electrical or electronic disturbances; nuclear radiation; or any other condition detrimental to persons or property not located on the premises on which such building, structure or use is located. Such uses, when lawfully permitted under the provisions of this Resolution, shall be operated in a manner so as to insure that the property rights of all other parcels of land will not be adversely affected to the extent of reducing the enjoyment of property rights thereon.

19.11 OUTDOOR STORAGE AND WASTE DISPOSAL

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

- A. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground except in a Light or Heavy Industrial District. Tanks or drums of fuel directly connected with heating devices or appliances located on the same lot are excluded from this provision.
- B. All outdoor storage facilities for fuel, raw materials and products shall be enclosed or concealed by a fence or wall.
- C. No materials or wastes shall be deposited upon a lot in such form or manner as to allow such materials or wastes to be transferred off the lot by wind, flood or natural causes or forces.
- D. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible or attractive to rodents or insects shall not be stored outdoors, except in closed containers constructed of an impervious material.

19.12 PROJECTIONS INTO REQUIRED YARDS

- A. Chimneys, flues, sills, pilasters, cornices, caves, gutters, roof overhangs, and other similar features may project into a required side yard a maximum of twelve (12) inches.
- B. No structure may be constructed, placed or projected into a required front yard.
- C. 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 Resolution, the Board of Appeals may grant a minimum variance to permit the construction of a one-family residence.

19.13 EXCEPTIONS TO HEIGHT LIMITATIONS

Chimneys, domes, spires, necessary mechanical appurtenant, and radio and television towers may exceed district height limitations, provided:

- A. Public or semi-public service buildings, hospitals, institutions, or schools, where permitted, may be erected to a height not exceeding ninety feet (90') when the required side and rear yards are each increased by one foot (1') for each foot of additional building height above the height regulations for the district in which the building is located.
- B. Commercial radio and television towers shall be located centrally on a continuous parcel having a dimension at least equal to the height of the tower measured from the center of the base of the tower to all points on each property.
- C. Radio towers for licensed amateur radio stations, which exceed the allowable height of structures in the residentially zoned districts, shall be limited in height from their base to the distance from the base to the nearest property line.

19.14 TEMPORARY USES

In any district, subject to the conditions stated below, the Enforcing officer may issue a permit for the following temporary uses. The fee to be established shall be a uniform fee determined by resolution of the Board of County Commissioners for the specified time as stated in the application. All applications for temporary use permits shall be accompanied by a site plan as required under Section 21.02.

- A. Temporary office buildings, or yard for construction material or equipment, provided such use is adjacent to the construction site. Each permit shall be valid for one (1) year and may be renewed if conditions warrant such renewal.
- B. Temporary office incidental and necessary to real estate sales and rentals. Each permit shall be valid for a period of two (2) years and may be renewed for two (2) additional years if conditions warrant such renewal. In no instance should a temporary

office be located in a structure used for human habitation.

C. Building and yard locations shall be subject to such conditions and safeguards as the Enforcing Officer may deem necessary to preserve the character of the surrounding area.

D. Gathering under canvas or in the open for a religious service, show, meeting, exhibition, bazaar, carnival, or circus, except that, if located within four hundred (400) feet of any residential area, no permit will be issued unless there is first filed with the Enforcing Officer the written consent of the owners of sixty percent (60%) of all residentially used property with four hundred (400) feet of location of such gathering. Temporary permit may be issued for up to thirty (30) days.

E. Temporary signs in accordance with Section 20.06.

F. Temporary Mobile Home: A mobile home located in the R-1, F-1, A-1, or A-2 district when its intended use is of a temporary nature as interim living quarters until such time as construction or reconstruction of a detached one-family dwelling is completed. Before issuance of a temporary permit, the applicant must submit to the office of the Enforcing officer:

1. Health Department approval,
2. A bond or letter of credit may be required in the amount of five hundred dollars (\$500) to secure the cost of removal of the temporary mobile home under the provisions of this section,
3. A plot plan indicating placement of both the permanent dwelling and the temporary mobile home.
4. Construction/reconstruction plans of the proposed detached one-family dwelling and have said plans approved by the Building Inspector.

Location of the temporary mobile home shall be exempt from the applicable yard requirements during the length of the temporary permit. The Enforcing officer shall determine location in regards to property lines and right-of-way. The temporary permit shall be valid for eighteen (18) months with construction to commence within ninety (90) days after issuance of the required permits. Any request for extension of the eighteen (18) month period must be made to the Board of Appeals for its consideration as a conditional use. Said mobile home must be removed within thirty (30) days after completion of the permanent unit. Completion date will be the final inspection of the dwelling by the Building Inspector. No request hereunder will be accepted for consideration within the F-1, Flood Plain District, unless the applicant has furnished a valid written favorable recommendation thereto by the Miami Conservancy District and complies with the Flood Damage Prevention Regulations of Miami County, Ohio.

G. Temporary parking lots when such a parking lot has been approved by the County Engineer's Office and the Miami County Planning Commission. Each permit shall be valid for a period not exceeding 18 months. Only one (1) such permit shall be issued per

parking lot.

19.15 MAJOR STREET SETBACKS

Any building or structure shall hereafter be constructed in accordance with the required front yard setback in the district in which it is to be located, measured from the required right-of-way line of a proposed or existing arterial or collector street designated as such on the official Thoroughfare Plan.

19.16 OFF-STREET LOADING REGULATIONS

On the same premises with every building structure or part thereof, erected and occupied for commerce, industry, public assembly, or other uses involving the receipt of 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 with the following:

A. General Provisions:

1. **Screening:** Off-street loading spaces that adjoin or are across a street or alley from property zoned for any residential use shall have a dense evergreen planting, fence, masonry wall, or such other screening, as may be determined by the Planning Commission. The Planning Commission shall also determine the height, location, and density of screening used to provide adequate protection to adjoining property.
2. **Entrances and Exits:** Off-street loading spaces shall be provided with entrances and exits not less than twelve feet (12') in width and so located as to minimize traffic congestion.
3. **Dimensions:** Each off-street loading space shall be not less than ten (10) feet in width, twenty-five feet (25') in length, and fifteen feet (15') in height, exclusive of access drives.
4. **Projection into Yards:** Off-street loading space may occupy all or any part of any required rear yard space.

B. Amount of Loading Space Required: Adequate amounts of off-street loading space shall be provided. An area adequate for maneuvering, ingress and egress shall be provided in addition to required loading space.

19.17 OFF-STREET PARKING REGULATIONS

Hereafter, no building shall be erected or altered, and no land used, unless there is provided adequate off-street parking space or spaces for the needs of tenants, personnel, and patrons together with means of ingress or egress.

A. General Provisions:

1. Residential off-street parking spaces are designed and shall be used only for the parking of passenger type vehicles. Such spaces shall consist of a parking strip, driveway garage, or combination thereof, and shall be located on the premises they are intended to serve.
2. Any area once designed as required off-street parking shall never be changed to any other use, unless and until equal facilities are provided elsewhere.
3. 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.
4. Two or more building or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of requirements for the several uses computed separately.
5. Where operating hours of buildings do not overlap, the Board of Appeals may grant an exception to allow the dual function of off-street parking spaces.
6. The storage or sale of merchandise or the repair of vehicles is prohibited on required off-street parking spaces.
7. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use the Board of Appeals considers as being similar in type.
8. A suitable means of vehicular ingress and egress to premises used for parking shall be provided and shall open directly from and to a public street, alley or highway. The width of any exit or entrance adjoining property or opposite property zoned for residential uses shall be approved by the County Engineer or Planning Commission prior to obtaining any permit therefore. The County Engineer or Planning Commission may require the owner to provide acceleration and/or deceleration lanes where traffic volumes indicate the need. Fencing, wheel stops, or other physical barriers shall be provided for all boundaries of the parking area except at points of ingress and egress to prevent encroachment of vehicles.
9. All parking lots shall be surfaced with a hard or semi-hard dust free surface in conformance with the standards of the County Engineer.
10. If the parking lot is to be open for use after dark, it shall be provided with not less than two (2) lumens of light per square foot of parking lot surface. Lights shall be

shielded so as not to shine directly or in an offensive manner on adjoining residential property.

11. When a parking lot abuts a residential zone, they shall be permanently maintained along such boundary, screening as provided in Section 19.18.

12. Prior to constructing an accessory parking lot, the owner or person in charge of the land to be used for parking, shall submit a plot plan, according to Section 21.02), to the Enforcing Officer, who will submit same to the Planning Commission, County Engineer, and other agencies for their consideration and recommendations. Such plot plan shall show the boundaries of the property, location of adjacent houses, parking spaces, circulation patterns, drainage plan and construction plan for boundary walls and planting plan. The circulation patterns shall include adequate barriers to prevent the cross cutting of the parking area.

13. The Board of Appeal may permit accessory parking within an adjacent lot zoned for residential uses, 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 21.08.

(c) All provisions of Section 19.17 of this Resolution are complied with.

(d) No parking shall be permitted between the street line and the building line prevailing in the zone in which the proposed parking area is to be located. The resulting open area shall be planted in grass, or otherwise landscaped to create a permanent green area.

(e) A dense evergreen planting with a minimum height of four (4) feet and a mature height at least five feet six inches (5'6"), or a solidly constructed decorative fence shall be permanently maintained along the mutual boundary of the restricted accessory parking area and adjacent land zoned for residential uses except for the portion of such boundary located within a required front yard.

(f) Whenever a lot located in a residential zone is used for accessory parking purposes and is located across the street from residentially zoned land, that portion of the lot used for parking purposes shall be screened from the street as specified in paragraph 5 above except for access drive. Such screening shall be placed along the setback line.

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

14. Drive-In Service Establishments: Establishments that, by their nature, create periodic lining up of customers in automobiles waiting to be serviced shall provide off-street areas for these waiting customers. Those establishments that can normally serve their customers in three (3) minutes or less shall provide at least five (5) off-street waiting spaces per window. Where normal customer servicing time is greater than three (3) minutes per car, additional spaces shall be provided on the basis of one (1) additional space per additional minute of waiting time. Quick Auto Wash shall provide at least ten (10) off-street waiting spaces.

15. Barriers to Encroachment: No off-street parking, storage, or display of vehicles for sale or rent shall be permitted within any required yard.

B. Amount of Off-Street Parking Space required: The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following minimum parking provisions, provided that no parking area shall project into a required front yard in any district.

1. One-Family Dwelling: Two spaces for each family unit plus one space for each roomer, one of which may project into the required front yard.
2. Two-Family Dwelling: Two parking spaces for each family, plus one space for each of two roomers, one of which may project into the required front yard.
3. Multi-Family: Two parking spaces per dwelling unit plus one space for each employee.
4. Apartment Hotel: One space per apartment, plus one for each employee.
5. Housing for the Elderly: One parking space for each two units, plus one space for each employee.
6. Boarding House: One parking space for each sleeping room.
7. Hotel or Motel: One parking space per unit, plus one for each employee.
8. Church: One parking space for each three seats in the main auditorium.
9. Hospital: One for each two beds, plus one for each staff doctor and one for each two full time employees on shift, including nurses.
10. Sanitarium, Convalescent Home, or Children's Home: One for each two beds, plus one for each two employees.
11. Elementary and Junior High School: One parking space for each employee, plus one parking space for each 80 square feet in the main auditorium not containing fixed seats, or one space for six fixed seats in the main auditorium, whichever is greater.

12. Senior High School: One parking space for each employee, plus one parking space for each ten students, one parking space for each 80 square feet of floor area in the main auditorium not containing fixed seats, or one parking space for each six fixed seats in the main auditorium, whichever is greater.
13. College and Business University: One for each two employees, plus one for each three students.
14. Libraries, Museums, or Art Galleries: One for each 600 square feet of floor area, plus one square foot for each four employees.
15. Post Office: One for each 500 square feet of floor area, plus one for each three (3) employees.
16. Private Club and Lodge: One parking space for each three (3) persons allowed by fire, health, or building code.
17. Bowling Alley: Five (5) parking spaces for each alley.
18. Public Golf Course: Six (6) parking spaces for each golf hole, plus one space for each employee.
19. Sports Arena, Auditorium, Theater, or Assembly Hall, other than in schools: One (1) parking space for each four (4) persons allowed by the fire code up to 1000 seats, plus one (1) parking space for each three (3) persons allowed by the fire code over 1000 seats, plus one (1) for each two (2) employees.
20. Professional Offices, Medical Clinics: One (1) parking space for each 150 square feet of floor area: provided that an office, when used as a home occupation, shall provide one (1) parking space for each 100 square feet, or major fraction thereof, of office area in addition to that required for the residing family or families.
21. Office Building: One parking space for each 200 square feet of gross floor area excluding any floor space used for parking.
22. Bank, Dry Cleaning, Laundry, and Similar Service Business: One (1) parking space for each 250 square feet of floor area.
23. Drive-In Bank: Five (5) parking spaces for each teller window, plus one (1) for each employee if no inside customer service is provided.
24. Auto Service Station: Four spaces.
25. Automobile Sales and Service Garage: One parking space for each 200 square feet of floor area in the main display room.
26. Used Car Lot: One space for each 1500 square feet of lot area.

27. Barber Shop and Beauty Parlor: One (1) parking space for each chair, plus one (1) for each employee.
28. Drive-In Eating Establishment: One (1) parking space for 60 square feet of floor area, but not less than 20 spaces.
29. Furniture and Appliances, Household Equipment, Decorator, Electrician, and Shoe Repair: One (1) parking space for each 800 square feet of floor area, plus one space for each two (2) employees.
30. Laundromat: One (1) space for each two (2) washing machines.
31. Mortuary or Funeral Home: One (1) parking space for each fifty (50) square feet of floor area in the slumber rooms, parlors, or individual service rooms.
32. Restaurant, Tavern and Drive-In Eating Establishment with Inside Service: One (1) parking space for each four (4) seats, plus one (1) space for each two (2) employees.
33. Retail Store: Including Rental Service Store: One (1) parking space for each 200 square feet of gross floor area, excepting a self-service establishment or supermarket shall provide one (1) parking space for each 100 square feet of gross floor area.
34. Contractor's Yard or Plant Storage Yard: One (1) space for each three (3) employees.
35. Warehouse and Wholesale Store: One (1) parking space for each 800 square feet of floor area.
36. Manufacturing Plant or Research Laboratory: One (1) space for each one and one half (1 1/2) employees per largest work shift.

In the case of a use not specifically mentioned, the requirements for off-street parking shall be the same as for a similar use specifically mentioned. Similarity to be determined by the Enforcing officer.

19.18 SCREENING

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 Planning Commission. No part of any building or structure shall be occupied, nor any land used, until all required screening, as provided for in this section, is in place.

A. Screening shall be provided for one or more of the following purposes:

1. Visual barrier to partially or completely obstruct the view of unattractive structures or activities.
 2. As an acoustic screen to aid in absorbing or deflecting noise.
 3. For the containment of debris and litter.
- B. Screening may be one of the following, or a combination of two or more:
1. A solid masonry wall.
 2. A solidly constructed decorative fence.
 3. Louvered fence.
 4. Dense evergreen plantings.
 5. Deciduous trees and shrubs.
- C. Whenever any non-residential use abuts a residential district, a visual screening wall, fence, or planting shall be erected or placed along such mutual boundary lines.
- D. Visual screening walls, fences, or plantings shall be at least five feet, six inches (5'6") high, except in required front yards where maximum height shall meet the requirements of Section 19.06.
- E. Screening for the purposes of absorbing or deflecting noise shall have a depth of at least fifteen feet (15') of dense plantings or a solid masonry wall in combination with decorative plantings.
- F. 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.

19.19 NON-CONFORMITIES

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 or amended, but are or may 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 by application from the property owner or lessee to the Board of Appeals for approval of specific plans.

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. Actual building construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. 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.

A. Non-Conforming Lots of Record: In any district in which single-family dwellings are permitted, notwithstanding other limitations imposed by other provisions of this Resolution, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution.

B. Non-Conforming Uses of Land: Where, at the effective date of adoption or amendment of this Resolution a 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, subject to the following provisions.

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land that was occupied at the effective date of adoption or amendment Resolution except as provided.
2. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Resolution.
3. If any such non-conforming use of land is voluntarily discontinued for two (2) years or more, any future use of such land shall be in conformity with Section 303.01 to 303.25, inclusive of the Ohio Revised Code and this Resolution.
4. Where a non-conforming use of the land, by the nature of the use, requires expansion or enlargement of the land area so used in order to continue in operation such as removal of sand, earth, stone, minerals, etc., continuance of such operations following the adoption or amendment of this Resolution shall be deemed a violation unless a conditional use for such purpose has been granted by the Board of Appeals.

C. Non-Conforming Structures: Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reasons of area restrictions, lot coverage, building height, yards, or other characteristics of the structure or its location on the lot, such structure may be contained so long as it remains otherwise lawful.

D. Non-Conforming Uses of Structures: If a lawful use of a structure or of structure and premises in combination exists at the effective date of adoption or amendment of this Resolution, the lawful use may be continued so long as it remains otherwise lawful

subject to the following:

1. If no structural alterations are made, any non-conforming use of a structure, or structures and premises, may be changed to another non-conforming use provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.

2. 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 in which such structure is located, and the non-conforming use may not thereafter be resumed.

3. If any such non-conforming use of a structure or structure and premises in combination, is voluntarily discontinued for two (2) years or more, any future use of such structure or structure and premises in combination shall be in conformity with Section 303.01 to 303.25, inclusive, or the Ohio Revised Code and this Resolution.

E. Repairs and Maintenance: On any building devoted in whole or in part to any non-conforming use, ordinary repairs and repair or replacement of walls, fixtures, wiring, or plumbing, are permitted.

F. Restoring Buildings: When a building or structure, the use of which does not conform to the provisions of this Resolution, has been damaged by explosion, fire, Act of God, or the public enemy to the extent of twice its assessed value for tax purposes, 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. When a non-conforming use qualifies for such reconstruction, a building permit shall be secured for that purpose within one (1) year from the date of occurrence of such damage, and such reconstruction shall be diligently prosecuted and completed without delay. Failure to comply with the above restrictions shall cause such non-conforming uses to lapse, and the premises shall conform thereafter to the established district regulations therein.

G. Violations not Rendered Non-Conforming: A use, structure, or lot in violation of the provisions of the Resolution shall not become non-conforming upon the adoption of an amendment to the Resolution. Nothing in this resolution shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

19.20 MOBILE HOME & RECREATION VEHICLE

A. No person shall occupy any mobile home or recreation vehicle as a residence in any district outside an approved and licensed mobile home park or trailer court, except as provided in the A-2, General Agriculture District.

B. No mobile home may be stored or parked in any residential district outside an approved and licensed mobile home park or trailer court.

C. No mobile home, mobile home classified as a recreation vehicle, or boat, may be stored or parked in any required front yard of any residential district.

19.21 DECORATIVE DRIVEWAY ENTRANCES

Decorative entrance structures for driveways shall be permitted in any district.

19.22 EXCEPTION TO DEPTH-TO-WIDTH AND MINIMUM FRONTAGE REQUIREMENTS

The depth to width requirements of Sections 5.08 and 15.09 and the minimum frontage requirements of Sections 5.09, 14.06, and 15.10 may be waived or modified where all of the following exist:

A. Where there exists, as of June 18, 1986, on the lot which is the subject of the waiver or modification, one lawful single family residence, not including house trailer, mobile home, recreational vehicle or tent dwelling.

B. Such waiver or modification is only necessary for the purpose of preserving existing agricultural farmland.

C. The frontage of the lot which is the subject of such modification or waiver is not less than thirty feet.

ARTICLE 20 SIGN REGULATIONS

20.01 INTENT

It is the intent of this article to establish reasonable regulations governing the size, character, and location of signs within Miami County in the interest of the public's health, safety, and morals of its citizens, business concerns, and other affected sections of the County. Within this framework, these regulations are adopted to achieve the following objectives:

- A. To minimize the possibility that sign size, location, or character will create hazards adversely affecting the public safety.
- B. To establish sign limitations which allow a reasonable capability for advertisement, but which prevents the escalation of sign competition to levels which are non-productive and create unnecessarily high entrepreneurial costs.
- C. To provide sign regulations which are directly related to land use and, therefore, to the functional and economic need for signs of varying sizes, types, and locations.
- D. To create a more aesthetically pleasing environment without unreasonably limiting the right of individuals to employ signs in the legitimate use of their property.

20.02 SCOPE OF REGULATIONS.

The regulations herein set forth shall apply to and govern signs in all districts:

- A. All signs shall be erected or maintained in compliance with the regulations governing size and height for the district in which it is located, unless such sign is otherwise specifically regulated by a temporary permit, or variance granted by the Board of Appeals.
- B. All signs shall be erected in conformity with the respective zoning district yard requirements unless otherwise specified. No sign shall be erected so as to prevent free ingress to or egress from any door, window, or any other exit way required by the State of Ohio or Miami County Building Code, and amendments thereto, or by other adopted codes or regulations.
- C. Signs which become obsolete due to cessation of the business, activity, product, or service advertised thereon for any other reason shall be completely removed from the premises with sixty (60) days after such obsolescence is established by the Enforcing officer, unless said sign is converted to another lawful and contemporary use within that sixty (60) day period. The supporting structure for obsolete signs must be completely removed with a sixty (60) day period after obsolescence is established, unless a new and lawful sign is established thereon.

- D. Where illumination of signs is permitted, such illumination shall be neither flashing nor intermittent and shall be designed and constructed so as to concentrate the illumination upon the area of the sign and prevent glare upon the street or adjacent property. Such illumination shall be turned off no later than 11:00 p.m. or at the end of the business day, whichever is later.
- E. No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision, at any location where, by reasons of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or devise, or which makes use of the words "stop", "look", "drive-in", "danger", or any other words, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.
- F. It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent, or immoral matter.
- G. All signs must be maintained in good repair and appearance by the owner at all times.

20.03 PROHIBITED SIGNS

- A. All blinding, flashing, or intermittent lighting is prohibited unless by approval of a Conditional Use Permit by the Board of Appeals.
- B. Pennants, banners, streamers, searchlights, spinning and similar type devices are prohibited except when allowed as a temporary sign.
- C. Any signs which rotate, revolve, or have any visible moving parts are prohibited. Prohibition of moving signs and signs of intermittent lighting shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations, or similar devices.
- D. No sign shall be placed in the public right-of-way without approval of the right-of-way holder and the Board of Zoning Appeals.
- E. No signs shall be located along any public thoroughfare right-of-way within one hundred feet (100') of any other public thoroughfare intersection, unless otherwise exempted.
- F. No beam, beacon, or flashing light of a red, blue or amber color.
- G. No bare bulb illumination.
- H. No flame as a source of light.
- I. No roof signs.
- J. No wall signs, any part of which extends above the lowest point of the roof line.

- K. No signs shall be attached to a utility pole, fence post, fence, tree, or accessory building, nor shall any sign be erected so as to impair access to a roof.
- L. No portable street signs except when permitted as a temporary sign.
- M. No signs shall be painted on a building or accessory building with the exception of a building used for agricultural purposes unless an application has been filed and approval granted by the Board of Zoning Appeals.
- N. No signs shall contain or depict obscenity, as defined by the Ohio Revised Code Section 2907.01(F), are prohibited.
- O. No sign shall contain or depict lewdness.
- P. No sign shall contain or depict specified anatomical areas.

20.04 EXEMPTIONS

Signs that are exempt from the provision of these regulations shall not extend or be placed in a required right-of-way, provided they are neither illuminated nor animated unless as specifically provided:

- A. Real estate signs not exceeding five square feet (5 ft²) in area in any R district, thirty-two square feet (32 ft²) in any other district, which advertise the sale, rental or lease of the premises on which said signs are located, and limited to not more than one such sign per use per each street front of the lot on which the sign is located.
- B. Professional or occupational name plates not exceeding one square foot (1 ft²) in area and limited to not more than one such sign per use per each street front of the lot on which the sign is located.
- C. Occupational signs not exceeding two square feet (2 ft²) in area denoting only the name and profession of an occupant in a commercial building, public institutional building, or multiple dwelling and limited to not more than one such sign per use per each street front of the lot on which the sign is located.
- D. Temporary signs not exceeding thirty-two square feet (32 ft²) in area denoting the architect, engineer, or contractor when placed upon work under construction, to be removed upon completion of the building and to be limited to not more than one such sign per use per each street front of the lot on which the sign is located.
- E. Memorial signs or tablets, names of buildings, and date of erection when cut in to any masonry surface or when constructed of bronze or other noncombustible materials and limited to not more than one such sign per use per each street front of the lot on which the sign is located.
- F. Traffic signs, legal notices, railroad crossing signs, and temporary emergency signs.

- G. The flag, pennant, or insignia of any nation, state, city or other political unit or any political educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event.
- H. "No trespassing" signs or other such signs regulating the use of a property such as "no hunting", "no fishing" etc., of not more than two square feet (2 ft²) in area and located no closer than one hundred feet (100') from another such sign.
- I. Changing of the advertising copy or message of an approved painted or printed sign.
- J. No more than two (2) menu boards in conjunction with a restaurant drive-thru service window. Such boards may be illuminated internally or by reflected light provided the source of light is not directly visible.
- K. Signs when exhibited from inside a window.
- L. Temporary political signs may be erected under the following conditions:
 - 1. Political signs shall not be erected or posted in any district promoting any candidate or candidates seeking nomination or election or the passage of any issues in any general, primary or special election sooner than sixty (60) days immediately preceding the day of the election in which such candidate is seeking nomination or election or in which such an issue is to be decided. All such signs as are erected not in violation of the preceding portion of this paragraph shall be removed within fifteen (15) days following the date of such election. Provided, however, that such signs shall not be affixed to any pole or post owned by the County, or by any public utility nor may such signs be placed upon lands owned by the County.
- M. Parking or directional signs not over two square feet (2 ft²) in area, provided the sign contains no advertising matter and is limited to not more than one (1) such sign per use per each street front of the lot on which the sign is located.
- N. Bulletin boards and signs for a multiple dwelling containing eight (8) or more units shall not exceed fifteen square feet (15 ft²) in area for a wall or ground sign with a maximum height of six feet (6') above grade for ground signs and located not less than ten feet (10') from the street right-of-way line. Such bulletin boards and signs may be illuminated but only from a concealed light source.
- O. A seed dealer sign provided to the dealer by a supplier, not to exceed four square feet (4 ft²) in area and located only in the General Agricultural District.
- P. Non-illuminated residential name plate not exceeding two square feet (2 ft²) in area and containing one (1) or more of the following:
 - 1. Street name and/or number

2. Name of the family residing on premises
 3. Identification name of property
 4. Any such similar contents as determined by the Enforcing Officer
- Q. A sign not exceeding four square feet (4 ft²) in area advertising the sale of produce and vegetables raised on the premises where such sale is permitted.
- R. Agricultural production identification signs not exceeding eight square feet (8 ft²).
- S. Signs erected or placed by private farmers to indicate the specific breed of livestock being raised or kept on the premises.

20.05 SUBDIVISION SIGNS

- A. A permit shall be issued as a special exception to the terms of this article provided:
1. The sign shall not be larger than thirty-two square feet (32 ft²).
 2. The sign shall conform to the set back requirements of the zoning district involved.
 3. The sign shall not obstruct vision on any street.
 4. The sign shall not be illuminated.
 5. The sign shall advertise the sale or development of a recorded subdivision.
 6. The sign shall be erected only upon the property for sale or being developed.
 7. Not more than one (1) such sign shall be placed along single road frontage of any property in single and separate ownership, and provided that not more than two (2) such signs may be permitted in any single development.
 8. Such sign or signs shall be removed upon completion of the subdivision of any section thereof as determined by the Enforcing Officer.
- B. Upon approval of the Board of Appeals, a permit may be issued to allow the construction of a permanent sign and supporting decorative structure to depict the recorded subdivision name. Not more than one (1) such sign shall be placed along single road frontage of any property in single and separate ownership constituting the recorded subdivision.

20.06 TEMPORARY / PORTABLE SIGNS

- A. Certain temporary signs and attention-getting devices may be permitted for promoting special events or activities subject to the following provisions:
 - 1. A temporary permit must be approved by the Enforcing Officer.
 - 2. Such attention-getting devices shall be limited to an exposure period not to exceed sixty (60) days in any calendar year.
- B. All other temporary signs are prohibited in all areas unless specifically exempted or permitted elsewhere in this Article.
- C. Churches or other non-profit organizations may erect temporary signs without cost but must register the signs with zoning officer and cannot display them for more than fourteen (14) consecutive days. The sign may not exceed thirty-two (32) square feet per side.

20.07 DOMESTIC SALE SIGNS

Because domestic sale signs are often incompatible with the character of the surrounding neighborhood, they are permitted on a temporary basis only. No person shall display a domestic sale sign for more than a total of two (2) weeks out of each calendar year, except for change of occupancy. The total message area of domestic sale signs on a lot shall not exceed four square feet (4 ft²), and such signs may be considered domestic sale signs only if they are located on the same lot as the goods which are offered for sale.

20.08 ELECTRONIC MESSAGE CENTERS

Electronic Message Centers or “Digital Signs” shall be permitted as on premise signs in all zoning districts which permit on premise signs so long as they meet the sign requirements of the zoning district on which the sign is to be located provided that:

- A. The electronically controlled changeable copy sign shall be integrated with a larger identification sign and shall be located at the bottom of said sign.
- B. The electronically controlled changeable copy sign component of a sign may comprise no more than fifty (50) percent of the sign’s total sign face area.
- C. All electronically controlled changeable copy signs must show the entire message at one time without displaying characters that are scrolling, moving, or exhibit the illusion of movement.
- D. All electronically controlled changeable copy signs shall have each message appear for no less than ten (10) seconds.

- E. The electronically controlled changeable copy sign shall be designed and programmed to automatically reduce brightness levels to correspond with ambient lighting conditions.

20.09 BILLBOARDS and OFF PREMISE SIGNS

Billboards and off premise signs shall be permitted provided that:

A. Location:

1. Billboards or off premise signs shall be permitted only in the A, B, F, and I Zoning Districts.
2. Billboards or off premise signs shall not be located within or project over the right-of-way of any public or private road.
3. No billboards or off premise signs shall be erected or maintained within six hundred and sixty (660) feet of the edge of the right-of-way of a thoroughfare on the interstate or primary highway systems without complying with the provisions of Chapter 5516 of the Ohio Revised Code, and the regulation promulgated and enforced by the Director of the Ohio Department of Transportation, and the regulations specified herein. No sign in an "A", "B", "T" or F-1 District shall face the side of any adjoining lot located in any "R" District unless the sign is located not less than one hundred and fifty (150) feet from the lot. Said sign or signs shall be located in strict compliance with these regulations or any other restrictions imposed by the Board of Zoning Appeals.
4. No billboards or off premise signs shall be erected to a height greater than the maximum permitted height for the District in which the sign is located, except signs located within six hundred and sixty (660) feet of the edge of the right-of-way of a thoroughfare on the interstate highway system may be erected to a greater height, as may be specified by the Director of the Ohio Department of Transportation or his/her authorized representative, in accordance with the provisions contained in Chapter 5516 of the Ohio Revised Code.
5. No billboards or off premise signs shall be located along any public thoroughfare right-of-way within one hundred (100) feet of any other public thoroughfare intersection.

B. Maximum size: No billboards or off-premise signs shall contain more than one thousand square feet (1,000 ft²) of surface area nor shall the surface area be less than eight feet (8') from the ground.

C. Construction: All free standing billboards or off-premise signs shall be constructed on steel or wood supports.

- D. **Spacing:** No billboards or off-premise signs shall be located within one thousand (1000') feet of another billboard or off-premise sign.
- E. **Obsolescence:** Billboards or off-premise signs which become obsolete due to cessation of the business, activity, product, or service advertised thereon or for any other reason shall be completely removed from the premises within sixty (60) days after such obsolescence is established by the Enforcing Officer unless said off-premises sign is converted to another lawful and contemporary use within that sixty (60) day period. The supporting structure for obsolete off-premise signs must be completely removed within a period of one (1) year after obsolescence is established, unless a new and lawful off-premise sign is established thereon.

20.10 BUSINESS AND INDUSTRIAL SIGNS

All signs and advertising structures in the business and industrial districts may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. Where such illuminated signs exceed fifty square feet (50 ft²) in area, they shall not be placed nearer than fifty feet (50') to an adjacent residential lot line and where such illuminated signs exceed one hundred square feet (100 ft²) in area and face any lot in a residential district, they shall be placed not nearer than one hundred feet (100') from the front lot line.

20.11 SHOPPING CENTER SIGNS

A shopping center located on a single parcel of land, having a minimum frontage of two hundred feet (200'), shall be entitled to one (1) free standing ground sign utilizing the following criteria:

- A. Neighborhood shopping center (one which contains 20,000 to 99,999 square feet of floor space) shall be entitled to one (1) free standing ground sign not to exceed one hundred square feet (100 ft²) per face. Such a sign shall be permitted to display both the name and address of the shopping center, the names of its individual tenants, and periodically changing information relative to activities, events, and/or sales occurring within the shopping center.
- B. Community shopping center (one which contains 100,000 to 399,999 square feet of floor space) shall be entitled to one (1) free standing ground sign not to exceed two hundred square feet (200 ft²) per face. Such sign shall be permitted the same contents as indicated for a neighborhood shopping center sign.
- C. Regional shopping center (one which contains 400,000 or more square feet of floor area) shall be entitled to two (2) free standing ground signs, each of which shall not be permitted to exceed three hundred square feet (300 ft²) per face. Such signs shall be permitted the same contents as indicated for a neighborhood shopping center sign. Each establishment located as a part of the shopping center shall be permitted one (1) wall-mounted sign on the face of the building.

20.12 INDUSTRIAL PARK SIGNS

For industrial parks in single ownership or under unified control, with a minimum frontage of 200 feet, each industry shall be permitted one (1) wall-mounted sign on the face of the building. In addition, the park shall be entitled to one (1) free standing ground sign utilizing the following criteria:

- A. An industrial park containing a total of 20,000 to 99,999 square feet of floor space shall be entitled to one (1) free standing ground sign not to exceed one hundred square feet (100 ft²) per face. Such a sign shall be permitted to display both the name and address of the industrial park and the names of its individual industries.
- B. An industrial park containing a total of 100,000 to 399,999 square feet of floor space shall be entitled to one (1) free standing ground sign not to exceed two hundred square feet (200 ft²) per face. Such a sign shall be permitted to display both the name and address of the industrial park and the names of its individual industries.
- C. An industrial park containing a total of 400,000 or more square feet of floor area shall be entitled to two (2) free standing ground signs, each of which shall not be permitted to exceed three hundred square feet (300 ft²) per face. Such signs shall be permitted to display both the name and address of the industrial park and the names of its individual industries.

20.13 PUBLIC BUILDING SIGNS

Signs or bulletin boards customarily incidental to places of worship, schools, community or other public or semi-public institutional buildings in the Residential District and the A-1 Domestic Agricultural District shall have their size determined by the following chart:

Linear Feet of Street Frontage per Lot	Maximum Square Footage of Sign
50 ft. or less	20 sq. ft.
over 50 ft to 100 ft.	30 sq. ft.
over 100 sq. ft.	40 sq. ft.

The maximum height for a public building sign shall be eight feet (8') above grade for ground signs and located not less than ten feet (10') from the street right-of-way line. Signs must be erected in conformity with the respective zoning district side and rear yard requirements. Such sign may be illuminated but only from a concealed light source. There shall be permitted one (1) wall sign and one (1) ground sign. No more than two (2) signs shall be permitted for each street front of the lot on which the signs are located. Wall signs shall not extend above or beyond any part of the roof line.

20.14 MEASUREMENT STANDARDS

The following principles shall control the computation of sign area and sign height.

- A. Computation of area of Individual Signs: The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
- B. Computation of Area of Multi-faceted Signs: The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two inches (42") apart, the sign area shall be computed by the measurement of one of the faces.
- C. Computation of Height: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.
- D. Computation of Maximum Total Permitted Sign Area per Lot: Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the total sign area allocation that is derived from the lot frontage on that on that street.

20.15 CONDITIONAL USE PERMIT

Any sign that does not clearly fit into one of the sign regulations in this Resolution shall not be permitted except through issuance of a Conditional Use Permit obtained from the Board of Appeals. This includes all signs that have flashing or pulsating illumination, animation, rotation, excessive dimensions or height, temporary construction signs in excess of thirty-two square feet (32 ft²), or signs in excess of five square feet (5 ft²) advertising the sale, rental or lease of lots and/or buildings.

20.16 SIGNS ASSOCIATED WITH NON-CONFORMING USES

In the case of legal non-conforming land use, the total sign area of all signs associated with such land use shall be no greater than that which would be allowed if the nonconforming use were located in the most restrictive zoning district allowing such land use. Further, no new signs associated with non-conforming land uses may be erected, except replacements which are the same or smaller in size than the sign being replaced. In the event that a sign associated with a non-conforming land use is moved, its new location must conform to the set-back requirements of the district in which it is located, as if it were a building.

20.17 GOVERNMENTAL SIGNS EXCLUDED

For the purposed of these regulations, “sign” does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, resolution or governmental regulation.

20.18 SIGN PERMIT APPLICATION AND FEES

No sign regulated by this Resolution may be erected, painted installed or otherwise established in Miami County without a permit therefore. Such permit shall be obtained through the office of the Enforcing Officer. Fees for all signs shall be established by resolution of the Board of County Commissioners. There shall be a fee for all on-premise sign permits and all off premise signs. Permits issued for signs already in place at the time of permit application shall pay a penalty fee as established by resolution of the Board of County Commissioners. No permit shall be required for real estate signs of five square feet (5 ft²) or less, domestic advertising signs or temporary political signs.

- A. All applications for sign permits shall be accompanied by a site plan as required under Article Twenty-one, Section Two (21.02).

20.19 ENFORCEMENT RESPONSIBILITY

Enforcement of the sign regulations shall be the responsibility of the Enforcing Officer and such other appropriate personnel as may be designated by the Board of Miami County Commissioners.

20.20 REMOVAL OF UNLAWFUL SIGNS

- A. Any sign which violates the provisions of this Resolution is a public and private nuisance, and the Enforcing Officer, shall give twenty (20) days notice by registered or certified mail to the owner or lessee of the land on which such sign is located to remove such sign.
- B. If any such sign has not been removed on or before the expiration of ten (10) days following the receipt of said notice by the owner or lessee of the land upon which the sign is located, the Enforcing Officer or any of his duly authorized agents may enter upon the premises and remove, obliterate or abate the sign. The cost of such removal,

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obliteration, or abatement shall be then certified to the County Prosecutor for collection by civil action against the owner and/or lessee of the land upon which the sign is located.

- C. Notice to the owner or lessee shall not be required prior to the removal of an unlawful sign which, in the opinion of the Enforcing Officer, creates an immediate or potential danger to persons or property due to structural deficiencies or inadequate maintenance, nor shall notice be required prior to the removal of a sign which, in the opinion of the County Engineer, creates an immediate or potential danger to persons or property because of its location.

ARTICLE 21 ENFORCEMENT AND PENALTIES

21.01 ENFORCING OFFICER

The County Zoning Inspector is hereby designated as the Enforcing officer of this Resolution. The Enforcing Officer is hereby authorized to enforce, issue orders to prevent and stop violations and administer provisions of this Resolution. He may be assisted by such personnel as the County Commission may authorize.

21.02 SITE PLAN AND SUPPORTING INFORMATION REQUIRED

All applications for permits shall be accompanied by a site plan at the time of application which shall contain as a minimum the following information:

- A. The actual shape, size and dimension of the lot, lot number, house address and fronting street (s), the exact size (per outside dimensions) and location on the lot of existing buildings and structures, the existing or intended use of each lot or building or part of a lot or building and the number of units or families the lot or building is designed to accommodate;
- B. The exact location and size of all proposed buildings, structures, signs, or other significant proposed features including distances between front, rear and side property lines as they relate to proposed features;
- C. All front, side and rear yard setbacks shall be shown on the drawing in addition to any utility or stormwater easements, including approximate location of utility lines such as water, sewer, gas, electric, cable or similar underground facilities;
- D. The location of driveways, distances between other drives and adjacent property lines, the location of parking and loading areas with size and number of stalls or loading berths, location of parking blocks, the width of aisles and general traffic movement patterns;
- E. Subsurface and stormwater drainage flow patterns, drainage easements, the approximate location of field tiles, areas subject to high water, flooding conditions, seasonable wet areas. For new construction, first floor or pad elevations shall be required. Spot elevations of the lot, frontage road and within 200' of the lot shall be required when deemed necessary to determine flood plain and drainage conditions. Elevations shall be made in accordance with sound surveying and engineering standards as prepared by a registered surveyor or engineer.
- F. Areas of landscaping and screening as required by this resolution, major open spaces and recreation areas.
- G. All site plans shall be legibly and neatly drawn to an acceptable engineering scale. Drawings which exceed 11" x 17" shall be submitted in triplicate.

H. The Planning Director or authorized representative shall stamp "approved" upon acceptance of the site plan for review, may waive certain requirements where information is deemed unnecessary and may require additional information not made referenced herein which may be necessary for proper review (Amend. #767, effect. date 9/20/89).

21.03
PERMIT

BUILDING

No building or other structure shall be erected, moved, added to, or structurally altered without a Building Permit therefore issued by the Enforcing officer. No building permit shall be issued except in conformity with the provisions of this Resolution.

21.04 CERTIFICATE OF HEALTH OFFICER

Prior to the acceptance of an application for a zoning permit, conditional use permit, zoning certificate or other permit as may be required, a certificate of approval by the County Health Officer or the EPA shall be required for the installation or upgrade of private on-site sanitary sewer facilities and/or for the proposed method of water supply. (Amend. #841, effect. date 8/14/91)

21.05 CERTIFICATE OF ZONING COMPLIANCE

In accordance with Section 303.17 of the Ohio Revised Code, it shall be a violation of this Resolution to locate, erect" construct, reconstruct, enlarge or structurally alter or occupy a building or structure within the territory included in this Zoning Resolution or to change the use of the land even though such use will not require any buildings until a Certificate of Zoning Compliance or zoning permit shall have been issued therefore by the Enforcing officer. This provision shall apply to all buildings, structures and land except those specifically exempted by the revised code. A certificate of Zoning Compliance or zoning permit shall be void if construction is not underway six (6) months after date of issue.

A. The following activities, uses or structures shall be charged a fee to be established by resolution of the Board of County Commissioners for the issuance of zoning permits or certificates of zoning compliance.

zoning compliance permits or zoning permits: 1. Certificate of

(a) Dwelling units: (per structure) including: Duplexes or two family dwelling, multi-family units or three family or greater dwelling units, modular or manufactured housing or mobile homes intended to remain on a temporary or permanent foundation.

(b) Residential room additions (including attached garages, porches, covered walkways, breezeways, sunrooms, decks or similar attached structures)

- (c) Non-residential structures or additions.
 - (d) Accessory buildings or accessory structures.
 - (e) Commercial parking lots.
 - (f) Temporary permits.
 - (g) Change of alteration of uses.
3. Applications to Board of Zoning Appeals.
 4. Application for Zoning Amendments.
 5. Zoning Resolution Book and charges for reproduction of tapes and copies.

B. In every instance where a proposed structure will require direct vehicular access to a dedicated thoroughfare, a drive-way permit shall be obtained from the appropriate designated authority prior to the issuance of a Certificate of Zoning Compliance for construction of said structure.

C. If the use of any land or building is changed or if alteration, construction or enlargement of any building is begun without zoning and/or building permit as required by this Resolution, an administrative penalty fee to be determined by resolution of the Board of County Commissioners shall be collected prior to the issuance of each required permit. No fee collected in accordance with this section shall be refunded, in whole or in part, except as the result of an administrative error.

21.06 REMEDIES

If any building or land is used, altered, constructed or enlarged is in violation of the provisions of this Resolution or any amendment or supplement thereto, the Enforcing Officer or any person or property owner damaged by or subject to damage by such violation, in addition to other remedies provided by law, are hereby empowered or authorized to institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, enlargement, change maintenance or use.

21.07 OTHER ACTION

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

21.08 PENALTIES

Violation of any provision of the Resolution or any amendment or supplement thereto or failure to comply with any of the requirements of this Resolution shall constitute a minor misdemeanor. Any person, firm or corporation violating any of the provisions of this Resolution, or any amendment thereto or failing to comply with any of the supplements thereto, shall upon conviction be subject to the penalties contained in Ohio Revised Code Section 2929.21. Each day such violation continues shall be considered a separate offense. (Amend. #557, effect. date 8/15/84)

21.09 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.

21.10 VIOLATION, NUISANCE PER SE: ABATEMENT

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

21.11 DISPLAY OF PERMIT CARDS

The Zoning Compliance and Building Permit cards shall be so displayed as to be seen from the road or street. The permit cards shall remain on display until the work for which the permit cards were issued is completed. This shall apply to all permits issued. Failure to display said permit cards shall constitute a violation of this Resolution (Amend. #268, effect. date 12/24/77).

ARTICLE 22 BOARD OF APPEALS

22.01 CREATION

A Board of Appeals is created in accordance with Section 303.13 of the Ohio Revised Code.

22.02 MEMBERSHIP AND APPOINTMENT

The Board shall consist of five (5) members appointed by the County Commission. The County Commission may remove any member of the Board for cause upon written charges and after public hearing. Vacancies shall be filled by the appointing authority for the unexpired term of the member affected. Board members shall serve a five (5) year term and shall be eligible for reappointment.

22.03 ORGANIZATION

The Board of 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. Three (3) members of the Board of Appeals shall constitute a quorum for the conducting of business. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings and records shall be open to the public.

22.04 OFFICIAL ACTION

The Board of Appeals shall act by resolution or motion and shall keep minutes of its proceedings showing the vote of each member upon each question and indicating the absence or failure to vote of any member. The minutes shall also include a statement of the facts of each appeal considered by the Board and the applicable section or sections by this Resolution where applicable which the Board has considered in approving or disapproving any petition or other matter brought before the Board.

22.05 RIGHT OF PETITION OR APPEAL

Application for a conditional use, change of use, variance, expansion of a non-conformity, and opinion shall be filed by the property owner or lessee of the property in question.

All applications for the above referenced items shall be accompanied by a site plan as required under Section 21.02. An appeal of a ruling of the Enforcing officer shall stay all proceedings unless the Enforcing officer certified 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.

22.06 FEE

Each application for a variance, conditional use, change of use, expansion of a non-conformity, appeal, or opinion shall be accompanied by a fee to be determined by resolution of the Board of County Commissioners and under no conditions shall such sum or part thereof be refunded except as a result of administrative error.

22.07 HEARING

The Board of 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 three hundred (300) 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 county. 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.

22.08 POWERS AND DUTIES

The Board of 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:

A. Administrative Review: To hear and decide appeals only in such cases where it is alleged there is an error in any order, requirements, decision, or determination made by the Enforcing Officer in the enforcement of this Resolution. The concurring vote of a majority of those members of the Board present and voting shall be necessary to reverse any order, requirements, decision, or determination of the Enforcing Officer or to decide in favor of the applicant on any matter upon which the Board is required to pass under the terms of this Resolution.

B. Determination of Similar Uses: To determine if uses not specifically mentioned in this Resolution are similar to uses permitted within a district.

C. 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 provisions of section 4.03.

D. 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 or the Comprehensive Master Plan. Requirements of 22.11, Regulation of Conditional Uses shall be met in securing a Conditional Use Permit.

E. Variances: To vary the strict application of any of the requirements of this Resolution in the case of exceptionally irregular, narrow, shallow or deep lots or other exceptional physical conditions, 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. The fact that another use would be more profitable is not a valid basis for legally granting a variance. 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. No variance in the strict application of this Resolution shall be granted by the Board of Appeals unless and until the applicant submits, and the Board concurs with the following:

1. Conditions and Circumstances: That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.
2. Property Rights: That literal interpretation of the provisions of this Resolution would deprive the applicant of property rights commonly enjoyed by other properties in the same district under the terms of this Resolution.
3. Applicant Not at Fault: That the special conditions and circumstances do not result from the actions of the applicant, his agents, or prior property owners.
4. No Special Privilege: That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.
5. Harmony with Locality: That the variance requested shall not alter the essential character of the locality nor be in conflict with the Comprehensive Master Plan.

F. Procedure for Consideration of Petitions for Variance:

1. The Board of Appeals shall make a finding that the reasons set forth in the application are valid and justify the granting of the variance. The Board shall also determine if the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.
2. Under no circumstances shall the Board of Appeals grant a variance which will permit a use which is not permitted in the district involved.

3. Conditions: The Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. The Board of Appeals shall require a performance bond or irrevocable letter of credit to assure conformance to such conditions and safeguards as the Board may require.

4. Violation: Violation of such conditions and safeguards when such are made a party of the terms under which a variance is granted, shall cause the aforementioned performance bond to be forfeited or a draft to be drawn on the full amount of the letter of credit and shall be deemed in violation of this Resolution punishable under Section 21.07.

5. Public Hearings: Prior to taking action on a request for a variance, the Board of Appeals shall hold a public hearing and give notice to property owners as in Section 22.07 of this Resolution.

22.09 WITHDRAWAL PROCEDURE

Any application for a variance, conditional use, change of use, expansion of a non-conformity or appeal may be withdrawn up to seven (7) days before the scheduled public hearing thereon. Such request must be in writing, signed by the applicant and filed in the office of the Enforcing Officer holding such hearing. Such withdrawal shall void said application and cancel all future proceedings upon said application. If said withdrawal is not properly and timely filed, Article 23.03 of the Zoning Resolution shall apply to any future applications. In no case shall application fees be refunded, either in part or in whole, regardless of the proceedings or lack thereof, after the filing of any such application.

22.10 APPLICATION FREQUENCY LIMITATIONS

For any parcel of property or portion thereof only one of each of the following applications shall be filed for consideration during any consecutive six (6) month period unless a change of ownership takes place: Conditional Use Permit, Change of Use Permit and Variance.

22.11 REGULATION OF CONDITIONAL USES

The provisions of Section 22.11 of this Resolution apply to the location and maintenance of any and all conditional uses.

A. Purpose: In recent years the characteristics and impacts of an ever increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and morals of the community.

Toward these ends, it is recognized that this Resolution should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements, traffic generation, impact and effect upon surrounding properties. Accordingly, conditional use permits shall conform to the procedures and requirements of this Resolution.

B. Contents of Conditional Use Permit Application: Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a conditional use permit by filing it with the Zoning Administrator. In addition to the site plan requirements of Section 21.02 such application, at a minimum, shall contain the following information:

1. Name, address and phone number of the applicant;
2. Legal description of the property or tax map of the property;
3. Zoning district;
4. Description of existing use;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic access ways, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, and such other information as the Board may require;
7. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration;
8. A list containing the names and mailing addresses of all owners of property within three hundred feet (300') of the property in question;
9. A fee as established by Resolution;

C. General Standards for All Conditional Uses: In addition to the specific requirements for conditionally permitted uses in Section E, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of this Resolution and appears on the list of conditionally permitted uses adopted for the district involved;

2. Will be in accordance with the general objectives, or with any comprehensive plan and/or the Zoning Resolution;
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
4. Will not be hazardous or disturbing to existing or future neighboring uses;
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
9. Will not result in the destruction, loss, or of a natural, scenic, or historic feature of major importance.

D. Invalidation of Conditional Use Permit:

1. For the purposes of this Resolution, a Conditional Use Permit shall cease to be valid at such time as the premises for which it was issued is no longer occupied by the holder of said permit or a change of ownership has occurred or until such use is terminated by the discontinuance of the use. A Conditional Use Permit shall also be immediately invalidated upon conduct in any manner not approved by the Board of Zoning Appeals.
2. 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. A Conditional Use Permit issued for other than construction shall expire in six (6) months after it issued unless the actual use established.
3. Exceptions to Change of ownership for a Conditional Use Permit: Change of ownership shall not invalidate a conditional use permit if upon application to the Zoning Administrator, the applicant can demonstrate that the activity or use is substantially similar and consistent with the previous conditional use activity and that no changes relative to the conditions, use or surrounding area have occurred since the activity was permitted. A conditional use permit fee as established by this resolution

shall be charged to the application. Should the zoning administrator deny the application for continuance of a conditional use, the applicant may appeal the decision or apply for another conditional use permit to the Board of Zoning Appeals as a separate action subject to the requirements of this resolution. Conditional use permits issued for a dwelling constructed as a second residence in the A-2, General Agricultural District shall be exempt from the change of ownership provisions.

E. Specific Criteria for Conditional Uses: The following are specific conditional use criteria and requirements for those uses conditionally permitted in this Resolution. Nothing in this shall prohibit the Board of Zoning from prescribing supplementary conditions and safeguards in addition to these requirements in accordance with Article 22

1. Mobile Home Parks: In every instance where approval has been granted by the Board of Appeals for the development of a mobile home park as a conditional use under Section 22.08, paragraph (4), all requirements of the Mobile Home Regulations of Miami County, Ohio shall be complied with:

2. Sexually Oriented Businesses: In every instance where a conditional use permit has been applied for in the I-1 Light Industrial district or I-2 General Industrial district for a Sexually Oriented Business, the applicant shall comply with the following conditions:

(a) No Sexually Oriented Business shall be established within 500 feet of any area zoned as a residential district or as an Office-Residential district. No Sexually Oriented Business shall be located within 500 feet of the right of way or any divided, limited access highway including but not limited to applicable portions of Interstate 75.

(b) No Sexually Oriented Business shall be established within a radius of 500 feet of any school, library, or teaching, educational facility, whether public or private, governmental or commercial, that is attended by persons under eighteen (18) years of age. The term "School" includes any school grounds.

(c) No Sexually Oriented Business shall be established within a radius of 500 feet of any park or recreational facility attended by persons under eighteen (18) years of age. The term park or recreational facility includes but is not limited to playgrounds, nature trail or recreational trails, swimming pools, reservoirs, athletic fields, basketball or tennis courts, pedestrian or bicycle paths, wildness areas, park districts or other similar public land.

(d) No Sexually Oriented Business shall be established within a radius of 500 feet of any permanently established place of religious services or worship which is attended by persons under eighteen (18) years of age or day care center of type A or B family day care home as defined by the Ohio Revised Code.

(e) No Sexually Oriented Business shall be established within a radius of 500 feet of any other Sexually Oriented Business or any of the following:

- (1) Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
 - (2) Pawn shops.
 - (3) Pool or billiard halls.
 - (4) Pinball palaces, halls, or arcades.
 - (5) Dance halls or discotheques.
 - (6) Video arcades or establishments known by other descriptions but which provide video game and/or other games or entertainment attended or participated in by persons under eighteen (18) years of age.
 - (7) Tattoo parlors/body piercing operations, excluding ear-piercing.
- (f) Distances shall be measured by a straight line distance without regard for intervening structures from the property lines or zoning boundaries of any lot or parcel of land which includes or which is operated or used in connection with a building or in which a Sexually Oriented Business is located or in which any activity described referred to in this section is located. If property lines cannot be clearly established, measurements shall be taken from the closest exterior structural wall or section of wall enclosing the Sexually Oriented Business to the nearest property line or zoning boundary of the other use in question.
- (g) Advertisements, displays or other promotional materials posted or displayed at a Sexually Oriented Business shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public area.
- (h) All building openings, entries, windows, and the like, at any Sexually Oriented Business shall be located, covered, or screened in such a manner as to prevent any view into the interior from the exterior or 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, any sidewalk, or any street.
- (i) No screens, loudspeakers or sound equipment shall be used by a Sexually Oriented Business that can be seen, heard or discerned by the public from public or semi-public areas, any sidewalk, or any street.
- (j) Off-street parking shall be provided in accordance with Section 17.16 for similar uses, as well as all other standards for permitted uses within the I-1 and I-2 Zoning Districts as appropriate.

3. Replacement of Nonconforming Mobile Homes: Mobile Homes intended for residential occupancy which is classified as nonconforming structures or nonconforming uses at the effective date of adoption or amendment to this Resolution may be replaced with another similar sized mobile home provided the following conditions, are met:

(a) The mobile home is the principal unit on the lot and no other dwelling unit is on the lot.

(b) The mobile home can meet all other applicable lot area, set back, yard area requirement and other provisions of the zoning resolution.

(c) The owner or lessee of the property has furnished documentation that the existing mobile home can no longer be maintained or that the existing mobile home is a threat to the health, safety and welfare of its occupants.

(d) On lots with more than one principal dwelling unit, the replacement of a nonconforming mobile home shall be considered as a temporary use with the following additional provisions:

(1) The premises shall be occupied by a member of the family.

(2) The applicant shall renew the conditional use permit every 18 months with the zoning enforcement officer. No fee shall be charged for this renewal.

(3) Upon the termination of the use of the mobile home as a dwelling unit intended for occupancy for family members, the unit shall be removed from the premises within six months.

4. Home Occupations as a Conditional Permitted Use: A person may apply for a conditional use permit for a home occupation as permitted under the following criteria:

(a) Home Occupations in Residential Zoning Districts:

(1) The external appearance of the structure or structures in which the use is conducted shall not be altered. No internal or external alterations, construction, or reconstruction which detracts from the residential character of the premises accommodate the use shall be permitted.

(2) There shall be no outside storage of any kind related to the use. No display of products may be visible from the street. Sales of commodities not produced on the premises may be permitted provided that the commodities are specified in the application are directly and reasonably related to home occupations.

(3) Not more than 250 square feet of the gross floor area may be used for the purpose of conducting a home occupation. The home occupation shall be limited to one room.

(4) No equipment, process, materials, or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.

(5) No additional parking demand shall be created; no more than three receiver vehicles of such service shall be allowed at any one time.

(6) Not more than one unanimated, nonilluminated sign no larger than one square foot shall be allowed on the premises.

(7) No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.

(8) Auto repair home occupations shall be prohibited in residential districts.

(b) Home Occupations in A-1, A-2, F-1 Zoning Districts:

(1) No internal or external alterations, construction or reconstruction of the premises to accommodate the use shall be permitted which detracts from the residential and agricultural character.

(2) Outside storage, if approved by the Board of Zoning Appeals, shall be on a limited basis to the rear yard area of the property. Such as storage area, if approved, shall be limited to those activities as specified in the application; shall not be visually obtrusive or undesirably noticeable from the street or adjacent properties. The Board may prescribe appropriate screening to further lessen the visual impact of outside storage.

(3) Products on the exterior of accessory buildings, storage facilities and the premises may be displayed on a temporary basis from sunrise to sunset but shall not detract from the residential character of the place. The application shall specify the type of products to be displayed and where they will be displayed on the premises.

(4) Not more than twenty-five per cent (25%) of the gross floor area of the living area on the ground floor shall be devoted to the use. Use and size of accessory buildings may be permitted provided the application so specifies and it is approved by the Board of Zoning Appeals.

(5) No equipment, process, materials, or chemicals shall be used which create offensive noise, vibrations, smoke, dust, odor, heat, glare, x-rays, radiation or electrical disturbances.

(6) No additional parking demand shall be created; no more than three receiver vehicles of such service shall be allowed at any one time.

(7) Not more than one unanimated, non-illuminated sign no larger than two (2) square feet shall be allowed on the premises.

- (8) A person who is not a resident of the premises may not participate in the home occupation as an employee or volunteer.

ARTICLE 23 AMENDMENT

The County Commission may from time to time amend, supplement, change, or repeal this Resolution in the manner prescribed by Section 303.12 of the Ohio Revised Code and in accordance with the following:

23.01 RIGHT OF AMENDMENT

A proposed amendment may be initiated by the Rural Zoning Commission, the County Commission, or by the filing of an application by the owners or lessee of property within the area proposed to be changed. All such proposals originating with the County Commission shall be certified to the Rural Zoning Commission. All proposals for zoning amendments shall be accompanied by a site plan as required under Section 21.02.

The Rural Zoning Commission shall set a public hearing date on the proposal and refer the matter to the Planning Commission for a recommendation for approval or denial. Such recommendation shall be considered at the hearing held by the Rural Zoning Commission.

23.02 RECOMMENDATION OF RURAL ZONING COMMISSION

The Rural Zoning Commission, after public hearing, shall recommend the approval, denial or modification of the proposed amendment and submit such recommendation and the recommendation of the Planning Commission to the County Commission.

The County Commission shall, upon receipt of such recommendation, set a public hearing date on the proposed amendment. In the event the County Commission after public hearing denies or modifies the recommendation of the Rural Zoning Commission, the unanimous vote of the County Commission shall be required.

23.03 APPLICATION FREQUENCY LIMITATION

For any parcel of property or portion thereof only one zoning amendment shall be filed for consideration during any consecutive twelve (12) month period unless a change of ownership takes place.

23.04 FEE

When a petition for a change, amendment, supplement, repeal, or modification is filed, and before any action shall be taken as provided in this section, any person desiring such action shall be required to pay a fee to be determined by resolution of the Board of County Commissioners and under no conditions shall such sum or part thereof be refunded except as a result of administrative error.

23.05 WITHDRAWAL PROCEDURE

Any application for an amendment may be withdrawn up to seven (7) days before the first scheduled public hearing or seven (7) days before the second scheduled public hearing thereon. Such request must be in writing, signed by the applicant and filed in the office of the Enforcing officer holding such hearing. Such withdrawal shall void said application and cancel all future proceedings upon said application. If said withdrawal is not properly and timely filed, Article 23.03 of the Zoning Resolution shall apply to any future applications. In no case, shall application fees be refunded, either in part or in whole, regardless of the proceedings or lack thereof, after the filing of any such application for an amendment.

Article 24 Wind Turbines

24.01 Purpose:

The purpose of this amendment is to establish general guidelines for the location of wind turbine generators (sometimes referred to herein as “WTG”) and anemometer towers in Miami County, Ohio. This amendment is consistent with the stated primary purpose of the Miami County Zoning Resolution. The County recognizes in some specific instances, under carefully controlled circumstances, it may be in the public interest to permit the placement of wind turbine generators in certain areas of the County. The county also recognizes the need to protect the scenic beauty of the County from unnecessary and unreasonable visual interference, noise radiation, and that wind turbine generators may have negative health, safety, welfare, and aesthetic impacts upon adjoining and neighboring uses. As such, this amendment seeks to:

1. Protect residential and agricultural areas from the potential adverse impact of wind turbine generators.
2. Permit wind turbine generators in selected areas by on-site residential, commercial, or industrial users; subject to the terms, conditions, and provisions hereof.
3. Ensure the public health, welfare, and safety of the County’s residents in connection with wind turbine generators.
4. Avoid potential damage to real and personal property from the wind turbine generators or anemometer towers or the failure of such structures and related operations.

24.02 Procedure

Any proposed construction, erection, or siting of a wind turbine generator or anemometer shall be permitted only by issuance of a Conditional Use Permit in accordance with section 22 of this Resolution, as amended hereof unless said WTG meets the requirements of section 24.04.

24.03 Definitions

Definitions: for the purposes of the regulation of residential, commercial, and industrial use of wind turbine generators.

Accessory Structure: Structures such as sheds, storage sheds, pool houses, unattached garages, and barns.

Anemometer: An instrument that measures the force and direction of the wind.

Clear Fall Zone: An area surrounding the wind turbine unit into which the turbine and or turbine components might fall due to inclement weather, poor maintenance, faulty

construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located. The purpose being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not fall onto dwellings or accessory buildings, or otherwise intrude onto a neighboring property.

Cowling: A streamlined removable metal that covers the turbine's nacelle.

Nacelle: A separate streamlined metal enclosure that covers the essential mechanical components of the turbine.

Primary Structure: For each property, the structure that one or more persons occupy the majority of the time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.

Professional Engineer: A qualified individual who is licensed as a Professional Engineer in the State of Ohio.

Wind Power Turbine Owner: The person or persons who own the wind turbine structure.

Wind Power Turbine Tower: The support structure to which the turbine and rotor are attached.

Wind Power Turbine Tower Height: The distance from the rotor blade at its highest point to the top surface of the Wind Power Generating Facility (WPGF) foundation.

24.04 Residential Wind Turbines

The County recognizes the importance of clean, sustainable, and renewable energy sources. To that end, Miami County permits the use of residential wind turbines under the following regulations to ensure the safety and welfare of all County residents is met.

1. Wind turbines shall be a *permitted use* in all districts under the following conditions.
 - A. The maximum height of any turbine shall be 100 feet. For purposes of this particular zoning item, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbines blades. Maximum height therefore shall be calculated measuring the length of a prop at maximum vertical rotation to the base of the tower.
 - B. Setbacks: the following shall apply in regards to setbacks:

1. Any turbine erected on a parcel of land will need to establish a “clear fall zone” from all neighboring property lines and structures, as well as any structures on the parcel intended for the turbine. A turbine will need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located, and would not strike any structures including the primary dwelling, and any accessory buildings or uses.

C. Aesthetics: The following provisions shall be applied to the aesthetics issue of wind turbines.

1. The turbine, including the prop blades, turbine, cowling, and tower shall be painted or coated white, gray, or sky blue. Logos or other identification markers other than those of the manufacturer and model type shall not be permitted anywhere on the turbine.

D. Maintenance

1. Wind turbines must be maintained in good working order. Turbines that become inoperable for more than 6 months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes all apparatuses, supports, and or other hardware associated with the existing turbine.

2. Permits

- A. A permit shall be required before construction can commence on an individual wind turbine system.
- B. As part of the permit process, the applicant shall inquire with the Miami County Planning and Zoning Department as to whether or not additional height restrictions are applicable due to the units location in relation to either the Dayton International Airport or Piqua Airport-Hartzell Field.
- C. Applicant shall then provide the Miami County Zoning Inspector with the following items and or information when applying for a permit:
 1. Location of all public and private airports in relation to the location of the turbine, as well as any applicable FAA restrictions that may be applicable to the turbine.

2. An engineering report that shows:
 - a. The total size and height of the unit.
 - b. The total size and depth of the unit's mounting pad.
 - c. An average decibel rating for the particular model.
 - d. A list and or depiction of all safety measures that will be on the unit including anti-climb devices, and lightning protection.
 - e. Data specifying the kilowatt size and generating power of the particular unit.
 - f. Evidence of "clear fall zone" with manufacturer's recommendations.
3. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring properties.
4. Color of the unit as well as the location and size of the manufacturer's identifying logos shall be included in the plan
5. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

ARTICLE 25 WELL FIELD PROTECTION OVERLAY DISTRICT

25.01 INTENT

The overlay zoning districts may restrict the design, require additional setbacks, or set into place any other restrictions that will meet the district's purpose. (In cases where there is a conflict between the requirements of the overlay district and the underlying zone. The more restrictive regulations apply).

25.02 WELL FIELD PROTECTION OVERLAY DISTRICT

The Well Field Protection District shall be considered an overlay zoning district.

A. Purpose- The Well Field Protection Overlay District is designed to safeguard the public health, safety, and welfare of citizens and institutions that are customers of a public water system by regulating the land use and the storage, handling, use, and protection of regulated substances. The land within the overlay district is described as the land within the unincorporated area of Miami County under the jurisdiction of the Miami County Zoning Resolution which lies within the one-year capture area and accompanying buffer surrounding existing and proposed public or private water well fields. The intent of this designation is to protect the community's potable water supply against contamination.

B. Applicability to Underlying Zoning Districts- The provisions of Section 25.02 inclusive, shall be applicable to all lands shown as being located within the boundaries of the Well Field Protection Overlay District on the zoning map and shall be supplemental to the regulations of the underlying zoning district.

C. Permitted Uses, Bulk and Yard Regulations- The permitted uses, bulk and yard regulations within the Well Field Protection Overlay District shall be those of the underlying zoning district except as defined by Section 25.02 E. Prohibited Uses.

D. Conditional Uses- The following uses are conditional uses within the Well Field Protection Overlay District:

1. The conditional uses within the Well Field Protection Overlay District shall be those of the underlying zoning district, except as specified in Sections 25.02 (D)

2. The excavation, extraction, mining, or processing of sand, gravel, and limestone from the earth for resale shall remain as conditional uses in the Well Field Protection Overlay District subject to Board of Zoning Appeals approval of an excavation and facilities plan that includes, but is not limited to:

- a. An existing site plan with topographic detail at two feet contour intervals, all planimetric information, depth to groundwater and flood plain characteristics where applicable.

- b. The proposed extent and depth of excavation;
- c. Slope angle of excavation walls (any final slopes shall be at the angle of repose for the remaining material);
- d. Use and disposition of the soil and/or overburden materials from the excavations including a landscaping and vegetation plan to stabilize any disturbed material;
- e. Surface drainage plan and surface drainage requirements:
 - (1) Drainage into onsite excavations from proximate off-site transportation facilities such as roadways and roadbeds and off-site watercourses is prohibited unless the applicant provides a plan which otherwise protects the excavations from off-site waterborne regulated substances.
 - (2) The final onsite grading shall minimize all surface drainage in the excavations.
- f. A post-excavation and operation land use plan; and
- g. A security plan (unauthorized access shall be strictly prohibited as long as any excavations remain on site).

E. Prohibited Uses- Sanitary landfills, drywells, landfills comprised of demolition debris or other non-approved matter, and junkyards are prohibited within the Well Field Protection Overlay District.

F. Best Management Practices and Exemptions- To the maximum extent practical, owners and operators within the Well Field Protection Overlay District shall implement best management practices (BMPs) to reduce risk of release and pollution of the environment. BMPs apply to use, storage, and production of regulated substances listed in Section 25.02 (5). BMPs are defined as “schedules of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the risk of a release”.

- 1. BMPs include, but are not limited to, the following: treatment techniques, operating procedures, and practices to control runoff, spills, and leaks.
- 2. Spill control procedures shall include but are not limited to the following:
 - a. Secondary and tertiary containment systems, including the use of containment during chemical storage, transfer, and use. The system shall be designed to capture 110% of a release from a primary containment unit.
 - b. Adopting standardized spill response protocols and providing training to employees to help insure response protocols are enacted if a spill or release occurs.
 - c. Drums and other types of containers holding regulated substances and wastes of such substances defined as:

1. Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, irritants, corrosives, sanitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system and agents which damage the lungs, skin, eyes, or mucous membranes.
 2. Mixtures of chemicals, which have been tested as a whole and have been determined to be a health hazard.
 3. Mixtures of chemicals which have not been tested as a whole but contain any chemical determined to have been a health hazard and comprises one percent (1%) or greater of the composition on a weight per unit weight basis.
 4. Petroleum and nonsolid petroleum derivatives (except non-PCB dielectric fluids).
3. Existing containment systems and procedures shall not be removed, nor shall their ability to contain spills be compromised, so long as regulated substances are stored, transferred or used within the containment areas. Containment systems shall be maintained in good working order. Improvements and/or additions to containment systems may be performed so long as the ability to contain a spill is not compromised. Temporary approved containment systems may be required during maintenance and/or improvement activities.
4. The following types of products and volumes are exempt from BMP requirements within the Well Field Protection Overlay District.
- a. Aggregate of regulated substances. The aggregate of regulated substances in use, storage, handling and/or production may not exceed twenty gallons or 160 pounds at any time.
 - b. Total use of regulated substances. The total use, storage, handling and/or production of regulated substances may not exceed fifty gallons or 400 pounds in any twelve-month period.
 - c. A limited exclusion from the provisions of subsection (a) hereof is authorized for non-routine maintenance or repair of property or equipment. The use, storage, handling and/or production of regulated substances under this exclusion shall be limited to:
 1. Aggregate regulated substances. The aggregate of regulated substances in use, storage, handling and/or production may not exceed fifty gallons or 400 pounds at any time.

2. Total use of regulated substances. The total use, storage, handling and/or production of regulated substances may not exceed 100 gallons or 800 pounds in any twelve-month period.
 3. A limited exclusion from the provisions of subsection (a) hereof is authorized for medical and research laboratory uses, provided, however, that regulated substances shall be stored, handled or used in containers not to exceed five gallons or forty pounds of each substance, and provided, further, that the aggregate inventory of regulated substances shall not exceed 250 gallons or 2,000 pounds.
 4. A limited exclusion from the provisions of subsection (a) hereof is authorized for regulated substances which are cleaning agents, provided, however, that such cleaning agents are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public, and provided, further, that the aggregate inventory of such cleaning agents shall not exceed 100 gallons or 800 pounds at any time. In no case shall regulated substances claimed under this exclusion include hydrocarbon or halogenated hydrocarbon solvents.
 5. With the exception of residential use of heating fuels in tanks having a capacity equal to or less than 500 gallons, the underground storage of fuel and lubricants for vehicle operations and fuel for building and/or process heating in conjunction with permitted and conditional uses in this District shall be in secondarily contained and monitored tanks. Such installations shall be subject to approval by the Administrative Officer.
 6. Notwithstanding other provisions of this Article, nonconforming uses in this District presently utilizing underground storage tanks for fuel and lubricants for vehicle operations and fuel for building and/or process heating shall be permitted to replace existing tanks with those constructed as per the specifications of subsection (e) hereof and not exceeding the capacity of existing tanks. Replacement of underground tanks for regulated substances other than the above noted fuels and lubricants are not permitted.
5. Substances to be regulated, hereinafter referred to as regulated substances, are chemicals and mixtures of chemicals that are health hazards. Regulated substances include:
- a. Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers,

hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system and agents which damage the lungs, skin, eyes, or mucous membranes.

- b. Mixtures of chemicals, which have been tested as a whole and have been, determined to be a health hazard.
- c. Mixtures of chemicals which have not been tested as a whole but contain any chemical determined to have been a health hazard and comprises one percent (1%) or greater of the composition on a weight per unit weight basis.
- d. Petroleum and nonsolid petroleum derivatives (except non-PCB dielectric fields).
- e. New underground storage tanks (USTs) shall be permitted within the Well Field Protection Overlay District so long as said tanks comply with Ohio Administrative Code.

G. Underground Storage Tanks Requirements- New underground storage tanks (USTs) shall be permitted within the Well Field Protection Overlay District so long as said tanks comply with the Ohio Administrative Code 1301:7-9-10 (BUSTR program). Existing USTs are permitted so long as their construction, leak detection and maintenance programs meet all local and state UST rules and regulations.

H. Wastewater Disposal- All uses within this district shall be connected to the public wastewater disposal system within a three (3) year period from the effective date of this article or have a wastewater disposal system approved by the Miami County Health District.

I. Agricultural Chemicals Exempted- The use of agricultural chemicals applied in accordance with best management practices and/or label directions shall not be restricted by the requirements of these regulations.

25.03 REPORTING REGULATED SUBSTANCE SPILLS, LEAKS, OR DISCHARGES

A. Notification Required- Any person with direct knowledge of a spill, leak or discharge of a regulated substance that escapes containment or contacts a pervious ground surface within the Well Field Protection Overlay District and such spill, leak, or discharge is not immediately and completely re-mediated shall give notice to the Miami County Sheriff's Department or 911 Emergency Response Center by telephone within thirty (30) minutes. The notification shall include at minimum, the location of the incident, name and telephone number, date and time thereof, type of substance(s), concentration and volume, and control or corrective action taken. Such notification shall in no way alleviate other local, state, and federal reporting obligations as required by law.

B. Application of Agricultural Chemicals- The application of agricultural chemicals, fertilizers, mineral acids, organic sulfur compounds, etc. used in routine agricultural operations, including plant nutrients and crop protection materials, applied under best management practices as indicated by soil tests, agricultural experts, or label directions approved by the United States EPA or the Ohio Department of Agriculture, shall not be considered a spill, leak, or discharge subject to the reporting provisions of this paragraph.

C. Liability and Required Documentation- Any entity or person who spills, leaks, or discharges said substance(s) shall be liable for any reasonable expense, loss or damages incurred by Miami County in response to such an incident, in addition to the amount of any fines imposed on account of thereof under state and federal law. Said entity or person shall document and maintain sufficient records so as to reflect accurately the circumstances related to any such incident and develop and implement procedures to substantially eliminate the likelihood of reoccurrence of such spills, leaks, or discharges as soon as practical following the incident, but no later than one hundred eighty (180) days after the incident.

D. Falsifying Information- No person shall make any false statement, representation, or certification in any report or other document filed or required to be maintained pursuant to this section.

E. Inspections- Subject to applicable provisions of law, the Zoning Administrator or authorized designee bearing proper identification shall be permitted to enter private property at any reasonable time, with reasonable cause or with prior notification, for such purposes as inspection, observation, measurement, sampling, and records examination pertaining to the requirements of this section. Upon request of the entity which is the subject of the inspection, and if permitted by the state public records law, information obtained as a result of the inspection shall be maintained as confidential. If the owner or tenant does not consent to the entry of the Zoning Administrator, the Zoning Administrator may apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter said property; but no consent is necessary for entry then open to the public or to customers.

F. Technical Consultants- Upon application for a zoning certificate and/or occupancy certificate for a use within these well field operation or overlay districts, the Zoning Administrator may employ such technical expertise as needed to ensure compliance with the provisions of these regulations. All reasonable costs, as determined by Miami County, incurred in the compliance review process shall be passed through to the applicant and shall be in addition to those fees normally charged to review an application for a zoning certificate and/or occupancy certificate.

25.04 EXEMPTION OF REGULATED SUBSTANCES

The Zoning Administrator is authorized to exclude certain regulated substances that pose no threat to ground water, from the provisions of these regulations. Prior to authorizing the exemption of any regulated substance, the Zoning Administrator shall have such request for exemption reviewed by the Board of Zoning Appeals.

25.05 CLEAN CLOSURE REQUIREMENTS

Except in the seasonal discontinuation of operation, the owner or operator of any non-residential property that becomes unoccupied or has discontinued operation for a period of ninety (90) consecutive days shall remove all regulated substances from the property other than those used exclusively for heating, cooling, and providing electrical lighting for the premises within ninety (90) days after the date upon which the property initially became unoccupied or the operation discontinued. Except as noted above, regulated substances that are excluded from reporting requirements shall be removed by the date specified above. The owner or operator shall secure the regulated substances on the property until they have been removed. The owner or operator notify the Miami County Sanitary Engineer in writing of the date the cessation of operation or the property becoming unoccupied no later than the day upon which the operation actually ceases or the property becomes unoccupied, and such notification shall include the owner's name, phone number, and address and the operator's name, phone number, and new address

25.06 HAZARD POTENTIAL RANKING SYSTEM FOR NONCONFORMING USES

Uses using, storing, handling and/or producing regulated substances in amounts equal to or less than the requirements set forth in Section 25.04 are considered conforming uses and this section does not apply. Any new use or change of use shall maintain the conforming status of the property.

In order to assess the risk for groundwater contamination potential for nonconforming uses, a hazard ranking has been developed for various activities categorized by their standard industrial classification (SIC) code. This ranking is based on the kind of materials commonly associated with each use looking only at the most critical hydrologic factors.

Table 1 following the text of this section lists the site hazard potential by land use activity on a scale of one to nine, with one being a low hazard and nine a very high hazard. This rating is based on the intrinsic hazards posed by different land uses and is related to the materials commonly used or stored on the site or the types and amounts of wastes commonly discharged.

Table 2 lists the hazard potential determined on the basis of materials known to be used, stored or disposed of at a specific site.

If the two tables referenced above indicate different site hazard potential ratings for the

SIC-coded land use activity and the materials found on-site, the higher of the two scores is the rating for the site.

TABLE 1
CONTAMINANT HAZARD POTENTIAL RANKING CLASSIFIED BY SOURCE

SIC NUMBER	DESCRIPTION OF WASTE SOURCE	HAZARD POTENTIAL INITIAL RATING
01	AGRICULTURAL PRODUCTION – CROP	1 - 2
02	AGRICULTURAL PRODUCTION - LIVESTOCK	
	021 Livestock, except Dairy, Poultry and Animal Specialties	(5 for Feedlots)
	024 Dairy Farms	4
	025 Poultry and Eggs	4
	027 Animal Specialties	2 - 4
	029 General Farms, Primarily Livestock	2
10	METAL MINING	
	101 Iron Ores	4
	102 Copper Ores	6
	103 Lead and Zinc Ores	5
	104 Gold and Silver Ores	6
	105 Bauxite and Other Aluminum Ores	5
	106 Ferroalloy Ores Except Vanadium	5
	108 Metal Mining Services	4
	1092 Mercury Ore	6
	1094 Uranium-Radium-Vanadium Ores	7
	1099 Metal Ores Not Elsewhere Classified	5
11	ANTHRACITE MINING	7
12	BITUMINOUS COAL AND LIGNITE MINING	7
13	OIL AND GAS EXTRACTION	
	131 Crude Petroleum and Natural Gas	7
	132 Natural Gas Liquids	7
	1381 Drilling Oil and Gas Wells	6

Article 25
Well Field Protection Overlay District

	1382 Oil and Gas Field Exploration Services	1
	1389 Oil and Gas Field Services Not Elsewhere Classified	Variable, Depending On Activity
14	MINING AND QUARRYING OF NON-METALLIC MINERALS, EXCEPT FUELS	
	141 Dimension Stone	2
	142 Crushed and Broken Stone, Including Riprap	2
	144 Sand and Gravel	2
	145 Clay, Ceramic, and Refractory Minerals	2 - 5
	147 Chemical and Fertilizer Mineral Mining	4 - 7
	148 Nonmetallic Minerals Services	1 - 7
	149 Miscellaneous Nonmetallic Minerals, Except Fuels	2 - 5
16	CONSTRUCTION OTHER THAN BUILDING CONSTRUCTION	
	1629 Heavy Construction, Not Elsewhere Classified (Dredging, Especially in Salt Water)	4
20	FOOD AND KINDRED PRODUCTS	
	201 Meat Products	3
	202 Dairy Products	2
	203 Canned and Preserved Fruits And Vegetables	4
	204 Grain Mill Products	2
	205 Bakery Products	2
	206 Sugar and Confectionery Products	2
	207 Fats and Oils	3
	208 Beverages	2- 5
	209 Misc. Food Preparation and Kindred Products	2
22	TEXTLE MILL PRODUCTS, ALL EXCEPT LISTINGS BELOW	
	223 Broad Woven Fabric Mills, Wool (including dyeing and finishing)	6
	226 Dyeing and Finishing Textiles, Except Wool Fabrics and Knit Goods	6
	2295 Coated Fabrics Not Rubberized	6

24	LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE	
	241 Logging Camps and Logging Contractors	2
	242 Sawmills and Planing Mills	2
	2435 Hardwood Veneer and Plywood	4
	2436 Softwood Veneer and Plywood	4
	2439 Structural Wood Members, Not Elsewhere Classified (laminated wood-glue)	3
	2491 Wood Preserving	5
	2492 Particle Board	4
	2499 Wood Products, Not Elsewhere Classified	2 - 5
26	PAPER AND ALLIED PRODUCTS	
	261 Pulp Mills	6
	262 Paper Mills except Building Paper Mills	6
	263 Paperboard Mills	6
28	CHEMICALS AND ALLED PRODUCTS	
	2812 Alkalis and Chlorine	7 - 9
	2813 Industrial Gases	-
	2816 Inorganic Pigments	3 - 8
	2819 Industrial Inorganic Chemicals Not Elsewhere Classified	3 - 9
	2821 Plastic Materials, Synthetic Resins, and Nonvulcanizable Elastomers	6 - 8
	2822 Synthetic Rubber (Vulcanizable Elastomers)	6 - 8
	2823 Cellulose Man-Made Fibers	6 - 8
	2824 Synthetic Organic Fibers, Except Cellulosic	6 - 8
	2831 Biological Products	6 - 9
	2832 Medicinal Chemicals and Botanical Products	3 - 8
	2834 Pharmaceutical Preparations	6 - 9
	2841 Soap and Other Detergents, Except Specialty Cleaners	4 - 6
	2842 Specialty Cleaning, Polishing, And Sanitation Preparation	3 - 8
	2843 Surface Active Agents,	

	Finishing Agents, Sulfonated Oils and Assistants	6 - 8
	2844 Perfumes, Cosmetics, and Other Toilet Preparations	3 - 6
	2851 Paints, Varnishes, Lacquers, Enamels and Allied Products	5 - 8
	2861 Gum and Wood Chemicals	5 - 8
	2865 Cyclic (coal tar) Crudes, and Cyclic Intermediates, Dyes and Organic Pigments (Lakes and Toners)	6 - 9
	2869 Industrial Organic Chemicals Not Elsewhere Listed	3 - 9
	2873 Nitrogenous Fertilizers	7 - 8
	2874 Phosphatic Fertilizer	7 - 8
	2875 Fertilizer Mixing Only	5
	2879 Pesticides and Agricultural Chemicals, Not Elsewhere Listed	5 - 9
	2891 Adhesives and Sealants	5 - 8
	2892 Explosives	6 - 9
	2893 Printing Ink	2 - 5
	2895 Carbon Black	1 - 3
	2899 Chemicals and Chemical Preparations, Not Elsewhere Listed	3 - 9
29	PETROLEUM REFINING AND RELATED INDUSTRIES	
	291 Petroleum Refining	8
	295 Paving and Roofing Materials	7
	299 Misc. Petroleum and Coal Products	7
30	RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS	
	301 Tires and Inner Tubes	6
	302 Rubber and Plastic Footwear	6
	303 Reclaimed Rubber	6
	304 Rubber and Plastic Hose And Belting	4
	306 Fabricated Rubber Products, Not Elsewhere Classified	4
31	LEATHER AND LEATHER PRODUCTS	
	311 Leather Tanning and Finishing (Remaining Three-Digit Codes)	8 1 - 3

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32	STONE, CLAY, GLASS, AND CONCRETE PRODUCTS	
	321 Flat Glass	4
	322 Glass and Glassware, Pressed or Blown	4
	324 Cement, Hydraulic	3
	3274 Lime	3
	3291 Abrasive Products	3
	3292 Asbestos	3
	3293 Gaskets, Packing, and Sealing Devices	3
32	PRIMARY METAL INDUSTRIES (Except as Noted Below)	3
	3212 Blast Furnaces, Steel Works And, Rolling and Finishing Mills	6
	323 Primary Smelting and Refining of Nonferrous Metals	7
34	FABRICATED METAL PRODUCTS, EXCEPT MACHINERY AND TRANSPORTATION EQUIPMENT (Except as Noted Below)	5
	347 Coating, Engraving, and Allied Services	8
	3482 Small Arms Ammunition	7
	3483 Ammunition, Except for Small Arms, Not Elsewhere Classified	7
	3489 Ordnance and Accessories, Not Elsewhere Classified	7
	349 Misc. Fabricated Metal Products	3 – 6
35	MACHINERY, EXCEPT ELECTRICAL	5 – 7
36	ELECTRICAL AND ELECTRONIC MACHINERY, EQUIPMENT AND SUPPLIES (Except as Noted Below)	
	3691 Storage Batteries	8
	3692 Primary Batteries, Dry and Wet	8
37	TRANSPORTATION EQUIPMENT	5 – 8
38	MEASURING, ANALYZING, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC, MEDICAL, AND OPTICAL GOODS; WATCHES AND CLOCKS (Except as Noted Below)	4 - 6
	386 Photographic Equipment and Supplies	7

39	MISCELLANEOUS MANUFACTURING INDUSTRIES 3 – 7	
49	ELECTRIC, GAS, AND SANITARY SERVICES	
	491 Electric Service	3 - 5
	492 Gas Production and Distribution	3
	494 Water Supply	2
	4952 Sewage Systems	2 - 5
	4953 Refuse Systems (Landfills)	5 - 9
	496 Steam Supply	2 - 4

TABLE 2
CONTAMINANT HAZARD POTENTIAL RANKING CLASSIFIED BY TYPE

DESCRIPTION	HAZARD POTENTIAL INITIAL READING	ID * NUMBER
SOLIDS		
Ferrous Metals	1-4	1100
Non-Ferrous Metals	1-7	1200
Resins, Plastics, and Rubbers	2	
1300		
Wood and Paper Materials (except as noted below)	2	1400
Bark	4	1401
Textiles and Related Fibers	2	1500
Inert Materials (except as noted below)	2	1600
Sulfide Mineral-Bearing Mine		
Tailings	6	1601
Slag and Other Combustion		
Residues	5	1602
Rubble, Construction, and		
Demolition Mixed Waste	3	1603
Animal Processing Wastes (except as noted below)	2-4	1700
Processed Skins, Hides, and		
Leathers	6	1701
Dairy Wastes	4	1702
Live Animal Wastes-Raw Manures (Feedlots)	5	1703
Composts of Animal Waste	2-4	1704
Dead Animals	5	
1705		
Edible Fruit and Vegetable Remains		
Putrescibles	2-3	1800

LIQUIDS

Organic Chemicals (must be chemically classified)		2000
Aliphatic (Fatty) Acids	3-5	2001
Aromatic (Benzene) Acids	7-8	2002
Resin Acids	-	2003
Alcohols	5-7	2004
Aliphatic Hydrocarbons (petroleum derivatives)	4-6	2005
Aromatic Hydrocarbons (benzene derivatives)	6-8	2006
Sulfonated Hydrocarbons	7-8	2007
Halogenated Hydrocarbons	7-9	2008
Alkaloids	7-9	2009
Aliphatic Amines and Their Salts	1-4	2010
Anilines	6-8	2011
Pyridines	2-6	2012
Phenols	7-9	2013
Aldehydes	6-8	2014
Ketones	6-8	2015
Organic Sulfur Compounds (Sulfides, Mercaptans)	7-9	2016
Organometallic Compounds	7-9	2017
Cyanides	7-9	2018
Thiocyanides	2-6	2019
Sterols		2020
Sugars and Cellulose	1-4	2021
Esters	6-8	2022
Inorganic Chemicals (must be chemically classified)		2100
Mineral and Metal Acids	5-8	2101
Mineral and Metal Bases	5-8	2102
Metal Salts, Including Heavy	6-9	2103
Oxides	5-8	2104
Sulfides	5-8	2105
Carbon or Graphite	1-3	2106
Other Chemical Process Wastes not Previously Listed (must be chemically classified)		2200
Inks	2-5	2201
Dyes	3-8	2202
Paints	5-8	2203
Adhesives	5-8	2204
Pharmaceutical Wastes	6-9	2205

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Petrochemical Wastes	7-9	2206
Metal Treatment Wastes	7-9	2207
Solvents	6-9	2208
Agricultural Chemicals (Pesticides Herbicides, Fungicides, etc.)	7-9	2209
Waxes and Tars	4-7	2210
Fermentation and Culture Wastes	2-5	2211
Oils, Including Gasoline, Fuel	5-8	2212
Soaps and Detergents	4-6	2213
Other Organic or Inorganic Chemicals, includes Radioactive Wastes	4-8	2300
Conventional Treatment Process Municipal Sludges		
From Biological Sewage Treatment	4-8	2301
From Water Treatment and Conditioning Plants (must be chemically classified)	2-5	2302

*ID Number is for identification of waste types in the Reporting Form.

1. Classification based on material in Environmental Protection Agency Publication, 670-2-75-024, pp.79-85, prepared by Arthur D. Little, Inc., and published in 1975.

2. For individual material ranking, refer to solubility-toxicity tables prepared by Versar, Inc., for the Environmental Protection Agency (source: MDNR, June 1980).

Source: WMSRDC. A Pollutant Nature Sampling Plan for Groundwater Contamination in Region 14 (Muskegon, Mich.: West Michigan Shoreline Regional Development Commission, November 1980).

ARTICLE 27 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 28 INTERPRETATION AND CONFLICT

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

ARTICLE 29 REPEAL OF CONFLICTING RESOLUTIONS

All Resolutions or parts of Resolutions 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 26 POND REGULATIONS

26.01 INTENT

The purpose of these regulations is to guide the development, design, maintenance and structural integrity of ponds, lakes, wetlands, or other water detention/retention structures. It is the purpose of these regulations to promote the public's health, safety and welfare by minimizing local nuisances, as well as potentially dangerous health and safety concerns, and to further the general harmony between and amongst neighbors.

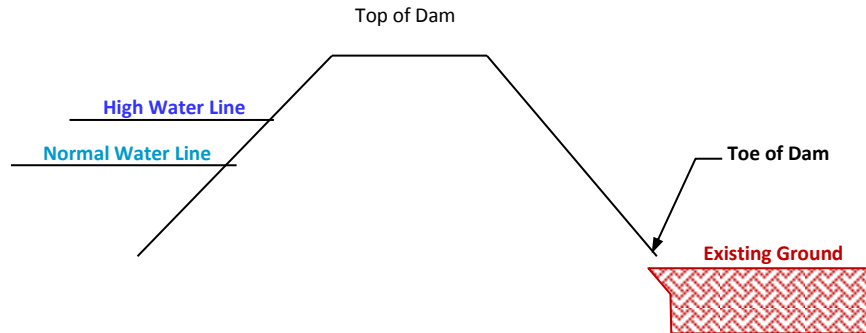
26.02 SCOPE OF REGULATIONS

The regulations herein set forth shall apply to and govern ponds in all districts: All water impoundments such as ponds, lakes, or wetlands shall be constructed and developed in compliance with the following standards.

- A. No applicable structure shall hereafter be located, constructed, repaired, extended, enlarged, converted, or altered without full compliance with the terms of this resolution. Said construction, alterations or modifications require a zoning permit.
- B. "DETENTION POND" shall mean an artificially formed structure designed to hold storm water runoff, detaining it for a period of time before ultimately slowly discharging the water downstream. Detention ponds are designed to complement large scale residential, commercial and industrial developments. Detention ponds must be designed and constructed to the specifications of a licensed professional engineer and the engineering plans must be reviewed and approved by the respective authorized agencies. **No Permit Required.**
- C. "RETENTION POND" shall mean an artificially formed structure designed to hold water year round with the capacity to accommodate a limited amount of storm water runoff. Retention ponds are reservoirs of natural water designed to enhance aesthetic elements of large scale residential, commercial, and industrial developments. Retention ponds must be designed and constructed to the specifications of a licensed professional engineer and the engineering plans must be reviewed and approved by the respective authorized agencies. **No Permit Required.**
- D. "AGRICULTURAL POND" shall mean a natural or artificially formed structure which serve as a reservoir of water for year round agricultural use. Agricultural ponds are to be used for agricultural based activities as per ORC 303.01. Agricultural ponds may also support fire suppression due to the lack of access to municipal water services. The use of such ponds are limited and restricted to those activities supported by the owners. Agricultural ponds shall not engage in off-farm commercial uses or in any commercial recreational activities such as, but not limited to, fishing or swimming. **Zoning Permit subject to agricultural exemption in accordance with ORC 303.21.**
- E. "RECREATIONAL POND" shall mean a new artificially formed structure over 750 square feet which is intended to serve as a permanent reservoir of water serving aesthetic desires and /or as an activity center for year round use. Such ponds are to be designed for year round enjoyment and to further such activities such as wildlife habitats, swimming, fishing, ice skating, etc. ponds must be reviewed by the Miami County Soil

and Water Conservation District and must meet or exceed the standards and specifications of the Natural Resource Conservation Service. **Zoning Permit is required.**

1. Recreational ponds shall not be located closer than 25 feet from any lot lines or easements and where applicable, they shall not be located closer than 75 feet from any road right-of-way. In addition, they shall meet the current State of Ohio and/or Miami County Health Department well and/or septic system setbacks. They shall not restrict or block existing or future surface and/or sub-surface drainage systems.
2. Large ponds of a sufficient size, determined by the Ohio Dam Safety Law, may be subject to review, approval and annual inspection by the Ohio Department of natural Resources, Division of Water.
3. The property owner and/ or applicant will be required to submit to the Department of Development a copy of the proposed construction plan which has been approved by the authorized agency and other necessary documentation for the purpose of obtaining a zoning permit.
4. Setbacks shall be measured from the high water line or toe dam, whichever is closer.



26.03 PERMITTING PROCESS

- A. The Applicant will submit plans to the Department of Development for preliminary review.
- B. The Department of Development will forward the application to the Miami County Soil and Water Conservation District for their review.
- C. After Soil and Water's review the Department of Development will issue a permit if all standards are met or exceeded.