MIAMI TOWNSHIP
GREENE COUNTY, OHIO

ZONING RESOLUTION

Adopted by the Miami Township Board of Trustees
May 4, 2026

MIAMI TOWNSHIP
GREENE COUNTY

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June 1, 2026

Office of the Recorder
69 Greene Street, 3rd Floor
Xenia, Ohio 45385

Office of the Recorder:

Please find the enclosed updated Zoning Resolution of Miami Township. Upon the adoption of fifteen (15) text amendments, Miami Township is recertifying the entire Zoning Resolution. These amendments were adopted by our Board of Trustees on May 4, 2026, and will officially go into effect on June 4, 2026.

I hereby certify the Miami Township Zoning Resolution Text Amendments, and that the attached is a true and accurate copy as of the date of their filing with the Greene County Ohio Recorder.

Cynthia Pauwels, Fiscal Officer
Miami Township – Greene County

DOCUMENTED TEXT CHANGES TO THE ZONING RESOLUTION

Text Amendment 2026-001-T
(Articles 3,4,6,7,9,10 & Sections 504,505,506,510,512,513,519,520,521)
Adopted by Township Trustees on May 4, 2026

Text Amendment 2026-002-T
(Article 2 – Definitions)
Adopted by Township Trustees on July 20, 2026

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ARTICLE 1 GENERAL PROVISIONS

SECTION 101 PURPOSE

This is a zoning resolution for Miami Township, Greene County, Ohio, adopted and amended pursuant to Chapter 519 of the Ohio Revised Code (ORC) for the following purposes, among others:

101.1 To protect and promote the health, safety and welfare of Miami Township residents.

101.2 To secure the most appropriate use of land resources and to promote and protect the rural aesthetic quality of Miami Township through agricultural uses and open space preservation.

101.3 To regulate development density.

101.4 To promote and protect environmental concerns.

101.5 To promote economic viability.

101.6 To maintain a balance between the specific rights of property owners and the general welfare of the larger community.

101.7 Furthermore, this resolution is intended to guide and regulate future developments of a residential, business, or industrial nature within the incorporated areas of Miami Township and to provide the methods of administration and redemption, as permitted in Chapter 519 of the Ohio Revised Code.

SECTION 102 REQUIRED CONFORMANCE

102.1 No land shall be used except for a purpose permitted in the district in which it is located.

102.2 No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.

102.3 No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered to exceed the height limit herein established for the district in which such building is located.

102.4 No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the area regulations of the district in which such building is located.

102.5 No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of this Resolution.

102.6 The minimum yards, parking spaces, and open spaces, including lot areas per family, required by this Resolution for each and every building existing at the time of passage of this Resolution or for any building hereafter erected or structurally altered, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building, nor shall any lot area be reduced below the requirements of this Resolution for the district in which such lot is located.

102.7 Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one principal building on one lot.

102.8 Every parcel remaining as a result of the sale of a portion of said parcel must remain in conformance with the minimum lot size and road frontage requirements of the district in which it is located.

SECTION 103 EXCEPTIONS TO RESTRICTIONS

103.1 Nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no Zoning Permit or Certificate of Occupancy and Compliance shall be required for any such use, building or structure.

SECTION 104 NON-CONFORMING USES OF BUILDINGS

104.1 The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of the enactment of this Resolution or any amendment thereto may be continued subject to the provisions of this section.

104.2 Any property purchased or acquired in good faith for any non-conforming use prior to the adoption of this Resolution, upon which property, the work

or changing or remodeling or construction of such non-conforming use has been commenced at the time of adoption of this Resolution may be used for the non-conforming use for which such changing, remodeling or construction was undertaken provided that said work is completed within two years of the date of adoption of this Resolution or amendment thereto.

104.3 If no structural alterations are made, any non-conforming use of a structure and premises, may as a conditional use be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such a change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this resolution.

104.4 Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.

104.5 No building, structure or premises where non-conforming use has been voluntarily discontinued for two years or more shall again be put to a non-conforming use.

SECTION 105 REPAIRS, ALTERATIONS AND CONVERSIONS

105.1 Nothing in this Resolution shall prevent the reconstruction of a building or structure wholly or partly destroyed by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or act of God provided the reconstruction is started within 6 months and com-pleted within 2 years.

105.2 Such repairs and maintenance work as required to keep it in sound condition may be made to a non-conforming building or structure, provided no structural alterations shall be made except as are required by law or authorized by the Board of Zoning Appeals.

105.3 The conversion of any building into a dwelling, or the conversion of any dwelling unit so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building of similar occupancy would be permitted under this Resolution, and only when the resulting occupancy will comply with the requirements governing new construction in such a district.

ARTICLE 2 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SECTION 201 CONSTRUCTION OF LANGUAGE

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

201.1 The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

201.2 The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

201.3 The word "shall" is mandatory, and the word "may" is permissive.

201.4 The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied".

201.5 The word "building" includes the word "structure" and the word "dwelling" includes the word "residence".

201.6 The word "lot" includes the words "plot" or "parcel".

201.7 The words "zoning certificate" includes the words "zoning permit".

201.8 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 carry their customary meaning as defined in Webster's New World Dictionary.

SECTION 202 DEFINITIONS

Accessory Dwelling Unit (ADU): A subordinate dwelling unit located on the same lot as a principal single-family dwelling, containing independent living facilities for sleeping, cooking, eating, and sanitation, and designed for occupancy by one household. An ADU may be attached to, located within, or detached from the principal dwelling only as permitted by this Resolution.

Accessory Structure: A separate structure located on the same property as the primary structure, with a use that is customarily subordinate and incidental to the primary structure, such as a detached garage, shed, gazebo, or similar structure.

Agriculture: As defined in Section 519.01 of the Ohio Revised Code. Includes farming; ranching; algaculture meaning the farming of algae; 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; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

Agricultural Production: As defined in Section 929.01 of the Ohio Revised Code. Commercial aquaculture, algaculture meaning the farming of algae, apiculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth.

Agritourism: An agriculturally related educational, entertainment, historical, cultural or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate or enjoy that activity.

Agritourism Provider: A person who owns, operates, provides, or sponsors an agritourism activity or an employee of such a person who engages in or provides agritourism activities whether or not for a fee.

Agricultural Service Establishment: An establishment primarily engaged in providing goods or services customarily used in agricultural or horticultural production, including feed, seed, fertilizer, farm supply sales, farm equipment repair, agricultural drainage services, and similar services. This term does not include slaughterhouses, rendering plants, intensive animal processing facilities, or other uses separately classified by this Resolution.

Airport (Private): Any runway, landing strip, or other facility designed or used with the approved recognition of the FAA, by a licensed pilot for the landing, take-off, and storage of aircraft on his/her own property and principally for his/her own use.

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

Alterations: Any change, addition, or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders. The act of making such change may be referred to as "altered" or "reconstructed."

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

Best Management Practice (BMP): Activities, procedures, protocols and prohibitions to reduce and/or prevent the risk of the release of a potential pollutant to the environment. Includes the storage, transfer, maintenance, handling, and emergency response practices involved in properly managing Regulated Substances. Various types and alternative BMPs may be appropriate for a given situation.

Block: The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided

acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate lines of the municipality.

Board of Zoning Appeals: The Miami Township Board of Zoning Appeals established pursuant to Chapter 519 of the Ohio Revised Code, composed of residents of the unincorporated area of the Township appointed by the Board of Township Trustees, and authorized to hear and decide appeals, variances, conditional use requests, and other matters as provided by this Resolution and Ohio law.

Boarding House: Any building originally designed for and used as a single family dwelling or part thereof, where rooms for lodging, with or without meals, are provided for compensation for ten (10) or fewer persons who are not members of the keeper's family. Furthermore, the owner and/or operator shall live on the premises.

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, chattels, or property of any kind.

Building Height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain the height may be measured from the average ground level of the grade at the building wall. Chimneys, antennas, cupolas, silos, steeples, and mechanical equipment are excluded from the measured distance.

Building Line: A line formed by the face of the building, and for the purposes of this Resolution, a building line is the same as a front setback line.

Cemetery (Public): Land used or intended to be used for the interment of human remains, including burial grounds, mausoleums, columbaria, and related accessory facilities or for crypt entombments, columbaria for the deposit of cremated remains and may include scattering grounds for spreading of cremated remains, whether publicly or privately maintained.

Cemetery (Family): A cemetery containing the human remains of persons, at least three-fourths of whom have a common ancestor or who are the spouse or adopted child of that common ancestor.

Cemetery (Pet): Land used or intended to be used for the interment of animal remains and may include scattering grounds for spreading of cremated remains, whether publicly or privately maintained.
A use that is permitted in a zoning district only upon approval by the Board of Zoning Appeals in accordance with the standards and procedures of this Resolution and any conditions imposed as part of such approval.

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

Deck: A flat surface capable of supporting weight, similar to a floor, but typically constructed outdoors, often elevated from the ground and usually connected to a structure.

District: A portion of the unincorporated area of the township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Resolution.

Dwelling: Any structure or portion thereof which is used exclusively for residential purposes, including single family homes, manufactured homes, and mobile homes, but not including hotels, motels, tents, recreational vehicle, garages, cabins, or boarding or lodging houses.

Environmental and Wildlife Preservation: The use of land for the conservation, restoration, protection, or management of natural resources, wildlife habitat, wetlands, woodlands, prairies, streams,

floodplains, or similar natural features, including passive recreation and educational activities where permitted by this Resolution.

Erected: Term which includes the acts of building, constructing, altering, reconstructing, moving upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and similar work shall be considered part of erection.

Family: One or more persons occupying a dwelling and living together as a single housekeeping unit, with common access to and use of all living and eating areas and household facilities, but not including a boarding house, hotel, motel, short-term rental, or other use separately defined by this Resolution.

Farm: Land composed of tracts, lots, or parcels totaling not less than ten (10) acres devoted to agricultural production, or totaling less than ten (10) acres devoted to agricultural production if the land produces an average yearly gross income of at least one thousand dollars ($1,000) from agricultural production.

Fence: A barrier that wholly or partly screens from view, encloses, or divides a yard or other land, or marks a boundary between adjoining land and is self-supported.

Flag Lot: A lot that does not meet the otherwise applicable minimum lot frontage at the public or private street and that obtains access to the street by a narrow strip of land, private drive, or access easement

Floodway Fringe: That portion of the regulatory flood plain which serves primarily as a storage area for the flood waters of the 10 year flood as designated in the Flood Insurance Study: Unincorporated Areas of Greene County, Ohio.

Floodway: That portion of the regulatory flood plain which is required to carry and discharge the flood waters of the 100 year flood without ob-struction as designated in the Flood Insurance Study: Unincorporated Areas of Greene County, Ohio

Flood Plain, Regulatory: That land area of Township which is subject to inundation by the 100 year flood as determined by the Flood Insurance Study: Unincorporated Areas of Greene County, Ohio prepared by the Federal Emergency Management Agency.

Flood, 100 year: The temporary inundation of normally dry land areas by a flood that is likely to occur once every 100 years (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).

Front Lot Line: The lot line separating a lot from an abutting public or private street right-of-way. On a corner lot, the front lot line shall be determined as provided in this Resolution.

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

Home Occupation: Any occupation conducted by a person within their principal place of residence, which is clearly subordinate and incidental to its use for residential purposes, and does not impact the surrounding residential use.

Hotel: A building containing ten (10) or more sleeping rooms offered to the public for temporary lodging, with or without meals, and with no cooking facilities in individual rooms or units. A hotel may include accessory restaurants, lounges, banquet halls, ballrooms, or meeting rooms

Junk Yard (Salvage Yard): Any place where junk, scrap, discarded materials, dismantled vehicles, inoperable machinery, or similar materials are collected, stored, bought, sold, exchanged, baled, packed, disassembled, or handled as a principal use. This term does not include materials stored entirely within a completely enclosed building or temporary storage otherwise permitted by this Resolution.

Kennel/Pet Boarding: Any lot, premises, or building where dogs, cats, or other household pets are boarded, bred, trained, groomed, sold, or kept for compensation, or where more than 4 adult dogs or cats are kept, excluding animals customarily kept as household pets accessory to a residential use.

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: A parcel of land of which the defined boundaries are recorded in the Office of the Recorder of Deeds of Greene County.

Lot Area: Is the total horizontal area within the lot lines of the lot.

Lot Frontage: The horizontal distance between side lot lines measured along the street right-of-way line that provides legal access to the lot.

Lot Line: Is a line bounding a lot as defined herein.

Mobile Home: A manufactured relocatable residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, and sanitation. A mobile home is not included within the definition of "Manufactured Home" and the removal of running gear shall not exempt a mobile home from this definition.

Mobile Home Park: Any lot upon which two or more mobile homes are located for residential use, either free of charge or for revenue purposes. A mobile home park shall include any roadway, building, structure, vehicle, or enclosure used or in-tended for use as a part of the facilities of such park.

Motel: A building or group of attached, semi-detached, or detached lodging units offered to the public for temporary overnight accommodation, typically with direct or convenient access to parking. A motel may include accessory facilities permitted for a "hotel".

Off-street Parking Lot: An area, other than a driveway accessory to a single-family or two-family dwelling, designed or used for the parking of motor vehicles and including associated aisles, drives, and maneuvering areas.

One Year Capture Area: The scientifically delineated area within the one-year groundwater time-of-travel contour surrounding a community water supply well field. Also referred to as the "Inner Management Zone" by Ohio EPA. Boundaries of the one-year capture area define the boundaries of the Well Field Protection Overlay District.

Open Space: The portion of a lot, excluding the required front yard area, which is unoccupied by principal or accessory buildings and available to all occupants of the building for use for recreational and other leisure activities normally occurring outdoors. This space shall be unobstructed to the sky and shall not be devoted to streets, service driveways, off-street parking or loading spaces. Stormwater areas, conservation land, passive recreation areas, or preserved natural areas are also included in open space.

ORC: Ohio Revised Code

Parking Space: Is hereby determined to be a minimum area of two hundred (200) square feet with minimum dimensions of ten (10) x twenty (20) feet having a vertical clearance of at least seven (7) feet, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be used only for the parking or storage of permitted vehicles. For parallel parking, the length of the parking space shall be increased to twenty four (24) feet.

Planned Unit Development (PUD): Is land under unified control, 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 main-tenance of such areas, improvements and facilities necessary for com-mon use by the occupants of the development.

Plant Nursery, Retail: An establishment primarily engaged in the retail sale of trees, shrubs, plants, flowers, garden supplies, landscaping materials, and related items, whether grown on-site or off-site.

Plant Nursery, Stock: Any hardy tree, shrub, plant, or bulb, whether wild or cultivated, except turfgrass, and any cutting, graft, scion, or bud thereof. Also, any nonhardy plant, or plant part, that is to be offered for sale in any state that requires inspection and certification of the plant or plant part as a condition of entrance therein.

Private Landing Strip: A runway, landing strip, or similar facility located on private property and used principally by the property owner or authorized users for the landing, takeoff, and storage of aircraft, subject to applicable federal, state, and local requirements.

Public Event: An event, whether ticketed or non-ticketed, that is open to or attended by persons other than the owner, occupant, family members, and invited personal guests, and that involves activities, attendance levels, traffic, parking, amplified sound, vendors, or other impacts requiring regulation under this Resolution.

Public Services: A utility or service structure, power plant or substation, water treatment plant, sewage disposal or pumping facility or similar public service structures used by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

Public Uses: A use owned, operated, or occupied by a governmental agency or public body for public administration, public safety, public education, public recreation, infrastructure, or similar public purposes, including township buildings, fire stations, public schools, libraries, parks, and post offices.

Public Utility: Any person, firm, or corporation, governmental department, board or commission duly authorized to furnish and furnishing under state or government regulations to the public: gas, steam, electricity, sewage disposal, telegraph, telephone, transportation or water.

Recreational Vehicle: A vehicular-type unit, including a motorhome, travel trailer, fifth-wheel trailer, camping trailer, truck camper, boat trailer, or similar vehicle, designed primarily for temporary recreational, camping, travel, or seasonal use and not for use as a permanent dwelling.

Regulated Substance: Chemicals and mixtures of chemicals which are health hazards in groundwater. Materials packaged for personal or household use as food or drink for humans or animals are not Regulated Substances. Regulated Substances include:

1. Chemicals for which there is valid 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.

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 which contain any chemical which has been determined to be a health hazard and which comprises one (1.0) percent or greater of the composition on a weight per unit weight basis, and mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is one tenth of one (0.1) percent or greater of the composition on a weight per unit weight basis.

4. Ingredients of mixtures prepared and/or stored within the one-year capture area in cases where such ingredients are health hazards but comprise less than one tenth of one (0.1) percent of the mixture on a weight per unit weight basis if carcinogenic, or less than one (1.0) percent of the mixture on a weight per unit weight basis if non-carcinogenic.

5. Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids).

Right-of-Way: Where the right-of-way width is not established by recorded plat, deed, survey, public record, or other official documentation, setbacks shall be measured as though the right-of-way line is located twenty-five (25) feet from the centerline of the existing roadway, unless otherwise determined by the Zoning Administrator based on competent evidence. In addition to the roadway, it normally incorporates curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped area, viaducts, and bridges.

Short-Term Rental: A dwelling unit, or portion thereof, offered or provided to transient guests for compensation for a period of thirty (30) consecutive days or less, where the guests are not the owner or permanent residents of the dwelling.

Sign: A device, fixture, placard, or structure that uses any color, form graphic, symbol, or writing to advertise, announce the purpose of, or identify a person or entity, or to communicate other information of any kind to the public.

Small Solar (Self-Generation): Solar panels and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operations at an aggregate capacity of less that fifty (50) megawatts, and that produces electricity exclusively for consumption on the property on which it is generated.

Story: Part of a building, 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): Uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six(6) inches (7 ‘6”). For the purpose of this Resolution, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

Structure: Anything constructed, erected, or placed on or under the ground, or attached to something having a fixed location on or under the ground, including buildings, walls, fences, signs, decks, and swimming pools, but excluding mailboxes, customary children’s play equipment, and customary dog houses unless otherwise regulated by this Resolution.

Swimming Pool (Private Residential): Any outdoor structure, basin, chamber, or tank located on the same lot as a dwelling, containing water with a depth of twenty-four (24) inches or more and used or intended to be used for swimming, diving, or bathing by the occupants of the dwelling and their guests.

Swimming Pool (Public): Any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing that is intended to be used collectively for that purpose and is operated by any person whether as the owner, lessee, operator, licensee, or concessionaire, regardless of whether a fee is charged for use. Community pools, HOA clubhouse pools, and private residential pools being rented out to the general public are included within this definition.

Township Trustees: Are elected officials who oversee the governance of a civil township, a smaller governmental division within a county. They are responsible for managing the township's affairs, ensuring community needs are met, and providing essential services to residents.

Underground Storage Tank: Any tank or combination of tanks (including connected underground pipes) that contains petroleum or regulated hazardous substances, where 10% or more of the combined volume is underground.

Well Field Protection Overlay District: A special overlay zoning District established for the purpose of protecting community water supplies. District boundaries are defined by the Ohio EPA endorsed and scientifically delineated one-year capture area or Inner Management Zone of a community water supply.

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: Authorization granted by the Board of Zoning Appeals to depart from the strict application of this Resolution in a specific case, in accordance with Ohio law and the standards set forth in this Resolution. There are two types of variances – Use Variance and Area Variance.

Variance (Area): A variance from dimensional or physical requirements of this Resolution, including setbacks, height, lot area, lot width, frontage, parking, or similar requirements, that does not authorize a use otherwise prohibited in the district.

Variance (Use): A variance authorizing a use of land, buildings, or structures that is not otherwise permitted in the applicable zoning district.

Yard: Is an open space 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.

Yard (Front): 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.

Yard (Rear): 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.

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

Zoning Administrator: The official appointed by the Miami Township Board of Trustees to administer and enforce this Resolution, also referred to as the Township Zoning Inspector where applicable under Ohio law.

Zoning Commission: A board made up of residents of the unincorporated section of Miami Township, Greene County, Ohio, who are assigned by the Miami Township Board of Trustees. The board is responsible for writing/updating the zoning resolution, writing/updating the comprehensive land use plan, and reviewing/providing recommendations for all re-zoning and planned development requests within the Township.

Zoning Permit/Zoning Certificate: A written authorization issued by the Zoning Administrator confirming that

a proposed building, structure, use, or change in use complies with this Resolution.

ARTICLE 3 DISTRICTS AND BOUNDARIES

SECTION 301 ESTABLISHMENT OF DISTRICTS

In order to classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings; to regulate and determine the area of yards and other open spaces surrounding buildings, and to regulate and limit the density of population, Miami Township, Greene County, Ohio, is hereby divided into the following Districts. The use and area regulations are uniform in each district, and said districts shall be known as:

Agricultural & Conservation Districts

PA Prime Agricultural District
A-1 Agricultural District
CR Conservation and Recreation District

Residential Districts

R-lA Residential Single-Family Rural District
R-lB Residential Single-Family Suburban District

Business & Industrial Districts

B-l Business District
I-l Industrial District
IG Institution and Government District

Supplemental & Overlay Districts

FP Flood Plain District
WP Well Field Overlay Protection District
PUD Planned Unit Development

SECTION 302 OFFICIAL ZONING DISTRICT MAP

The boundaries of these districts are hereby established as shown on the map accompanying this Resolution, which map is designated as the "Zoning District Map of Miami Township". The Zoning District Map and all notations, references and other information shown thereon are a part of this Resolution and shall have the same force and effect as if such map and all notations, references and other information shown thereon where all fully set forth or described herein which Zoning District Map is properly attested and on file with the Zoning Inspector of Miami Township, Greene County, Ohio.

SECTION 303 INTERPRETATION OF DISTRICT BOUNDARIES

Where the district boundary lines on said map follow either streets or alleys or lot lines, and where the districts designed on the map are bounded by such street, alley or lot

lines, the centerline of the street, alley or lot lines shall be the boundary of the district unless such boundary is otherwise indicated on the map. In all other cases, the district boundary lines shall be determined by use of the scale appearing on the Zoning District Map or by dimensions. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

ARTICLE 4 DISTRICT REGULATIONS

SECTION 400 PA PRIME AGRICULTURAL DISTRICT (Reserved for future)

SECTION 401 A-1 AGRICULTUAL DISTRICT

401.1 Intent and Purpose:
To protect agricultural land from the encroachment of incompatible land uses to preserve Class 1 and Class 2 agricultural land, as defined in Soils Survey of Greene County, Ohio to preserve and protect the land necessary for the continuation of agricultural uses in the township to meet the needs of a healthy agricultural community. Lands within the township that are used for agricultural production may cause inconvenience and/or discomfort to residents. Miami Township recognizes the "right to farm" provisions within the Ohio Revised Code.

401.2 Permitted Uses:

A. Agriculture
B. Single-family Dwelling
C. Home Occupation
D. Agritourism
E. Solar (Self-generation)
F. Temporary Sales

401.3 Conditional Uses:

A. Churches and Parish Houses
B. Private and publicly owned non-commercial recreation areas, uses and facilities, including country clubs, swimming pools and golf courses, forests and wildlife preserves, and similar areas and uses.
C. Private, grass airstrips
D. Agricultural Service Establishments
E. Bed and Breakfast Operations
F. Public Events

401.4 Minimum Dimensional Requirements:

A. **Height Regulations:** No structure except agricultural structures shall exceed 2 ½ stories or 35 feet in height, except as hereinafter provided.
B. **Minimum Lot Areas:** 3 acres
C. **Minimum Lot Frontage:** 300 continuous feet
D. **Front Yard Depth:** The front yard depth shall not be less than 55 feet measured from the front line or 85 feet measured from the centerline of the right-of-way the lot abuts, whichever is greater.

E. **Side Yard Widths:** The least side yard width shall not be less than 20 feet and the combined width of both side yards shall not be less than 50 feet.
F. **Rear Yard Depth:** The rear yard shall not be less than 60 feet.

SECTION 402 CR CONSERVATION & RECREATION DISTRICT (Reserved for future)

SECTION 403 R-1A RESIDENTIAL SINGLE FAMILY RURAL DISTRICT

403.1 Intent and Purpose:
The purpose of this section is to provide and reserve residential lands for those whose principal income is not related to agricultural activities. Such development would be of a low-density, single-family nature, served by local residential streets and requiring minimum levels of utility capacity.

403.2 Permitted Uses:
A. Single-family dwelling
B. Churches and other places of worship, located not less than 50 feet from any other lot in any R-1A or R-lB district.
C. Schools and colleges for academic instructions, provided that no building shall be located less than 50 feet from any other lot in any R-1a or R-lb district.
D. Public uses such as parks, playgrounds, recreational and community center buildings and grounds, golf courses, tennis courts, and summer recreation uses of a non-commercial nature provided that any principal building or swimming pool shall be located not less than 100 feet from any other lot in any R-1a or R-lb district.
E. Home occupations
F. Agritourism
G. Solar (self-generation)
H. Temporary Real Estate Sales Office

403.3 Conditional Uses:
A. Public buildings and properties of a cultural or administrative type, not including repair garages, storage, or repair yards or warehouses, provided any such building shall be located not less than 50 feet from any other lot in any R-la or R-lb district.
B. Private country clubs, golf courses, and other private noncommercial subscription types of recreation areas and facilities or recreation centers, including swimming pools, provided that any principal building or swimming pool shall be located not less than 100 feet from any other lot in any R-lA or R-lB district.
C. Cemeteries adjacent to or an extension of existing cemeteries.

D. Planned Unit Developments
E. Wireless Communication Facilities
F. Bed and Breakfast Operations

403.4 Minimum Dimensional Requirements:

A. **Height Regulations:** No structure except agricultural structures shall exceed 2 ½ stories or 35 feet in height, except as hereinafter provided.
B. **Minimum Lot Areas:** 3 acres
C. **Minimum Lot Frontage:** 300 continuous feet
D. **Front Yard Depth:** The front yard depth shall not be less than 55 feet measured from the front line, or 85 feet measured from the centerline of the right-of-way the lot abuts, whichever is greater.
E. **Side Yard Widths:** The least side yard width shall not be less than 20 feet, and the combined width of both side yards shall not be less than 50 feet.
F. **Rear Yard Depth:** The rear yard shall not be less than 60 feet.

SECTION 404 R-1B RESIDENTIAL SINGLE FAMILY SUBURBAN DISTRICT

404.1 Intent and Purpose:

The purpose of this district is to provide and protect residential land, properly located, for families who desire to live in an environment of single-family dwellings, but who do not want or have no need for the large lot as is provided for in the R-lA district.

404.2 Permitted Uses:

A. Any use or structure permitted and as regulated in the R-1A district except as hereinafter modified.
B. Agritourism
C. Solar (self-generation)
D. Temporary Real Estate Sales Office

404.3 Conditional Uses:

A. Same uses in section 402.3

404.4 Minimum Dimensional Requirements: (without sewer and water provided by a public utility)

A. **Height Regulations:** No structure shall exceed 2 1/2 stories or 35 feet in height, except as hereinafter provided.
B. **Minimum Lot Areas:** 3 acres
C. **Minimum Lot Frontage:** 300 continuous feet

D. **Front Yard Depth:** The front yard depth shall not be less than 35 feet measured from the front line or 65 feet measured from the centerline of the right-of-way the lot abuts, whichever is greater.
E. **Side Yard Widths:** The least side yard width shall not be less than 16 feet and the combined width of both side yards shall not be less than 34 feet.
F. **Rear Yard Depth:** The rear yard shall not be less than 50 feet.

404.5 Minimum Dimensional Requirements: (WITH sewer and water provided by a public utility)

A. **Height Regulations:** No structure shall exceed 2 1/2 stories or 35 feet in height, except as hereinafter provided.
B. **Minimum Lot Areas:** 10,000 Sq ft
C. **Minimum Lot Frontage:** 80 continuous feet
D. **Front Yard Depth:** The front yard depth shall not be less than 30 feet measured from the front line
E. **Side Yard Widths:** The least side yard width shall not be less than 8 feet and the combined width of both side yards shall not be less than 20 feet.
F. **Rear Yard Depth:** The rear yard shall not be less than 40 feet.

SECTION 405 B-1 BUSINESS DISTRICT

405.1 Intent and Purpose:
The purpose of this section is to provide land for mercantile or retail establishments and service establishments.

405.2 Permitted Uses:

A. Restaurants, cafe, and soda fountain.
B. Automobile service stations and parking lots.
C. Bank, building and loan associations and personal loan company.
D. Indoor theater or assembly hall.
E. Inter-city bus station.
F. Bar, cocktail lounge, night club, billiard parlor, pool hall, bowling alley and dance hall.
G. Hotels and Motels.
H. Self-service laundry and dry cleaner.
I. Funeral Parlor.
J. Agritourism
K. Solar (self-generation)
L. Temporary Sales

405.3 Conditional Uses:

A. Uses similar to above uses, as determined by the Board of Zoning Appeals.
B. Public Events

405.4 Minimum Dimensional Requirements:

A. **Height Regulations:** No structure shall exceed 3 stories or 40 feet in height, except as elsewhere provided.
B. **Minimum Lot Areas:** 20,000
C. **Minimum Lot Frontage:** 100 continuous feet
D. **Front Yard Depth:** 25 feet measured from front lot line.
E. **Side Yard Widths:** None required except when adjacent to an R-district in which case not less than l5 feet.
F. **Rear Yard Depth:** None required except when adjacent to an R-District, in which case not less than 40 feet.

SECTION 406 I-1 INDUSTRIAL DISTRICT

406.1 Intent and Purpose:

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

406.2 Permitted Uses:

A. Automobile, tractor, trailer, farm implement assembly or manufacture, or other plants of a similar nature.
B. Battery manufacture, tire recapping or retreading.
C. Bleaching, cleaning and dyeing plant.
D. Bottling works.
E. Building and trades, including contractor's yard and utilities storage yard.
F. Cold storage plant**.**
G. Commercial greenhouse**.**
H. Dairy products manufacture.
I. Fabrication, processing, packaging and/or manufacture of food products and condiments excluding fish products, slaughterhouses and rendering and refining of fats, oils, fish, vinegar and sauerkraut.
J. Fabrication, processing, packaging and/or manufacturing of musical instruments, toys, novelties, rubber or metal stamps.

K. Fabrication, processing, packaging and/or manufacture of ice, cold storage plant, bottling plants.
L. Flour or grain mill.
M. Glass products, pottery, figurines or manufacture of similar products using previously pulverized clay.
N. Industrial research laboratories.
O. Inflammable liquids, underground storage only.
P. Lumber yards including incidental millwork, coal, brick, stone.
Q. Monument sales including incidental mechanical operations.
R. Motor freight depot or trucking terminal; provided, the truck entrances and exits are onto streets whose pavement width is at least thirty feet between curbs.
S. Sign contractor.
T. Storage yard for building supplies and equipment, contractors 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.
U. Television and radio broadcasting towers, including Wireless Communication facilities.
V. Veterinary clinic or kennels, animal hospital, provided that all animals are housed in buildings or enclosures which are at least two hundred feet from any "R" District.
W. Warehouses.
X. Commercial fertilizer distribution center.
Y. Agritourism
Z. Solar (self-generation)
AA. Temporary Sales

406.3 Conditional Uses:

A. Uses similar to the above uses, as determined by the Board of Zoning Appeals.
B. Automotive wrecking, junk or salvage yard, if in a completely enclosed building.
C. Tool and die shop, wrought iron shop, blacksmith or machine shop, drop hammers, and punch presses.
D. Foundry not causing noxious fumes or odors.

Required Conditions:

E. All uses, except for loading and unloading operations and parking, shall be conducted wholly within a completely enclosed building.
F. No building customarily used for night operation, such as a bakery or milk bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within 250 feet of any R-District, and any space used for loading or unloading commercial

vehicles in connection with such an operation shall not be within 200 feet of any R-District.

406.4 Minimum Dimensional Requirements:

A. **Height Regulations:** No structure shall exceed 3 stories or 40 feet in height, except as elsewhere provided.
B. **Minimum Lot Areas:** 1 acre
C. **Minimum Lot Frontage:** 100 continuous feet
D. **Front Yard Depth:** 25 feet measured from front lot line.
E. **Side Yard Widths:** 15 feet, except when adjoining a R-District, then not less than 200 feet on side yards adjoining R-Districts. Side yard adjacent to a Residential District may be reduced to 100 feet if landscaping and planting so designed and planted as to be 25 percent or more opaque when viewed horizontally between two and eight feet above average ground level is provided. Final approval of this option shall be made upon review of the subject site by the Zoning Commission.
F. **Rear Yard Depth:** None, except when adjoining an R-District, then not less than 200 feet.

SECTION 407 IG INSTITUTION & GOVERNMENT DISTRICT (Reserved for future)

SECTION 408 FP FLOOD PLAIN OVERLAY DISTRICT

408.1 Findings of Fact

Certain areas of Miami Township are subject to periodic inundations which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect public health and safety. These flood losses are caused by the cumulative effect of obstructions in flood hazard areas causing increases in flood heights and velocities, and when inadequately anchored, damage to uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

408.2 Purpose

The purpose of the Flood Plain River Protection Overlay is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and un-necessary expenditure of public funds for flood protection and relief, and the impairment of the tax base. In addition, these provisions are intended to accomplish the following:

A. To protect the natural floodwater storage capacity of river flood plains by restricting uses which are dangerous to health, safety, and property in times of flooding or cause excessive increases in flood heights and velocities.
B. To require that uses vulnerable to floods, including facilities which serve the above uses, be protected and/or floodproofed against flooding and flood damage at the time of construction, and to prevent flood damage and associated public relief expenditures created by improper construction in the flood plain;
C. To protect individuals from buying lands which are unsuited for intended purposes due to flood hazard.
D. To protect watercourses, tributaries, thereto associated flood plains, and adjoining woodlands and wetlands for value as water retention and water recharge areas.
E. To provide for the protection, preservation, proper maintenance and use of rivers and streams and their flood plains in order to preserve and conserve the quality, clarity and free flowing condition of their waters, to protect fish and wildlife habitat, to prevent erosion of stream banks, maintain cool water temperatures, lessen the impact of siltation on stream waters, and to preserve and protect valuable resources in the interest of present and future generations; and
F. To permit reasonable and compatible uses of land which complement the natural functions and characteristics of watercourses and their flood plains and further the purposes of this overlay.

408.3 Applicability of Flood Plain Overlay to Existing Zoning District:
The provisions of this section shall be applicable to all lands shown as being located within the boundaries of the Flood Plain Overlay on the zoning map and shall be supplemental to the regulations of the underlying zoning district. Where the requirements of this section conflict with the regulations of the underlying district, the more restrictive regulations shall apply.

408.4 Warning and Disclaimer of Liability
The degree of flood protection sought by the provisions of this overlay is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes such as ice jams and bridge openings restricted by debris. This overlay does not imply that areas outside the one hundred (100) year flood plain or that land uses permitted within, will be free from flooding and flood damages. The creation of the Flood Plain River Protection Overlay shall not create liability on the part of Miami Township or any officer or employee thereof for any flood damages that result from reliance on this

Zoning Resolution, or any administrative decision lawfully made thereunder.

408.5 Boundaries of Overlay:

The Flood Plain River Protection Overlay shall include all areas subject to inundation by waters of the one hundred (100) year flood. The basis for including areas within the overlay shall be the engineering report entitled Flood Insurance Study Greene County. Ohio Unincorporated Areas; dated April 1,1981, as amended and prepared by the U. S. Department of Housing and Urban Development, Flood Insurance Administration. This study, with ac-companying maps and any revisions thereto, is hereby adopted by reference and declared to be part of this Zoning Ordinance. One (1) copy of The Flood Insurance Study is to be kept on file in the office of the Zoning Inspector of Miami Township. The Flood Plain River Protection Overlay is hereby divided into three (3) areas in accordance with the above-mentioned study: "Floodway", "Floodway Fringe", and "General Flood Plain".

408.6 Authorized Uses Within the Overlay:

The only uses permitted to be located within the Flood Plain River Protection Overlay are in the Underlying District Uses. In most cases, the use within the underlying Zoning district are permitted, except where a use would, by nature of such use, pose a health and safety threat in times of flooding.

A. Floodway: the floodway of the regulatory floodplain is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential. The following provisions apply within all floodway areas:
    1. Prohibit encroachment, including filing, new construction, substantial improvement and other developments.
    2. Permitted uses in association with the underlying zoning district shall include: agriculture, accessory parking not including buildings, parks, recreation, yards and open space.
B. Floodway fringe: within the floodway fringe of the regulatory floodplain filling for the elevation of structures permitted within the underlying zoning district may be permitted. Such a filing shall comply with the requirements as stipulated in the appropriate State or County Building Code.

SECTION 409 WP WELL FIELD OVERLAY PROTECTION DISTRICT

409.1 Purpose

The intent of this Well Field Protection Overlay District is to provide for the protection of community groundwater supplies within Miami Township through the regulation of potentially polluting land uses and Regulated Substances (see Definition Section).

409.2 Scope

The provisions contained herein shall apply to community water supply systems within the Township that have scientifically delineated and currently maintained protection areas endorsed by the Ohio EPA. The Well Field Protection Overlay District shall include the lands, located within the current boundaries of the "one-year capture area" or "Inner Management Zone" as defined by Ohio EPA. Parcels wholly located or portions of parcels located within these boundaries are subject to the requirements of this Section. The provisions for the Well Field Protection

Overlay District shall be supplemental to the regulations of the underlying district. Where the requirements of this Section conflict with the regulations of the underlying district, the more restrictive regulations shall apply.

409.3 Permitted Uses Within the Well Field Protection District.

The permitted uses shall be those of the underlying zoning district in addition to the requirements contained in this regulation.

409.4 Conditional Uses

Within Well Field Protection District, the conditional uses shall be those of the underlying zoning district, unless prohibited in Section 14.10.5 below, and any other requirements contained herein.

In addition to the conditional use procedure requirements set forth in Section 18, if a proposed activity/use will involve quantities of Regulated Substances meeting the criteria set forth in Section 14.10.8.1, and is not prohibited under section the applicant shall provide the Township Zoning Inspector with a written Plan that describes the proposed activity, lists the specific regulated substances and quantities involved, analyzes any potential threats posed by the activity to groundwater resources, and provides information on the Best Management Practices that will be utilized to reduce and/or alleviate those threats. This Plan shall be used by the Board of Zoning Appeals and the Zoning Commission to render a decision on the proposed conditional use.

409.5 Prohibited Uses

A. Sanitary landfills.
B. Sludge and septic waste disposal.
C. Commercial quarries, gravel pits, and asphalt production.
D. Foundries.
E. Cemeteries.
F. Commercial feedlots.
G. Commercial fertilizer & agri-chemical distribution centers.
H. Commercial machine and tool and die shops.

I. Commercial repair garages, storage, or repair yards or warehouses.
J. Automobile service stations.
K. Automotive and scrap metal wrecking; junk and salvage yards.
L. Automobile, tractor, trailer, farm implement assembly and/or manufacturing.
M. Motor freight depots and trucking terminals.
N. Battery manufacturing and tire re-capping or re-treading.
O. Commercial Chemical and Paint warehouse/storage
P. Dry cleaners.
Q. Industrial research laboratories.
R. Uses similar to the above uses, as determined by the Board of Zoning Appeals.

409.6 Non-Conforming Uses

A. A use, property or business having an amount of Regulated Substances exceeding the quantities set forth in Section 14.10.8.1 is a non-conforming use and is allowed to remain, however, no expansion involving regulated substances, or any modification resulting in an increased amount of regulated substances greater than the quantities set forth in Section 14.10.8.1 on the property is permitted, without first obtaining conditional use approval in accordance with this Resolution.
B. If a non-conforming use of any land, building, or structure is discontinued for two (2) years or more, any further use shall be in conformity with these zoning regulations.

409.7 Groundwater Protection Standards & Best Management Practices

A. **Quantity Limitations.** Use, storage, handling and/or production of Regulated Substances in conjunction with permitted and conditional uses within the Well Field Protection District shall be limited by aggregate of Regulated Substances. The aggregate of Regulated Substances in use, storage, handling and/or production on any single parcel or portion thereof located within the district may not exceed fifty-five (55) gallons or four hundred forty (440) pounds, whichever is less at any time.
B. **Limited Exclusions.** The following activities and Regulated Substance and associated amounts are exempt from the requirements of these regulations.
    1. Regulated Substances used for non-routine maintenance and repair of property or equipment. The use, storage, handling and/or production of Regulated Substances under this exclusion shall be limited to:
    2. The aggregate of regulated substances in use, storage, handling, and/or production may not exceed fifty (50) gallons or four hundred (400) pounds at any time.
    3. The total use, storage, handling and/or production of Regulated Substances may not exceed one hundred (100) gallons or eight hundred

(800) pounds in any twelve (12) month period.

4. Medical and laboratory research substances used in containers not larger than 5 gallons or 40 pounds in size.
5. Cleaning agents, medicines, and cosmetics packaged for personal or household use.
6. Animal maintenance and medicinal substances packaged for residential and farm use.
7. Lawn care, garden, and home and equipment maintenance chemicals packaged for personal or residential use.
8. Construction materials stored at or being transported to a permitted construction site do not pose real or present danger of causing contamination.
9. Office supplies packaged for personal or office use.
10. Refrigerants contained in on-site cooling equipment or contained in household appliances, including refrigeration repair service storage vessels.
11. Properly maintained liquid-filled electrical transformers. Motor vehicle fuels and other liquids that are stored on and are an integral part of an operable motor vehicle or boat and used specifically and solely for the operation of the vehicle in which the substances are contained. This does not include the tanker portion of a tractor-trailer or similarly purposed vehicle.
12. Heating oil for residential uses stored in tanks with a total aggregate capacity of less than 550 gallons per residential lot
13. On-site storage of agricultural chemicals to be used for routine on-site agricultural operations and application, provided such substances are stored in standard approved packaging and such chemicals are applied to cropland under Best Management Practices as indicated by soil tests, agricultural experts, or label directions approved by the United States Environmental Protection Agency (EPA) or the Ohio Department of Agriculture. This exclusion also applies to the application of agricultural chemicals to cropland where such chemicals are brought in from other locations. ***NOTE:*** This regulation does not restrict the use of agricultural chemicals applied in accordance with best management practices and/or label directions.
14. **Best Management Practices.** To the maximum extent practicable, owners and operators that use, store, handle and/or produce applicable Regulated Substances within the Well Field Protection District in the quantities provided in Section 14.10.8.1 shall implement Best Management Practices (BMPs) to reduce risk of release and pollution of the environment.

15. **Inventory Information.** Owners and operators with applicable types and quantities of Regulated Substances within the Overlay District shall, upon the written request of the Township Zoning Inspector, provide inventory information on those Regulated Substances and evidence and/or documentation of the applicable BMPs being utilized to manage them. Information including, but not limited to, types, quantities, containment, and location of Regulated Substances may be required either in written or verbal form. Forms and guidance for reporting may be obtained from the Zoning Inspector, as required.
16. **Secondary Containment.** Drums and other types of containers holding Regulated Substances and wastes of such substances shall be stored within secondary containment. The containment system shall be designed to capture 110% of a release from a primary containment unit. 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. 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.
17. **Spill Response.** Standardized spill response procedures shall be adopted, documented, and training will be provided to employees to help insure response protocols are enacted if a spill or release occurs.
18. **Above-Ground Storage Tanks.** All new above ground storage tanks shall meet the design and monitoring requirements of the State and local Fire Marshals, in addition to any additional requirements set forth herein.
19. **Underground Storage Tanks (see Definition).** All underground storage tanks shall be in accordance with the following provisions:
20. **Underground Storage Tanks for Fuel and Lubricants.** All underground storage tanks for fuels and lubricants shall comply with the following provisions:
21. **Existing Tanks.** Owners and operators of underground storage tank systems for fuel and lubricants used for vehicle operations and fuel for building and for processing heating, including residential heating fuel tanks having a capacity of greater than five hundred (550) gallons, which are located within the Well Field Protection District shall comply with the requirements of OAC Section 1301:7-9-10 (Bureau of Underground Storage Tank Regulation {BUSTR}, Underground Storage Tank - UST systems located in sensitive areas), as amended.
22. **New Tanks.** Owners and operators of new underground storage tank systems for fuel and lubricants used for vehicle operations and fuel for

building and for processing heating, including residential heating fuel tanks having a capacity of greater than five hundred fifty (550) gallons, for which installation is commenced after the effective date of this resolution shall comply with the requirements of OAC Section 1301:7-9-10 at the time of installation. Owners and operators of underground storage tank systems within the Well Field Protection District shall comply with the requirements of this Subsection irrespective of whether they are located within a sensitive area as defined by OAC Section 1301:7-9-10.

23. **Underground Storage Tanks for Regulated Substances Other Than Fuels or Lubricants.** All underground storage tanks for regulated substances other than fuels or lubricants shall comply with the following provisions:
24. **Existing Tanks.** With the exception of the residential use of home heating fuel in tanks having a capacity equal to or less than five hundred fifty (550) gallons, and underground storage systems for accessory vehicle fuel, vehicle lubricants, fuel for building heating and fuel for process heating, any storage of Regulated Substances in underground storage tanks within the Well Field Protection Overlay District shall be deemed to constitute a dangerous nuisance. Every such nuisance shall be properly abandoned or secondarily contained and monitored in accordance with BUSTR Standards within five (5) years of the effective date of this Resolution.
25. **New Tanks.** New underground storage tanks and/or replacement of existing underground tanks for Regulated Substances other than fuels and lubricants is not permitted.
26. **Underground Storage Tanks Out of Service.** Owners and operators of any underground storage tank system in the one year capture area which is out of service for twelve (12) consecutive months after the effective date of this resolution shall permanently abandon or remove the underground storage tank in accordance with the requirements of Ohio Administrative Code Rule 1301:7-9-12 (B), (C), and (E) through (M), inclusive, and they shall file one (1) copy of the closure report required in subsection (L) with the Township Fire Chief.
27. **Septic Systems.** Residential septic systems shall be permitted by the Greene County Combined Health District and maintained by the owner in accordance with Health District regulations. Such systems shall be periodically pumped-out at the interval recommended by the Greene County Combined Health District. Commercial septic systems shall be permitted by Ohio EPA and be maintained in accordance with state law.
28. **Disposal of Septic Waste.** Disposal of septic waste is governed by the U.S. Code of Federal Regulations (40 CFR) Part 503. Disposal of such waste is

prohibited.

29. **Wastewater Treatment Facilities.** Disposal of biosolids from wastewater treatment facilities is prohibited.
30. **Application of Agricultural Chemicals.** Agricultural chemicals shall be applied in accordance with best management practices and/or label directions.

C. **Reporting Regulated Substance Spills, Leaks, Or Discharges**

1. **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 Well Field Protection District and such spill, leak or discharge is not immediately and completely remediated, shall give notice to the Township Fire Department (911) by telephone as soon as feasibly possible. Such notification shall not alleviate other local, state, and federal reporting obligations.
2. **Application of Agricultural Chemicals Not a Spill, Leak or Discharge.** 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 requirements of this Section.
3. **Liability and Required Documentation.** Any entity or person who spills, leaks or discharges Regulated Substances shall be liable for any reasonable expense, loss or damage incurred by the Township in response to such an incident, in addition to the amount of any fines imposed on account 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 recurrence of such spills, leaks or discharges as soon as practicable following the incident, but no later than one hundred eighty (180) days after the incident.

D. **Clean Closure Requirements.**

1. Except in the case of a 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. The owner or

operator shall notify the Miami Township Zoning Inspector in writing of the date of the cessation of operation 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.

E. **Enforcement**

1. In accordance with Section 16 of this Resolution, the Miami Township Zoning Inspector or his/her designee, shall administer, implement, and enforce the provisions of this Section.
2. **Notice of Violation.** Any person found in violation of any provisions of this Section or any other requirement, rule or regulation issued under the authority of this Section will be served with a written notice stating the nature of the violation and providing reasonable time for compliance, provided however, written notice of violation may be waived under the conditions heretofore described in this Section and provided further, that if the Zoning Inspector has previously promulgated a schedule of compliance or issued an order addressing the same type of or a similar violation and the time for compliance has passed, the Zoning Inspector may dispense with establishing another time period for compliance.—
3. **Public Water Supply Protection Authority.** If any activity or use of Regulated Substance is deemed by the Zoning Inspector, with advice from the appropriate authorities, to pose a real and present danger of contaminating the surface and/or groundwater that would normally enter the public water supply, the Zoning Inspector is hereby authorized to:
   a. Cause cessation of said activity or use of the regulated substance; and/or
   b. Require the provision of administrative controls and/or facilities sufficient to mitigate said danger; and/or
   c. Cause the provision of pollution control and/or abatement activities.
4. **Exemption Of Regulated Substances.** The City of Dayton Well Field Protection Office maintains a list of Regulated Substances that have been determined by the Dayton Environmental Advisory Board to pose no threat to groundwater quality. Miami Township shall use said list as the basis for excluding non-threatening Regulated Substances from the provisions of these regulations. The Zoning Inspector shall make said list available to interested parties. The Township Trustees may, with appropriate scientific evidence, supplement said list to include additional Regulated Substances that do not pose threats to local community water supplies.

F. **Technical Consultants.** Upon application for a conditional use permit, zoning certificate and/or occupancy certificate for a use within the Well Field

Protection District, the Zoning Inspector may employ such technical expertise as needed to ensure compliance with the provisions of these regulations. All reasonable costs, as determined by the Township, 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.

1. **Liability.** Any entity or person who spills, leaks or discharges contaminates shall be liable for any expense, loss or damages, including cleanup, incurred by Miami Township or any other affected party.
2. **Violation.** Whoever violates and is found guilty of any provisions of this Section are subject to the penalty provisions as outlined in Section 16 of this Resolution.
3. **Considerations.** When considering the exercise of any of the above authorities or actions on an entity, the Zoning Inspector shall consult with the appropriate Township authorities (Trustees, Fire Chief, Zoning Commission, Board of Zoning Appeals, etc.) and community water supply authorities to determine what measures need to be taken to ensure the public water supply is reasonably and adequately protected from contamination for the present and the future. These authorities may take into consideration any evidence provided by the entity regarding cost-benefit and economic impact imposed by the requirements or actions.

109.8 Bureau of Underground Storage Tank Regulation {BUSTR}- Sensitive areas

****In accordance with the provisions of OAC 1301:7-9-09 (Bureau of Underground Storage Tank Regulation {BUSTR}- Sensitive areas) all existing and new underground storage tanks (see specific definition) located or to be located within environmentally "sensitive areas" as specifically defined in that Section are required to meet the additional design, construction, and monitoring standards provided in OAC 1301:7-9-10 (UST systems located in sensitive areas). These additional standards include, but are not limited to, the following:

A. Secondary tank containment systems, including double-walled tanks, external liners, and vaults.
B. Secondary piping containment systems.
C. Leak detection systems.
D. Monitoring Procedures.

SECTION 410 PUD PLANNED UNIT DEVELOPMENT

410.1 **Intent**

This Section permits the creation of Planned Development Districts. This district has been established for the purpose of preserving agricultural land, natural areas and the open space character of the township by more efficient allocation of

private lots, common grounds, and greater efficiency in providing public and utility services. Such regulations need not be uniform, but may vary and shall promote the public health, safety and welfare.

410.2 **Uses, Standards and Conditions**

A. USES PERMITTED

1. Uses permitted are found in Section 6, R-1A

B. DEVELOPMENT STANDARDS

1. A planned development shall meet those established setback requirements, minimum lot or open space, height regulations, minimum rear and minimum side yard of the abutting zone on the perimeter buildings of the project. However, "R-1a" district standards shall be observed as a minimum on perimeter buildings and parcels. Structures built on the interior of the project shall have flexibility as to layout and minimum lot size shall be determined at the time of the negotiations, however, the maximum density of Section 6 shall apply.
2. Minimum lot size shall be one-half acre. Maximum density shall be 3 acres per dwelling unit after open space and streets are deducted from the gross development.
3. The final development plans required in Section 13: Planned Development shall be prepared in conformance with the above and in conformance with the Section 4: General Provisions.
4. Open Space Requirements: Open space shall be a minimum of fifty-five (55) percent of the land area and shall not be used or occupied by automotive vehicles. Such space shall be reserved for landscaping or agricultural use.
5. Accessory uses are permitted as defined in Section 2.201.

C. REQUIRED CONDITIONS

The regulations of any Planned Development District shall be uniform throughout. The regulations of this code shall apply to any Planned Development District unless changes are specified.

The regulations of the proposed Planned Development District shall be finalized by the Board of Township Trustees at the time the district is established and, except as otherwise permitted in this section, shall be equal to the following:

1. Insofar as practicable, the regulations of the most restrictive district adjoining the proposed Planned Development District, and;
2. Any other more restrictive regulations which in the opinion of the Board of Township Trustees should apply.

D. PARKING AND LOADING

Off-street parking and loading spaces shall be required as set forth under the General Provisions of Section 14.12 Off-Street Parking and Loading Areas.

410.3 **Criteria for Planned Development Approval**

The Township Trustees shall not approve an application for a Planned Development District unless it shall, in each specific case, make specific findings of fact directly based upon the evidence presented to it, which support conclusions that:

A. The proposed development shall be consistent in all respects with the Comprehensive Land Use Plan for Miami Township.

B. The development shall be substantially completed within the period of time specified in the schedule of development submitted by the developer.

C. The site shall be accessible from public roads that are adequate to carry traffic that will be imposed upon them by the proposed development and the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed development.

D. The proposed development is recommended to be located where public utilities are available. The size of the development will not impose an undue burden on public services and facilities such as, but not limited to, fire and police protection, the school system, and transportation network.

E. The Development Plan contains such proposed covenants, easements and other provisions relating to the proposed development's standards, as are reasonably required to promote public health, safety and welfare.

F. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and designed to preserve prime, agricultural land. Open space shall be landscaped or used for agriculture.

410.4 **Pre-Application Consultation**

A developer is encouraged to engage in informal consultations with the Zoning Inspector, Regional Planning and Coordinating Commission (RPCC) staff, County Engineer, Greene Count Soil and Water Department, and Utilities Providers prior to the Filing of any application; however, no statement or representation by such person shall be binding on either the Zoning Commission or the Township Trustees.

410.5 **Developer's Options**

The Developer shall have the following options:

A. Submission of a Pre-Development Plan, processed in the manner hereinafter set forth, and the subsequent submission of a Final Development Plan for any portion of the approved Pre-Development Plan the Developer desires to develop, or

B. Submission of a Final Development Plan without a Pre-Development Plan, and processed in the manner as hereinafter provided for.

C. No Zoning Certificate shall be issued for any property for which a Planned

Development classification is requested and no construction shall begin until an approved Final Development Plan is in effect for that phase or property, whichever of the above options is elected by a Developer.

D. No use shall be established or changed and no structure shall be constructed in any portion of a Planned Development until the final subdivision plat for that portion has been approved by the RPCC and recorded in compliance with the requirements of the Subdivision Regulations for Greene County. Such plat shall show or include the following:

E. Site arrangement, water, sewer/streets, and other public utilities and/or facilities; land to be publicly or commonly owned and maintained.

F. Deed restrictions, protective covenants and other legal statements or devices to be used to control use, development and maintenance, and shall be consistent with the approved Final Development Plan.

G. An adequate plan for water drainage on both the proposed site and all adjacent properties.

410.6 **Submission of Pre-Development Plan**

Eighteen (18) copies of a Pre-Development Plan and one (1) 8 1/2" x 11" copy of the Pre-Development Plan shall be submitted with the application and fee (The filing fee shall be the same as that required for a change in Zoning District.) and shall include in text and map form:

A. A survey of the tract that is to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography and physical features.

B. A preliminary site plan showing the approximate areas and arrangement of the proposed uses, the relationship of abutting land uses and zoning districts, proposed lots and amount of buildable areas within each lot. Included on this site plan, the location and arrangement of the proposed landscaping and/or agricultural use, and the points of ingress and egress of the Development including access to streets where required.

C. Evidence that the applicant has sufficient control over the tract to complete the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed Planned Development.

D. A statement identifying density of the units in the development

E. A statement describing the provision that is to be made for the care and maintenance of open space, and

F. Any other information required by the Zoning Commission or Trustees.

410.7 **Procedure for Approval of Pre-Development Plan**

The Township staff or designee shall study the material received and confer with other government agencies as appropriate in the case, to determine general acceptability of the proposal submitted. At a minimum, township staff will consult with the County Engineer, Sanitary Engineer and Regional Planning and

Coordinating Commission staff.

The Zoning Commission, per this Resolution, shall hold a public hearing on the proposed Pre-Development Plan. All reports and other information used by the Zoning Commission, including information from the applicant, shall be presented at the hearing.

The recommendations of the Zoning Commission to the applicant shall be made in writing following and the public hearing and shall include agreements between the applicant and the Zoning Commission as to changes in the Pre-Development Plan. Items on which no agreement is reached or there is specific disagreement shall be recorded, and the applicant may place in the record his reasons for any disagreement.

When the Pre-Development Plan and report have been approved in principle (as whole or with reservations noted), or when the applicant indicates in writing that no further negotiations with the Zoning Commission are desired before proceeding, the Commission shall, within thirty (30) days, make its recommendations to the Township Trustees. Such recommendations shall indicate approval, approval with modifications, or disapproval. With such recommendations, the Commission shall transmit to the Township Trustees, and make available to the public, the latest draft of the Pre-Development Plan and any reports submitted by the applicant, a record of agreements reached and of matters on which there were no specific agreements, including any reasons recorded by the applicant for any such disagreement.

410.8 **Action by the Township**

The Township Trustees, per this resolution, shall hold a public hearing on the Pre-Development Plan. If the application is granted, the area of land involved shall be rezoned as a Planned Development district by resolution and such resolution shall incorporate the Pre-Development Plan, including any conditions or restrictions that may be imposed by the Township Trustees.

410.9 **Submission of Final Development Plan in Accordance with an Approved Pre-Development Plan**

A Final Development Plan may be filed for any portion of an approved Pre-Development Plan the applicant wishes to develop and it shall conform to the approved Pre-Development Plan. The filing fee shall be the same as that required for a change in Zoning District. Eighteen (18) copies of the Final Development Plan and one (1) 8 1/2" x 11" copy of the Final Development Plan shall be submitted and shall include in text and map form:

A. A survey of the tract that is to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography and physical features.
B. A site plan showing the location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the development,

landscaping, the areas to be developed for parking, the points of ingress and egress including access streets where required, the relationship of abutting land use and zoning districts, proposed lots and blocks, if any, and proposed open space.

C. A statement of the density, the proposed total gross floor area, and the percentage of the development, which is to be occupied by structures.

D. Sketches of the proposed structures.

E. When a Planned Development is to be constructed in stages, a schedule for the development of such stages shall be submitted. No such stage shall have a density that exceeds by more than twenty (20) percent the density of the entire Planned Development. The total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship of the total open space to be provided in the entire Planned Development.

F. Evidence that the applicant has sufficient control over the tract to affect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development.

G. A statement describing the provisions that are to be made for the care and maintenance of open space. If it is proposed that the open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.

H. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development District.

I. Any other information required by the Trustees.

410.10 **Procedure for Approval of Final Development Plan with Approved Pre-Development Plan**

The Township staff or designee shall study the material received and confer with other agencies of government as appropriate in the case, to determine general acceptability and conformance to approve Pre-Development Plan.

The Zoning Commission shall hold a public hearing, per this resolution, on the proposed Final Development Plan. All property owners within five hundred (500) feet of the project shall be notified.

The recommendations of the Zoning Commission to the applicant shall be in writing. Agreements between the applicant and the Zoning Commission as to changes in the Final Development Plan or other matters shall be recorded and acknowledged by the Zoning Commission and the applicant at the public meeting. Recommendations by the Zoning Commission shall indicate approval, approval with modifications, or disapproval. With such recommendations, the Commission shall transmit to the Township Trustees, and make available to the public, the latest draft of the Final Development Plan and other information submitted by the applicant.

410.11 **Action by the Township**

At a public hearing, per this resolution, the Township Trustees shall evaluate the Zoning Commission's recommendation and Final Development Plan to consider all aspects thereof and determine whether it is in accord with the approved Pre-Development Plan. The Township Trustees shall disapprove, approve, or approve the Final Development Plan with amendments, conditions or restrictions. If the Plan is approved, the Plan shall be incorporated into the Zoning Resolution and that District for which the Plan is proposed, including any condition or restriction that may be imposed by the Township Trustees. Upon approval by the Township Trustees, the Final Development Plan will go into immediate effect.

Approval of a Final Development Plan as being in compliance with the standards of approval established under this section shall not be considered an amendment or supplement to the Township Zoning Resolution for the purpose of 519.12 of the ORC.

410.12 **Submission of Final Development Plan Without an Approved Pre-Development Plan**

The applicant need not file a Pre-Development Plan if a Final Development Plan is filed for the entire site incorporating all requirements of both the Pre and Final Development Plans as described in this Section. The Final Development Plan shall be processed, noticed and heard in the manner prescribed herein. The filing fee shall be the same as that required for a change in Zoning District. Eighteen (18) copies of the Final Development Plan and one (1) 8 1/2" x 11" copy of the Final Development Plan shall be submitted and shall include in text and map form:

A. A survey of the tract that is to be developed showing existing features of the property, including streets, alleys, easements, utility lines, existing land use, general topography and physical features.
B. A site plan showing the location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the Development, landscaping, the area to be developed for parking, the points of ingress and egress including access streets where required, the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed open space.
C. A statement of the density of the various Residential uses within the development, when applicable, the proposed total gross floor area, and the percentage of the development which is to be occupied by structures.
D. Sketches of the proposed structures and landscaping.
E. When a Planned Development is to be constructed in stages, a schedule for the development of such stages or shall be submitted. No such stage shall have a density that exceeds by more than twenty (20) percent the density of the entire Planned Development. The total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship of

the total space to be provided in the entire Planned Development.

F. Evidence that the applicant has sufficient control over the tract to affect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed Development.

G. A statement describing the provision that are to be made for the care and maintenance of open space. If it is proposed that the open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.

H. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development District.

I. Any other information required by the Zoning Commission or Trustees.

410.13 **Action by the Township Zoning Commission on a Final Development Plan without a Predevelopment Plan**

The Zoning Commission shall hold a public hearing, per this resolution. on the Final Development Plan as provided by the Resolution. Such public hearing shall consider all aspects of the Final Development Plan including any proposed stages of development. The Zoning Commission shall prepare and transmit to the Township Trustees and to the applicant, specific findings of fact with respect to the extent to which the Final Development Plan complies with the standards set out in this Section and the District for which the change has been requested, together with its recommendations to the Township Trustees with respect to the action to be taken on the Final Development Plan. The Zoning Commission may recommend disapproval, approval, approval with amendments, conditions or restrictions. Copies of the findings and recommendations of the Zoning Commission shall be made available to any other interested persons.

410.14 **Action by the Board of Township Trustees**

The Township Trustees shall hold a public hearing, per this Resolution, on the Final Development Plan. If the application is granted, the area of land involved shall be rezoned by resolution and such resolution shall incorporate the Plan, including any condition or restriction that may be imposed by the Township Trustees. Approval of a Final Development Plan as being in compliance with the standards of approval established under this section shall not be considered an amendment or supplement to the Township Zoning Resolution for the purpose of 519.12 of the ORC.

410.15 **Extension of Time or Modification**

An approved Pre-Development or Final Development Plan may be amended by following the procedures described in this Section. However, minor adjustment in the Final Development Plan which become necessary because of field conditions, detailed engineering data, topography or critical design criteria pertaining to drives, curb cuts, retaining walls, swimming pools, tennis courts, fences, building

locations, and building configurations, parking area locations or other similar project particulars, may be authorized in writing by the Township Trustees. These minor adjustments may be permitted, provided that they do not increase density, decrease the number of parking spaces or allow buildings closer to perimeter property lines. The Trustees shall approve, disapprove or modify all minor adjustments.

SECTION 411 MINIMUM DIMENSTIONAL REQUIREMENT CHART

	Lot Area	Lot Frontage	Front Setback	Side Setback	Rear Setback	Structure Height
A-1 Agricultural	3 acres	300 feet	55 feet	20 Feet each, with combined total 50 feet or greater	60 feet	35 feet
R-1A Residential Rural	3 acres	300 feet	55 feet	20 Feet each, with combined total 50 feet or greater	60 feet	35 feet
R-1B Residential Suburban Without Public Utilities	3 acres	300 feet	35 feet	16 Feet each, with combined total 34 feet or greater	50 feet	35 feet
R-1B Residential Suburban With sewer and water provided	10,000 sq ft	80 feet	30 feet	8 Feet each, with combined total 20 feet or greater	40 feet	35 feet
B-1 Business	20,000 sq ft	100 feet	25 feet	No minimum, unless adjacent to R-District, in which case not less than l5 feet	No minimum, unless adjacent to R District, in which case not less than 40 feet	40 feet
I-1 Industrial	1 acre	100 feet	25 feet	15/100/200 feet See Section 405 for clarification	No minimum, unless adjacent to R District, in which case not less than 200 feet	40 feet

ARTICLE 5 SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 501 GENERAL PROVISIONS

The following supplementary regulations are applicable to all Zoning Districts in Miami Township unless otherwise identified to a specific Zoning District

SECTION 502 ACCESSORY STRUCTURES

502.1 All accessory structures to a dwelling/primary structure in all Districts shall comply with the following requirements:

A. Accessory structures, other than a decorative gazebo or similar structure, must be built in either the side or rear yard and must not protrude into the front yard.

B. Accessory structure height may not exceed 20 feet measured from the ground to the highest point of the roof's surface, measured at the front entrance of the structure.

C. There shall be a minimum of 10 feet between accessory structures that are 200 square feet or larger in size.

D. A permit from the township zoning office is required for all accessory structures that are larger than 100 square feet in size. Structures may qualify for a no cost permit if the structure's use is for agricultural purposes.

E. Structures that do not exceed 100 square feet are exempt from the zoning permit process.

F. Tent type structures and carport type structures, without a foundation and not exceeding 500 square feet that can be disassembled, are exempt from the zoning permit process.

G. All accessory structures shall have a minimum setback of 10 feet from all property lines.

502.2 All accessory structures in an agricultural district are exempt from township zoning regulations, if the structure is being used for an agricultural purpose. A township zoning permit is still required for each accessory structure built in an agricultural district that is not used for an agricultural purpose.

502.3 An accessory structure may precede construction of a dwelling, as long as a zoning permit has been submitted with site plan showing location of the dwelling, septic system and well. If the accessory structure precedes the dwelling, it is subject to inspection until the dwelling is completed. Under no circumstance will an accessory building be used for habitation.

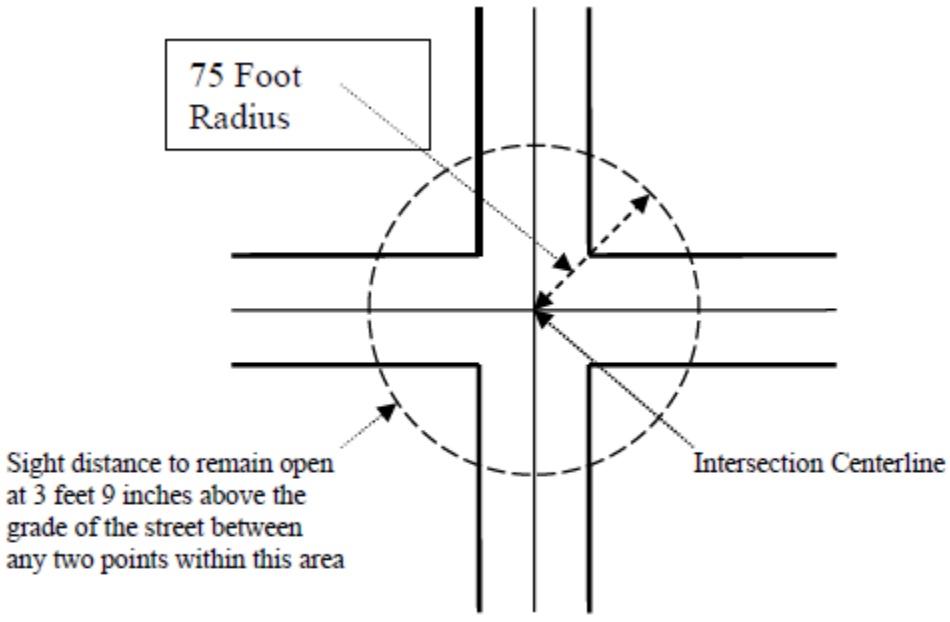
SECTION 503 FENCES, WALLS & SCREENING

The location and height of all fences, walls, and vegetation screening shall be in accordance with the following provisions:

503.1 The following regulations will not be applied to the construction and maintenance of agricultural partition fences and livestock fences that are otherwise covered under the authority of Chapter 971 of the ORC.

503.2 Fences, walls or vegetation screening within any front yard shall be outside of the right-of-way and shall not interfere with visibility from driveways or the drainage of roadside ditches.

503.3 No fence, wall or vegetation screening shall be erected, placed, planted, or allowed to grow on any corner lot so as to create a sight impediment within seventy-five (75) feet of the intersecting centerlines of any two or more streets. In determining if any sight impediment exists, the Zoning Administrator shall measure the sight distance between the centerlines of such streets at a height of three feet, nine inches (3'9") maximum above the actual grades of the streets. (See Illustration)



503.4 All fences must be maintained in good repair. Fences that are falling, require external support or create a health or safety issue must be replaced, repaired, or removed.

503.5 If the fence has one side where posts are exposed and one side where posts are concealed either in part or in full by the fence slats, then the side on which the posts are concealed shall face outwards, towards the nearest property line. (Commonly referred to as the "good neighbor side" rule)

503.6 In residential districts, no fence or wall within any yard may exceed 8 feet in height, measured from the existing grade to the highest point.

503.7 In business and industrial districts, no fence or wall may exceed 12 feet in height, measured from the existing grade to the highest point.

503.8 Requirements for fencing around swimming pools can be found in section 506.

SECTION 504 PROJECTIONS INTO REQUIRED YARDS

All architectural projections shall be in accordance with the following provisions:

504.1 Chimneys, flues, sills, pilasters, cornices, eaves, gutters, and other similar architectural features may project into any required minimum yard a maximum of twenty-four (24) inches.

504.2 Unroofed porches and steps may extend from the dwelling into the required front yard a maximum of ten (10) feet. Open structures such as roofed porches, canopies, balconies, decks, platforms, and carports, shall be considered parts of the building to which attached and shall not project into any minimum required yard.

SECTION 505 PARKING OF REC. VEHICLES, TRAILERS & MOBILE HOMES

505.1 Parking and storage of a utility trailer, travel trailer, camper, boat, boat trailer, recreational vehicle or similar type vehicle must adhere to the following:

A. Must be parked a minimum of ten (10) feet from any property line.
B. Must be maintained in an operational condition.
C. Residential Districts shall be limited to two (2) such vehicles stored on the property, unless stored in an enclosed garage or other accessory structure.
D. Accessory Vehicle that are located in a front yard must be parked on an improved surface, such as a driveway or parking pad.

505.2 No residence shall be maintained, and no business shall be conducted within any recreational vehicle while such vehicle is parked on any lot, except as provided in Section 505.6

505.3 In any district, the wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall such recreational vehicle be otherwise permanently fixed to the ground.

505.4 No mobile home may be stored or parked in any district outside an approved and licensed mobile home park or trailer court, except as provided in Section 505.6

505.5 The outdoor storage or parking of construction equipment, such as backhoes, bulldozers, well rigs, and other similar construction equipment, other than equipment temporarily used for construction upon the site, shall not otherwise be permitted within any Residential District.

505.6 TEMPORARY EMERGENCY RESIDENCE: The owner of a property is permitted the temporary placement and use for habitation of a single recreational vehicle, travel trailer, camper, or mobile home upon a residential lot containing an existing permanent residential structure, where the following circumstances occur:

A. The Zoning Administrator finds that due to special circumstances or conditions such as fire, storm damage, or other similar event, that the use of a temporary residence is necessary in order to prevent a hardship, on the applicant while the permanent residential structure is being repaired or rebuilt, and that the temporary residence and its location will not represent a hazard to the safety, health, or welfare of the community.

B. The applicant shall provide the following documentation to the Zoning Administrator:
   1. The permanent residential structure was occupied by the owner at the time of the above event. Sufficient documentation shall include County Auditor's Property Records, BMV records, voting records, utility records or other documentation the Zoning Inspector deems sufficient.
   2. The permanent residential structure is unfit for human habitation due to such event, as determined by an appropriate governmental authority.
   3. Written statement from the Greene County Health Department approving the water supply and wastewater disposal system of the temporary residence. This must be provided within the first thirty (30) days of the issuance of the permit.

C. Such a permit may be initially issued for a period of one year. This permit is renewable in six-month increments, as a Conditional Use authorized by the Board of Zoning Appeals. The applicant must provide documentation of evidence that encountered delays were not at fault of the owner.

SECTION 506 SWIMMING POOLS

506.1 **Public Swimming Pool** shall meet the following requirements:

A. Shall be located at least two-hundred (200) feet from all property lines.
B. Shall be completely enclosed in a building or if outdoors, completely surrounded by a fence, wall or other barrier adequate to prevent entrance by children and no less than five (5) feet tall.
C. Facility operators must have an established plan for the parking of vehicles.
D. Signage must be in accordance with the restrictions established in Article 7.
E. Exterior lighting shall be angled wherever necessary to avoid casting direct light upon any other property or any public street.
F. All Public Swimming Pools are considered a conditional use, and must obtain a Conditional Use Permit from the Township Zoning Inspector after a Conditional Use is granted by the Board of Zoning Appeals.

506.2 **Private Residential Swimming Pool** shall meet the following requirements:

A. The pool is intended solely for the enjoyment of the occupants and guests of the principal user of the property on which it is located.
B. Location:
   1. No swimming pool may be located closer than fifteen (15) feet to any property line.
   2. Pools may not be placed in any front yard and are subject to the same side and rear yard setbacks as any primary structure within that district.
   3. Swimming Pools and aprons that will be located within twenty (20) feet of any component of an on-site well or any component of an on-site wastewater septic systems must provide written approval by the Greene County Health Department.
C. **Inground swimming pools** shall be walled or fenced to prevent uncontrolled access by children from any street or adjacent property. Any such fence shall not be less than five (5) feet in height and maintained in good condition with a gate and lock.
D. **Above ground pools** are required to have a ladder or steps that can be put up and/or lockable to prevent uncontrolled access by children, but no fence surrounding the pool is required.
E. Above ground hot tub/spas, cold plunge tanks or similar above ground units smaller than fifty (50) square feet, with an appropriate cover, shall not require a permit.

SECTION 507 FUTURE PLANNING

SECTION 508 AGRICULTURAL USES, AGRICULTURAL SERVICE ESTABLISHMENT & AGRITOURISM

508.1 The intent of this section is to explain agricultural uses and to define the

requirements of an agricultural service establishment and agritourism activity.

508.2 **Agricultural use**

A. Agriculture as defined by ORC 519.01 and in Article 2 of this Resolution.
B. Township zoning shall not regulate or require a permit for any agriculturally exempt structures that are permitted in an agricultural district, such as but not limited to hay barn, chicken coop, silos and eggs-for-sale stand.
C. Township zoning shall regulate non-exempt structures in an agricultural district, such as but not limited to single family dwelling, detached garage for non-agricultural items or gazebo are subject to zoning regulations to include the requirement of a permit issued by the zoning office.

508.3 **Agricultural Service Establishment**

An agricultural service establishment is a business engaged in the support of agricultural or horticultural activities, including but not limited to feed, seed and fertilizer sales, tile services, landscaping, greenhouse, farm equipment service or repair, or animal processing and must adhere to the following provisions:

A. Submit a floor plan of the retail structure to be used and a site plan of the property illustrating all structures and setbacks from property lines.
B. Provide a parking plan for retail activities.
C. Provide ingress and egress via access points located on a public road. Access points must be approved by the Township, County Engineer or Ohio Department of Transportation, depending on the jurisdiction of the road being accessed. Such ingress and egress shall be designed to accommodate emergency vehicle access. An on-site turnaround shall be provided so that no vehicle will back out onto a traveled roadway.
D. Submit plan for signage in accordance with Article 7 of this resolution.
E. Provide hours of operation for all retail activities.

508.4 **Agritourism**

A. Agritourism is defined as an agriculturally related use for educational, entertainment, historical, cultural, or recreational activity conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.
B. Examples of Agritourism activities include, but are not limited to U Pick berry or flower field, farm market, farm hayrides, corn maze, petting zoo, dairy cheese making classes or learning bee keeping operations.
C. An agritourism provider must apply for a permit from the zoning office and meet the following requirements:
    1. Provide evidence that the property(s) on which the agritourism operation is proposed meets the definition of a farm.

2. Specifically describe the educational, entertainment, historical, cultural and/or recreational relationship of the agritourism operations to the existing agricultural use of the property and the surrounding agricultural community in general.
3. Submit a floor plan of the structure to be used for agritourism activities and a site plan of the property illustrating all structures and setbacks from property lines for all structures.
4. Provide a parking plan for agritourism activities.
5. Provide ingress and egress via access points located on a public road. Access points must be approved by the Township, County Engineer or Ohio Department of Transportation, depending on the jurisdiction of the road being accessed. Such ingress and egress shall be designed to accommodate emergency vehicle access. An on-site turnaround shall be provided so that no vehicle will back out onto a traveled roadway.
6. Submit plan for signage in accordance with Article 7 of this resolution, if applicable.

SECTION 509 FUTURE PLANNING

SECTION 510 HOME OCCUPATION

510.1 The intent and purpose of this section is to regulate the joint use of residential structures as both primary residential units and compatible, small-scale business activities, in order to protect the public health, safety, and welfare of the community, while at the same time not unreasonably interfering with a resident's right to earn an income from their place of residence.

All Home Occupations shall comply with the following conditions and requirements:

510.2 All Home Occupations are considered a permitted use, and must receive a home occupation permit from the Miami Township Zoning Administrator except as provided for in Section 510.3

510.3 Instances of home-based occupations, when operated in such a way that there are (1) no external markings or displays of business activity, (2) no increase in non-residential traffic or noise, and (3) with no complaints of nuisance, are exempt from the provisions herein, until such time as their business activities become visible to the public in any way, at which time they will be required to obtain a Home Occupation Permit. This exemption is also extended to persons utilizing their residence to do computer-based work remotely for a company or business that otherwise has an appropriate primary base of operations.

510.4 No more than two persons shall operate a home occupation or be employed therein, in addition to any resident(s) of the premises.

510.5 All home occupations shall be conducted entirely within the dwelling unit or permitted accessory structure, and the use of the dwelling unit and/or

structure for the home occupation shall be clearly incidental and subordinate to the overall use of the lot for residential purposes by its occupants.

510.6 There shall be no change on the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than:

A. No more than 1 (one) work vehicle for each adult employee residing on the premises parked outside.
B. All signage must be in accordance with Article 7.

510.7 No traffic shall be generated by such home occupation in greater volume than would otherwise normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall only be provided on or along the driveway on the same lot as the building used for the home occupation.

510.8 If customers or clients are expected as a regular part of the home occupation activities, those visits are limited to being between the hours of 8:00 am and 8:00 pm

510.9 There shall be no sale on the premises of commodities not produced as a result of, or not incidental to the home occupation.

510.10 Home Occupations shall not include motor vehicle sales, repair or salvaging of any kind, outside storage of construction, excavating, dumpster, contracting or service equipment, and/or trucking or rig storage or maintenance, unless enclosed within an approved structure.

510.11 Equipment or processes that create noise, vibrations, glare, fumes, odors, or electrical interference detectable off the lot, if the occupation is conducted in a single-family residence shall not be used in a permitted home occupation. No equipment or process shall be used which creates interference in any radio or television receiver off the premises, or causes fluctuations in voltage, bandwidth, or other utilities off the premises.

SECTION 511 FUTURE PLANNING

SECTION 512 SHORT-TERM RENTAL / BED & BREAKFAST OPERATIONS

512.1 The intent and purpose of this Article is to establish clear regulations for the use of residential housing units within the Township for short-term housing. These regulations are intended to provide balance between the need for short-term housing options within the community and preserving the residential character of neighborhoods, in order to ensure the health, safety, and general welfare of the community.

512.2 The use of a residential unit, in whole or in part, to provide temporary occupancy, for a fee, shall be herein referred to as a Short-Term Rental. Such temporary lodging is limited to thirty (30) consecutive days by any person or group of persons who are not the owner or permanent resident. Bed and Breakfast operations are also herein considered to be a form of short-term rentals.

512.3 Conditional Use Permit Requirements

A. Short Term Rentals shall be a conditional use within the Agricultural and Residential Zoning Districts.

B. No property within the Township shall be used as a Short-Term Rental without first obtaining a Conditional Use Permit. The Conditional Use Permit is required to ensure that the proposed Short-Term Rental use is compatible with surrounding land uses, consistent with the public health, safety, and general welfare of the Township, and that the applicant can comply with all regulations herein.

C. A change in ownership shall not nullify an issued Conditional Use Permit, but any subsequent owner must provide updated current emergency contact information.

512.4 Application Requirements: All Applications for a Short-Term Rental Permit must provide the following information.

A. Owner Information: The full legal name(s), alternative mailing addresses, email address and telephone number(s) of each owner.
B. Verification of owner-occupancy requirement as outlined in 512.6.
C. Emergency Contact Information: The full legal name, address, and phone number(s) of a responsible person or persons, who shall be available twenty-four hours a day, seven days a week to respond, as necessary, within sixty (60) minutes of notification of a complaint regarding the condition, operation or conduct of occupants of the short-term rental unit and can take remedial action as necessary to resolve such complaints.
D. A basic site plan identifying the location and number of sleeping rooms as well as maximum number of occupants allowed within the unit.
E. Parking Plan: a diagram showing detailed parking provisions, with adequate on-site parking for Short Term Rental guests.
F. On any property utilizing an on-site waste water collection system, written documentation from the Greene County Public Health Department shall be provided, verifying the system's capacity to handle the maximum occupancy.

512.5 Facilities

A. Short-Term Rental Units may include all or part of any Primary Dwelling Unit or permitted Accessory Dwelling Unit, provided that:
1. The structure has received all appropriate Occupancy Permits from Local, County, or State Building and Health Departments.

2. The property is not actively declared to be a nuisance.

B. Sufficient on-site parking shall be provided.

C. Short-Term Rentals providing meals shall be considered Bed and Breakfast operations. Bed and Breakfast operations shall employ no more than two (2) additional persons not living within the dwelling.

D. Signage must be in accordance with restrictions established in Article 7.

E. No receptions, private parties, or other types of gathering are permitted.

512.6 Owner Occupancy Requirement: All properties used as short-term rentals shall be subject to the following owner occupancy requirements:

A. The primary owner must utilize the Primary Dwelling Unit or permitted Accessory Dwelling Unit as their principal residence and physically reside there for a minimum of one hundred eighty-five (185) days within any calendar year.

B. Applicants for a short-term rental permit must submit documentation demonstrating compliance with the owner occupancy requirement. Acceptable proof includes, but is not limited to:

1. A valid Ohio state-issued identification card or driver's license with the property address;

2. Voter registration records showing the property address;

3. Utility bills, tax documents, or other government-issued documents proving residency at the property.

512.7 Enforcement: If at any time the Zoning Administrator becomes aware that a property owner is operating a Short-Term Rental without a valid permit, in violation of any provision of this resolution, in violation of any of the conditions set in the Conditional Use Permit, or in a way that constitutes a nuisance, or jeopardizes the health, safety, or general welfare of the community, the Zoning Administrator shall declare the Short Term Rental to be in violation of this Zoning Resolution.

SECTION 513 TEMPORARY STRUCTURES, TEMPORARY USES, AND PUBLIC EVENTS

513.1 The intent of this section is to recognize the need for an allowance for both the temporary placement of structures, and the temporary use of land and structures, balanced with the general welfare of the community, and provide regulations for such temporary uses and temporary structures. Additionally, this section recognizes the need for the use of non-residential property for public events, balanced with the zoning district's intended purpose and the

general welfare of the community, and provides regulations for such public events.

513.2 **Temporary Structures:** In any district, subject to the conditions stated below, the Zoning Administrator may issue a permit for the following temporary structures:

A. A temporary trailer for a construction office or secure storage of construction-related equipment, provided such use is incidental to an active construction project and removed when construction is completed.
   1. This permit shall not be valid for more than one (1) year but may be renewed, in increments of six (6) months, if construction is substantially underway.
   2. This permit shall expire, and the temporary trailer removed, no later than thirty (30) consecutive days after construction is completed, or substantially discontinued.
   3. Temporary Trailers must be parked a minimum of fifteen (15) feet from any property line, and may not be located within any right-of-way.
   4. No living quarters shall be maintained or any other business conducted in connection therewithin, while such trailer is parked on the property.

B. Temporary portable storage units or large construction dumpsters may be permitted for a six (6) month period, or for a twelve (12) month period for new construction. This permit may be renewed, in increments of one (1) month, as needed, up to a total of six (6) consecutive months. The storage unit or dumpster must be removed by the expiration of the temporary permit. Such units shall comply with all accessory structure setback requirements if placed in a side or rear yard. If placed in a front yard, all such temporary structures shall not be located in the required right of way or utility easements.

C. Temporary Structures used as a Temporary Emergency Residences are covered in Section 505.6

513.3 **Temporary Uses:** In the listed districts, subject to the conditions stated below, the Zoning Administrator may issue a permit for the following temporary uses:

A. Within any residential district, a Real Estate Sales Offices may be permitted, for any new subdivision which has been approved by the Regional Planning and Coordinating Commission under the Subdivision Regulations for Greene County, provided that:
   1. Such office shall contain no living accommodation.
   2. The permit shall be valid for one (1) year, and may be granted up to two (2) six (6) month extensions thereafter if conditions warrant such renewal.

3. The office shall be removed upon completion of sales of the lots therein, or upon expiration of the temporary zoning permit, whichever occurs sooner.

B. Temporary Sales may be permitted within any non-residential zoning districts.
   1. The applicant must be the owner of the lot on which the sale is located or provide written confirmation of owner's permission for the temporary use.
   2. All signs must be in accordance with Article 7 of this resolution.
   3. A zoning permit for such Temporary Sales shall only be issued for any singular address once within any three (3) month period and shall not exceed a period of five (5) consecutive days.
   4. A zoning permit for Temporary Sales of seasonal items shall only be issued for any singular address once within any one (1) calendar year and shall be limited to a period of sixty (60) total days within the in-season window.

C. Yard Sales in any residential or agricultural district shall not require a permit but are limited in duration to no more than four (4) consecutive days, and no more frequent than four (4) times per year.

D. All other Public Events in a non-residential district are addressed under Section 513.5.

513.4 An applicant applying for a temporary use permit from the zoning office must submit said application no less than thirty (30) days prior to the event start date, and adhere to the following requirements:

A. Submit a detailed description of the property and the proposed event.
B. Submit a timeline of hours of operation for the proposed use.
C. Submit a site plan showing existing permanent and potential temporary structures and distances from property lines.
D. Provide a parking plan, if applicable.
E. Provide ingress and egress via access points on a public road approved by the Township, County Engineer or Ohio Department of Transportation, depending on the jurisdiction of the road being accessed, if applicable. Such ingress and egress shall be designed to accommodate emergency vehicle access. An on-site turnaround shall be provided so that no vehicle will back out onto a traveled roadway.
F. Submit a plan for signage in accordance with Article 7 of this resolution, if applicable.

513.5 **Public Events:** In any Agricultural or Business district, Public Events shall be authorized as a conditional use. The use of a property for any such Public

Event must be secondary to the use of the property for another allowable primary use and must not interfere with or hinder the continuance of an allowable primary use.

A. Public Events shall include ticketed, non-ticketed, and invitation only events. These events include, but are not limited to:
   1. Public Carnivals, Circus, or Festivals
   2. Vehicle or Art Shows
   3. Live Performances or Concerts
   4. Hosted semi-public gatherings, such as weddings, parties, or other celebrations, for someone other than the property owner or occupant.
   5. Other events in which the general public is invited to attend.

B. Each new Public Event shall require a separate conditional use permit. Regularly occurring Public Events may obtain one (1) conditional use permit, with specific limitations on frequency, as set by the BZA. Such regularly occurring Public Event permits shall be indefinite, and not limited to a set period of time. Any deviation from set conditions or significant changes to the operations of a regularly occurring Public Event shall necessitate a new conditional use hearing.

C. In determining the conditions for said Conditional Use Permit, the Board of Zoning Appeals shall set limits on the following:
   1. The frequency of the event, including a limit of times per year or month, how far events must be spaced apart, and any other rate of reoccurrence.
   2. The total length of the event (days)
   3. The allowable day(s) of the week and hours of the event
   4. Any other conditions the BZA deems necessary to protect health, safety and general welfare of the public.

513.6 An applicant applying for a Conditional Use Permit for a Public Event from the zoning office must submit said application no less than sixty (60) days prior to the first event start date, and include the following:

A. A detailed description of the property and the proposed event.
B. A timeline, hours of operation, and frequency for the proposed event.
C. A site plan showing existing permanent and potential temporary structures and distances from property lines.
D. Proof of Occupancy Permits for any structure to be utilized for the event or open to the public.
E. Provide an adequate parking plan, with ingress/egress locations clearly noted.
F. Provide ingress and egress via access points on a public road approved by

the Township, County Engineer or Ohio Department of Transportation, depending on the jurisdiction of the road being accessed, if applicable. Such ingress and egress shall be designed to accommodate emergency vehicle access. An on-site turnaround shall be provided so that no vehicle will back out onto a traveled roadway.

G. Adequate plans should be provided for restroom/handwashing facilities, and garbage removal. Such plans must be approved by the Greene County Board of Health.

H. Adequate written safety plans in regards to traffic, crowd control, individual participant safety, and emergency management must be provided. Such plans may be reviewed, at the Zoning Administrator's request, by the Greene County Sherriff's Department and Miami Township Fire/EMS for approval, prior to the granting of the Conditional Use Permit.

I. A plan for signage in accordance with Article 7 of this resolution, if applicable.

SECTION 514 JUNK YARDS / SALVAGE YARDS

Junk yards may be permitted as Conditional Use within specified districts upon the submission of satisfactory proof that such operations will not be detrimental to the neighborhood or surrounding properties. No junk yard shall be located, operated, or maintained within Miami Township unless it is located within the proper district and the following conditions have been guaranteed by the applicant:

A. The operator of the junk yard shall possess a license from the Greene County Auditor.

B. The junk yard operation shall possess a plan for the control of insects, rodents, and other disease vectors.

C. The area of the site used for the storage of junk shall be completely enclosed by a fence or other suitable means to prevent any uncontrolled access by unauthorized people.

D. The site shall contain mounding, screening, or natural vegetation adequate to obscure the view of junk from any public street or surrounding property as determined by the Board of Zoning Appeals.

E. Any fence required for screening purposes shall be in accordance with the following requirements:
   1. It shall be neatly constructed of opaque material.
   2. It shall not be less than six (6) feet in height.
   3. It shall be maintained in a condition so as to insure its opaqueness.
   4. It shall contain no advertising.

F. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed, and so that they

will not constitute a place or places in which mice or other vermin may be harbored, reared, or propagated.

G. Because of the tendency for junk yards to promote the breeding of mosquitoes and vermin and the potential volatile nature of certain materials, no operation shall be permitted closer than five hundred (500) feet from any established residential district.

SECTION 515 QUARRIES, COMMERCIAL MINES & GRAVEL PITS

515.1 Quarries, commercial mines, and gravel pits, may be permitted in a A-l district and F-l district by the Board of Zoning Appeals upon submission of satisfactory proof that such operations will not be detrimental to the neighborhood or surrounding properties providing the following conditions are guaranteed by the applicant

515.2 All equipment used in these operations shall be constructed, maintained and operated in such a manner as to eliminate so far as practicable, noise, vibration, or dust which would injure or annoy persons living in the vicinity, and accessways or roads within the premises shall be maintained in a dust-free condition through surfacing or such other treatment as may be necessary.

515.3 No mining, quarrying or gravel or sand extraction shall be permitted nearer than l00 feet to the boundary of the property being utilized for such use.

515.4 In order to insure adequate lateral support, all sand and gravel excavations shall be located at least l00 feet and backfilled to at least l00 feet from a street right-of-way line and all quarrying or blasting shall be located at least l00 feet from the right of way line of any existing or platted street, road, highway or railway, except that such excavation or quarrying may be permitted within these limits to the point of reducing the ground elevation to the grade of the existing or platted street, road, or highway where officially approved by the township trustees.

515.5 All excavations of gravel or sand shall either be made to a water producing depth, plus at least 5 feet or graded and/or backfilled with non-noxious and non-flammable solids to assure:

515.6 That the excavated area will not collect and retain stagnant water.

515.7 That the graded or backfilled surface will create an adequate topography to minimize erosion by wind and rain and substantially conform with the contours of the surrounding area.

515.8 The banks of all excavations not backfilled shall be sloped to the water line at a grade of not less than 2 feet horizontal to l foot vertical and such banks shall be sodded or surfaced with at least 6 inches of suitable soil and seeded with grass. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes, or grasses where 61vegetation is possible. Where flood water exists, spoil banks shall be high enough to prevent overflow of water in the gravel pits and shall be sloped, graded and seeded as prescribed herein.

515.9 Whenever the floor of a quarry is more than 5 feet below the average grade of the street, road, highway, or land adjacent thereto, the property containing such quarry shall be completely enclosed by a barrier consisting of not less than a 6 foot mound of earth planted with suitable dense planting or an approved fence not less than 6 feet in height along the property line. Such mound shall be located at least 25 feet from any street, road, highway, or boundary of the quarry property.

515.10 All quarrying, blasting, or drilling shall be carried out in a manner and on such scale as to minimize dust, noise, and vibration and to prevent adversely affecting the surrounding neighborhood.

515.11 When any quarrying has been completed, such excavated area shall either be left as a permanent spring-fed lake or the bottom floor thereof shall be leveled to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion and said floor shall be covered with soil of adequate thickness for the growing of turf or other ground cover. The edge of such excavation shall be further protected by construction of a barrier consisting of not less than a 6-foot mound of earth planted with a double row of multiflora rose bushes or other equally effective planting.

515.12 To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted permission by the Board of Zoning Appeals to operate a quarry, mine or gravel pit as herein provided shall furnish a performance bond running to Miami Township, Greene County, Ohio, in an amount of not less than $10,000 and not more than $50,000 as a guarantee that such applicant, in restoring, reclaiming and rehabilitating such land, shad within a reasonable time and to the satisfaction of the board meet the requirements of subsections 14.4 through 14.418. The amount of performance bond shall be based upon an estimate of costs to meet the aforementioned requirements prepared by a licensed civil engineer and submitted by the applicant.

SECTION 516 SANITARY LANDFILLS

516.1 Sanitary landfills may be permitted in any A-1 district by the Board of Zoning Appeals upon submission of satisfactory proof that such operations will not be detrimental to the neighborhood or surrounding properties providing the following conditions are guaranteed by the applicant.

516.2 In accordance with the provisions of OAC 3745-27-07 (Additional criteria for approval of sanitary landfill facility permit to install applications), no sanitary landfill shall be permitted in Miami Township in the following areas:

A. In a state park or established state park purchase area.
B. Above an aquifer declared by the federal government under the "Safe Drinking Water Act" to be a sole source aquifer.
C. Above an unconsolidated aquifer capable of sustaining a yield of one hundred

gallons per minute for a twenty-four-hour period to an existing or future water supply well located within one thousand feet of the limits of solid waste placement of the sanitary landfill facility.

D. Within the surface and subsurface areas surrounding a public water supply well through which contaminants may move toward and may reach the public water supply well within a period of five years (i.e. five-year Time-of-Travel).

E. Within one thousand feet of areas designated by the Ohio Department of Natural Resources as either a state nature preserves, a state wildlife area, or a state scenic river.

F. Within one thousand feet of stream segments designated by Ohio EPA as either a state resource water, a cold-water habitat, or an exceptional warmwater habitat.

516.3 All sanitary landfill sites shall be subject to approval by the County Health Department.

516.4 A topographic map showing the design of the sanitary landfill site at a scale of not over 200 feet to the inch and with five (5) foot contour intervals shall be submitted with the application.

516.5 The applicant shall submit information describing the geological characteristics of the site.

516.6 The site shall be limited to areas where water pollution will not occur. The Board of Zoning Appeals may impose any conditions it deems necessary to prevent water pollution.

516.7 The site shall be accessible from at least two directions.

516.8 The site shall be so located as to minimize the effect of winds carrying objectionable odors to urbanized or urbanizing areas.

516.9 The sanitary landfill site shall be designed by a qualified expert and submitted to the County Health Department for approval.

516.10 Suitable shelter for landfill equipment shall be provided.

516.11 Suitable shelter and sanitary facilities shall be provided for personnel.

516.12 Suitable measures shall be taken to control fires.

516.13 An attendant shall be on duty, during the time the sanitary landfill site is open, to supervise the unloading of refuse.

516.14 Blowing paper shall be controlled by providing a portable fence near the working area. The fence and area shall be policed regularly.

516.15 Sewage solids or liquids and other hazardous materials shall not be disposed on the site.

516.16 There shall be no open storage or burning of refuse or garbage.

516.17 No bulky items such as car bodies, refrigerators, and large tires shall be disposed on the site.

516.18 Refuse shall be spread and compacted in shallow layers not exceeding a depth of two (2) feet of compacted material.

516.19 A compacted layer of at least six (6) inches of suitable cover material shall be placed on all exposed refuse by the end of each working day.

516.20 In all but the final layer of a landfill, a layer of suitable cover material compacted to a minimum depth of one (l) foot shall be placed daily on all surfaces of the fill except those where operations will continue on the following working day.

516.21 A layer of suitable cover material compacted to a minimum thickness of two (2) feet shall be placed over the entire surface of each portion of the final lift not later than one (l) week following the placement of refuse within that portion.

516.22 Conditions unfavorable to produce insects and rodents shall be maintained by carrying out routine landfill operations promptly in a systematic manner.

516.23 Suitable measures shall be taken whenever dust is a problem.

516.24 The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling on the fill, and to prevent the collection of standing water.

516.25 An inspection of the entire site shall be made by a representative of the County Health Department before the earth-moving equipment is removed from the site. Any necessary corrective work shall be performed before the landfill project is accepted as completed. Arrangements shall be made for the repair of all cracked, eroded, and uneven areas in the final cover during the year following completion of the fill.

516.26 Domestic animals shall be excluded from the site.

SECTION 517 FUTURE PLANNING

SECTION 518 FUTURE PLANNING

SECTION 519 CEMETERIES

Public cemeteries must adhere to the following provisions:

519.1 The site proposed for a cemetery shall not interfere with any existing or planned public streets in the vicinity of the site and shall have direct access to a public thoroughfare which the Board of Zoning Appeals determines is adequate to serve the size of facility proposed.

519.2 All buildings, including but not limited to mausoleums and maintenance buildings, shall meet the required front, side and rear yard setbacks of the district in which they are located.

519.3 All graves or burial lots shall be set back not less than 25 feet from any public right-of-way line.

519.4 All required yards shall be landscaped and maintained in good order in accordance with state and local regulations and a plan for perpetual care of the grounds shall be required.

519.5 Family Cemeteries are exempt from Section 519 of this Zoning Resolution, and are regulated by the Ohio Revised Code, Section 4767. This section of the Miami Township Zoning Resolution confers no regulatory powers to Miami Township regarding Family Cemeteries.

SECTION 520 PRIVATE AIRPORT, LANDING STRIPS, and HELIPADS

All airports and landing strips shall be in accordance with the following requirements:

520.1 **Private Helicopter:** In order to maintain the safety of the occupants of surrounding properties, all private helicopter landing areas shall be located a minimum of one-thousand (1000) feet from any adjacent property, or a minimum of five hundred (500) feet when screened by a wall, solid fence, mound, or evergreen planting a minimum of (ten) 10 feet in height. To maintain the safety of the occupants of surrounding properties, all such sites shall be approved by the Ohio Department of Transportation, Division of Aviation.

520.2 **Private Landing Strips** shall be approved by the Ohio Department of Transportation, Division of Aviation and shall be situated to not create a nuisance or hazard to residential dwellings or other structures within the vicinity.

520.3 All aircraft must be used for the owner's personal use and not for commercial purposes. Aircraft used for agricultural purposes are exempt from this requirement.

SECTION 521 ACCESSORY DWELLING UNITS

521.1 The intent and purpose of this Article is to establish standards for the development of Accessory Dwelling Units (ADUs) in order to increase housing flexibility, expand affordable housing options, and support multi-generational living arrangements. These provisions are intended to ensure that ADUs are compatible with existing neighborhood character and contribute positively to the overall housing mix within the township, while protecting the health, safety, and general welfare of the community.

521.2 **Accessory Dwelling Unit:** Where there is need for a separate residential dwelling unit, located on the same lot as an existing single-family dwelling unit, an Accessory Dwelling Unit may be utilized to provide additional housing on a single-family residential lot. Such ADUs shall be incidental in size and use to the primary residential structure. Only one ADU may be authorized on any single residential lot.

521.3 **Types:** There are two types of Accessory Dwelling Units:

A. Detached Accessory Dwelling Units: a stand-alone structure, or part thereof, that has been built or modified to become a separate dwelling unit.

B. Attached Accessory Dwelling Unit: A separate dwelling unit, located within or attached to an existing primary residential structure. These units include, but are not limited to, any existing basement, garage, or attic space that has been modified to become a dwelling space, or an addition built onto an existing primary dwelling unit so that it extends the footprint of the primary dwelling unit. These units and the primary residential structure shall be distinct from a duplex in that they shall have one combined address, shared utilities, and must be jointly conveyed.

521.4 **Development Standards**: All Accessory dwelling units shall comply with the following regulations:

A. Size Limitations:
   1. Attached ADUs shall have a maximum gross floor area not to exceed 75% of the total square footage of the principal dwelling.
   2. Detached ADUs shall have a maximum footprint not to exceed 75% of the total footprint of the principal dwelling.
   3. Only one ADU may be placed on any one residential lot.

B. Height: All attached and detached ADUs shall comply with the height restrictions applicable to the zoning district. The conversion of an existing structure that is non-conforming in height, into an ADU, shall be allowed so long as the non-conformity is not increased.

C. Setbacks:
   1. All ADUs shall comply with all minimum front, side, and rear yard setback requirements for dwelling units within the applicable zoning district.
   2. No new addition shall be built for the purpose of an attached ADU, which necessitates variance from minimum yard and setback requirements.

D. Design and Access:
   1. All ADUs shall have a separate exterior entrance.
   2. No separate address shall be provided to an ADU.
   3. Sufficient parking spaces shall be provided in accordance with Section 603, with an ADU being considered an additional unit requiring its own parking space(s).
   4. The Accessory Dwelling Unit must receive all appropriate Occupancy Permits from Local, County, or State Building and Health Departments.
   5. All Accessory Dwelling Units must be permanently sited.

E. Utilities and Services:
   1. ADUs shall share utility connections with the principal dwelling unless separate connections are specifically approved by the Greene County Public Health Department.

2. Where on-site waste water collection systems are used, the property owner must provide documentation verifying adequate septic capacity to serve the additional dwelling unit in accordance with Greene County Public Health Department requirements.

F. Occupancy: All ADUs shall comply with the following occupancy requirements:
   1. ADUs may be rented or occupied by any individual or group without restriction as to relationship to the occupants of the principal dwelling, provided the rental term is thirty (30) days or more.
   2. The use of a permitted Accessory Dwelling Unit as a Short-Term Rental shall require separate Conditional Use Permit as a Short-Term Rental, as prescribed in section 512 of this resolution.
   3. ADUs and their primary dwelling unit shall not be leased separately, nor shall they be conveyed separately from the principal dwelling.

521.5 Accessory Dwelling Units shall be permitted in all Agricultural and Residential Zoning Districts, and shall require a zoning certificate.

521.6 **Application Requirements**: All Applications for an Accessory Dwelling Unit must provide the following information:

A. The proposed location of the ADU in relation to the primary dwelling unit and the property lines.

B. The proposed layout of the ADU, with all exterior entrances clearly marked.

C. Appropriate documentation from the Greene County Health Department verifying adequate on-site well and waste-water collection systems, or appropriate documentation of approval of additional or increased public utilities connections.

D. All other application requirements provided for elsewhere within this resolution for the permitting of a primary residential unit or new construction shall also be provided.

SECTION 522 WIRELESS COMMUNICATION TOWERS & FACILITIES

522.1 **Legislative Purposes**

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

A. To direct the location of various types of towers and wireless telecommunications facilities into appropriate areas of Miami Township.

B. To protect residential areas and land uses from potential adverse impacts of towers and wireless telecommunications facilities.

C. To minimize adverse visual impacts of towers and wireless telecommunications facilities through careful design, siting, landscaping and innovative camouflaging techniques.

D. To promote and encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers.

E. To avoid potential damage to adjacent properties caused by towers and wireless telecommunications facilities by ensuring such structures are soundly designed, constructed, and modified, are appropriately maintained, and are fully removed.

F. To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are compatible with surrounding land uses.

G. To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.

522.2 **Applicability**

All towers, antenna support structures, and wireless telecommunication facilities, any portion of which are located within Miami Township, which meet any of the following requirements are subject to this Resolution:

A written notice has been received by Miami Township from a property owner under Section [519.211(B)(4)] of the Ohio Revised Code requesting that Township zoning authority apply to such facility.

A Township Trustee objects to such wireless telecommunication facility under Section [519.211(B)(4)] , thus triggering application of such zoning authority.

A written notice has been received by Miami Township from a property owner under Section [519.211I(1)] of the Ohio Revised Code requesting that the Township zoning authority apply to such facility.

Except as provided in this Resolution, any use being made of an existing tower or antenna support structure on the effective date of this Resolution shall be deemed a nonconforming structure and allowed to continue, even if in conflict with the terms of this Resolution. Any tower site that has received approval in the form of a zoning permit by Miami Township, but has not yet been constructed or located, shall be considered a nonconforming structure so long as such approval is current and not expired.

522.3 **Definitions**

For the purposes of this Resolution, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number

include the plural number. All capitalized terms used in the definition of any other term shall have their meaning as otherwise defined in this section. The words shall and will are mandatory and may is permissive. Words not defined shall be given their common and ordinary meaning.

Act. The Telecommunications Act of 1996

Adequate Coverage. Miami Township will consider coverage to be "adequate" within that area surrounding a Base Station where the predicted or measured median field strength of transmittal signal is greater than or equal to -95dbm for at least 75% of the intended coverage area. It is acceptable for there to be holes within the area of Adequate Coverage where the signal is less than -95 dbm, as long as the signal regains its strength to greater than or equal to -95dbm further away from the Base Station. For the limited purpose of determining whether the use of a Repeater is necessary or desirable, there shall be deemed not to be Adequate Coverage within said holes. The outer boundary of the area of Adequate Coverage, however, is that location past which the signal does not regain a strength of greater than or equal to -95dbm.

Adequate Capacity. Miami Township will consider capacity to be "adequate" if the Grade of Service (GOS) is p.05 or better for median traffic levels offered during the typical busy hour, as assessed by direct measurement of the Personal Wireless Service Facility in question. The GOS shall be determined by the use of standard Erlang B calculations. As call blocking may occur in either the land line or radio portions of a wireless network, Adequate Capacity for this ordinance shall apply only to the capacity of the radio components.

Where capacity must be determined prior to the installation of the Personal Wireless Services Facility in question, Adequate Capacity shall be determined on the basis of a 20% busy hour (20% of all offered traffic occurring within the busiest hour of the day), with total daily traffic occurring within the busiest hour of the day), with total daily traffic based on aggregate estimates of the expected traffic in the Coverage Area.

Antenna. Any panel, whip, dish, or other apparatus designed for communications through the sending and/or receiving of electromagnetic waves, excluding any support structure other than brackets.

Antenna Support Structure. Any building or other structure other than a tower which can be used for location of wireless telecommunications facilities.

Applicant. Any person that applies for a permit pursuant to this Zoning Resolution.

Application. The process by which an applicant submits a request and indicates a desire to be granted a zoning certificate under the provisions of the supplement. An application included all written and graphic documentation, verbal statements and representations, in whatever form or forum, made by an applicant to Miami Township concerning such a request.

Co-location. The use of a wireless telecommunication facility by more than one wireless telecommunications provider.

(County) (Township). The (Greene) (Miami Township)

DBM. Unit of measure of the power level of an electromagnetic signal expressed in decibels referenced to 1 milliWatt.

Emergency. A reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.

EFR. Electromagnetic Frequency Radiation.

Engineer. Any engineer licensed by the State of Ohio.

Equipment Shelter. The structure in which the electronic receiving and relay equipment for a wireless

telecommunications facility is housed.

FAA. The Federal Aviation Administration and any legally appointed, designated or elected agent or successor.

Facility Site. A property, or any part thereof, which is owned or leased by one or more Personal Wireless Service Providers and upon which one or more Personnel Wireless Facility(ies) and required landscaping are located.

FCC. The Federal Communications Commission and any legally appointed, designated or elected agent or successor.

Grade of Service. A measure of percentage of calls which are able to connect to the Base Station, during the busiest hour of the day. Grade of Service is expressed as a number, such asp.05- which means that 95% of callers will connect on their first try. A lower number (p.04) indicates a better Grade of Service.

Monitoring Protocol. An approved testing protocol as defined in the most current FCC regulations. As of August 15, 1997 the most current practice is referenced in FCC Regulations, Title 47, Part 1, Section 1.1307 as IEEE C95.1-1992.

Monopole. A support structure constructed to a single, self-supporting hollow tube securely anchored to a foundation.

Person. Any individual, firm, partnership, association, corporation, or other legal entity, private or public, whether for profit or not-for-profit.

Personal Wireless Service. Commercial Mobile Services, unlicensed wireless services, and common carrier wireless exchange access services. These services include: cellular services, personal communications services (PCS), Specialized Mobile Radio Services, and Paging Services.

Radiation Propagation Studies or Radial Plots. Computer generated estimates of the radiation emanating from Antennas or Repeaters sited on a specific Tower or Structure. The height above ground and above mean sea level, power input and output, frequency output, type of antenna, antenna gain energy dispersion characteristics, and topography of both the site and its surroundings are all taken into account to create these simulations. They are the primary tools for determining whether a site will provide Adequate Coverage for the Personal Wireless Telecommunications Service Facility proposed for that site.

Tower. A self-supporting lattice, guyed, or monopole structure constructed from grade which supports wireless telecommunications facilities. The term tower shall not include amateur radio operator equipment, as licensed by the FCC.

Wireless Telecommunication Facility. Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or have installed upon a tower antenna support structure. However, the term wireless telecommunications facilities shall not include:

A. Any satellite earth station antenna two (2) meters in diameter or less which is located in an area zoned industrial or commercial.
B. Any satellite earth station antenna one (1) meter or less in diameter, regardless of zoning category, antennas used by amateur radio operators.

Zoning Resolution. The Zoning Resolution of Miami Township.

522.4 **Standards Applicable to All Wireless Telecommunication Facilities**

A. **Construction Standards**

All wireless telecommunication facilities and support structures shall be certified by an Engineer licensed in the State of Ohio to be structurally sound

and, at a minimum, in conformance with Ohio Basic Building Code, all local applicable building and electrical codes, CABO, and others.

B. **Natural Resource Protection Standards.** The location of the wireless telecommunication facility shall comply with all natural resource protection standards established either in this Zoning Resolution or in other applicable regulations, including those for flood plains, wetlands, groundwater protection, and steep slopes.

C. **Prohibited Sites.** Due to the unique nature of the areas and the need to protect their visual beauty, the following sites will not have wireless telecommunication facilities zoning permits issued.
   1. John Bryan State Park
   2. Clifton Gorge State Park
   3. Glen Helen Nature Preserve
   4. Orton State Park

D. **Color and Appearance Standards.** All wireless telecommunication facilities shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission, Federal Aviation Administration. All appurtenances shall be aesthetically and architecturally compatible with the surrounding environment by the means of camouflage deemed acceptable by the Board of Trustees of Miami Township.

E. **Advertising Prohibited.** No advertising is permitted anywhere upon or attached to the wireless telecommunication facility, and tower.

F. **Co-Location.** All wireless telecommunication facilities shall be subject to the co-location requirements set forth in Section V of this Zoning Resolution.

G. **Abandonment.** All wireless telecommunication facilities shall be subject to the abandonment requirements set forth in Section VII of this Wireless Telecommunication Supplement.

H. **Setback From Edge Of Roof.** Any wireless telecommunication facility and its appurtenances permitted on the roof of a building shall be set back one (1) foot from the edge of the roof for each one (1) foot in height of the wireless telecommunication facility. However, this setback requirement shall not apply to antennas that are less than two (2) inches in thickness mounted to the sides of antenna support structures and do not protrude more than six (6) inches from the side of such an antenna support structure.

I. **Security Enclosure.** A fence approved in design by the Miami Township Board of Zoning Appeals and not less than six (6) feet in height shall fully enclose the base of the wireless telecommunication facility including anchors for guy wires. Gates shall be locked at all times when the facility is unattended by an agent of the wireless telecommunication provider.

J. **Landscaping Requirements.** A landscaped buffer area of not less than fifteen

(15) feet in depth shall be placed between the fence surrounding the wireless telecommunication facilities and the public right-of-way and any adjacent properties with a direct view of the facilities, other than the tower itself. The fifteen (15) foot landscaped buffer shall be of hardy evergreen shrubbery not less than six (6) feet in height and of a density to obstruct the view. The landscaping shall be continuously maintained and promptly restored, if necessary.

K. **Existing Vegetation and Buffer Planting.** Existing vegetation (trees, shrubs, etc.) shall be preserved to the maximum extent possible. The landscaping shall be continuously maintained and promptly restored, if necessary.

L. **Access Control and Emergency Contact.** "No Trespassing" signs shall be posted around the wireless telecommunication facility. A permanent sign with a minimum size of two (2) square feet and an maximum size of six (6) square feet shall be posted on the site as well as the emergency telephone number of the owner/operator, base elevation, Long./Lat., tower height, tip elevation, of each platform. The owner/operator shall also provide the Miami Township Fire Department and the Greene Co. Sheriff's Department with information on who to contact in the event of an emergency.

M. **Lighting.** Unless specifically prohibited by FAA requirements, identification lights on any tower issued a zoning permit will be mandatory and will be the color red and shielded from view beneath the light.

N. **Jurisdiction.** All height and setback requirements for wireless telecommunication facilities found in this document will be applied to all areas in Miami Township including any other political subdivision's easements or right-of-way.

O. **Insurance.** Towers and Personal Wireless Service Facilities shall be insured by the owner(s) against damage to persons or property. The owner(s) shall provide a Certificate of Insurance to the Zoning Inspector on an annual basis in which Miami Township shall be an additional named insured for an amount no less than $1,000,000.00 (one million dollars).

522.5 **Co-Location Requirements:**

A. **Jurisdiction Study of Potential Public Sites.** In order to encourage the location of a wireless telecommunication facility on publicly owned property. The Miami Township Zoning Inspector shall undertake an identification of publicly owned properties that Miami Township determines are suitable for such use. The Miami Township Zoning Inspector shall update such identification once each year and make the results of such identification available to the public.

B. **Exemption From Proof Of Co-Location Availability.** Persons locating a wireless telecommunication facility upon a publicly owned property identified in the study mentioned in Section 5.1 above shall be exempted from

the requirements herein regarding presentation of proof that co-location is not available. However, persons locating wireless telecommunication facility on publicly owned properties shall continue to be subject to the requirements contained in Section 5.4 below.

C. **Co-Location Design Required.** No new tower shall be constructed in Miami Township unless such tower is capable of accommodating at least two (2) additional wireless telecommunication facility owned by another person.

D. **Co-Location Agreement.** The applicant shall present signed statements indicating that the applicant agrees to allow for the co-location of additional wireless telecommunication facilities, at market cost, by other providers on the applicant structure or within the same site location. A copy of any co-location agreement between the applicant and another provider shall be given to the landowner upon which the wireless telecommunication facility is sited.

522.6 **Wireless Telecommunication Facilities In R-1a, R-1b, Pud, In Districts Zoned For Residential Use**

A. **Permitted Principal Use.** The erection, construction or replacement of a wireless telecommunication antenna(s), and antenna support structures, on lawfully existing wireless telecommunication tower(s) and with the necessary wireless telecommunications equipment shelter may be a permitted use as a co-location only on a lawfully existing wireless telecommunication tower.

B. **Accessory Use.** The following wireless telecommunication facilities are permitted as an accessory use upon a lot, subject to the following requirements:

1. Tower
   No wireless telecommunication tower is permitted as an accessory use within a district zoned for residential use without a conditional use approval under the guidelines of Section 6.3.
2. Antenna
   An antenna for a wireless telecommunication facility may be attached to an existing residential building two (2) or more stories or 35' in height or to an existing nonresidential structure, excluding residential accessory structures, subject to the following conditions:
   a. Maximum Height. The antenna shall not extend more than twenty (20) feet above the roof of the existing building or top of the existing structure.
   b. Separate Equipment Shelter. If the applicant proposes to locate the telecommunications equipment in a separate equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district and not be located above ground within any required front yard. The maximum cumulative total size of all equipment buildings accessory to a wireless telecommunication tower or antenna on a parcel shall be six hundred

(600) square feet and its maximum height shall be fifteen (15) feet from existing grade.

C. **Conditional Use.** The following wireless telecommunication facilities are permitted as a conditional use upon a lot, subject to the following requirements:

1. Freestanding Tower

   A freestanding wireless telecommunications tower may be an accessory use to an institutional use within a district zoned for residential use provided the Board of Zoning Appeals finds the following standards have been met:

   Minimum Setback from Property Lines and Structures

   The minimum setbacks and yard requirements shall be determined to be 1:1 ratio in height from the nearest lot line and any structure. 2. Minimum Lot Size for Principal Use The minimum lot size for principal use for which the tower is accessory shall comply with the parcel requirements of the district.

   Maximum Height

   The maximum height shall be less than two hundred (200) feet from the existing grade to the highest point of the wireless telecommunication facility.

   Equipment Shelter

   The minimum setbacks, height limits, bulk requirements, and screening standards shall be established by the Board of Zoning Appeals during the conditional use process. Such shelter shall not be located above ground in any required front or side yard. The maximum cumulative total size of all equipment buildings accessory to a wireless telecommunication tower or antenna on a parcel shall be six hundred (600) square feet and its maximum height shall be fifteen (15) feet from existing grade. 5. For purposes of this section, the institutional category will include land uses such as colleges, universities, schools kindergarten through twelfth (K-12) grades, seminaries, churches, places of worship, public or governmental libraries, hospitals and medical centers, museums, governmental services, military installations, governmental institutions, cemeteries, utilities and/or uses of similar character.

2. Antenna

   The Board of Zoning Appeals may approve the location of an antenna extending more than twenty (20) feet above the roof of an existing building or structure.

   Attachment to Existing Building

   An antenna for a wireless telecommunication facility may be attached to an existing residential building two (2) or more stories or 35’ in height or

to an existing nonresidential structure subject to the following conditions:

a. Roof Setback.

The pole structure supporting such antenna shall be set back one (1) foot distance from the edge of such roof for each one (1) foot of height above such roof. This requirement shall not apply to antennas two (2) inches or less in thickness without a supporting pole structure.

b. Separate Equipment Shelter. If the applicant proposes to locate the telecommunications equipment in a separate equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district. Such shelter shall not be located above ground in any required front or side yard. The maximum cumulative total size for all equipment buildings accessory to a wireless telecommunication tower or antenna on a parcel shall be six hundred (600) square feet and its maximum height shall be fifteen (15) feet from existing grade.

522.7 **Abandonment Of Tower**

A. **Fees.** The owner/operator of the wireless telecommunication facility shall, on or before January 1 of every year from the date of issuance of the zoning certificate, file a declaration with the Zoning Inspector with the appropriate fee(s) as to the continuing operation of its facility.

B. **Abandonment Agreement.** The owner/operator of the wireless telecommunication facility along with the property owner of the land the facility is located on shall be required to provide a notarized Abandonment Agreement. This document shall state that both parties are in agreement as to the procedures set forth in Section VII when and if the use of the telecommunication facility ceases. In addition, this document shall contain an agreement that any abandoned telecommunication facility will be returned to its original condition (or better) and that a third party, hired by the Township, will inspect the site to ensure compliance.

C. **Required Notification.** All providers utilizing towers shall present a report to Miami Township notifying it of any tower facility located in Miami Township whose use will be discontinued and the date this use will cease. Such a report shall be filed with Miami Township thirty (30) days prior to the cessation date. If at any time all the uses of the facility are discontinued for one hundred and eighty (180) days, the zoning inspector may declare the facility abandoned. The one hundred and eighty (180) day period excludes any dormancy period between construction and the initial use of the facility. The owner(s)/operator(s) of the facility will receive written notice from the zoning inspector and be instructed to either reactivate the uses of the facility within one hundred and eighty (180) days or dismantle and remove the facility.

D. **Required Notice To Owner.** Miami Township must provide the tower owner thirty (30) day notice and an opportunity to be heard before the Board of Zoning Appeals before initiating action to remove the facility. After such notice has been provided, Miami Township shall have the authority to initiate proceedings to either acquire the tower and any appurtenances attached thereto at the current fair market value at that time, or in the alternative, order the demolition of the tower and all appurtenances.

E. **Right To Public Hearing By Owner.** Miami Township shall provide the tower owner with the right to a public hearing before the Board of Zoning Appeals, which public hearing shall follow the thirty (30) day notice required in Section 7.4. All interested parties shall be allowed an opportunity to be heard at the public hearing.

F. **Order Of Abatement Or Demolition.** After a public hearing is held pursuant to Section 7.5, Miami Township may order the abatement or demolition of the tower. Miami Township may require a licensee to pay for all expenses necessary to acquire or demolish the tower.

G. **Demolition Bond.** Upon approval of a Zoning Permit, the applicant is required to provide, the Board of Trustees of Miami Township, a separate Demolition Performance Bond in the amount approved by the Board of Trustees. The bond must be in the form of a bank or certified check or an insurance bond, made payable to Miami Township, the premium of which has been paid in advance for five years and which is renewed in the same manner.

522.8 **Monitoring and Evaluation Of Compliance**

The monitoring protocols of monitoring the emissions from existing and new Personal Wireless Facilities shall be based on generally recognized industry standards, using broadband EFR detectors. Any required testing shall take place at the closest publicly accessible point of the equipment shelter.

A. **Post Testing.** After transmission begins, the owner(s) of any Personal Wireless Service Facility(s) located on any Facility site shall pay for an Independent Consultant, hired by the Township, to conduct testing and monitoring, as follows:

1. Within 60 days of activation of a New or Modified Facility or additional permitted channels. A report of the monitoring results shall be submitted to the Miami Township Zoning Commission, the Greene Co. Combined Health District, and the Greene Co.Building Inspector.

2. At least once every twelve months, starting from the date of activation. A report of the monitoring results shall be submitted to the Miami Township Zoning Commission, the Greene Co. Combined Health District, and the Greene Co. Building Inspector.

B. **Excessive Emissions.** Should the monitoring of a Facility Site reveal that the site exceeds the most current FCC regulations regarding emissions of

electromagnetic radiation, currently found in FCC Regulations, Title 47, Part 1, Section 1.1307 and all other relevant sections, the owner(s) of all Facilities utilizing that Site shall be so notified. The owner(s) shall submit to the Miami Township Zoning Commission and the Greene Co. Building Inspector, a plan for the reduction of emissions to a level that complies with the FCC standard within 10 business days of notification of non-compliance. That plan shall reduce emissions to the standard within 15 days of initial notification of non-compliance. Failure to accomplish this reduction of emission within 15 business days of initial notification of non-compliance shall be a violation of the Zoning Permit and subject to a penalty and fines as specified in Section 16.6 of the Miami Township Zoning Regulations. Such fines shall be payable by the owners(s) of the Facilities with Antennas on the Facility Site, until compliance is achieved.

C. **Structural Inspection.** Tower owner(s) shall pay for an Independent Consultant, (a licensed professional structural engineer), hired by the Township, to conduct inspections of the Tower's structural integrity and safety. Guyed towers shall be inspected every three years. Monopoles and non-guyed lattice towers shall be inspected every five years. A report of the inspection results shall be prepared by the Independent Consultant and submitted to the Miami Township Zoning Commission, and the Greene Co. Building Inspector.

522.9 **Application and Review Requirements**

A. **Review By Independent Consultants.** In all cases in which the Township feels that a peer review of the applicant's application is warranted, the applicant shall be required to pay for the cost of the peer review. This payment shall be made to the Township prior to the review commencing and the decision being rendered on the application. Copies of the consultant's findings and reports shall be made available to the applicant not less than seven (7) days prior to any meeting of the Miami Township Board of Trustees to consider the consultant's report, and the applicant shall be given the opportunity to respond to said report in writing and at the next meeting of the Miami Township Board of Trustees when the consultant's report will be considered. The consultants shall each be qualified professionals in one of the following fields:

1. telecommunications engineering.
2. structural engineering.
3. monitoring of electromagnetic fields.
4. others and determined necessary by the Miami Township Board of Trustees.

Applicants requesting approval to add Repeaters to operate with a tower or Personal Wire Service Facility that has already received a Zoning Permit are

not required to pay for an independent review.

B. **Identification Of Carrier.** The proposed carrier should be identified as the applicant.

C. **Adequate Coverage, Adequate Capacity, and Justification Of Need.**

1. The applicant shall provide written documentation of all Facility Sites in Miami Township and Facility Sites outside of Miami Township that are within five (5) miles of the proposed site, in which it has a legal interest, whether by ownership, leasehold or otherwise. From each such Facility Site, it shall demonstrate with written documentation that these Facility Sites are not already providing, or do not have the potential by adjusting the Site, to provide Adequate Coverage and/or Adequate Capacity to Miami Township. The documentation shall include, for each Facility Site examined, the exact location in latitude and longitude, to degrees, minutes and seconds, ground elevation, height of tower or structure, type of antennas proposed, proposed output frequency, proposed number of channels, proposed power input and proposed maximum power output per channel. Radial Plots from each of these Facility Sites, as proposed, shall be provided as part of the Application.
2. The applicant shall demonstrate with written documentation that it has examined all Facility Sites located in Miami Township and all Facility Sites outside of Miami Township that are within five (5) miles of the proposed site, in which the applicant has no legal or equitable interest, whether by ownership, leasehold or otherwise, to determine whether those existing Facility Sites can be used to provide Adequate Coverage and/or Adequate Capacity for Miami Township. The documentation shall include, for each Facility Site examined, the exact location in latitude and longitude, to degrees, minutes and seconds, ground elevation, height of Tower or structure, type of antennas proposed, proposed output frequency, proposed number of channels, proposed power input and proposed maximum power output per channel. Radial Plots from each of these Facility Sites, as proposed, shall be provided as part of the Application.
3. Distance from Existing Tower: The applicant must certify that existing towers within 1000' of the proposed new tower do not meet the applicant's structural specifications or technical requirements or that a co-location agreement could not be obtained at reasonable terms and conditions, including price.
4. The applicant shall demonstrate with written documentation that it has analyzed the feasibility of Repeaters in conjunction with all Facility Sites listed in compliance with subsections A & B (above) to provide Adequate Coverage and/or Adequate Capacity for Miami Township. Radial Plots of all Repeaters considered for use in conjunction with these Facility Sites

shall also be provided as part of the application.

D. **Required Documentation.**

1. Copies of all submittals and showings pertaining to: FCC licensing; Environmental Impact Statements; FAA Notice of Construction or Alteration; Aeronautical Studies and all data, assumptions and calculations relating to service coverage and power levels, regardless of whether categorical exemption from Routine Environmental Evaluation under FCC rules are claimed.
2. Copies of all information submitted in compliance with the requirements of the Ohio Department of Public Utilities.
3. The exact legal name, address or principal place of business and phone number of the Applicant.
4. The name, title, address and phone number of the person to whom correspondence or communications in regard to the application are to be sent. Notice, orders and other papers may be served upon the person so named, and such service shall be deemed to be service upon the applicant.

E. **For New Personal Wireless Telecommunication Facilities and Tower Construction.**

1. The applicant shall provide a written, irrevocable commitment valid for the duration of the existing tower, to rent or lease available space for co-location on the tower at fair-market prices and terms, without discrimination to other Personal Wireless Service Providers.
2. If the applicant is not simultaneously applying for approval to construct, install and/or operate a Personal Wireless Service Facility, it shall provide a copy of its existing lease/contract with a Personal Wireless Service Provider. A Zoning Permit shall not be granted for a tower to be built on speculation.
3. The applicant shall provide the following plans and maps:
   a. **Location Map:** Copy of a portion of the most recent U.S.G.S. Quadrangle Map, 7.5 Minute Series, at a scale of 1:24,000, and showing the area within at least two miles for the proposed tower site. Indicate the tower location and the exact latitude and longitude (degrees, Minutes and seconds).
   b. **Vicinity Map** at a scale of 1"=200' with contour intervals no greater then 10 feet showing the entire vicinity within a 1,000' radius of the property lines within which the Tower site is located, including topography, public and private roads, buildings, bodies of water, wetlands, historic sites, and habitats for endangered species. Indicate the property line of the proposed Tower Site Parcel (from assessor's maps or available surveys). Include the names of all abutters within 1,000' of the Tower Site Parcel. Indicate any access easement(s) or right(s) of way needed for access from a public way to the Tower, and the names of all abutters or

property owners along the access easement(s) or who have deeded rights to the easement.

c. **Existing Conditions Plan:** A recent survey of the Tower Site at a scale no smaller than 1"=40' with topography drawn with a minimum of 5' contour intervals, showing existing utilities, property lines, existing buildings or structures, stone walls or fence lines, and wooded areas within a 200' radius from the base of the proposed Tower. Show the boundary of any wetlands, floodplains, or watercourses within 200' from the Tower or and related facilities or access ways or appurtenances. The survey plan must have been completed, on the ground, by a licensed land surveyor within two years prior to the application date.

d. **Proposed Site Plans:** Proposed Facility Site layout, grading and utilities at the same scale or larger than the existing Conditions Plan.

4.

a. Proposed tower location and any appurtenances, including supports and guy wires, if any, and any accessory building (Communication Equipment Shelter or other). Indicate property boundaries and setback distances to the base(s) of the tower and to the nearest corners of each of the appurtenant structures.

b. Indicate proposed spot elevations at the base of the proposed tower and at the base of any guy wires, and the corners of all appurtenant structures.

c. Proposed utilities, including distance from source of power, sizes of services available and required, locations of any proposed utility or communication lines, and whether underground or above ground.

d. Plans of proposed access driveway or roadway and parking area at the tower site. Include grading, drainage, traveled width. Include a cross section of the access drive indicating the width and depth of gravel.

5. Proposed Tower and Appurtenances.*****

a. Plans, elevations, sections details at appropriate scales but no smaller than 1"=10'.

b. Two cross sections drawn a right angles to each other, and showing the ground profile to at least 100 feet beyond the limit of clearing, and showing any guy wires or supports. Dimension the proposed height of tower above average grade at the tower base. Show all proposed antennas, including their location on the Tower.

c. Typical detail of tower foundation, including cross sections and details. Show all ground attachments, specifications for anchor bolts and other anchoring hardware.

d. Indicate the relative height of the tower to the tops of surrounding trees as they presently exist.

e. Illustration of the modular structure of the proposed tower, indicating the heights of sections which could be removed or added in the future to adapt to changing communication conditions or demands, and the maximum structurally allowable design height of the proposed tower.

f. A Structural Professional Engineer's written description of the proposed tower and structure and its capacity to support additional antennas or other communications facilities at different heights and the ability of the tower to be shortened if future communications facilities no longer require the original height, and that the tower is designed to withstand winds in accordance with the ANSI/EIA/TIA 222 standards (latest revision).

g. A description of available space on the tower, providing illustrations and examples of the type and number of Personal Wireless Service Facilities which could be mounted on the structure.

6. Sight Lines.

a. A minimum of eight (8) view lines in a zero (0) to two (2) mile radius from the site, shown beginning at True North and continuing clockwise at forty-five degree intervals.

b. A plan map of a circle of two (2) miles radius of the Facility Site on which any visibility of the proposed Tower from a public way shall be indicated.

c. Applicant shall utilize the U.S.G.S. Quadrangle Map, 7.5 Minute Series, at a scale of 1:24,000, and submit profile drawings on a horizontal scale of 1'=400', with a vertical scale of 1"=40'. Trees shall be shown at existing heights.

d. The applicant shall submit scaled overlays on photographs of the existing site to demonstrate any potential visual or aesthetic impacts on any adjacent residential districts.

7. Proposed Communications Equipment Shelter.

a. Floor Plans, elevations and cross sections at a scale of no smaller that ¼"=1' of any proposed appurtenant structure.

b. Number of Antennas and Repeaters, as well as the exact locations, of Antenna(s) and of all Repeaters (if any) located on a map as well as by degrees, minutes and seconds of Latitude and Longitude.

c. Mounting locations on tower(s) or structure(s), including height above ground.

d. Antenna type(s) manufacture(s) model number(s).

e. For each antenna, the antenna gain and antenna radiation pattern.

f. Number of channels per antenna, projected and maximum.

g. Power input to the antenna(s).

h. Power output, in normal use and at maximum output for each antenna

and all antennas as an aggregate.

i. Output frequency of the transmitter(s).

D. **Landowner Support and Access.** Where the wireless telecommunication facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports the application and vehicular access is provided to the facility.

E. **Required Site and Landscaping Plan**

The applicant shall present a site and landscaping plan showing the following:

1. Specific placement of the wireless telecommunication facility on the site.
2. The location of existing structures, trees, and other significant site features.
3. Type and locations of plant materials used to screen the facilities.
4. The proposed color of the facilities.

F. **Denial By Jurisdiction.** Any decision to deny a request to place, construct or modify a wireless telecommunication facility and/or tower shall be in writing and supported by evidence contained in a written record.

G. **Fees.** The fees for application for zoning certificates as required be this Article shall be as specified by the Miami Township Board of Trustees.

522.10 **Variances**

Any request to deviate from any of the requirements of this Resolution shall require approval of a variance in conformance with the procedures set forth in the Miami Township Zoning Resolution.

522.11 **Separability**

Should any section, clause, paragraph, sentence, item, phrase, or provision of this Resolution be declared by a Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Resolution as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

522.12 **Public Utility Exemption**

A. In the event a wireless telecommunications facility is to be owned or principally used by a public utility engaged in the provision of wireless telecommunication services, the regulations of the Section do not apply when the proposed location of the wireless telecommunication facility is in an area of the Township which is not zoned for residential use(s). The applicant of the proposed wireless telecommunication facility must file a written application with the Miami Township Zoning Inspector supported in writing by substantial evidence that the wireless telecommunication facility will be owned or principally used by a public utility engaged in the provision of wireless telecommunication services. The applicant must also demonstrate by substantial evidence that it possesses a sufficient degree of the following attributes associated with being a public utility to be considered a "public utility" for purposed of this exemption:

1. Whether the applicant devotes an essential good or service to the general public Ih has a legal right to demand or receive this good or service;
2. Whether the applicant provides its good or service to the public indiscriminately and reasonably.
3. Whether the applicant has an obligation to provide the good or service which cannot be arbitrarily or unreasonably withdrawn;
4. Whether the applicant conducts its operations in such a manner as to be a matter of public concern;
5. Whether the good or service is vital;
6. Whether there is a lack of competition in the local marketplace for the good or service;
7. Whether there is regulation by a government authority and the extent of that regulation; and
8. Whether the applicant possesses the power of eminent domain.

B. This section does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility, whether publicly or privately owned, or the use of land by any public utility, for the operation of its business. However, subject to Ohio Revised Code (R.C.) 519.211(B), the provisions of this Supplement shall apply with respect to the location, erection, construction, reconstruction, change, alteration, or enlargement of a wireless telecommunication facility.

C. If the Miami Township Zoning Inspector determines to deny the applicant such "public utility" status, he/she shall do so in writing, and state the reasons therefor. Any determination by the Miami Township Zoning Inspector that the applicant is not a public utility engaged in the provision of wireless telecommunications services may be appealed to the Miami Township Board of Zoning Appeals within twenty (20) days pursuant to the procedures set forth in Section 18.47 of this Zoning Resolution. The decision of the Miami Township Board of Zoning Appeals shall be the final determination on the request, unless overturned by the Court of Common Pleas.

D. In the event a wireless telecommunication facility is proposed to be located in the Township, in an area zoned for residential use, and is to be owned or principally used by a public utility engaged in the provision of wireless telecommunication services, the public utility shall be exempt from the requirements of this Zoning Resolution and a certificate of exemption will be issued if it meets all of the criteria in A,B, and C below, as follows:
1. All of the requirements of Section XII 1 through 3 are met;
2. The public utility provided each of the following by certified mail:
   a. Written notice to each owner of property, as shown on the County Auditor's current tax list, whose land is contiguous to or directly across a

street or roadway from the property on which the wireless telecommunication facility is proposed to be constructed and to any owner and resident whose residential dwelling is within one hundred feet of a proposed wireless telecommunication facility, stating all of the following in clear and concise language:
(1) The public utility's intent to construct the wireless telecommunication facility; and
(2) A description of the property sufficient to identify the proposed location; and
(3) That no later than fifteen (15) days after the date of mailing of the notice, any such property owner/occupant may give written notice the Miami Township Board of Trustees requesting that the provisions of this Zoning Resolution apply to the proposed location of the wireless telecommunication facility. If the notice to a property owner is returned unclaimed or refused, the applicant shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice; and

b. Written notice to the Miami Township Board of Trustees of the information specified in Section XII.4.B.1; and

3. If the Miami Township Board of Trustees receives notice from a property owner under Section XII.4.B.1.(c) within the time specified in that Section, or if a Trustee makes an objection to the proposed location of the wireless telecommunication facility within fifteen (15) days after the date of mailing of the notice sent under Section XII.4.B.2., the Board of Trustees shall request the Clerk of the Township send the person proposing to construct the wireless telecommunication facility written notice that the wireless telecommunication facility is subject to the regulations of this Zoning Resolution. The notice shall be sent no later than five (5) days after the date the Board of Trustees first receives such a notice from a property owner or the date upon which a Trustee makes an objection. Upon the date of mailing of the notice to the person, the provisions of this Zoning Resolution shall apply to the wireless telecommunications facility without exception. If the Miami Township Board of Trustees, however, receives no notice under Section XII.4.B.1 within the time prescribed by that Section or no Trustee has an objection as provided under the Section XII.4.C within the time prescribed by this Section, the applicant will be exempt from the regulations of this Zoning Resolution.

SECTION 523 SOLAR ENERGY COLLECTION SYSTEMS

523.1 Small solar (self-generation)

A. Small solar (self-generation) is defined as solar panels and associated facilities

with a single interconnection to the electrical grid and designed for, or capable of, operations at an aggregate capacity of less than 50 megawatts, and that produces electricity exclusively for consumption on the property on Ih it is generated.

B. Solar panels are permitted without a zoning permit provided they are attached to the roof of a building, do not exceed 120% of the average yearly personal or property use, and do not exceed the maximum height permitted in the applicable zoning district.

C. Solar panels that are ground-mounted are permitted with a zoning permit provided they do not exceed the total square footage of roof area existing on permitted buildings on the parcel and/or do not exceed 120% of the average yearly personal or property use, and do not exceed the maximum height permitted in the applicable zoning district.

SECTION 524 FUTURE PLANNING

ARTICLE 6 PARKING, LOADING & DRIVEWAYS

SECTION 601 GENERAL REQUIREMENTS

601.1 In districts with business, industrial, recreational or other non-single family residential uses - no building or structure shall be erected, substantially altered, changed in use, or any land used or changed in use unless adequately maintained off-street parking spaces have been provided, either in garages or open parking areas.

601.2 In districts with business, industrial, recreational or other non-single family residential uses - no building or structure shall be erected, substantially altered, changed in use, or any land used or changed in use unless off-street loading spaces have been provided.

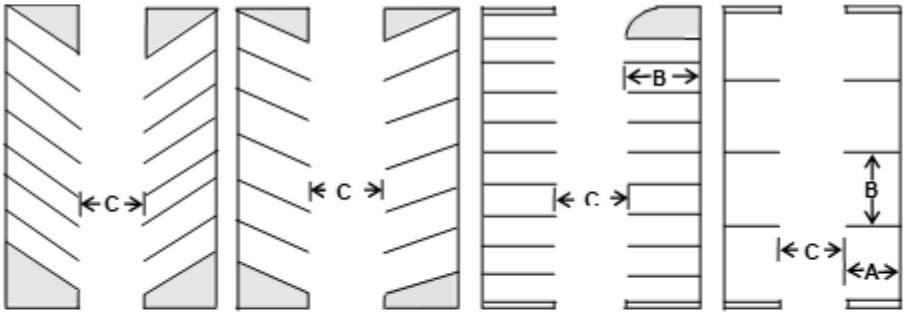
601.3 A parking and loading plan shall not be required for single-family residential use. All other land uses shall submit a parking and loading plan to the Zoning Administrator as part of the application for a Zoning Permit. The parking and loading plan shall show:

A. Boundaries of the property
B. Parking spaces
C. Loading areas
D. Circulation patterns
E. Drainage provisions
F. Construction plans for any boundary walls or fences
G. A screening plan, if applicable
H. Location of any adjacent houses or other use buildings.

SECTION 602 OFF-STREET PARKING DESIGN STANDARDS

All parking facilities, including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following specifications:

602.1 **Parking Space Dimensions:** All parking spaces shall be in accordance with the following design requirements:



	45°	60°	90°	PARALLEL
	45°	60°	90°	PARALLEL
A Width of Parking Space	14'	11'5"	10'	9'
B Length of Parking Space	21'6"	22'	20'	23'
C Width of Driveway Aisle	13'	17'6"	25'	12'

602.2 **Access:** All parking spaces, except those required for single family use not fronting upon an arterial or collector street, shall have access to a public street in such a manner that any vehicle leaving or entering the parking area from or onto a public street or private interior driveway shall be traveling in a forward motion.

602.3 **Paving:** Parking spaces and any driveway and other accessway required for vehicle access and circulation for any non-agricultural use other than for a single family dwelling shall be hard surface paved with asphalt or concrete.

602.4 **Drainage:** All parking spaces, together with driveways, aisles, and other vehicular circulation areas shall be graded and drained so to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water on to adjacent properties, walkways, bikeways and public streets without causing damage or deterioration thereof.

602.5 **Barriers:** Wherever a parking lot abuts a property line, then appropriate fencing, wheel stops, curbs, or other suitable structural barriers shall be provided in order to prevent any part of a parked vehicle from protruding beyond the property line it abuts.

602.6 **Screening:** Screening of a non-residential use parking area that abuts any residential use property or residential zoning district shall be required as specified in Section 503.

602.7 **Access to Required Trash Containment Areas:** Trash and/or garbage collection areas for commercial and industrial uses that provide such services, shall be enclosed on at least three sides by a solid wall or fence of at least 4 feet in height if such area is not enclosed in a building or other structure. Provisions for adequate vehicular access to and from an area for collection of trash and/or garbage shall be required.

602.8 **Other Uses Within Required Parking Areas**: No motor vehicle repair work or service of any kind, other than for an emergency, shall be permitted in or

associated with any off-street parking area. Display or sales of any merchandise within any parking area shall be permitted only by the Zoning Administrator in accordance with Section 513.2 F of this Resolution.

602.9 **Landscaping:** All parts of open off-street parking areas which are unusable, either for parking or for traffic, shall be landscaped to prevent erosion and continuously maintained.

602.10 **Visibility:** Access of driveways to and/or from a parking area shall be located so that any vehicle entering or leaving the parking area shall be clearly visible for an acceptable safe distance by any pedestrian or motorist approaching the driveway from a public or private street, walkway or bikeway, as applicable.

602.11 **Marking:** Parking spaces shall be marked and maintained with painted lines, curb stones, or other manner determined suitable by the Board of Zoning Appeals.

602.12 **Maintenance:** The owner of a property used for a parking area shall maintain parking spaces and access ways thereto in good condition, without holes and free of dust, trash, and other debris.

602.13 **Lighting:** Any parking area which is intended to be used during non-daylight hours shall be properly illuminated as to avoid accidents. Lights used to illuminate a parking lot shall be arranged and placed at a height and directed and shielded so to direct the light away from adjoining property and roadways so as not be a nuisance or hazard to surrounding uses, occupants, or motorists.

602.14 **Separation from Right-of-Way:** Parking facilities located within required front or side yards shall be separated from sidewalks and streets in public right-of-way by a strip of land which shall be at least five (5) feet in width, and which shall be reserved and maintained as landscaped open space.

602.15 **Signs:** Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area and handicapped parking spaces and fire lanes shall be clearly marked, but only at places and to a height which will not pose a line-of-sight safety hazard. No such signs will require permits, and must be otherwise in accordance with the provisions in Article 7 of this Resolution.

602.16 **Joint Use of Facilities:** Two or more non-residential uses may jointly provide and use parking spaces when the operating hours of each use do not normally overlap, provided that the shared use arrangement is provided for within the deeds or other recorded written legal documents approved by the Board of Zoning Appeals.

602.17 **Collective Parking Areas:** Two or more non-residential uses may collectively provide the required off-street parking area, provided the required number of parking spaces shall be adequate for the collective uses.

SECTION 603 PARKING SPACE REQUIREMENTS

For the purposes of this Resolution the following parking space requirements shall apply.

603.1 **Residential:**

Single Family or two-family = Two (2) per unit (may include driveway)
Apartment or hotel = Two (2) per unit
Mobile Home = Two (2) per unit
Boarding home / Rooming house / Dorm house = Two (2) per bedroom

603.2 **Non-Residential:** The number of on-site parking spaces required for all uses not listed in 603.1 shall be determined by the Board of Zoning Appeals. In determining a minimum number of spaces, the BZA shall start with a formula of one (1) parking space for every one and a half (1.5) persons listed on the facility's maximum occupancy capacity. The BZA should also factor in the expected hours of operation, availability of local public parking lots, and availability of on-street parking, with the goal of preserving on-street parking for adjacent residential use.

SECTION 604 LOADING REQUIREMENTS

604.1 In any district, in connection with every building or part thereof hereafter erected, having a gross floor area of then thousand (l0,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt of distribution by vehicles of material or merchandise there shall be provided and maintained on the same lot with such building, at least one (1) off-street loading space plus one (1) additional such loading space for each additional twenty-thousand (20,000) square feet or major fraction thereof.

604.2 Each loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height.

604.3 Such space may occupy all or any part of any required yard space except when abutting any Residential District. When adjacent to any Residential District, no such space shall be located closer than fifty (50) feet to the shared boundary of any Residential District.

SECTION 605 DRIVEWAY ACCESS REQUIREMENTS

605.1 An approved permit from the township zoning office is required prior to gaining access to the roadway and construction of a driveway.

605.2 Written approval must be obtained by the appropriate road authority:

A. State Roads – permission comes from Ohio Department of Transportation
B. County Roads – permission comes from Greene County Engineer's Office
C. Township Roads – permission comes from Township Road Supervisor

605.3 For driveways connecting to township roads:

A. The Township Road Supervisor will determine if a culvert is required and what size culvert to be used.

B. The driveway shall be installed to the satisfaction of the Road Supervisor.

605.4 No driveway shall be located within ten (10) feet of any property line. Two or more identical uses may jointly provide and use a shared driveway that abuts or crosses a shared boundary line, provided that the shared use arrangement and access easements are provided for within the deeds or other recorded written legal documents, and approved by the Board of Zoning Appeals.

ARTICLE 7 SIGNS

SECTION 701 INTENT AND PURPOSE

The intent of this Article is to provide a comprehensive system of sign regulation for Miami Township that recognizes the necessity and desirability of communication by outdoor signs while promoting an order to signage which eliminates visual clutter and confusion within the physical environment. This article also seeks to define types of signs, identify sign restrictions and to protect the safety and general welfare of the public within Miami Township by encouraging compatibility between the design and functional nature of the sign and its location within the physical environment, thus reducing the propensity for traffic accidents and personal hazards caused by distractions, sight obstructions, and unsafe structures.

SECTION 702 PERMIT REQUIREMENTS

702.1 The erection or location of any sign within Miami Township shall require a zoning sign permit prior to posting, unless otherwise specified within this article.

702.2 Signs exempt from obtaining a required zoning sign permit include:

A. Signs required by any law, ordinance or governmental regulation.
B. Signs erected for the purpose of traffic control, civil defense, or other similar public functions.
C. Signs which cannot be viewed or are not intended to be viewed from any street or other property.
D. Temporary signs, as defined in Section 703 of this Resolution.

SECTION 703 TEMPORARY VS. PERMANENT

703.1 Temporary signs are generally defined as any sign not permanently attached to the ground, wall, or building, and intended for display for a limited period.

703.2 Temporary signs shall only be erected for a period of no more than 60 days in a 12-month period.

703.3 Temporary signs do not require a zoning permit, but shall follow all size, location and setback regulations within this article.

703.4 Permanent signs are defined as any sign that is securely attached to the ground, wall or building and intended for display for an unlimited/ indefinite period. These signs shall be regulated, but any temporary messaging on a permanent sign will not be regulated. For example, a permanent sign with temporary digital messaging or removable lettering may only be regulated in terms of size and placement, regardless of the message.

SECTION 704 GENERAL REQUIREMENTS

All signs erected or located within Miami Township shall be in conformance with the following requirements:

704.1 All permanent signs shall be securely fastened by posts or other substantial supportive structure(s) to effectively minimize danger to property and/or people.

704.2 Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or adjacent property.

704.3 Signs shall not prevent free ingress to or free egress from any door, window, or fire escape.

704.4 Signs shall not be erected or located upon any property or building without the consent of the owner(s) or an authorized representative.

SECTION 705 PROHIBITIONS

705.1 Signs shall not be located or designed so as to interfere with, obstruct the view of, or be confused with any authorized traffic control sign, signal, or device.

705.2 Signs shall not be located in any road right-of-way. Signs in the right-of-way within the township, may be taken down by township officials.

705.3 Signs shall not obstruct free and clear visibility at any intersection.

705.4 Illuminated and digital signs are prohibited in agricultural and residential districts.

705.5 Moving or animated signs are prohibited in agricultural and residential districts.

705.6 No sign shall be posted on the roof of any building.

705.7 Vehicles and trailers shall not be parked and used as a sign, whether partial or fully.

SECTION 706 SIGNS BY DISTRICT

706.1 **Agricultural Districts**

A. Signs shall not exceed thirty-two (32) square feet per sign face. If poles or other supports are used to elevate a sign, they shall not exceed five (5) feet above the grade of the adjacent road.

B. Free-standing signs shall not exceed ten (10) feet in total height, including supports.

C. There is a maximum of two (2) permanent signs permitted per lot.

D. Signs must be set back fifteen (15) feet from the front lot line, or set back beyond the designated right-of -way, whichever is further.

E. Signs must also be set back twenty-five (25) feet from adjacent residential property lines. And fifteen (15) feet from any adjacent non-residential property lines.

706.2 **Residential Districts**

A. Signs shall not exceed sixteen (16) square feet per sign face. If poles or other supports are used to elevate a sign, they shall not exceed three (3) feet above the grade of the adjacent road.
B. Free-standing signs shall not exceed six (6) feet in total height, including supports.
C. There is a maximum of one (1) permanent sign permitted per lot.
D. Signs must be set back fifteen (15) feet from the front lot line, or set back beyond the designated right-of -way, whichever is further.
E. Signs must be a minimum of ten (10) feet from adjacent property lines.

706.3 **Business and Industrial Districts**

A. Signs shall not exceed thirty-two (32) square feet. If poles or other supports are used to elevate a sign, they shall not exceed five (5) feet above the grade of the adjacent road.
B. Free-standing signs shall not exceed ten (10) feet in total height.
C. There is a maximum of two (2) permanent signs permitted per lot.
D. Signs must be set back (15) feet from the front lot line, or set back beyond the designated right-of -way, whichever is further.
E. Signs must also be set back (10) feet from adjacent property lines of the same district and twenty-five (25) feet from adjacent agricultural or residential property lines.

SECTION 707 SPECIAL SIGNS

707.1 **Agriculturally Exempted Signs**

A. *Agricultural product signs*: Signs identifying the sale of agricultural products such as vegetables, eggs, straw, hay, and seeds grown or produced upon the premises may be temporarily erected upon any lot during the season in which they are available. These signs should be removed outside of the season, and do not require a permit.
B. *Agricultural field crop seed advertising signs*: Signs advertising field crop seeds are allowed in the Agricultural District, without a permit and are authorized to be up year-round.

707.2 **Future development signs:** Signs identifying the sale of subdivision lots or identifying a future construction of a structure will be considered a semi-permanent sign if the period of time exceeds sixty (60) days. These types of signs must receive an approved permit from the township zoning office before being erected. Applications for these signs should include the expected date of removal. All regulations in this article shall apply to this type of sign.

ARTICLE 8 NON-CONFORMITIES

SECTION 801 INTENT

Within the districts established by this Resolution or amendments that may later be adopted, there exist lots, uses of land and structures which are lawful before this Resolution was passed or amended but would be prohibited or more restricted under the terms of this Resolution or amendment thereto. It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their continuance. 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.

SECTION 802 NON-CONFORMING LOTS OF RECORD

A non-conforming lot of record is a lot that was legally established, no longer conforms to the current zoning district's lot area, frontage and/or dimensional requirements of the district in which it is located. This means the lot was compliant with zoning laws at the time it was created, but subsequent zoning changes have made it legally non-conforming.

SECTION 803 NON-CONFORMING USE OF LAND

803.1 A non-conforming use of land refers to a situation where a property is used in a way that is not consistent with the current zoning regulations in it's district, but was either permitted or was not yet addressed by previous zoning rules. Essentially, it's a land's use that "existed" legally under a previous set of zoning rules but would be prohibited by the current, more restrictive rules.

803.2 If any such non-conforming uses of land are voluntarily discontinued for a period of more than 2 years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.

SECTION 804 NON-CONFORMING STRUCTURES

804.1 A non-conforming structure is a building that existed lawfully before current zoning regulations were enacted but no longer meets the standards of the current zoning district. Essentially, these structures are "grandfathered in" and are allowed to continue existing despite not complying with current regulations.

804.2 No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to

decrease its non-conformity.

804.3 Should such a non-conforming structure be destroyed by any means; it shall not be reconstructed except in conformity with the provisions of this Resolution.

804.4 Should such a structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

ARTICLE 9 ADMINISTRATIVE BODIES & THEIR DUTIES

SECTION 901 BOARD OF TRUSTEES

901.1 It is the intent of this resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Zoning Appeals (BZA) only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board of Zoning Appeals (BZA) shall be to the courts as provided by law. It is further the intent if this resolution that the duties of the Township Trustees, in connection with this resolution, shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in Article 10.

901.2 **Duties:** The Township Trustees shall be responsible for the following duties, relative to zoning in Miami Township:

A. To appoint a Zoning Administrator, members of the Township Zoning Commission, and members of the Board of Zoning Appeals (BZA).
B. To establish a schedule of fees for issuing Zoning Permits, appeals, variances, conditional use permits, processing amendments, and any other zoning actions requiring postage, legal advertising, inspections, or general process of applications.
C. To consider and adopt, reject or modify all proposed amendments to this resolution as provided in Article 10.

SECTION 902 ZONING COMMISSION

902.1 **Creation, Membership, Appointment**

A. The Board of Trustees of Miami Township shall create and establish the Township Zoning Commission.
B. The Zoning Commission shall be composed of five (5) members and two (2) alternates (optional) who reside in the unincorporated area of the Township.
C. The five (5) year terms of the members shall be of such length and so arranged that the term of one member will expire each year.
D. The Trustees may remove Zoning Commission members in accordance with ORC 519.04 upon their discretion based on performance of duties.

A replacement member who is assigned to the departed member's position will serve out the departed member's term.

902.2 **Organization**

A. The Zoning Commission shall elect its own officers annually and shall adopt the rules necessary for the conduct of its affairs in keeping with the provisions of this Resolution.
B. None of the members of the Zoning Commission shall concurrently serve as a member of the Board of Zoning Appeals.

C. Meetings shall be held at the call of the Chairperson and at such other times as the Zoning Commission may determine. All meetings shall be open to the public. The Zoning Commission shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be a public record. Meeting minutes can be recorded by a member, the zoning administrator or an outside contracted individual.

D. A majority of the Zoning Commission, [three (3) members] shall constitute a quorum for conducting business.

E. The Vice Chair may assume the chair's duties in the Chairperson's absence. In the event both the chair and the vice chair are not present, the most tenured member may assume the chair's duties.

F. An alternate Zoning Commission member may be assigned, in order of seniority, at the Zoning Commission chair's discretion, to substitute for any absent Zoning Commission member. Alternate members may only vote when substituting for an absent or abstaining member.

902.3 **Official Action**

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

B. If an issue cannot gain a simple majority vote at a meeting, the vote fails. A motion or resolution can only be voted upon by members who are present at the meeting.

902.4 **Duties**

A. The Zoning Commission should establish and periodically revise the Comprehensive Land Use Plan for the township.

B. The Zoning Commission should review the county's Comprehensive Land Use Plan to ensure compatibility between the county and township Comprehensive Land Use Plans.

C. The Zoning Commission should periodically update sections of the Zoning Resolution based on the Comprehensive Land Use Plan, state law changes and updates necessary to meet the needs of its residents.

D. The Zoning Commission shall initiate or review all proposed text and map amendments to this Resolution and make recommendations to the Township Trustees.

SECTION 903 BOARD OF ZONING APPEALS

903.1 **Creation, Membership, Appointment**

A. The Board of Trustees of Miami Township shall create and establish the Township Board of Zoning Appeals.

B. The Board of Zoning Appeals shall be composed of five (5) members and two (2) alternates (optional) who reside in the unincorporated area of the Township.
C. The 5-year terms of the members shall be of such length and so arranged that the term of one member will expire each year.
D. The Trustees may remove the Board of Zoning Appeals members in accordance with ORC 519.04 upon their discretion based on performance of duties. A replacement member who is assigned to the departed member's position will serve out the departed member's term.

903.2 **Organization**

A. The Board of Zoning Appeals shall elect its own officers annually and shall adopt the rules necessary for the conduct of its affairs in keeping with the provisions of this Resolution.
B. None of the members of the Board of Zoning Appeals shall concurrently serve as a member of the Zoning Commission.
C. Meetings shall be held at the call of the Chairperson and at such other times as the Board of Zoning Appeals may determine. All meetings shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be a public record. Meeting minutes can be recorded by the zoning administrator or a contracted designee.
D. A majority of the Board of Zoning Appeals [three (3) members] shall constitute a quorum for conducting business.
E. The Vice Chair may assume the chair's duties in the Chairperson's absence. In the event both the chair and vice chair are not present, the most tenured member may assume the chair's duties.
F. An alternate Board of Zoning Appeals member may be assigned in order of seniority, at the board chair's discretion, to substitute for any absent Board of Zoning Appeals member. Alternate members may only vote when substituting for an absent member.

903.3 **Official Action**

A. The Board of Zoning Appeals will conduct hearings which will be open to the public.
B. The Zoning Administrator, along with the chair of the Board of Zoning Appeals, shall fix a reasonable time and place for the hearing of any application, petition, or appeal.
C. The Zoning Administrator shall notify the Zoning Board of Appeals and give at least ten (10) days' notice of the time and place of such hearing, to the applicant 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 either one publication in the newspapers of general circulation in the township or on the township's official website and any social media outlets.
D. Any party may appear at such hearing in person, by agent or by attorney.

E. The Board shall hear testimony from any other parties of interest upon their being sworn in.

F. The Board of Zoning Appeals shall have the power to subpoena witnesses, administer oaths, and may require the production of documents as required.

G. The Board may enter into a private discussion during the hearing but not vote on any case before it.

H. The Board may call upon departments of the county and local governments for assistance in the performance of their duties.

I. If an issue cannot gain a simple majority vote at a hearing, the vote fails. A decision can only be voted on by members who are present at the hearing.

J. The board shall decide on the application or appeal within a reasonable time and a written decision will be given to the applicant and kept on record.

903.4 **Duties**

A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator.

B. To hear and decide whether to grant a property owner relief from the literal enforcement of this Resolution, when, owing to special conditions, those requirements impose an unnecessary hardship or create practical difficulties, so that the spirit of this Resolution shall be observed and substantial justice done.

C. To grant Conditional Use Permits and such additional safeguards as will uphold the intent of the Resolution.

D. To determine if uses not specifically mentioned in this Resolution are similar to uses permitted within a district.

E. To determine the exact location of any district boundary, if there is uncertainty as to the exact location involved.

SECTION 904 ZONING ADMINISTRATOR

904.1 It shall be the duty of the Zoning Administrator, who shall be appointed by the Board of Trustees, to enforce this Resolution. It shall also be the duty of all officials and employees of the Township to assist the Zoning Administrator by reporting to him/her upon seeing new construction, reconstruction, or seeing violations of land use.

904.2 **Duties:**

A. Review of all applications for Zoning Permits within the township to ensure they conform to all applicable provisions of this Resolution, then a Zoning Permits shall be issued, and a record of all such Zoning Permits maintained.

B. Conduct on-site inspections to ensure the actual construction conforms to the Zoning Permits.

C. Upon finding that any of the provision of this Resolution are being violated, take the necessary action necessary to correct such violation.
D. May order the discontinuance of uses of land or structures that are in violation of this Resolution.
E. May order the removal of illegal structures, additions or structural alterations.
F. Review all subdivision plats to determine if the plat conforms to all applicable provisions of this Resolution.
G. Assist township residents and contractors working in the township to understand appliable regulations within this Resolution, including public information requests.
H. Act as staff for the Miami Township Board of Zoning Appeals and Zoning Commission.
I. Attend Miami Township Board of Zoning Appeals and Zoning Commission meetings.
J. Attend monthly meetings of the Township Trustees.
K. Provide a monthly report that includes new issued Zoning Permits, complaints, and other issues pertaining to zoning to the Township Trustees.
L. Perform other duties as designated by the Township Trustees, Board of Zoning Appeals and Zoning Commission.
M. Report emergency situations to the proper authorities.

ARTICLE 10 ADMINISTRATIVE PROCEDURES

SECTION 1001 ZONING PERMIT PROCESS

1001.1 **Request for Zoning Permit**

A. It shall be unlawful for an owner to use or to permit the use of any structure or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Zoning Permit has been issued by the Zoning Administrator. It shall be the duty of the Zoning Administrator to issue a Permit, provided he/she is satisfied that the structure(s) or land and the proposed use thereof conform with all the requirements of this Resolution. No Permit for excavation, construction or reconstruction shall be issued by the Zoning Administrator unless plans, specifications and the intended use conform to the provisions of this Resolution.

B. A no-cost Declaration for Agricultural Exemption Application may be requested to the Zoning Administrator by an applicant if a structure is being used for a bona fide agricultural purpose.

C. Written applications shall be made for a Zoning Permit for the construction of a new structure or the alteration of an existing structure. Said permit shall be issued within fifteen (15) days after a written request has been made to the Zoning Administrator, provided such construction or alteration is in conformity with the provisions of the Resolution.

D. Every application for a Zoning Permit shall be accompanied by:
   1. One complete set of construction drawings to scale, dimensioned, with square footage, with all elevations, floor plans, wall sections, and a foundation plan.
   2. Plot plan or site plan, to scale, with property dimensions, north arrow, with dimensions for the proposed structure or addition to all property lines at the closest point of the structure to the closest property line. Ensure all fireplaces, bay windows, decks (with stairs shown), parking areas, and driveways are on both the construction drawing and site plan.
   3. If the site does not have public wastewater collection, a Greene County Combined Health District on-site wastewater collections permit with layout is needed.
   4. Name, address and phone number of owner of the property.
   5. Name, address and phone number of contractor.
   6. Depending on the structure, additional items may be required such as a driveway permit, parking plan, etc.. The Zoning Administrator can verify if additional information is needed.

E. The Zoning Administrator may require an inspection before, during or upon completion of the construction project to ensure compliance with the Zoning Resolution.

1001.2 **Fee for Zoning Permit**

A. Each application shall be accompanied by a fee as established by the Board of Trustees.
B. Application fees shall not be refunded in any case.
C. The Zoning Administrator shall forthwith deposit all fees with the Township Fiscal Officer who shall apply such fees to the credit of the General Revenue Fund of the Township.

1001.3 **Permit Limitations**

Any permit issued by the Zoning Administrator under the provisions of this Resolution, shall expire by limitation when no construction is started within 6 months from the date of issuance. All construction shall be completed within one year or within an approved extension by the Zoning Administrator.

1001.4 **Revocation of Permits**

A. The Zoning Administrator may revoke any permit of approval issued under the provisions of this Resolution or may stop the work for any of the following reasons:
    1. Whenever there in a violation of any of the provisions of this Resolution.
    2. Whenever the continuance of any work becomes dangerous to life or property.
    3. Whenever there is a violation of any condition on which the issuance of the permit or approval is based.
    4. Whenever, in the opinion of the Zoning Administrator with the concurrence of the Township Trustees, the person having charge of the work is incompetent.
    5. Whenever any false statement or misrepresentation has been made in the application, plans or specifications on which the issuance of the permit or approval was based.
B. The notice of revocation of the permit shall, in every instance, be in writing and shall be served upon the owner. A notice of revocation shall also be posted on the premises in question by the Zoning Administrator. After the notice is received or posted, it shall be unlawful for any person to proceed with any operation until such operations are brought into conformance with the Zoning Permit and approved by the Zoning Administrator. No part of the fees for such a permit shall be returned.

1001.5 **Violation and Penalties**

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any structure or land in violation of any regulation in or any provisions of this Resolution or any amendment or supplement thereto adopted by the Board of Trustees. Any owner of the property where the violation of this Resolution occurs shall be brought to the attention to the

County Prosecutor for appropriate action, and the maximum fine shall not be more than $500 for each offense. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

SECTION 1002 ADMINISTRATIVE APPEALS

1002.1 Administrative appeals shall be made to and before the Board of Zoning Appeals. Such appeals shall be taken within twenty (20) days after the decision of the Zoning Administrator. A written application shall be made for an administrative appeal to the Board of Zoning Appeals. The Zoning Administrator shall transmit to the Board all the papers constituting the record.

1002.2 The Board of Zoning Appeals shall hear and decide appeals and issues of interpretation where it is alleged there is an error in the interpretation of the Miami Township Zoning Resolution in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Resolution or any amendments thereto.

1002.3 The Board may reverse or affirm, wholly or partly, or may modify the order, requirements, or decision, and shall have all powers of the Zoning Administrator from whom the appeal is taken. Any party adversely affected by a decision of the Board may appeal to the Greene County Court of Common Pleas.

1002.4 Each application for appeal shall be accompanied by a fee as established by the Board of Trustees.

SECTION 1003 CONDITIONAL USE

1003.1 The following requirements shall be complied with prior to any approval of a conditional use permit by the Board of Zoning Appeals:

A. A written application for a conditional use is submitted indicating the section of this Resolution under which it is requested.
B. The applicant shall submit a plan showing:
    1. A site layout plan with the existing property line boundaries and dimensions, road frontage, driveways, parking plan, existing structures and any proposed structures.
    2. The nature and intensity of the operations involved in or conducted in connection with it, its site layout, and its relation to street giving access to it shall be such that vehicular traffic to and from the use will not be more hazardous than the normal traffic of the district.

1003.2 A public hearing shall be held in accordance with ORC 519.15.

1003.3 The Board of Zoning Appeals shall determine:

A. Authority: If it has the authority to grant the request.
B. Adverse Effect: That the granting of the conditional use will not adversely affect the neighborhood in which the conditional use is to be located. In this regard 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 use at the proposed location:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objectives of the township's comprehensive plan and/or the zoning ordinance.
2. 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.
3. Will not have an undue adverse effect on wild-life and their habitat, on the preservation of agricultural land, on human psychological dependence upon open space, and on the boundary, line defining urban land use from rural.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential and public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, 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 ser-vices 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, flare 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 streets or roads.
9. Will not result in water pollution. In making this determination, they shall consider: the amount of rainfall received by the area, the relation of the land to flood plains, the nature of soils and subsoils, the slope of the land and its effect on effluents; the presence of streams as related to effluent disposal; the applicable health and water resources department regulations.
10. Does have sufficient water available per lot, both physically and legally, for the foreseeable needs of the subdivision or development.
11. Will not cause an unreasonable depreciation of an existing water supply.
12. Will not cause unreasonable soil erosion or re-duction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
13. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance; and

14. Any other factor the Board of Zoning Appeals deems necessary.

1003.4 In granting any conditional use permit, the Board of Zoning Appeals may impose additional requirements and conditions that the Board may deem necessary for the protection of adjacent properties and the public health, safety and general welfare including specific limitations as to future expansion. Any requirement and/or conditions imposed by the Board shall not be less restrictive than those contained herein for the specific district involved.

1003.5 Undue Hardship is not required for a conditional use to be allowable.

1003.6 If a conditional use is approved, the plan must be followed. Any deviation requires reapplying for another conditional use permit.

1003.7 Each application for conditional use shall be accompanied by a fee as established by the Board of Trustees.

1003.8 Conditional use permits for surface mining are regulated under the provisions of Section 515 of this Resolution.

SECTION 1004 VARIANCES

1004.1 Variance requests shall be made to and before the Board of Zoning Appeals. A written application shall be made for a Variance to the Board of Zoning Appeals.

1004.2 A public hearing shall be held in accordance with ORC 519.15.

1004.3 A Variance is necessary to deviate from 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.

1004.4 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.

1004.5 There are 2 distinct types of variances – Use Variance and Area Variance

A. **Use Variance** allows a property owner to use their land in a way that is not normally permitted by the zoning ordinance. Use variances should be considered only in specific circumstances:
   1. When a re-zoning or map amendment is not appropriate,
   2. When the requested use is not appropriate or desirable to add to the zoning district as a primary or conditional use, through a text amendment.
   3. When the requested use variance is for a secondary or accessory use, which will not hinder the continuance of an allowable primary use; or,
   4. When the particular zoning code creates an "unnecessary hardship" with respect to the use of the property. An unnecessary hardship

exists where the hardship is unique to a particular property, and where the uses permitted by the zoning ordinance are not economically feasible. A demonstration that the property could be put to a more profitable use, standing alone, is insufficient to establish unnecessary hardship.

B. **Area Variance** allows a property owner to deviate from zoning regulations related to physical dimensions, such as building height, setbacks, or lot size, but not from the permitted use of the property. When determining the merits of a request for an area variance, the test is whether the particular zoning code creates "practical difficulties." The factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of his property, include the "Duncan Factors". They are, but are not limited to:
   1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.
   2. Whether the variance is substantial.
   3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment because of the variance.
   4. Whether the variance would adversely affect the delivery of governmental services (*e.g.,* water, sewer, garbage).
   5. Whether the property owner purchased the property with knowledge of the zoning restriction.
   6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
   7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

1004.6 Each application for a variance shall be accompanied by a fee as established by the Board of Trustees.

SECTION 1005 Procedures for Changing the Zoning Resolution

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Township Trustees may, by resolution after receipt of recommendations from the Zoning Commission and subject to the procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and district boundaries or classification of property.

1005.1 **Initiation of Map or Text Amendment:** Amendments to this Resolution may be initiated in one of the following ways:

A. By adoption of a motion by the Zoning Commission.
B. By adoption of a resolution by the Board of Township Trustees.

C. By the filing of an application by at least one owner or his/her designee of property within the area proposed to be changed or affected by said amendment.

1005.2 **Resident Initiation Application for Text Amendment:** The application for text amendment shall contain at a minimum the following information:

A. Name, address, and telephone number of the applicant.
B. Date.
C. Legal description of the property.
D. Proposed amendment to the text.
E. A list of all property owners within 500 feet of, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned, and others that may have a substantial interest in the case.
F. A statement on how the proposed amendment relates to the current Miami Township Land Use Plan.
G. A fee as established by the Township Trustees.

1005.3 **Resident Initiation Application for Map Amendment:** The application for map amendment shall contain at a minimum the following information:

A. Name, address, and telephone number of the applicant.
B. Date.
C. Legal description of the property.
D. Present use.
E. Present zoning district.
F. Proposed use.
G. Proposed zoning district.
H. A vicinity map at a scale approved by the Zoning Commission showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Commission may require.
I. A list of all property owners within five hundred (500) feet of, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case.
J. A statement on how the proposed amendment relates to the current Miami Township Land Use Plan.
K. A fee as established by the Township Trustees.

1005.4 **Procedure for Map or Text Amendment:**

A. Within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one owner, or his/her designee, the Zoning Commission shall transmit a copy of such a motion, resolution, or application together with the text and map pertaining to the case in question to the Regional Planning and Coordinating Commission (RPCC).
B. The Regional Planning and Coordinating Commission of Greene County shall recommend the approval, denial, or modification to the Zoning

Commission and notify the Zoning Commission. Such a recommendation shall be considered at a public hearing held by the Zoning Commission. If a proposed rezoning is located adjacent to another political jurisdiction, an additional copy of the application shall be provided and forwarded to the chairman of the Planning Commission or the Zoning Commission of that jurisdiction. Any comments provided by the adjoining jurisdiction shall be considered at the public hearing of the Zoning Commission.

C. The Zoning Commission shall schedule a public hearing to present a proposed amendment, hear public input and makes a recommendation to the Board of Trustees.
   1. Said hearing shall not be less than twenty (20) and no more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.
   2. Before the required public hearing, notice of the hearing shall be given by the commission by one publication at least ten days before the date of the hearing using at least one of the following methods:
      a. In the print or digital edition of one or more newspapers of general circulation in the township.
      b. On the official public notice web site established under section 125.182 of the Ohio Revised Code.
      c. On the official website and social media account(s) of the township.
   3. Written notification to property owners regarding the potential amendment should be followed in accordance with ORC 519.12.

D. Within thirty (30) days after the required public hearing, the Zoning Commission shall forward with reasons for such a recommendation to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment not be granted.

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

F. Within 20 days after the required public hearing the Board of Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt same modification thereof. In the event the Board of Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Board of Trustees is required.

G. The proposed amendment, if adopted by the board, shall become effective in thirty (30) days after the date of its adoption, unless, within thirty (30) days after the adoption, there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than fifteen per cent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was

elected, requesting the board of township trustees to submit the amendment to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least ninety days after the petition is filed. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in section 3501.38 of the Ohio Revised Code.