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# ARTICLE 1

## INTENT AND INTERPRETATION

**SECTION 101 TITLE**

This Resolution shall be known and may be cited and referred to as the "Harrison Township Zoning Resolution".

**SECTION 102 PURPOSE**

This Resolution is enacted for the purpose of promoting public health, safety, morals, and general welfare as permitted by the provisions of Section 519.02 et seq. of the Revised Code of the State of Ohio.

**SECTION 103 INTERPRETATION AND CORRELATION OF-  
STANDARDS**

In their interpretation and application, the provisions of this Zoning Resolution shall be held to be minimum requirements. Where this Zoning Resolution imposes a greater restriction than is imposed or required by other provisions of law resolutions, the provisions of this Zoning Resolution shall control.

**SECTION 104 EXTENSION OF ESSENTIAL SERVICES**

It is recognized that essential services are not presently available to all parcels of land zoned for agricultural and/or residential use. Viable zoning plans may require amendments from time to or by other rules or regulations or time to reflect changes brought about by the extension of essential services into newly developing urban areas. However, when private covenants or deed restrictions are greater than those imposed by this regulation, the same shall have precedence□

## ARTICLE 2

### DEFINITIONS

**SECTION 200.01 DEFINITIONS:**

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the Zoning Resolution. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; and the word "shall" is mandatory.

**SECTION DEFINITIONS: (Beginning with letter "A")**

**201.01 ACCESSORY USE**

Any purpose, for which a building, structure, or a tract of land may be designed, arranged, intended, maintained, or occupied which:

- A. Is customarily incidental and subordinate in area, extent or purpose to the principal building, structure or use which it serves. Shall not include mobile storage units.
- B. Is located on the same zoning lot as the principal building, structure or use, with the single exception of such accessory off street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served under Section 4303.01(E) of this Resolution.

**201.02 ADJACENT**

Bordering, touching, contiguous or adjoining

**201.03 ADULT ENTERTAINMENT FACILITY & RELATED DEFINITIONS**

Adult Entertainment Facilities including the following: Adult Arcade; Adult Bookstore, Adult Novelty Store or Adult Video Store; Adult Cabaret; Adult Motel; Adult Motion Picture Theater; Adult Motion Picture Drive-In Theater; Adult Theater; Escort Agency; Semi-Nude Model Studio; Sexual Encounter Establishment.

The following terms are defined here regarding zoning regulations relating to Adult Entertainment Facilities.

- A. **Adult Arcade** – an establishment where the public is invited or permitted in which, for any form of consideration, one or more coin-operated, slug-operated, or electronically, electrically or mechanically controlled still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, or other visual representations, for viewing by five (5) or fewer persons each, are regularly used to show films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are distinguished or characterized by their emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas.”
- B. **Adult Bookstore, Adult Novelty Store or Adult Video Store** – a commercial establishment which has as a significant or substantial (i.e., 25% or more) portion of its stock-in-trade or derives a significant or substantial (i.e., 25% or more) portion of revenues or devotes a significant or substantial (i.e., 25% or more) portion of either its interior business or advertising budget to the sale or rental for any form of consideration, of any one or more of the following:
1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, compact discs, digital video discs, or other visual representations which are distinguished or characterized by their emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas;"
  2. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.

An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas,” and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not

serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as the definition above is met.

- C. **Adult Cabaret** – a nightclub, bar, restaurant, private club, bottle club, juice bar or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features any of the following: (a) persons who appear nude or semi-nude or in a state of nudity or semi-nudity; (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities;" or (c) films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other photographic reproductions which are distinguished or characterized by their emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas." "Private Club" shall mean an establishment where patrons may bring in their own bottle or other container of alcohol (including beer, wine or liquor) and, in some manner compensate the establishment for the privilege of consuming the beverage through means such as a fee for refrigeration or storage, purchase of a mixture for the same or use of a glass from the club or business or other similar method.
- D. **Adult Motel** – a motel, hotel or similar commercial establishment which offers public accommodation, for any form of consideration, and which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, compact discs, digital video discs, slides or other photographic reproductions which are distinguished or characterized by their emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas" and which establishment advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, billboards, newspapers, magazines, pamphlets or leaflets, radio or television.
- E. **Adult Motion Picture Theater** – a commercial establishment where films, motion pictures, video cassettes, digital video discs, slides or similar photographic reproductions which are distinguished or characterized by their emphasis upon the depiction or description of

"specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.

- F. **Adult Motion Picture Drive-In Theater** – an open air drive-in theater where films, motion pictures, video cassettes, digital video discs, slides or similar photographic reproductions which are distinguished or characterized by their emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas” are regularly shown for any form of consideration.
  
- G. **Adult Theater** – a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities" which is not customarily open to the general public during such features because it excludes minors by reason of age.
  
- H. **Escort Agency** – a person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. "Escort" means a person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person or to privately appear in the state of nudity or semi-nudity for another person.
  
- I. **Semi-Nude Model Studio** – any place where a person regularly appears in a state of nudity or semi-nudity or displays "specified anatomical areas" for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

A modeling class or studio is not a Seminude Model Studio and is not subject to this chapter if it is operated in any of the following ways:

- (a) By a college or university supported entirely or partly by taxation;



- (b) By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation;
- (c) In a structure to which all of the following apply:
  - (i) It has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or semi-nudity is available for viewing;
  - (ii) In order to participate in a class in the structure, a student must enroll at least three days in advance of the class.
  - (iii) Not more than two nude or seminude models are on the premises at any one time.

**J. Sexual Encounter Establishment** – a business or commercial establishment, including, but not limited to, establishments categorized as a “private club” or a “swingers’ club” by their owners, that as one of its principal business purposes, offers for any form of consideration, (i) a place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas;" or (ii) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of Ohio engages in medically approved and recognized sexual therapy.

“Adult entertainment” means the sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, digital video discs, slides, magazines, periodicals, or live performances or activities that are characterized distinguished or characterized by their emphasis upon the exposure or display of “specified anatomical areas” or “specified sexual activity.”

“Covering” means any clothing or wearing apparel, including pasties, but does not include any substance that can be washed off the skin, such as paint or makeup, or any substance designed to simulate the appearance of the anatomical area beneath it.

“Distinguished or characterized by their emphasis upon” means the dominant or principal character and the theme of the object described by this phrase. For instance, when the phrase refers to films “that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas,” the films so described are those whose dominant or principal character and theme are the exhibition or description of specified sexual activities or specified anatomical areas.

“Nudity,” “nude” or “state of nudity” means the showing of the human male or female genitals, pubic area, vulva, perineum, anus, anal cleft, or cleavage, or pubic hair with less than a fully opaque covering; or the showing of female breasts with less than a fully opaque covering of any part of the nipple or areola; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.

“Residential District” means any zoning district in Harrison Township set forth in the Township Zoning Resolution containing the word “Residential” in its title.

“Regularly shows,” “or “regularly features” or “regularly appears” means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a consistent or substantial portion of the films or performances offered as a part of the ongoing business of the establishment. Performances or films are consistently offered if offered as a part of the ongoing business in any repeated cycle designed to notify potential patrons in advance of the timing of future performances or films, even if such performance or film does not constitute a significant portion of the films or performances or business activity at the establishment.

“Semi-nudity,” “semi-nude” or “state of semi-nudity” means a state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipples and areolas of the female breast, as well as portions of the body covered by supporting straps or devices. This definition shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other clothing provided that the areola is not exposed in part or in whole.

"Specified Anatomical Areas" means and includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, anus, perineum, or areolas or nipple of female breasts; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified Sexual Activities" means and includes any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, anus, or female breast,
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or
4. Human genitals in a state of sexual stimulation, arousal or tumescence;
5. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this subsection.

**Section 2.** The following definitions are hereby added to the Harrison Township Zoning Resolution:

- A. "Church" or "Church Grounds" means buildings used for public worship, and the ground attached to them necessary for the proper occupancy, use and enjoyment by a fellowship of believers, congregation, society, corporation, convention or association that is formed primarily or exclusively for religious purposes and that it is not formed for the private profit of any person.
- B. "Library" means an institution in which literary and artistic materials, including but not limited to books, periodicals, newspapers, pamphlets, and prints, whether in print or digital form, are kept for reference, reading or lending.
- C. "Public Park" or "Recreation Area" means public land which has been designed for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the Township which is under the control, operation, or management of any governmental entity.

- D. “School” means any public or private educational facility licenses by the State of Ohio including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, colleges and universities. School includes the school grounds, but does not include the facilities used primarily for any purpose and only incidentally as a school.
- E. “Simulated” means to assume the mere appearance of something, without the reality; to imitate or pretend.

**201.04 ADULT CARE FACILITY**

An adult family home or an adult group home. For the purposes of this definition, any residence, facility, institution, hotel, congregate housing project or similar facility that provides accommodations and supervision to three to sixteen unrelated adults, at least three of whom required personal care services, is an adult care facility regardless of how the facility holds itself out to the public as long as it does not include any of the listed uses found in Section 3722.01 of the Ohio Revised Code.

**201.05 ADULT FAMILY HOME**

A residence or facility that provides accommodations and supervision to three to five unrelated persons, at least three of whom require personal care services.

**201.06 ADULT GROUP HOME**

A residence or facility that provides accommodations and supervision to six to sixteen unrelated adults, at least three of whom require personal care services.

**201.07 AGRICULTURE**

The use of a tract of land for the planting, harvesting and marketing of crops and produce; the breeding, feeding and marketing of livestock; horticulture; floriculture; structures necessary for performing these operations; and the residence of

the owner or operator. Such agriculture use shall not include the following uses:

- A. The maintenance and operation of commercial greenhouses or hydroponic farms, except in zoning districts in which such uses are expressly permitted.
- B. Wholesale or retail sales as accessory use, unless the same are specifically permitted in this Resolution.
- C. The feeding or sheltering of animals or poultry in penned enclosures within two hundred (200) feet of any Residential Zoning District. Agriculture does not include the feeding of garbage to animals, or the operation or maintenance of a commercial stockyard or feed yard.

**201.08 ALLEY**

A dedicated public right-of-way, other than a street that affords a secondary means of access to abutting property.

**201.09 ANIMAL HOSPITAL or VETERINARIAN OFFICE**

An establishment where animals are given medical or surgical treatment. Use of a kennel for keeping such animals shall be incidental to the primary hospital function.

**201.10 ARCADE, GAME ROOM**

Any establishment displaying for public patronage or keeping for operation four or more amusement devices including, but not limited to, pool tables, foosball tables, air hockey tables, mechanical rides, electronic games and shooting gallery type games. Internet Cafes are included as such a use under this definition.

**201.11 AUTOMOBILE OR TRAILER SALES AREA**

An open area, other than a street, used for the display, sales or rental of new or used motor vehicles or trailers in operable condition.

**201.12 AUTOMOBILE ACCESSORIES SHOP**

A building, lot or portion of a lot used or intended to be used for the business of retail sales and installation of automobile and/or motor vehicle accessories. Installation of such accessories must be conducted on the interior of building.

**201.13 AUTOMOBILE BODY SHOP**

A building, lot or portion of a lot or portion of a lot used or intended to be used for the business of collision service, which shall include body, frame or fender straightening or repair, painting and glass replacement; and the reconditioning of motor vehicles, which shall include repainting, resculpturing, rust repair and undercoating.

**201.14 AUTOMOBILE CUSTOMIZING SHOP**

A building, lot or portion of a lot used or portion of a lot intended to be used for the customizing of motor vehicles that are in an operable, undamaged condition. The customizing work shall be intended to alter the appearance of the motor vehicle to the particular specifications of the vehicle owner.

**201.15 AUTOMOBILE FULL SERVICE STATION**

A building, lot or portion of a lot used or intended to be used for the retail dispensing of vehicular fuels, and including as an accessory use no more than three bays for minor mechanical repair and the dispensing of lubricants, tires, batteries, and other similar accessories. The storage of junk or inoperable vehicles shall not be included in this definition.

**201.16 AUTOMOBILE SELF SERVICE GAS STATION/MINI MARKET/DRIVE-THRU**

A building, lot or portion of a lot used or intended to be used for the retail dispensing of vehicular fuels, and may as an accessory use sell prepackaged convenience food and beverage items and lubricants, but not including any repair or storage of vehicles.

**201.17 AUTOMOBILE REPAIR GARAGE**

A building, lot or portion of a lot used or intended to be used for the business of general motor vehicle repair and service

including engine rebuilding or reconditioning of motor vehicles, but excluding automobile body shops or junk yards as defined in this section.

**201.18 AUTOMOBILE SALES, RENTAL OR LEASE**

A building, lot or portion of a lot used or intended to be used for the display, sale, rent or lease of new or used motor vehicles in operable condition and where repair service is to be incidental and subordinate to the sale or rental use.

**201.19 AUTOMOBILE SERVICE FACILITY**

A building, lot or portion of a lot used or intended to be used for minor motor vehicle repair; where the service being provided is normally completed in a single work day, and where vehicles are not required to be stored out-of-doors overnight.

**201.20 AUTOMOBILE TRANSMISSION SHOP**

A building, lot or portion of a lot used or intended to be used for the service and repair of motor vehicle drive-trains, exclusive of repair work to motor vehicle engine.

**201.21 AUTOMOBILE QUICK SERVICE FACILITY**

A building, lot or portion of a lot used or intended to be used for periodic maintenance of motor vehicles; where the service being provided is completed in two hours or less. A business operating as a Quick Service Facility will specialize in a single category of operation. The dispensing of vehicular fuels shall not be included in this definition.

**201.22 AUTOMOBILE WASH FACILITIES**

A building, lot or portion of a lot used or intended to be used for washing automobiles.

**201.23 AUTOMOBILE WRECKING**

The dismantling, disassembling or burning of used motor vehicles or trailers, or the storage, sale or dumping or dismantled, partially dismantled, no operating or wrecked vehicles or their parts.

**201.24 AUTOMOBILE REPAIR, MAJOR**

Engine rebuilding, customizing or major reconditioning of any vehicle, damaged or non-damaged or trailer collision service including body or frame work including painting of vehicles.

**201.25 AUTOMOBILE REPAIR, MINOR**

Incidental repairs, replacement of minor parts and minor motor service to automobiles, including but not limited to oil changes, tune-ups and minor brake repair, but not including any operation specified under Section 201.24, Automobile Repair, Major.

**SECTION 202 DEFINITIONS (Beginning with letter "B")**

**202.01 BAR or LOUNGE**

An establishment that's primary business is the service of alcoholic beverages.

**202.02 BASEMENT**

That portion of a building located partly underground but having more than one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

**202.03 BOARD**

The Board of Zoning Appeals of Harrison Township.

**202.04 BUILDING**

Any covered structure built for the support, shelter or enclosure of persons, animals, chattels or moveable property of any kind; and which is permanently affixed to the land. Buildings shall be constructed of materials that are processed or manufactured and customarily used as such building materials.

**A. BUILDING, ACCESSORY**



Any building or structure which is incidental to and serves a principal building, and is subordinate in area, extent and purpose to the principal structure.

**B. BUILDING, COMPLETELY ENCLOSED**

A building separated on all sides from the adjacent open space, or from other buildings or structures by a permanent roof and exterior walls pierced only by windows and normal entrance and exit doors.

**C. BUILDING, DETACHED**

A building surrounded by an open space on the same lot.

**D. BUILDING, PRINCIPAL**

A non-accessory building in which the principal use of the lot on which it is located is conducted. If a building that would otherwise be considered accessory is connected to a principal building, it shall become part of the principal building.

**E. BUILDING, TEMPORARY CONSTRUCTION**

Structures of a temporary nature erected for a period not to exceed twelve (12) months for such uses as construction offices or storage buildings at a construction site with a floor area not to exceed 15 foot by 20 foot.

**202.05 BUFFER**

A combination of physical space and vertical elements, such as plants, berms, fences, and/or walls, for the purposes of separating and screening incompatible land uses of different types and/or intensity from each other.

**202.06 BUILDING HEIGHT**

The vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a roof.

**202.07 BUILDING LINE**

A line parallel to the street right-of-way line at any story level of a building and representing the building is to be set back from said right-of-way, except as specified in Article 39.

**202.08 BUILDING SETBACK**

The closest point at which a building may be constructed in relation to the lot line.

**202.09 BUSINESS ACTIVITY**

Activity undertaken as part of a commercial, retail, business or industrial enterprise. Such activity can include, but is not limited to the act of providing goods and/or services for compensation and/or sale.

**SECTION 203 DEFINITIONS (Beginning with letter "C")**

**203.01 CELLAR**

A portion of a building located partly or wholly underground and having one-half (1/2) or more than one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

**203.02 CHURCH OR CHURCH GROUNDS**

“Church” or “Church Grounds” means buildings used for public worship, and the ground attached to them necessary for the proper occupancy, use and enjoyment by a fellowship of believers, congregation, society, corporation, convention or association that is formed primarily or exclusively for religious purposes and that it is not formed for the private profit of any person.

**203.03 CLINIC**

An establishment where patients, animal or human are not lodged overnight, but are admitted for examination and treatment by a doctor or group of doctors practicing medicine and/or dentistry together.

**203.04 CLUB OR LODGE, PRIVATE**

An association of persons, who are bona fide members paying dues, which owns, hires or leases a building, or portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of such private club are conducted by a board of directors, executive committee or similar body chosen by the members. It shall be permissible to serve food, meals and beverages on such premises provided all applicable state, health, building and zoning codes are met.

**203.05 CODE ENFORCEMENT OFFICER**

The Development Director, his/her assistants, or any other person designated by the Board of Trustees to perform the statutory duties of Code Enforcement Officer.

**203.06 COMMERCIAL VEHICAL OR EQUIPMENT**

Any equipment or vehicle licensed with commercial license plates and/or any equipment or vehicle used for transporting goods or performing some service for a fee.

**203.07 COMMISSION**

The Harrison Township Zoning Commission.

**203.08 COMMUNITY CENTER**

A place, which may include a building, complex of buildings, indoor or outdoor athletic fields, or combination thereof, that provides for cultural, recreational, athletic, or entertainment activities owned and/or operated by a governmental agency or private non-profit agency

**203.09 COMMUNITY GARDEN**

Any piece of land, privately or publicly held, that is cultivated by a group of people rather than a single family or individual. Community gardens are generally managed and controlled by a group of unpaid individuals or volunteers.

**203.10 CONDITIONAL USE**

A use permitted within a district other than a permitted use, requiring a Conditional Use Certificate and approval of the

Board of Zoning Appeals, provided that, prior to approval, conditions required by the Board have been met.

**203.11 CONDITIONAL USE CERTIFICATE**

A permit issued by the Development Director upon approval by the Board of Zoning Appeals to allow a use other than a permitted use be established within a zoning district, provided that prior conditions for approval have been met.

**203.12 CORD (WOOD)**

A unit of volume used chiefly for fuel wood, equal to 128 cu. feet usually specified as eight (8) feet long, four (4) feet wide and four (4) feet wide.

**SECTION 204 DEFINITIONS (Beginning with letter "D").**

**204.01 DAYCARE CENTER**

A facility administering to the needs of infants, toddlers, pre-school children, school children outside of school hours, special needs adults and elderly individuals, by persons other than their parents or guardians, custodians, or relatives by blood, marriage or adoption for any part of the twenty-four hour day in a place of residence other than the clients home.

**204.02 DEBRIS**

(See Rubbish)

**204.03 DEVELOPMENT DEPARTMENT**

The Harrison Township Development Department

**204.04 DEVELOPMENT STANDARDS**

Standards controlling the size of structures and the relationships of structures and uses to each other and to pen

areas and lot lines. Development standards include regulations controlling maximum height, minimum lot area, minimum lot frontage, minimum size of yards and setbacks, maximum lot coverage and maximum floor area ratio.

**204.05 DIRECTOR**

The Director of the Harrison Township Development Department who shall exercise all powers conferred by law on a Code Enforcement Officer either personally or through individuals under his/her control or supervision.

**204.06 DISTRICT**

A portion of the unincorporated territory of Harrison Township within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Zoning Resolution.

**204.07 DWELLING**

Any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a tent, cabin, trailer or trailer coach or other temporary or transient structure or facility.

- A. Single Family - A building constructed to be occupied exclusively for residential purposes by one family.
- B. Two Family - A building occupied or constructed to be occupied exclusively by not more than two (2) families or housekeeping units.
- C. Multiple - A building or portion thereof occupied or constructed to be occupied by more than two (2) families or housekeeping units.
- D. Senior Citizen Apartments - A building having multiple rooms or suites of rooms designed for housekeeping where a minimum of eighty percent (80%) of the units in the building are occupied by at least one person 55 years of age or older per unit, except that a newly constructed housing facility for first occupancy after March 12, 1989 need not comply with this definition until twenty -five

percent (25%) of the units in the facility are occupied and the owner or manager of the housing facility publishes and adheres to a policy and procedure which demonstrates an intent by the owner or manager to provide housing for persons 55 years of age or older.

**204.08 DWELLING GROUP**

A group of two (2) or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

**204.09 DWELLING UNITS**

A building or portion thereof used exclusively for residential purposes, including one-family and multi-family dwellings, but not including a tent, cabin, trailer or trailer coach or other temporary or transient structure or facility, hotels, extended stay hotels/motels, boarding, rooming and lodging houses, nursing homes, fraternity houses and sorority houses.

A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

**204.10 DWELLING UNIT, MULTI-FAMILY**

A building or portion thereof designed for or used exclusively for four or more families.

**SECTION 205 DEFINITIONS (Beginning with letter "E")**

**205.01 EASEMENT**

Authorization by a property owner for the use by another, for a specified purpose, of a designated part of his/her property.

**205.02 EATING PLACE**

An establishment, other than a dining room operated by a hotel, motel or private club, offering food and beverages, which may include liquor, beer and wine, if licensed by the State of Ohio, for consumption only inside the building. Such an establishment may also provide live entertainment.

**205.03 EATING PLACE - CARRY OUT**

An establishment offering food and beverages, which may include liquor, beer and wine, if licensed by the State of Ohio, where the food and beverages are dispensed at the counter for consumption within the building or off the premises.

**205.04 ESSENTIAL SERVICE**

The location, erection, construction, reconstruction, change alteration, maintenance, removal, use or enlargement by public utilities or County or other governmental agencies of underground or overhead gas, electrical, steam or water generation, transmission or distribution systems; including buildings, structures, towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment or accessories and the use of land in connection therewith, for the furnishing of adequate service by such public utilities or County or other governmental agencies or for the public health, safety and morals.

**205.05 EXTENDED STAY HOTEL**

A facility with more than four (4) sleeping rooms that is kept, used, maintained, advertised or held out to the public as a place where sleeping rooms are offered on a single room occupancy basis and intended for use as a primary residence for residential guests for a period of more than thirty(30) days.

**SECTION 206 DEFINITIONS (Beginning with letter "F")**

**206.01 FAMILY**

One or more persons related by blood, adoption, marriage, or legal custody, living and cooking together in a dwelling unit, exclusive of household servants. Any number of persons, but not exceeding four, living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage shall constitute a family.

**206.02 FENCE**

A structure, other than a building, comprised of customary building materials, which serves to form a barrier or boundary for means of protection, privacy, confinement, or used for decorative purposes.

**206.03 FLOOR AREA (Gross)**

The sum of the gross horizontal area of all the floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. Floor area shall include the area of basements when used for residential, commercial, or industrial purposes, but shall not include a basement or portion of a basement used for storage or the housing of mechanical or central heating equipment. In calculating floor area, the following shall not be included:

- A. Attic space providing structural head room of less than seven (7) feet, six (6) inches.
- B. Uncovered steps.
- C. Terraces, breezeways and open porches.
- D. Automobile parking space in a basement or private garage.
- E. Accessory off street loading berths, but not to exceed twice the space required by the provisions of this Resolution.

**206.04 FRONTAGE**

See Lot Frontage Subsection 212.09.

**206.05 FUNERAL HOME**

A building or part thereof used for human funeral services. Such building may contain space and facilities for embalming and the performance of other services in the preparation of the dead for burial; the performance of autopsies, storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles. Facilities for cremation shall not be included.



**SECTION 207 DEFINITIONS (Beginning with letter "G")**

**207.01 GARAGE, PRIVATE**

A garage intended for, and used by the private motor vehicles of the families resident upon the premises, provided that no more than one-half (1/2) of the space may be rented for the private vehicles of persons not resident on the premises.

**207.02 GARAGE, PUBLIC**

A garage, other than a private garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor vehicles.

**207.03 GARAGE SALE**

The sale or offering for sale to the general public items of personal property on any portion of a lot in a residential zoning district, whether within or outside of a structure.

**207.04 GARBAGE**

Garbage shall be interpreted to mean all putrescible wastes including vegetable, animal offal, and carcasses of small dead animals; but does not include human excrete, sewage and other water carried wastes.

**207.05 GRADE**

The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**207.06 GREENBELT**

A strip of land parallel to and extending inwardly from the lot lines or right-of-way lines. Said Greenbelt shall be maintained at all times in grass, trees, shrubs, or planting, and no structure, parking area or signs shall be permitted.

**207.07 GARDEN CENTER/COMMERCIAL GREENHOUSES AND NURSERY**

The selling and growing of plants, flowers, vegetables, shrubs and trees including the selling and warehousing of garden equipment and supplies and the storage of bulk gardening items, bagged and/or on pallets.

**207.08 GREENHOUSE - HOTHOUSE - NURSERY**

A sun or artificially heated structure in which to grow, or the growing of out of season plants, flowers, or vegetables or a form of agriculture whose chief function is the field growing of plants, shrubs, and trees.

**SECTION 208 DEFINITIONS (Beginning with letter "H")**

**208.01 HALFWAY HOUSES**

A facility owned and/or operated by an agency or an individual authorized to provide housing, food, treatment or supportive services for individuals on supervised release, and who have been assigned by a court to a residential home in lieu of placement in a correctional institution; or for individuals who have been institutionalized and released from the criminal justice system or who have had alcohol or drug problems which make operation in society difficult and who require the protection of a supervised group setting.

**208.02 HOME OCCUPATION**

A home occupation shall be an occupation that is clearly incidental and subordinate to the use of the dwelling for living purposes and meets the requirements specified in Section 3805.01.

**208.03 HOTEL**

A building in which lodging is provided and offered to the public for one (1) or more days for compensation, and in which ingress and egress to and from all rooms are made through an inside office or lobby under supervision at all times.

**208.04 HOUSEKEEPING UNIT**

Separate housing unit, with kitchen and bath facilities for single family occupancy.

**SECTION 209 DEFINITIONS (Beginning with letter "I")**

**209.01 INOPERATIVE MOTOR VEHICLE**

Shall be any motor vehicle subject to any of the following conditions:

- A. Unlicensed or not displaying a current license plate.
- B. Vehicle engine will not run.
- C. Wrecked vehicles stored for repairs.
- D. Selling parts off of a vehicle or using it for parts.

**209.02 IMPERVIOUS SURFACE**

Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surface shall include paved driveways and parking area, sidewalks, roofs and other similar structures.

**SECTION 210 DEFINITIONS (Beginning with letter "J")**

**210.01 JUNK**

Old or scrap copper, brass, rope, rags, batteries, paper, rubber; junked, dismantled, or wrecked automobiles or parts thereof; iron, steel, and other old or scrap ferrous or nonferrous materials which are not held for sale or remelting purposes by an establishment having facilities for processing such materials.

**210.02 JUNK YARD**

An establishment or place of business (other than an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap for remelting process), which is maintained or operated for the purpose of storing, keeping, buying, or selling junk; or for the maintenance or operation of an automobile graveyard, except

an establishment or place where automobiles, wrecked or otherwise, are held or impounded for a period not to exceed ninety (90) days exclusively for storage, repair, or resale without alteration.

**SECTION 211 DEFINITIONS (Beginning with letter "K")**

**211.01 KENNEL (PRIVATE)**

Any structure or premises on which five (5) or more dogs and/or cats are kept.

**211.02 KENNEL OR ANIMAL SHELTER (PUBLIC)**

Any structure or property where dogs or other small animals are kept and/or bred for compensation or sale.

**SECTION 212 DEFINITIONS (Beginning with letter "L")**

**212.01 LAND USE PLAN**

The long-range plan for the desirable use of land within the unincorporated territory of Harrison Township as officially adopted and as amended from time to time by the Zoning Commission.

**212.02 LANDSCAPING**

The improvement of open areas by the planting and maintenance of trees, bushes, flower gardens, grass and other vegetation.

**212.03 LIBRARY**

an institution in which literary and artistic materials, including but not limited to books, periodicals, newspapers, pamphlets, and prints, whether in print or digital form, are kept for reference, reading or lending.

**212.04 LIVABILITY SPACE**

Part of the open space as found in planned developments which includes all land not covered by roof or devoted to streets, easements of access and parking.

**212.05 LIVE ENTERTAINMENT**

Any entertainment, provided in eating places, other than music mechanically produced by juke boxes or other devices for the playing of recorded music. *Such examples include, but are not limited to, live bands and/or groups, DJ's, and comedy routines.*

**212.06 LOADING SPACE**

An off street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

**212.07 LOT**

A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and its accessory buildings and uses, including all open spaces required by this Zoning Resolution, and having frontage on a public street.

- A. **Corner** - A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of one hundred thirty-five (135) degrees or less.
- B. **Double Frontage** - A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.
- C. **Double Lot** – Two original abutting lots which have been re-platted and recorded as one single lot.
- D. **Interior** - A lot other than a corner lot.
- E. **Panhandle or Flag** - A lot whose only frontage on a public right-of-way is a narrow strip of land which is wide enough to accommodate a driveway where the body of the lot widens.

**212.08 LOT AREA**

The computed area contained within the lot lines.

**212.09 LOT COVERAGE**

That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereon, excluding projecting roof eaves.

**212.10 LOT FRONTAGE**

The distance between the side lot lines, measured by a line drawn parallel with the front lot line at a point of required minimum front yard depth.

**212.11 LOT LINES**

- A. **Front** - A street right-of-way line forming the boundary of a lot. On a corner lot, Both street right-of-way lines shall be the front line.
- B. **Rear** - The lot line that is most distant from, and is, or is most nearly parallel to, the front lot line. If a rear lot line is less than fifteen (15) feet long, or if the lot line comes to a point at the rear, the rear lot line shall be a line at least fifteen (15) feet long, lying wholly within the lot, parallel to the front lot line, except in the case of a corner lot, where the rear lot line may be a point most distant from the front lot lines at the point which the two front lot lines intersect.
- C. **Side** - A lot line which is neither a front lot line nor a rear lot line.
- D. **Lot Width** – The width of the lot measured at the building setback line.

**212.12 LOT OF RECORD**

A lot which is part of a subdivision, the plot of which has been recorded in the Office of the Recorder of Montgomery County; or a parcel of land, the deed to which was of record as of the effective date of the zoning plan.

**212.13 LOUNGE**

See "Bar"

**SECTION 213 DEFINITIONS (Beginning with letter "M")**

**213.01 MANUFACTURING**

The assembling, altering, converting, fabricating, finishing, processing or treatment of a product.

**213.02 MOBILE HOME/MANUFACTURED HOUSING UNIT**

Any structure designed to be used as a habitable space, which is transportable in one or more sections, which may or may not be permanently attached to a chassis or placed on a foundation, and meeting the design and construction standards of the United States Department of Housing and Urban Development. A mobile home/manufactured housing unit shall not be included within the definition of "Modular Home/Industrialized Unit."

**213.03 MOBILE STORAGE UNITS**

A container designed, constructed and commonly used for non-permanent placement on property for the purpose of temporary storage of personal property

**213.04 MODULAR HOME/INDUSTRIALIZED UNITS**

A factory-fabricated, transportable building consisting of one or more units designed to be assembled into a permanent structure at a building site on a permanent foundation, used for residential, office, business or industrial purposes, and which meets the standards and specifications for Industrial Units of Closed Construction, as provided for by the Ohio Basic Building Code, authorized by the board of Building Standards, State of Ohio. "Mobile Home/Manufactured Housing Unit" shall not be included in this definition.

**213.05 MOTEL - MOTOR HOTEL**

A building or group of buildings, comprising individual sleeping or living units attached in groups of six (6) or more per building for the accommodation of transient guests.

**213.06**     **MOTOR VEHICLE**

Includes an automobile, automobile truck, automobile wagon, motorcycle, or any other self-propelled vehicle designed for running on land but not on rails.

**SECTION 214**     **DEFINITIONS (Beginning with letter "N")**

**214.01**     **NIGHTCLUB**

A bar, restaurant, coffee house or similar establishment where a dance floor and/or live, recorded or televised entertainment is provided.

**214.02**     **NONCONFORMING USE OF BUILDING AND LAND**

Any building that does not meet the limitations on building size and location on a lot, for the district in which such building is located, for the use to which such building is being put to use. The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enactment of a zoning resolution or amendment thereto, may be continued, although such use does not conform to the provisions of such resolution or amendment. If any such nonconforming use is voluntarily discontinued for two (2) years or more, any future use of such land shall be in conformity with Sections 519.01 to 519.25, inclusive of the Revised Code.

**214.03**     **NONCONFORMING USE**

Any use legally existing and used at the time of enactment of this resolution and the adoption of a map incorporated by reference in this resolution or any amendments to this resolution or the map, which does not conform with the regulations of the district in which it is located.

**214.04**     **NON-PROFIT**



A bona fide tax exempt entity such as organizations classified under 501 ( c ) ( 3 ) of the internal revenue code.

**214.05      NURSERY SCHOOL OR CHILD CARE FACILITY**

A building in which child care is provided for seven ( 7 ) or more children at one time, where no more than three ( 3 ) children are less than two ( 2 ) years of age, or a building in which child care is provided for four ( 4 ) or more children at one time that are under two ( 2 ) years of age. In counting the children for the purpose of this definition, any children under six ( 6 ) years of age who are related to a licensee, administrator or employee and who are on the premises shall be counted.

**214.06      NURSING HOME**

A privately operated State licensed place of domicile or other facility which provides skilled nursing and dietary care for persons who are ill or incapacitated, or service for the rehabilitation of persons who are convalescing from illness or incapacitation.

**SECTION    215      DEFINITIONS (Beginning with letter "O")**

**215.01      OPEN SPACE**

A parcel of land or an area of water, or combination of both land and water, within a site designated as a planned development and designed and intended for the use and enjoyment of the residents of the planned development. Open space includes streets, easements, parks, recreation areas, off street parking or loading areas, public open space, or other facilities dedicated by the developer for public use. Open space shall be substantially free of structures, or may contain such improvements as are approved as a part of the general development plan and are appropriate for the residents or occupants of the planned development.

**215.02      OPEN STORAGE**

Storing or keeping of chattels not enclosed in a building.

**215.03 OUTDOOR STORAGE**

The keeping in an unroofed area of goods, materials, merchandise or vehicles.

**SECTION 216 DEFINITIONS (Beginning with letter "P")**

**216.01 PERSONAL SERVICES**

Services including, but not limited to, the following: assistance with activities of daily living; assistance with self-administration of medication, in accordance with the rules adopted by the public health council pursuant to the Ohio Revised Code; preparation of special diets, other than complex therapeutic diets for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted by the public health council pursuant to the Ohio Revised Code. Personal care services do not include “skilled nursing care” as defined in section 3721.01 of the Ohio Revised Code. A facility need not provide more than one of the services listed in this definition for the facility to be considered to be providing personal care services.

**216.02 PLANNED DEVELOPMENT**

Planned Development is:

- A. Land under unified control, planned and developed as a whole, and
- B. In a single development operation or a definitely programmed series of development operations including all lands and buildings, and
- C. According to comprehensive and detailed plans which include not only streets, utilities, lots, or building sites and the like, but also site plans and design principles for all buildings as intended to be located, constructed, used, and related to each other; and detailed plans for other uses and improvements on the land as related to buildings, and
- D. With a program for provisions, operation, and maintenance of such areas, improvements, and facilities necessary for common use by some or all of the

occupants of the development, but which will not be provided, operated, or maintained at general public expense.

**216.03 PLANNING COMMISSION**

The Planning Commission of Montgomery County, Ohio.

**216.04 PRIVATE CLUB/LODGE**

An association of persons, who are members paying dues, which owns, hire, or leases a building or portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of such clubs are conducted by a board of directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food, meals and beverages on such premises provided health and building codes and this resolution are met.

**216.05 PROPERTY**

A piece of real estate, or something of tangible value such as land, structures or motor vehicles.

**216.06 PUBLIC PARK/RECREATIONAL AREA**

Public land which has been designed for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the Township which is under the control, operation, or management of any governmental entity.

**SECTION 217 DEFINITIONS (Beginning with letter "Q")**

**SECTION 218 DEFINITIONS (Beginning with letter "R")**

**218.01 RECREATION SPACE (Countable)**

All areas open or enclosed, available for the general use of the residents of a planned residential district for active or passive recreation. Recreation space shall be provided in locations

easily accessible to the living units, but where they will not impair the view and privacy of living units. Such space may be a part of the required livability space.

**218.02 RECREATIONAL VEHICLE/BOAT**

A motor home, mobile home, house trailer, truck camper, boat, boat trailer, travel trailer and/or any other vehicle which is principally designated and used for recreation purposes.

**218.03 REFUSE**

Refuse shall mean combustible and noncombustible waste materials, except garbage, rubber, leather, tree branches, tin cans, metals, mineral matter and dust.

**218.04 RESIDENTIAL FACILITY**

As defined by 5123.19 of the Ohio Revised Code.

**218.05 RESTAURANT, SIT-DOWN**

“Sit-down restaurant” means an establishment principally operated for the sale of food and nonalcoholic beverages to be served on the premises where alcoholic beverages are determined to be a supplement of less than forty percent of the use of the area and equipment of the premises. Calculations to be made in such determination shall measure service equipment, seating, service area and staff. Service facilities are judged on their principal use and may not be designated as having a multiple use.

**218.06 RESTAURANT, CARRY-OUT**

“Carry-out restaurant” means a retail business operation to which at least three out of the four following conditions apply: The use is contained in a building having 5,000 or less square feet of gross floor area. The operation is self-service with no waitresses or waiters. Products are serviced in disposable containers for consumption on or off the premises. The majority of menu items are pre-prepared for immediate service.

**218.07 ROADSIDE STAND**

A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.

**218.08 ROOMING HOUSE**

A building where within the principal structure a minimum of three (3) and a maximum of six (6) rooms are provided for single occupancy, and where meals may be provided from a central kitchen facility, but in no case is cooking permitted or dining facilities provided within the tenant's room. Any building containing more than six (6) tenant rooms shall be deemed a hotel.

**218.09 RUBBISH or DEBRIS**

Rubbish is both combustible and non-combustible waste materials, including, but not limited to, car parts, motors and abandoned appliances. The term shall also include, but is not limited to, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials, as well as the residue from the burning of wood, coal and other combustible materials.

**SECTION 219 DEFINITIONS (Beginning with letter "S")**

**219.01 SCHOOL**

Institution organized and operated under the laws of Ohio to provide regular courses of instruction for students in kindergarten through grade twelve or any college or university accredited by the Ohio Department of Education or by an accrediting association recognized by the United States Office of Education or provide education and activities to children prior to enrolment in kindergarten.

**219.02 SETBACK**

See building line Subsection 202.05.

**219.03 SIGN**

A name, identification, description, display or illustration which is affixed to or painted upon or represented directly or

indirectly upon a building, structure or piece of land; or affixed to the glass on the outside or inside of a window so as to be seen from the outside or a building and which directs attention to an object, product, place, activity, person, institution, organization, or business.

- A. **Advertising** - A sign, *including billboards*, which directs attention to a use, commodity or service not related to the premises on which the sign is located.
- B. **Awning, Canopy, or Marquee** - A sign that is mounted on or painted on or attached to an awning, canopy or marquee.
- C. **Bulletin Board** - A structure containing a surface upon which is displayed the name of a religious institution, school or library, auditorium, stadium, athletic field or area of similar use for the announcement of services or activities to be held therein.
- D. **Construction** - A sign indicating the names of architects, engineers, contractors and similar persons involved in the design and construction of a structure or project.
- E. **Directional** - A sign directing vehicular or pedestrian movement onto a premises or within a premises.
- F. **Flashing** - Any illuminated sign on which the artificial light or any part thereof has conspicuous or intermittent variation in intensity or color.
- G. **Free Standing** - A sign suspended or supported by one or more uprights or braces in or upon the ground surface.
- H. **Identification** - A sign which displays only the same address and/or use of the premises upon which the sign is located or to which it is affixed or the product or service offered therein.
- I. **Illuminated** - A sign that is lighted by an artificial light source.
- J. **Moving** - Any sign which in part or total rotates, revolves or otherwise is in motion.

- K. Name Plate** - A sign designating only the name and address or the name and professional occupation and address of a person or persons residing in or occupying space in such building or premises.
- L. Painted Bulletin** - An advertising structure on which advertising design is painted or painted and posted, and which may incorporate the use of cutouts and/or other embellishments.
- M. Permanent Sign** - A sign that is originally manufactured and designed to be structurally fixed in place, and is intended to remain unchanged in status, condition or placement over an extended period of time. In no case shall a temporary sign be considered a permanent sign.
- N. Political Sign** - A sign calling attention to a candidate or issue to be the subject of a public election.
- O. Portable/Promotional** - Any sign, excluding real estate signs, that is designed to be transported, including but not limited to signs: with wheels attached or removed; with a chassis or support and constructed without wheels, designed to be transported by trailer or wheels; converted to an "A" or "T" frame sign; attached temporarily or permanently to the ground, structure, other sign or sign structure. A portable/promotional sign is not generally, but may be owned by the user and is displayed to promote a specific event or activity such as civic or charitable projects, commercial sales, business openings and closings and seasonal merchandise, and which is brought to the premises ready to use except for the application of changeable copy, extension of braces or other means to temporarily mount the sign and connection to electrical outlets.
- P. Poster Panel** - An advertising structure measuring not more than twelve (12) feet by twenty-five (25) feet overall on which posters are displayed.
- Q. Projecting** - A sign suspended from or supported by a building, structure, or column and extending there from more than fifteen (15) inches.
- R. Real Estate** - A sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the

sale or lease of one or more structures or a portion thereof located on such lot or tract of land.

**S. Roof** - Any sign which is erected over the roof or parapet above the roofline and/or receives any or all its support from the roof structure.

**T. Temporary Sign** - A banner, pennant, poster display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, person, institution, organization, or business and is constructed of cloth, canvas, plastic sheet, cardboard, or other like materials and which is intended to be displayed for a limited period of time. Any sign not meeting the definition of "permanent sign" shall be considered a temporary sign. Temporary signs shall include following types of signs:

1. Real Estate Signs.
2. Signs on wheels or frames.
3. A-frame Signs.
4. T-frame Signs.
5. Signs attached to cars, trucks, or other vehicles parked on a premises to advertise any business address, sale, or information pertaining to the premises.
6. Any sign not permanently attached to the premises.
7. Pennants, Banners or Streamers.
8. Portable/Promotional Signs.
9. Political Signs.
10. Vehicles on which identification of a business, service or other advertising is displayed, consistently parked or used on the premises in such a manner and for such duration that they constitute a sign.



- U. **Wall** - A sign which is affixed, painted on, or attached to the wall of the building or other structure and which extends not more than fifteen (15) inches from the face of the wall.
- V. **Warning** - Any sign indicating danger or a situation which is potentially dangerous.

**219.04 SIGN AREA**

The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. The area of a sign having more than one display surface shall be computed as the total of the exposed exterior display surface area.

**219.05 SIGN FACE**

The surface of the sign upon, against, or through which the message of the sign is exhibited.

**219.06 SIGN HEIGHT**

The vertical distance from the uppermost point used in measuring the area of the sign to the crown of the road on which the property fronts.

**219.07 SIGN STRUCTURE**

The supports, uprights, bracing, or framework for signs.

**219.09 SIMULATED**

Assume the mere appearance of something, without the reality; to imitate or pretend.

**219.10 SOUP KITCHEN**

A place where food is offered free or at very low cost to the indigent or needy.

**219.11 STORY**

That portion of a building, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

**219.12 STREET, PRIVATE**

An improved street or roadway which has not been accepted by the township and is not maintained by the township. In addition, a private street must meet the minimum thickness requirements as specified in the Montgomery County Subdivision Regulations for a residential street and must have a minimum pavement width of twenty (20) feet.

**219.13 STREET, PUBLIC**

An improved street or roadway which has been dedicated for public use and by Harrison Township Board of Trustees and is maintained by the township or other jurisdiction.

**219.14 STRUCTURAL ALTERATION**

Any change in the structural member of a building, such as load bearing walls, columns, beams, or girders.

**219.15 STRUCTURE**

Anything constructed, except pavement, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

**219.16 SWIMMING POOL**

Any body of water or receptacle for water having a depth greater than two (2) feet, used or intended to be used for swimming or bathing and constructed installed or maintained in or above the ground outside a building.

**SECTION 220 DEFINITIONS (Beginning with letter "T")**

**220.01 THOROUGHFARE PLAN**

The Official Thoroughfare Plan of, and as adopted by the Planning Commission of Montgomery County, establishing the location and official right-of-way widths of principal highways and streets in the County, on file in the Office of the Recorder, together with all amendments thereto subsequently adopted.

**220.01A TEMPORARY BUSINESS:**

- A. **Temporary Sales** - Shall mean a business activity not intended to be of permanent duration, which sells or offers to sell any goods, product, ware, or other item from an enclosure not permanently affixed to a zoning lot. Temporary Businesses shall be regulated by Article 49, Section 4901.
  
- B. **Temporary Sales, Seasonal (Seasonal Temporary Sales)** - Shall mean a business activity not intended to be of permanent duration, which sells only seasonal, non-manufactured items from an enclosure not permanently affixed to a zoning lot. Seasonal Temporary Sales shall be regulated by Article 49, Section 4902 of this Zoning Resolution.

**220.02 TRAILER:**

- A. **House Trailer or Mobile Home** - Any self-propelled or nonself-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation; whether resting on wheels, jacks, or other temporary foundation and used or so constructed as to permit its use as a conveyance upon the public streets or highways.
  
- B. **Flat Bed Trailer** - An open truck bed or trailer with no sides; used to carry large heavy objects
  
- C. **Utility Trailer** – A platform or container on wheels, towed or hauled by another vehicle and used for transporting materials, goods or object.

**D. Travel Trailer** - A vehicular portable structure built on a chassis and not exceeding a gross weight of four thousand five hundred (4,500) pounds when factory equipped for the road or an overall length of thirty (30) feet and designed to be used as a temporary dwelling for travel, recreational, and vacation uses.

**E. Mobile Home Park** - An area of land for the parking of three (3) or more mobile homes.

**F. Travel Trailer Park** - An area of land for the parking of three (3) or more travel trailers.

**220.03 TRUCK TERMINAL**

Premises which are used for loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point, and which is designed to accommodate the simultaneous loading or unloading of two (2) or more trucks.

**SECTION 221 DEFINITIONS (Beginning with letter "U")**

**221.01 USE**

The employment or occupation of a building, structure or land for a person or organization's service, benefit or enjoyment.

**A. Principal Use** – The main use of land or buildings as distinguished from a subordinate or accessory use.

**B. Accessory Use** – Any use of land, building or structures customarily incidental to any of the foregoing permitted principal uses.

**SECTION 222 DEFINITIONS (Beginning with letter "V")**

**222.01 VARIANCE**

A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship for the property owner.

**222.02 VETERINARIAN OFFICE**

(See “Animal Hospital”)

**SECTION 223 DEFINITIONS (Beginning with letter "W")**

**223.01 WALL**

A boundary enclosure or separating barrier which is usually opaque.

**SECTION 224 DEFINITIONS (Beginning with letter "X")**

**SECTION 225 DEFINITIONS (Beginning with letter "Y")**

**225.01 YARD, FRONT:**

- A. Front Yard** - An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.
- B. Front Yard (least depth)** - The shortest distance, measured horizontally, between any part of the building, and the front lot line.
- C. Front Yard (least depth, how measured)** - Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts; provided, however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on said Thoroughfare Plan.

**225.02 REAR, YARD**

- A. Rear Yard** - An open space extending the full width of the lot between a building and the rear lot line,

unoccupied and unobstructed from the ground upward except as hereinafter specified.

- B. **Rear Yard** - The average distance measured horizontally between any part of a building, other than such parts herein- after accepted in Article 39, and the nearest rear lot line.

**225.03 YARD, SIDE:**

- A. **Side Yard** - An open space extending from the front yard to the rear yard between a building and the nearest side lot line unoccupied and obstructed from the ground upward except as hereinafter accepted, and the nearest side lot line.
- B. **Side Yard (least width)** - The shortest distance, measured horizontally, between any part of a building, other than such parts hereinafter accepted, and the nearest side lot line.
- C. **Side Yard (least width, how measured)** - Such width shall be measured from the nearest side lot line. On a corner lot when the side lot line is a side street lot line, the required side yard shall be the same as the required front yard of the lot adjacent thereto.

**SECTION 226 DEFINITIONS (Beginning with letter "Z")**

**226.01 ZONING CERTIFICATE**

That document signed by the *Development Director* or his authorized agent which certifies that the use to be made of a particular property is a permissible use according to the terms of the Harrison Township Zoning Resolution.

**226.02 ZONING INSPECTOR**

(See "Code Enforcement Officer")

**226.03 ZONING MAP**

The Zoning Map or Maps of Harrison Township or portion thereof together with all amendments thereto subsequently adopted.

## **ARTICLE 3**

### **ENFORCEMENT, INTERPRETATION, PENALTIES & FEES**

#### **SECTION 301 ENFORCEMENT BY THE CODE ENFORCEMENT OFFICER**

There is hereby established the Department of Community and Economic Development. The Community and Economic Development Director shall be the chief Code Enforcement Officer for the Township. It shall be the duty of those appointees to the Community and Economic Development Department, authorized to do so, to enforce this Resolution in accordance with the Ohio Revised Code and the administrative provisions of this Resolution. All departments, officials, and public employees of Harrison Township which are vested with the duty or authority to issue certificate or license shall conform to the provisions of this Resolution and shall issue no certificate or license for any use, construction, building or purpose, if the same is in conflict with the provisions of this Resolution. Any certificate or license issued in conflict with the provisions of this Resolution, shall be null and void.

#### **SECTION 302 INTERPRETATION OF TEXT & MAP BY CODE ENFORCEMENT OFFICER**

The Code Enforcement Officer shall interpret the provision of this Resolution, including text and map. Where the Zoning Inspector is unable make a qualified interpretation of the text and/or map, or the applicant disagrees with the interpretation of the Code Enforcement Officer, an administrative appeal may be made to the Board of Zoning Appeals. In interpreting and applying the provisions of this Resolution, the provisions shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare.

**ZONING CERTIFICATES**

In order to enforce the regulations contained in this Zoning Resolution, the following system of zoning certificates is hereby established:

- A. **Zoning Permit** - Prior to the beginning of any construction, reconstruction, erection, moving, alteration, remodeling or addition to any building or structure, a zoning permit shall be obtained from the zoning enforcement official by the owner or the owner's agent.
  
- B. **Sign Permit** - Prior to the beginning of any construction, reconstruction, erection, moving, alteration or placement of any sign, either permanently or temporarily, a sign permit shall be obtained from the zoning enforcement official by the owner or the owner's agent.
  
- C. **Certificate of Zoning Compliance Permit** - Prior to the use or occupancy of any building or structure intended to be used for office, business/commercial or industrial purposes where new construction or reconstruction has been completed, and prerequisite to the occupancy, use or reuse of any existing building, structure or property for office, business/commercial or industrial purposes, a Certificate of Zoning Compliance permit shall be obtained from the zoning enforcement official by the owner or the owner's agent. The Certificate of Zoning Compliance permit shall state that the completed construction or reoccupation has been inspected by the zoning enforcement officer and has been found to be in conformance with the plans submitted as part of the permit application and all other requirements and regulations contained in this zoning resolution. No Certificate of Zoning Compliance shall be issued prior to compliance with the Harrison Township fire regulations (2005 Ohio Fire Code and Ohio Building Code).
  
- D. **Conditional Use Permit** - Prior to the beginning of any construction, reconstruction, erection, moving, alteration, remodeling, addition or use of any building, structure or land for which a conditional use permit is required, the owner or owner's agent shall make application to the Board of Zoning Appeals requesting



the Board authorize the granting of a conditional use permit. Upon the Board authorizing the granting of a conditional use permit, the owner or owner's agent shall make application for a zoning certificate.

**SECTION 303.01 APPLICATION FORMS** - The Community and Economic Development Director is hereby authorized to develop and amend as needed, a system of application forms necessary to implement the system of zoning certificates contained herein.

**SECTION 303.02 APPLICATION FOR A ZONING CERTIFICATE**

**A. Zoning Permit** - In addition to other information that may be required on the application form, every application for a zoning certificate shall be accompanied by a site plan, filed in triplicate for one and two family residential uses, and quadruplicate for multi-family and non-residential uses, drawn to an appropriate scale, and shall clearly show the following minimum information:

1. The actual dimensions of the lot, including lot measurements.
2. The use, height, location and exact size of all existing and proposed buildings and structures on the lot.
3. The location of entrance to and exits from the property.
4. The location of all off-street parking and loading areas, including the number of parking spaces to be provided and dimension of the parking stall.
5. The location, number and size of all existing and proposed signs on the property.
6. Where required, location and size of storm water detention/retention area.
7. Such other information as may be required by the zoning enforcement official for the proper enforcement of this resolution.

**SECTION 303.03 ISSUANCE OF ZONING CERTIFICATE**

Zoning Certificates shall normally be issued or refusal thereof given within twenty (20) working days after the date of application. Written notice of such refusal and reason thereof shall be given to the applicant.

**SECTION 303.04 PERIOD OF VALIDITY**

A Zoning Certificate shall become null and void six (6) months after the date on which it is issued, unless within such six (6) month period a building permit has been applied for or the use for which the certificate was issued is commenced.

**SECTION 304 VIOLATIONS - REMEDIES**

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Resolution or any amendments or supplements thereto; the Board of Harrison Township Trustees, the Code Enforcement Officer, or Building Inspector, or any adjacent or neighboring property who would be specially damaged by such violation, in addition to other remedies provided by law; may institute injunction, mandamus, abatement, or other appropriate action, proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, enlargement, change, maintenance or use.

**SECTION 305 VIOLATIONS AND PENALTIES**

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use, any building or land in violation of any regulation in, or any provisions of this Resolution or any amendment or supplement thereto adopted by the Harrison Township Board of Trustees, Montgomery County, Ohio under Section 509.02 et seq. of the Ohio Revised Code. Any person firm or corporation, violating any regulation in, or any provision of this Resolution, or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred (\$500) dollars. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues, shall be deemed a separate offense.

**SECTION 306      STOP WORK ORDER**

When the Code Enforcement Official becomes aware of any construction that has commenced for which a zoning permit is required but not issued, in addition to other remedies provided by law, the enforcement official may issue a "Stop Work Order" to bring immediate cessation of all work for which a permit has not been issued.

**SECTION 307      FEES**

Any application under this Resolution for a zoning certificate variance, conditional use permit, sign permit, planned development, amendment or filing of a notice of appeal shall be accompanied by such fee as shall be specified from time to time by resolution of the Harrison Township Board of Trustees. There shall be no fee, however, in the case or application initiated by the Harrison Township Board of Trustees or the Harrison Township Zoning Commission. The fees shall be in addition to any other fees which may be imposed under any applicable Resolutions of Harrison Township.

# ARTICLE 4

## BOARD OF ZONING APPEALS

**SECTION 4001 APPOINTMENT**

**401.01 ESTABLISHMENT**

A Board of Zoning Appeals for Harrison Township is hereby created. Such Board shall consist of five (5) members, to be appointed by the Board of Township Trustees, who shall be residents of the unincorporated territory of Harrison Township, included in this Zoning Plan. The terms of all members shall be of such length and so arranged that the term of one (1) member shall expire each year. Each member shall serve until his successor is appointed and qualified.

**401.02 REMOVAL**

Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other cause by the Board of Township Trustees upon written charges having been filed with the Trustees and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally, or by registered mail, or by leaving the same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term.

**SECTION 402 ORGANIZATION**

The Board of Zoning Appeals shall organize and adopt rules in accordance with the provisions of this Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public.

The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be

immediately filed in the Office of the Board of Township Trustees and shall be a public record. A copy of the decision for each case shall be given to the applicant, and the Harrison Township Zoning Commission.

Three (3) members of the Board shall constitute a quorum. The Board shall act by resolution, and the concurring note of three (3) members of the Board shall be necessary to reverse an order or determination of the Zoning Inspector, or to decide in favor of an applicant in any matter over which the Board has original jurisdiction under this Resolution, or to grant any variance from the requirements stipulated in this Resolution.

**SECTION 403      JURISDICTION**

The Board of Zoning Appeals shall have the following jurisdiction:

**A.      Administrative Appeal**

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Code Enforcement Officer in the enforcement of this Zoning Resolution.

**B.      Variances**

**1.      Variances on Lots**

To authorize upon appeal, in specific cases, such variance from the terms of this Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions of the land, i.e., (an irregular shaped lot having the required area; a lot of exceptional topography; or an exceptionally narrow, shallow or irregular lot, existing and of record at the time of the passage of this Zoning Resolution), a literal enforcement of the provisions of this Zoning Resolution will result in unnecessary hardship. In granting such variance, the Board of Zoning Appeals shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the Zoning District in conformity with this Zoning Resolution.

**2.      Variances on Existing Buildings and Structures**

To grant the projection of a building or structure existing at the time of the adoption of this Resolution into a required yard to secure an addition to the building or structure practicable in its construction and arrangement. Such projection shall not exceed one-third (1/3) of the required depth or width or the required yard. In granting such variance, the Board of Zoning Appeals shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the Zoning District in conformity with this Zoning Resolution.

This section shall not be construed to permit variances which shall in effect amend the Use Provisions in this Zoning Resolution.

**C. Conditional Use**

To grant conditional zoning certificates for the use of land, buildings, or other structures, if such certificate for specific uses are provided for in the Zoning Resolution.

**D. Nonconforming Uses**

Nonconforming uses as provided in Article 36 of this Resolution.

**SECTION 404 PROCEDURE FOR ADMINISTRATIVE APPEAL**

**404.01 AUTHORIZATION**

An appeal from a decision of the Code Enforcement Officer with respect to the interpretation or application of this Resolution, may be taken to the Board of Zoning Appeals by any person aggrieved, or his agent, or by any officer of the Township affected by such decision of the Code Enforcement Officer.

**404.02 NOTICE OF APPEAL**

Appeals to the Board shall be filed within twenty (20) days after the decision of the Code Enforcement Officer by filing a written notice of appeal with the Code Enforcement Officer and with the Board of Zoning Appeals.

The notice of appeal shall specify the grounds for such appeal. Upon receipt of a notice of appeal, the Code Enforcement Officer shall forthwith transmit to the Board all of the papers constituting the record upon which the decision being appealed was based.

**404.03     HEARING ON APPEAL**

The Board shall select a reasonable time and place for the hearing of an appeal, which shall be held not less than fifteen (15) nor more than seventy (70) days after receipt of the application; give at least ten (10) days written notice thereof to the owners of property within three hundred (300) feet of the applicant's property, as they shall appear on the notice of appeal. In addition, public notice of such hearings as to the time, place, date and subject of the hearing, shall be published in a newspaper of general circulation at least ten (10) days prior to the date of the hearing. Any party in interest may appear and be heard at the hearing in person, by agent, or by attorney.

**404.04     DECISION ON APPEALS**

The Board shall have all the powers of the Code Enforcement Officer with respect to such decision. The concurring vote of a majority of the members of the Board shall be necessary to reverse or modify any decision of the Code Enforcement Officer under this Resolution. The Board shall render a written decision on the application without unreasonable delay after the close of a hearing, and in all cases, within thirty (30) days after the close of the hearing. A copy of the decision and finding of fact shall be sent to the applicant, The Board of Trustees and Zoning Commission.

**SECTION   405     PROCEDURE FOR OBTAINING A VARIANCE**

**A.     Nature of Variance**

A variance is permission to deviate in a specific manner from the terms of the Zoning Resolution, where, owing to special conditions the land itself, a literal enforcement of the provisions of this Zoning Resolution will result in unnecessary hardship, and provided that only deviations from development standards shall be permitted.



**405.01     AUTHORIZATION**

The Board of Zoning Appeals may authorize variances from the terms of this Resolution as stated in Section 403, B, when the Board has made findings of fact, based upon the standards set out in Section 405.05 of this Resolution.

**405.02     APPLICATION FOR VARIANCE**

An application for a variance, together with an application for a zoning certificate shall be filed with the Code Enforcement Officer, who shall forward without delay a copy of each to the Secretary of the Board. The application shall contain the following:

**A.     Description of Property and Nature of Variance**

1. The nature of the variance i.e., including the specific provisions of the Zoning Resolution from which the variance is requested.
2. A description sufficient to identify the property, including a reference of the volume and page of the last recorded deed.
3. A statement of the special circumstances or conditions applying to the land or structure and not applying generally throughout the Zoning District.
4. A statement showing that the special conditions and circumstances do not result from the actions of the applicant.
5. A statement showing that the granting of the application is necessary to the preservation and enjoyment of substantial property rights.
6. Such other information regarding the appeal as may be pertinent or required for appropriate action by the Board of Zoning Appeals.

**B.     Plot Plan**

The application shall be accompanied by six (6) copies of a plot plan drawn to an appropriate scale showing the following:

1. The boundaries and dimensions of the lot.
2. The size and location of existing and proposed structures.
3. The proposed use of all parts of the lot and structures, including access ways, walks, off street parking and loading spaces and landscaping.
4. The relationship of the requested variance to the standards set by the Zoning Resolution.
5. The use of land and location of structure on adjacent property.

**405.03 INFORMATION FOR ZONING COMMISSION**

The Code Enforcement Officer shall file one copy of the application and plot plan with the Montgomery County Planning Commission within three (3) days after the filing of such application by the applicant, for informational purposes.

**405.04 HEARING ON VARIANCE**

A hearing on the application shall be held by the Board and notice thereof given, as specified under Section 404.03 of this Resolution.

**405.05 STANDARDS FOR VARIANCES**

The Board shall not grant a variance unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, that support conclusions that:

- A. The variance requested arises from special conditions of, or involving the property which are unique, that is, a situation which is not ordinarily found in the same zoning district and that the situation results from the enforcement of this Resolution and not by an action or actions of the property owner, the applicant, or any other person or party who has had control of the property.

- B. The strict application of the provisions of this Resolution from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
- C. The variance desired will not adversely affect the public health, safety and morals.
- D. The variance desired will not compromise the general spirit and intent of this Resolution.

**405.06 CONDITIONS AND RESTRICTIONS**

In granting a variance, the Board may impose such conditions, safeguards and restrictions upon the premise benefited by the variance as may be necessary to comply with the standards set out in Section 405.05 of this Resolution to reduce or minimize potentially injurious affects of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this Resolution.

**405.07 DECISION ON VARIANCE**

The Board shall have all the powers of the Code Enforcement Officer with respect to such decision. The concurring vote of a majority of the members of the Board shall be necessary to reverse or modify any decision of the Code Enforcement Officer under this Resolution. The Board shall render a written decision on the application without unreasonable delay after the close of a hearing, and in all cases, within thirty (30) days after the close of the hearing. A copy of the decision and findings of fact shall be sent to the applicant, the Board of Trustees and the Zoning Commission.

**405.08 PERIOD OF VALIDITY**

A variance granted by the Board shall terminate at the end of six (6) months from the date on which the Board grants the variance, unless within such six (6) months period, a zoning certificate is obtained.

**SECTION 406 PROCEDURE FOR OBTAINING A CONDITIONAL USE CERTIFICATE**

**406.01     AUTHORIZATION**

Specifically listed Conditional Uses are provided within the Zoning District regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Permitted Uses of such Zoning District.

The intent of the procedure for authorizing a Conditional Use is to set forth the development standards and criteria for locating and developing a Conditional Use in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

**406.02     APPLICATION FOR CONDITIONAL USE**

Any person owning or having an interest in property may file an application to use such property for one or more of the Conditional Uses provided for by this Resolution in the Zoning District in which the property is situated. An application for a Conditional Use Certificate shall be filed in duplicate with the Code Enforcement Officer who shall forward without delay a copy to the Secretary of the Board.

The application for a Conditional Use shall contain the following:

**A.     Description of Property and Intended Use**

1. A description sufficient to identify the property including a reference of the volume and page of the last recorded deed.
2. The proposed use of the property.
3. A statement of the necessity or desirability of the proposed use to the neighborhood. or community.
4. A statement of the compatibility of the proposed use of adjacent property and land use.
5. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the Board of Zoning Appeals.

**B. Plot Plan**

The application shall be accompanied by (6) copies of the plot plan, drawn to an appropriate scale, clearly showing the following:

1. The boundaries and dimensions of the lot.
2. The size and location of existing and proposed structures.
3. The proposed use of all parts of the lot and structures, including access ways, walks, off street parking, loading spaces, and landscaping.
4. The relationship of the proposed development to the development standards in the existing Zoning District.
5. The use of land and location of structures on adjacent property.

**406.03 INFORMATION FOR TOWNSHIP ZONING COMMISSION**

The Code Enforcement Officer shall file one copy of the application and plot plan with the Harrison Township Zoning Commission within three (3) days after the filing of such application by the applicant, for informational purpose.

**406.04 HEARING ON CONDITIONAL USE**

A hearing on the application shall be held by the Board and notice thereof given, as specified under Section 404.03 of this Resolution.

**406.05 STANDARDS FOR CONDITIONAL USE**

The Board shall not grant a Conditional Use unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, that support conclusion that:

- A. The proposed Conditional Use will comply with all applicable regulations of this Resolution, including lot

size requirements, development standards and use limitations.

- B. Adequate utility, drainage and other such necessary facilities have been or will be provided.
- C. Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys.
- D. All necessary permits and license for the use and operation of the Conditional Use have been obtained, or evidence has been submitted that such permits are obtainable for the proposed Conditional Use on the subject property.
- E. All exterior lights for artificial open-air illumination are so shaded as to avoid casting direct light upon any property located in a Residential District.
- F. The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- G. The location, nature, and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings and structures.
- H. The Conditional Use desired will not adversely affect the public health, safety and morals.
- I. **Places of Worship:**
  - 1. The site contains a minimum one (1) acre of land area and has a minimum of one hundred and fifty (150) feet of lot frontage.
  - 2. Minimum setbacks are:

Front - twenty-five (25) feet  
Side - forty (40) feet  
Rear - forty (40) feet

3. Site is located along a thoroughfare having an existing right-of-way of seventy (70) feet or greater. The Board may waive the seventy (70) foot right-of-way requirement, if a specific finding is made that the existing thoroughfare is adequate to handle the additional traffic generated and/or the site is located so as not to cause increased traffic congestion on residential streets.
4. There are a maximum of two (2) curb cuts onto the major thoroughfare.
5. Screening between off-street parking areas and adjacent residential uses are in accordance with Section 4301.02.

**J. Rooming House:**

1. All rental units shall have a minimum of four hundred (400) square feet of living area per unit.
2. Submission of a floor plan of the proposed rooming house.
3. Evidence of a license or ability to obtain a license from the Montgomery County Combined Health District for the operation of a rooming house.
4. There is adequate off street parking area to accommodate the number of rooms being proposed.
5. All rental units are located within the principal structure.

**K. CEMETERIES:**

**1. AREA REQUIREMENTS -**

**Requirement for the expansion of existing cemeteries.**

NEW CEMETERIES SHALL BE A MINIMUM OF 20 ACRES. THERE SHALL BE NO MINIMUM AREA REQUIERMENT FOR THE EXPANSION OF EXISTING CEMETERIES.

2. **SETBACK REQUIREMENTS** - THERE SHALL BE A MINIMUM SETBACK OF TWO HUNDRED (200) FEET FROM ANY BURIAL SITE (INCLUDING MAUSOLEUMS) TO ANY EXISTING RIGH-OF-WAY LINE, AND ONE HUNDRED (100) FEET TO ANY ADJACENT PROPERTY LINE.

**406.06 CONDITIONS AND RESTRICTIONS**

In granting a Conditional Use Certificate, the Board may impose such conditions, safeguards and restrictions upon the premises benefited by the Conditional Use as may be necessary to comply with the standards set out in Section 406.05 to reduce or minimize potentially injurious effects of such Conditional Uses upon other property in the neighborhood, and to carry out the general purpose and intent of this Resolution.

**406.07 PERIOD OF VALIDITY**

A Conditional Use Certificate granted by the Board shall terminate at the end of one (1) year from the date on which the Board grants the Conditional Use, unless within the one (1) year period a building permit is obtained and the erection or alteration of a structure is started.

The Conditional Use Certificate will suffice as the Zoning Certificate required by Article 3, Section 302 of this Resolution.

**SECTION 407 REVOCAION OF CONDITIONAL USE PERMIT**

In addition to other remedies contained in this resolution to abate a zoning violation, the Board of Zoning Appeals may revoke a conditional use permit for failure to comply with the conditions upon which the conditional use permit was issued, or for operating in violation of or contrary to any of the provisions of this resolution.

**407.01 DETERMINATION BY CODE ENFORCEMENT OFFICER**

Upon the township's own initiation or after receipt of a complaint that a conditional use is being operated in violation of any provision of this zoning resolution or contrary to any condition upon which the conditional use permit was granted, the enforcement official shall conduct an investigation into the



alleged violation. Upon the Code Enforcement Officer making a determination that the conditional use is being operated in violation of any provision of this zoning resolution or any of the conditions upon which the conditional use permit was granted, the enforcement official, in addition to other remedies contained in this resolution, may initiate the process contained herein to revoke the conditional use permit.

407.02 **PROCESS FOR REVOCATION OF CONDITIONAL USE PERMIT**

When the Code Enforcement Officer has determined that the conditions upon which a conditional use permit was granted have not been complied with, or the conditional use has been or is being operated in violation of or contrary to any provision of this resolution, the Code Enforcement Officer shall serve a notice of violation upon the holder of the conditional use permit. The notice of violation shall state the specific nature of the violation; corrective action needed to be taken to abate the violation; specific time period for abatement of the violation; and a statement that failure to comply with the notice of violation may be cause for revocation of the conditional use permit.

407.03 **SERVICE**

Service of the notice of violation may be made in any one of the following ways:

A. **Certified Mail**

The notice of violation may be sent by certified mail. The violation notice shall be addressed to the holder of the conditional use permit as it appears on the conditional use permit application form or the latest subsequent occupancy permit and be mailed to the permit holder's address appearing thereon. In addition, a copy of the notice shall be sent by regular mail, addressed as it appears on the tax duplicate in the office of the Montgomery County Auditor for the property on which the conditional use is located.

B. **Personal Service**

The notice of violation may be personally served on the holder of the conditional use permit by any Code

Enforcement Officer or agent of the township. The notice of violation shall be delivered to the address for which the conditional use permit was issued. It shall be sufficient to serve any person at the address for which the permit was issued. In addition, a copy of the notice shall be sent by regular mail, addressed as it appears on the tax duplicate in the office of the Montgomery County Auditor for the property on which the conditional use is located.

**C. Posting**

If the certified mailing is returned unclaimed or personal service cannot be made, it shall be sufficient to post the notice of violation in a conspicuous place on the property for which the notice has been addressed. In addition, a copy of the notice shall be sent by regular mail, addressed as it appears on the tax duplicate in the office of the Montgomery County Auditor for the property on which the conditional use is located.

**407.04 SETTING OF THE PUBLIC HEARING BY THE BOARD OF ZONING APPEALS**

Upon failure of the holder of the conditional use permit to comply with the Notice of Violation within the time period stipulated thereon and upon request by the Community and Economic Development Director to do so, within thirty (30) days of such request the Board shall set a time and place for a public hearing on the alleged violation. The public hearing shall not be held in less than twenty (20) days nor more than sixty (60) days from the date of the setting of the public hearing. A public notice of such hearing as to the time, place and subject of the hearing, shall be published in a newspaper of general circulation at least ten (10) days prior to the date of the public hearing.

**407.05 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS**

At the public hearing, the holder of the conditional use permit may appear in person, by a representative or may state their position in writing. The permit holder or representative may present evidence and examine witnesses.

**407.06**     **STANDARDS FOR REVOKING A CONDITIONAL USE PERMIT**

Prior to the Board revoking any conditional use permit, in each specific case, the Board shall make the following findings:

- A.     The Board of Zoning Appeals authorized the granting of a conditional use permit to operate the use as described in the Notice of Violation.
- B.     The holder of the conditional use permit was served with a Notice of Violation as provided for in Section 407.03.
- C.     The Notice of Violation that was served upon the holder of the conditional use permit stated the specific nature of the violation; corrective action needed to be taken to abate the violation; specific time period for abatement of the violation; and a statement that failure to comply with the Notice of Violation may be cause for revocation of the conditional use permit.
- D.     Within the time period stipulated in the Notice of Violation, the holder of the conditional use permit failed to comply with the Notice of Violation by not abating the violation, and/or by not bringing the use into compliance with the conditions upon which the conditional use permit was issued.
- E.     An administrative appeal was not filed with the Board of Zoning Appeals as provided for in this resolution, alleging an error in any order, requirement, decision or determination made by the Code Enforcement Officer relative to this case.
- F.     Upon expiration of the date indicated for compliance in the Notice of Violation, the use was being operated in violation of specific provisions of the Zoning Resolution and/or conditions imposed by the Board as a prerequisite to authorizing the granting of the conditional use permit.

**407.07**     **AUTHORITY OF THE BOARD**

The concurring vote of a majority of the Board of Zoning Appeals members present at the public hearing shall be

necessary to render a decision. The Board shall have the power to reverse or affirm, wholly or partly, or may modify orders contained in the Notice of Violation. Upon affirming, wholly or partly the Notice of Violation, the Board shall have the power to revoke the conditional use permit. The Board shall not have the power to delete, change or modify the conditions upon which the conditional use permit was issued, unless the procedure contained in this resolution for the granting of a conditional use permit are complied with.

**407.08 DECISION BY THE BOARD**

The Board shall render its decision in writing within thirty (30) days of the close of the public hearing. The holder of the conditional use permit shall be notified of the Board's decision in the same manner the Notice of Violation was served upon the holder of the conditional use permit, and a written copy of the decision shall be sent by regular mail to the addressee as it appears on the tax duplicate in the office of the Montgomery County Auditor for the property on which the conditional use is located.

# ARTICLE 5

## ZONING DISTRICTS AND BOUNDARIES

**SECTION 501      DISTRICTS**

The unincorporated territory of Harrison Township, zoned under Section 519.02 et seq., of the Revised Code of the State of Ohio, shall be and is hereby divided into the following districts:

- "A"      Agricultural Residential District
- "R-1"      Single Family Residential District
- "R-2"      Single Family Residential District
- "R-3"      Single Family Residential District
- "R-4"      Single Family Residential District
- "R-5"      Two Family Residential District
- "R-6"      Multiple Family Residential District
- "R-7"      Multiple family Residential District
- "R-8"      Mobile Home Residential District
- "OR-1"      Office Residential District
- "O-2"      Office District
- "B-1"      Neighborhood Business District
- "B-2"      Business District
- "B-3"      Business District
- "B-4"      Business District
- "I-1"      Light Industrial District
- "I-2"      General Industrial District
- "I-3"      Heavy Industrial District

- "F" Flood Plain District
- "WP" Wellfield Protection Overlay District
- "OSI-1" Office/Service Industrial District
- "OSI-2" Office/Service Industrial District
- "P.U.D." Planned Unit Development District
- "C/S-1" Commercial/Service District –1
- "C/S-2" Commercial/Service District -2

**SECTION 502 BOUNDARIES**

**502.01 INCORPORATION**

The boundaries of these districts are hereby established as shown on the Zoning Maps of the unincorporated areas of Harrison Township in Montgomery County, Ohio, which maps are hereby made a part of this Resolution. The said "Zoning Map" and all notations and references and other matters shown thereon, shall be and are hereby made part of this Resolution. Said "Zoning Map" properly attested, shall be and remain of file in the Office of the Harrison Township Community and Economic Development Director, The Board of Harrison Township Trustees, and the Harrison Township Zoning Commission of Montgomery County, Ohio.

**502.02 AREAS SHOWN ON MAP**

It is the intent of this Zoning Resolution that the entire area under the jurisdiction of Harrison Township Zoning, including all land, water areas, rivers, streets, alleys, railroad and other rights-of-way be included in the districts established by this Resolution. Any area not shown on the Official Zoning Map of the Township as being included in any district shall be deemed to be in the "R-1", Single Family Residential District.

**502.03 RULES OF INTERPRETATION**

In the event uncertainty exists with respect to the intended boundaries of the various districts as shown of the Official Zoning Map, the following rules shall apply:

- A. Where the designation of a boundary line on the Zoning Maps coincides with the location of a street or alley, the centerline of such street or alley shall be construed to be the boundary of such district.
- B. Where the district boundaries do not coincide with the location of streets, alleys, but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.
- C. Where the district boundaries do not coincide with the location of streets, alley or lot lines, the district boundaries shall be determined by the use of the scale shown on the Zoning Maps.
- D. All street, alleys, public ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, public ways, waterways and railroad rights-of-way.
- E. Where the centerline of a street, alley, public way, waterway or railroad right-of-way, serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to the centerline.

# ARTICLE 6

## DISTRICT CHANGES AND RESOLUTION AMENDMENTS

**SECTION 601      TOWNSHIP ZONING COMMISSION**

**601.01      ORGANIZATION**

The Board of Township Trustees of Harrison Township proceeding under Section 519.01 to 519.99 inclusive, of the Ohio Revised Code, shall create and establish a Township Zoning Commission. The Commission shall be composed of five (5) member who reside in the unincorporated area of the Township, included within this Zoning Plan, to be appointed by the Board of Township Trustees and the terms of the members shall be of such length and so arranged that the term of one member will expire each year.

**601.02      REMOVAL**

Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission shall be removable in accordance with Section 519.04 Ohio Revised Code (see Section 401 of this Resolution).

**SECTION 602      GENERAL**

Amendments or supplements to the Zoning Resolution shall be effected as provided by Section 519.02 et seq., of the Revised Code of the State of Ohio.

**SECTION 603      PROCEDURE FOR CHANGE**

Applications for amendments to the Zoning Plan shall be filed in accordance with filing procedures adopted by the Harrison Township Zoning Commission.

**603.01      WRITTEN APPLICATION**

*Six (6)* copies of a provided application form shall be filed with the Harrison Township Zoning Commission at their public office.



A. Description of change

The application shall include the following statements:

1. A description or statement of the present and proposed provisions of this Zoning Resolution or the proposed change of the district boundaries of the Zoning District Map.
2. A description sufficient to identify the property including a reference of the volume and page of the last recorded deed.
3. The proposed use of the property.
4. A statement of the necessity or desirability of the proposed use to the neighborhood or community.
5. A statement of the relationship of proposed use to adjacent property and land use.
6. A list of owners of property within three hundred (300) feet from such area to be rezoned. Such list to be in accordance with the Montgomery County Auditor's current tax list.
7. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application by the Harrison Township Zoning Commission.

B. Plot Plan

The application shall be accompanied by six (6) copies of a plot plan, prepared by a registered Engineer, Architect or Surveyor of the State of Ohio, drawn to an appropriate scale, clearly showing the following:

1. The boundaries and dimensions of the lot.
2. The approximate size and location of existing and proposed structures on the land to be rezoned if desired by applicant.
3. The proposed use of all parts of the lot and structures, including access ways, walks, off street

parking and loading spaces, and landscaping if desired by applicant.

# **ARTICLE 7**

## **VALIDITY AND REPEAL**

### **SECTION 701 VALIDITY**

If any article, section, subsection, paragraph, sentence or phrase of the Resolution is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution.

### **SECTION 702 REPEAL**

The Resolution may be made inapplicable as to the Township in accordance with Section 519.12 of the Ohio Revised Code.

# ARTICLE 8

## "A" AGRICULTURAL RESIDENTIAL DISTRICT

### PREAMBLE

This district has been established to provide for agricultural activity on large tracts and areas of open land with a minimum of twenty thousand (20,000) square feet of lot area per lot.

### **SECTION 801      PRINCIPAL PERMITTED USES**

- A.      Agriculture and the usual agricultural building and structures, provided that any building in which animals are housed shall be a distance of at least three hundred (300) feet from any dwelling, other than a farm dwelling, or from any lot in a Residential, Office or Business District.
- B.      Modular home/industrialized unit
- C.      Single family dwellings.
- D.      Schools and colleges for academic instruction.
- E.      Publicly owned and operated buildings and facilities.
- F.      Public parks, playgrounds and community centers.
- G.      Adult Family Home (In accordance with Article 51)
- H.      Residential Facility (In accordance with Article 51)

### **SECTION 802      ACCESSORY USES**

- A.      Living quarters of person employed on the premises and not rented or otherwise used as a separate dwelling.
- B.      A private garage, parking space or stable.
- C.      Roadside stands, offering for sale only agricultural products grown on the premises.
- D.      The keeping of animals and/or fowl as pets or for domestic use.
- E.      Home Occupation as defined in Article 2, Section 208.01.
- F.      Other accessory uses permitted for this District by Article 38.

### **SECTION 803      CONDITIONAL USE**

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

- A.      Airports

- B. Cemeteries
- C. Kennels and animal hospitals for the raising, breeding, treatment, and boarding of dogs, or other small animals, provided that all outside runs be at least two hundred (200) feet from all property lines.
- D. Riding academies; provided that such building or stable shall be distant two hundred (200) feet from any lot in any Residential District.
- E. Golf courses, swimming pools, tennis courts, gun clubs and similar recreational uses and accessory uses, but not including driving ranges, miniature golf courses and pitch and putt courses, subject to the requirements of Article 46.
- F. Radio, television, or other transmission towers or masts, and the usual accessory buildings, only after their height and location have been approved by the governmental agency charged with the responsibility for maintaining air safety and provided there is a yard area with a radius of half the height of the tower of mast.
- G. Extraction of sand, gravel and other minerals, to the provisions of Chapter IX, Article 45.
- H. Camp grounds including office, public facilities building which may include retail and service uses supplying the needs of the transient guest and accessory uses, provided sanitary facilities have been approved by the State and/or local Board of Health.
- I. Rodeos and accessory uses including retail and service uses, provided such retail and service uses are accessory to the principal use.
- J. Montessori Schools
- K. Places of Worship

**SECTION 804 DEVELOPMENT STANDARDS**

In addition to the provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and building are required in the "A" Agricultural Residential District.

**804.01 HEIGHT REGULATIONS**

No structure shall exceed forty (40) feet in height.

**804.02    LOT AREA, FRONTAGE AND YARD REQUIREMENTS**

The following minimum requirements shall be observed:

<b>Lot Area</b>	<b>Lot Frontage</b>	<b>Front Yard Depth*</b>	<b><u>Side Yards:</u> Least/Total</b>	<b>Rear Yard Depth</b>
20,000 sq. ft.	125 ft,	40 ft,	18 ft,	50 ft

\*The front yard depth shall be measured from the established right-of-way lines as shown on the **Official Thoroughfare Plan for Montgomery County**.

# ARTICLE 9

## "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT

### PREAMBLE

This district has been established to provide for single family dwellings on large tracts and areas of open land with a minimum of twenty thousand (20,000) square feet per lot.

### **SECTION 901      PRINCIPAL PERMITTED USES**

- B.      Modular home/industrialized unit
- C.      Single Family Dwellings
- D.      Schools and Colleges for Academic Instruction
- E.      Publicly Owned and Operated Buildings and Facilities
- F.      Public Parks, Playgrounds, and Community Centers
- G.      Residential Facility (In accordance with Article 51)
- H.      Adult Family Home (In accordance with Article 51)

### **SECTION 902      ACCESSORY USES**

- A.      Accessory uses, building or other structures customarily incidental to any aforesaid permitted use, including private garages and stables; provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity. Stables shall be a distance of two hundred (200) feet from any lot in a Residential District.
- B.      Home Occupation as defined in Article 2, Section 208.01.
- C.      Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- D.      Other accessory uses permitted for this District by Article 38.

### **SECTION 903      CONDITIONAL USE**

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

- A.      Private noncommercial golf courses (not including driving ranges, miniature golf courses, and pitch and putt courses), swimming pools and tennis courts, and

accessory uses, subject to the requirements of Article 46.

B. Montessori Schools

C. Cemeteries

D. Places of Worship

**904        DEVELOPMENT STANDARDS**

In addition to the provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and building are required in the "R-1" Single Family Residential District.

**904.01    HEIGHT REGULATIONS**

No structure shall exceed forty (40) feet in height.

**904.02    LOT AREA, FRONTAGE AND YARD REQUIREMENTS**

The following minimum requirements shall be observed.

<b>Lot Area</b>	<b>Lot Frontage</b>	<b>Front Yard Depth*</b>	<b><u>Side Yards:</u> Least/Total</b>	<b>Rear Yard Depth</b>
20,000 sq. ft.	100 ft.	40 ft.	18 ft.	50 ft.

\*The front yard depth shall be measured from the established right-of-way lines as shown on the **Official Thoroughfare Plan for Montgomery County**.



# ARTICLE 10

## "R-2" SINGLE FAMILY RESIDENTIAL DISTRICT

### PREAMBLE:

This district has been established to provide for single family dwellings with a minimum of fifteen thousand (15,000) square feet per lot.

### **SECTION 1001      PRINCIPAL PERMITTED USES**

- B.      Modular home/industrialized unit
- C.      Single family dwellings.
- D.      Schools and colleges for academic instruction.
- E.      Publicly owned and operated buildings and facilities.
- F.      Public parks, playgrounds, and community centers.
- G.      Residential Facility (In accordance with Article 51)
- H.      Adult Family Home (In accordance with Article 51)

### **SECTION 1002      ACCESSORY USES**

- A.      Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity.
- B.      Home Occupation as defined in Article 2, Section 208.01.
- C.      Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- D.      Other accessory uses permitted for this District by Article 38.

### **SECTION 1003      CONDITIONAL USE**

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

- A.      Private noncommercial golf courses (not including driving ranges, miniature golf courses, and pitch and putt courses), swimming pools and tennis courts, and accessory uses, subject to the requirements of Article 46.
- B.      Montessori Schools
- C.      Cemeteries

D. Places of Worship

**SECTION 1004 DEVELOPMENT STANDARDS**

In addition to the provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and building are required in the "R-2" Single Family Residential District.

**1004.01 HEIGHT REGULATIONS**

No structure shall exceed forty (40) feet in height.

**1004.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS**

The following minimum requirements shall be observed.

<b>Lot Area</b>	<b>Lot Frontage</b>	<b>Front Yard Depth*</b>	<b>Side Yards: Least/Total</b>	<b>Rear Yard Depth</b>
15,000 sq. ft.	90 ft.	35 ft.	13 ft.	40 ft.

\* The front yard depth shall be measured from the established right-of-way lines as shown on the **Official Thoroughfare Plan for Montgomery County**.

# ARTICLE 11

## "R-3" SINGLE FAMILY RESIDENTIAL DISTRICT

### PREAMBLE

This district has been established to provide for single family dwellings with a minimum of ten thousand (10,000) square feet per lot.

### **SECTION 1101      PRINCIPAL PERMITTED USES**

- A..    Modular home/industrialized unit
- B      Single family dwellings.
- C      Schools and colleges for academic instruction.
- D      Publicly owned and operated buildings and facilities.
- E      Public parks, playgrounds, and community center.
- F.     Adult Family Home (In accordance with Article 51)
- G.     Residential Facility (In accordance with Article 51)

### **SECTION 1102      ACCESSORY USES**

- A.     Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity.
- B.     Home Occupation as defined in Article 2, Section 208.01.
- C.     Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- D.     Other accessory uses permitted for this District by Article 38.

### **SECTION 1103      CONDITIONAL USE**

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

- A.     Private noncommercial golf courses (not including driving ranges, miniature golf courses, and pitch and putt courses), swimming pools and tennis courts, and accessory uses, subject to the requirements of Article 46.
- B.     Montessori Schools
- C.     Cemeteries

D. Places of Worship

**SECTION 1104 DEVELOPMENT STANDARDS**

In addition to the provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and building are required in the "R-3" Single Family Residential District.

**1104.01 HEIGHT REGULATIONS**

No structure shall exceed forty (40) feet in height.

**1104.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS**

The following minimum requirements shall be observed.

<b>Lot Area</b>	<b>Lot Frontage</b>	<b>Front Yard Depth*</b>	<b>Side Yards: Least/Total</b>	<b>Rear Yard Depth</b>
10,000 sq. ft.	80 ft.	25 ft.	8 ft ./ 20 ft.	40 ft.

\*The front yard depth shall be measured from the established right-of-way lines as shown on the **Official Thoroughfare Plan for Montgomery County**.

# ARTICLE 12

## "R-4" SINGLE FAMILY RESIDENTIAL DISTRICT

### PREAMBLE

This district has been established to provide for single family dwellings with a minimum of seventy-five hundred (7,500) square feet per lot.

### **SECTION 1201      PRINCIPAL PERMITTED USES**

- A.      Modular home/industrialized unit
- B.      Single family dwellings.
- C.      Schools and colleges for academic instruction.
- D.      Publicly owned and operated buildings and facilities.
- E.      Public parks, playgrounds, and community center.
- F.      Adult Family Home (In accordance with Article 51)
- E.      Residential Facility (In accordance with Article 51)

### **SECTION 1202      ACCESSORY USES**

- A.      Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages, provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity.
- B.      Home Occupation as defined in Article 2, Section 208.01.
- C.      Temporary buildings for the uses incidental to construction work, which buildings shall be removed upon the completion or abandonment or the construction work.
- D.      Other accessory uses permitted for this District by Article 38.

### **SECTION 1203      CONDITIONAL USE**

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

- A.      Private noncommercial golf courses (not including driving ranges, miniature golf courses, and pitch and putt courses), swimming pools and tennis courts, and accessory uses, subject to the requirement of Article 46.
- B.      Montessori Schools

- C. Cemeteries
- D. Places of Worship

**SECTION 1204 DEVELOPMENT STANDARDS**

In addition to provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and building are required in the "R-4" Single Family Residential District.

**1204.01 HEIGHT REGULATIONS**

No Structure shall exceed forty (40) feet in height.

**1204.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS**

The following minimum requirements shall be observed

<b>Lot Area</b>	<b>Lot Frontage</b>	<b>Front Yard Depth*</b>	<b><u>Side Yards</u> Least/Total</b>	<b>Rear Yard Depth</b>
7,500 sq. ft. .	60 ft.	25 ft.	8 ft / 20 ft.	40 ft.

\* The front yard depth shall be measured from the established right-of-way lines as shown on the **Official Thoroughfare Plan for Montgomery County**.

# ARTICLES 13

## "R-5" TWO FAMILY RESIDENTIAL DISTRICT

### PREAMBLE

This district has been established to provide for two family dwelling units with a minimum of five thousand (5,000) square feet per lot unit for two family dwellings.

### **SECTION 1301      PRINCIPAL PERMITTED USES**

- A.      Modular home/industrialized unit
- B.      Single family dwellings as governed by Section 1204.
- C.      Two family dwellings.
- D.      Conversions of single family dwelling into two family dwelling, provided these conform with the development standards prescribed for such two family dwellings in this Article and with all other applicable requirements under this Zoning Resolution.
- E.      Schools and colleges for academic instruction.
- F.      Publicly owned and operated buildings and facilities.
- G.      Public parks, playgrounds, and community centers.
- H.      Adult Family Home (in accordance with Article 51)
- I.      Residential Facility (in accordance with Article 51)

### **SECTION 1302      ACCESSORY USES**

- A.      Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages, provided that such accessory uses shall no involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity.
- B.      Home Occupation as defined in Article 2, Section 208.01.
- C.      Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

### **SECTION 1303      CONDITIONAL USE**

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

- A. Private noncommercial golf courses (not including driving ranges, miniature golf courses, and pitch and putt courses), swimming pools and tennis court, and accessory uses, subject to the requirements of Article 46.
- B. Montessori Schools
- C. Cemeteries
- D. Places of Worship
- E. Storage of Trucks, equipment and material, subject of the following conditions, and Article 4, Section 406:
  - 1. Such facilities may only be situated upon lots located no farther than 750 feet distant from I-1 or I-2 Industrial Districts.
  - 2. Trucks shall be limited to not more than four. Trucks shall be limited to those not exceeding two axles each. Five thousand (5,000) sq. ft. of lot space shall be required for each trucks parked on site.
  - 3. All storage of trucks, equipment and materials shall adhere to required front and side yard provisions of the R-4 District.
  - 4. Material storage shall not exceed 25% of the unencumbered rear yard area. All material, with the exception of firewood, shall be store within an enclosed structure. All such structures shall abide by the provisions of Section 3804 of the Zoning Regulation.
  - 5. Design and construction of off street parking facilities for trucks and equipment shall abide by the provisions of Section 4304.02 of the Zoning Resolution.
  - 6. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 44.

**SECTION 1304 DEVELOPMENT STANDARDS**

In addition to the provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and building are required in the "R-5" Two Family Residential District.

**1304.01 HEIGHT REGULATIONS**



No structure shall exceed forty (40) feet in height.

**1304.02      LOT AREA, FRONTAGE AND YARD REQUIREMENTS**

The following minimum requirements shall be observed.

	<b>Lot Area</b>	<b>Lot Frontage</b>	<b>Lot Area Per</b>	<b>Front Yard Depth*</b>	<b>Side Yards Least / Total</b>	<b>Rear Yard Depth</b>
Two Family Dwelling	8,000 Sq. Ft.	70 ft.	4,000 Sq. Ft.	30 ft.	8 ft. / 20 ft.	40 ft.
Other Permitted Uses	10,000 sq. ft.	80 ft.		25 ft.	8 ft. / 20 ft.	40 ft.

\*The front yard depth shall be measured from the established right-of-way lines as shown on the **Official Thoroughfare Plan for Montgomery County**.

# ARTICLE 14

## "R-6" MULTIPLE FAMILY RESIDENTIAL DISTRICT

### PREAMBLE

This district has been established to provide for multiple family dwelling units with a minimum of three thousand (3,000) square feet per lot unit.

### **SECTION 1401**      PRINCIPAL PERMITTED USES

- A.      Modular home/industrialized unit
- B.      Single family dwellings as governed by Section 1204.
- C.      Two family dwellings as governed by Section 1304.
- D.      Multiple family dwellings.
- E.      Conversions of single family or two family dwellings into multiple family dwellings, provided these conform with the development standards prescribed for such multiple family dwellings in this Article and with all other applicable requirements under this Zoning Resolution.
- F.      Schools and colleges for academic instruction.
- G.      Publicly owned and operated buildings and facilities.
- H.      Public parks, playgrounds, and community center.
- I.      Adult Family Home (in accordance with Article 51)
- J.      Residential Facility (in accordance with Article 51)

### **SECTION 1402**      ACCESSORY USES

- A.      Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry or any private way or walk giving access to such activity.
- B.      Home Occupation as defined in Article 2, Section 208.01.
- C.      Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

### **SECTION 1403**      CONDITIONAL USE

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

- A. Private noncommercial golf courses (not including driving ranges, miniature golf courses, and pitch and putt courses), swimming pools and tennis courts, and accessory uses, subject to the requirements of Article 46.
- B. Montessori Schools
- C. Cemeteries
- D. Places of Worship

**SECTION 1404 DEVELOPMENT STANDARDS**

In addition to the provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and building are required in the "R-6" Multiple Family Residential District.

**1404.01 HEIGHT REGULATIONS**

No structure shall exceed forty (40) feet in height.

**404.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS**

The following minimum requirements shall be observed.

	<b>Lot Area</b>	<b>Lot Frontage</b>	<b>Lot Area Per Family</b>	<b>Front Yard Depth*</b>	<b><u>Side Yards</u> Least / Total</b>	<b>Rear Yard Depth</b>
Multi-Family	12,000 Sq. Ft.	90 ft.	3,000 Sq. Ft.	30 ft.	10 ft. / 20 ft.	40 ft.
Other	10,000 Sq. Ft.	80 ft.		25 ft.	8 ft. / 20 ft.	40 ft.

**1403.03 MAXIMUM LOT COVERAGE**

Forty (40) percent of lot area.

\*The front yard depth shall be measured from the established right-of-way lines as shown on the **Official Thoroughfare Plan for Montgomery County**.

# ARTICLE 15

## "R-7" MULTIPLE FAMILY RESIDENTIAL DISTRICT

### PREAMBLE

This district has been established to provide for multiple family dwelling unit.

### **SECTION 1501      PRINCIPAL PERMITTED USES**

- A.      Modular home/industrialized unit.
- B.      Multiple family dwellings.
- C.      Schools and colleges for academic instruction.
- D.      Publicly owned and operated buildings and facilities.
- E.      Public parks, playgrounds, and community centers.
- F.      Adult Family Home (in accordance with Article 51)
- G.      Residential Facility (in accordance with Article 51)

### **SECTION 1502      ACCESSORY USES**

- A.      Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry or any private way or walk giving access to such activity.
- B.      Home Occupation as defined in Article 2, Section 208.01.
- C.      Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

### **SECTION 1503      CONDITIONAL USE**

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

- A.      Private noncommercial golf courses (no including driving ranges, miniature golf courses, and pitch and putt courses), swimming pools and tennis courts, and accessory uses, subject to the requirements of Articles 46.
- B.      Montessori Schools
- C.      Cemeteries
- D.      Places of Worship

- E. Adult Group Home/Adult Care Facility (in accordance with Article 51)

**SECTION 1504 DEVELOPMENT STANDARDS**

In addition to the provisions of Chapter VIII and IX, General Regulation and Special Regulations, the following standards for arrangement and development of land and building are required in the "R-7" Multiple Family Residential District.

**1504.01 HEIGHT REGULATIONS**

No structure shall exceed forty (40) feet in height.

**1504.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS**

The following minimum requirements shall be observed.

	<b>Lot Area</b>	<b>Lot Frontage</b>	<b>Lot Area</b>	<b>Front Yard*</b>	<b>SideYards: Least / Total</b>	<b>Rear Yard</b>
Multi Family	10,000 Sq. Ft.	80 ft.	2,500 Sq. Ft.	30 ft.	8 ft. / 20 ft.	40 ft.
Other	10,000	80 ft.		25 ft.	8 ft. / 20 ft.	40 ft.

**1504.03 MAXIMUM LOT COVERAGE**

Forty (40) percent of lot area.

\*The front yard depth shall be measured from the established right-of-way lines as shown on the **Official Thoroughfare Plan for Montgomery County**.

# ARTICLE 16

## "R-8" MOBILE HOME RESIDENTIAL DISTRICT

### PREAMBLE

This district has been established to provide for Mobile Homes in Mobile Home Parks, ten (ten) acres or more in land area.

### **SECTION 1601      PRINCIPAL PERMITTED USES**

- A. Mobile Home Parks
  - 1. Mobile Home
  - 2. Manufactured housing unit

### **SECTION 1602      ACCESSORY USES**

- A. Coin-operated laundry, laundry and dry cleaning pick-up stations for use of tenants only. No external signs of any nature whatsoever shall be permitted.
- B. Other accessory uses, buildings or structures customarily incidental to the aforesaid use.

### **SECTION 1603      DEVELOPMENT STANDARDS**

In addition to the provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and building are required in the "R-8" Mobile Home Residential District.

#### **1603.01      REQUIRED CONDITIONS**

- A. Each lot in a Mobile Home Park shall be served with sanitary sewer and water.
- B. The minimum area of a Mobile Home Park shall be ten (10) acres.
- C. A twenty (20) foot greenbelt shall be located and effectively maintained at all times along all park boundary lines except at established entrances and exits serving the park.
- D. Each park shall provide a recreational area, or areas, equal in size to at least eight (8) percent of the gross area of the park. Streets, parking areas, park service facility areas and greenbelt shall not be considered as parts of the required recreational area.
- E. All exterior park lights shall be so located and shielded as to prevent direct illumination or any areas outside the park.

- F. Mobile home sites shall be a minimum of three thousand six hundred (3,600) square feet in area.
- G. Each mobile home site shall have a minimum width of forty (40) feet.
- H. The minimum distance between a mobile home and another mobile home or structure shall be sixteen (16) feet.
- I. Each mobile home shall be located at least ten (10) feet from the greenbelt.
- J. Each mobile home site shall be provided with a stand consisting of a solid concrete slab or two (2) concrete ribbons of a thickness and size adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are used, the area between the ribbons shall be filled with a layer of crushed rock.
- K. Accessory uses shall be located at least one-hundred (100) feet from the greenbelt.

**1603.02 REQUIRED CONDITIONS FOR EXISTING MOBILE HOME PARKS**

No enlargements or extensions to any mobile home park shall be permitted unless the existing park is made to conform substantially with all the requirements for new parks.

**1603.03 HEIGHT REGULATIONS**

No structure shall exceed forty (40) feet in height.

# ARTICLE 17

## "OR-1" OFFICE RESIDENTIAL DISTRICT

### PREAMBLE

This district has been established to provide for a mixture of residential, small office and professional service establishments which will maintain the residential appearance of the neighborhood and which shall not create or generate a great amount of traffic and noise.

### **SECTION 1701      PRINCIPAL PERMITTED USES**

- A. Any use permitted in Section 1401. The requirements of that article shall be applicable.
- B. Barber and beauty shops provided:
  - 1. It is a one chair operation.
  - 2. The sole operator is the resident on the premises.
- C. Nursery School or Child Care Facility
- D. Professional services, including but not limited to offices of physicians, surgeons, dentists, lawyers, architects, engineers, insurance and real estate agents and members of similar professions.

### **SECTION 1702      ACCESSORY USES**

- A. Accessory uses, buildings or other structures customarily incidental to any aforesaid use, including private garages.
- B. Home Occupation is defined in Article 2, Section 209.01.
- C. The temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.



**SECTION 1703 CONDITIONAL USE**

The following Conditional Uses subject to approval in accordance with Article 4, Section 406:

- A. Places of Worship
- B. Rooming House

**SECTION 1704 REQUIRED CONDITIONS**

No zoning certificate shall be issued for a "OR-1" use, until the applicant shall have certified to the zoning inspector that:

- A. Such buildings shall front onto a collector or arterial with a right-of-way of sixty-two (62) feet or more as established on the Official Thoroughfare Plan for Montgomery County.
- B. The office establishment shall be conducted principally in daylight hours and shall not create a nuisance from noise, smoke or odor.
- C. No alteration of the principal residential structure shall be made which changes the essential appearance thereof as a dwelling.

Failure to comply with any of the Required Conditions by property owners or users will be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

**SECTION 1705 DEVELOPMENT STANDARDS**

In addition to the provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standard for arrangement and development of land and building are required in the "OR-1" Office Residential District.

**1705.01 HEIGHT REGULATIONS**

No structure shall exceed forty (40) feet in height.

**1705.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS**

The following minimum requirements shall be observed.

<b>Lot Area</b>	<b>Lot Frontage</b>	<b>Front Yard Depth*</b>	<b><u>Side Yards</u> Least / Total</b>	<b>Rear Yard Depth</b>
7,500 Sq. Ft.	60 ft.	25 ft.	8 ft. / 20 ft.	40 ft.

**Rooming house:** Lot area requirement of eight hundred (800) square feet per rental unit for a rooming unit.

\*The front yard depth shall be measured from the established right-of-way lines shown on the **Official Thoroughfare Plan for Montgomery County.**

# ARTICLE 18

## "O-2" OFFICE DISTRICT

### PREAMBLE

This district has been established to provide for the location of office and institutional uses away from the concentrations of people and traffic in retail, wholesale and industrial areas in the community.

### **SECTION 1801      PRINCIPAL PERMITTED USES**

- A. Art galleries, libraries and museums.
- B. Artist, sculptor and composer studios.
- C. Banks and financial institutions.
- D. Community Oriented Residential Social Service Facilities (In accordance with Article 51, Section 5102).
- E. Hospitals.
- F. Libraries and reading rooms.
- G. Medical and dental clinics.
- H. Medical research facilities.
- I. Nursery school or child care facility.
- J. Nursing homes, rest homes, and convalescent homes.
- K. Office buildings of any kind provided that no retail trade with the general public is carried on, and that no stock of goods is maintained for sale to customers.
- L. Places of Worship
- M. Radio and television broadcasting studios.
- N. Research and development laboratories.
- O. School and educational services.
- P. Veterinarians offices provided that:

1. Offices shall be housed in a completely enclosed and soundproof building.
2. Services will be on a strictly "out-patient basis" with no raising, breeding, and boarding of dogs or other small animals, except for the confinement of small animals under emergency treatment in facilities within the office.

**SECTION 1802 ACCESSORY USES**

- A. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use.
- B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

**SECTION 1803 CONDITIONAL USES**

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

- A. Retail and service uses such as restaurants, drug stores, barber and beauty shops, tobacconists, gift shops, but only:
  1. When located entirely within a building or structure containing primarily a principal use or uses permitted in this district.
  2. With access for the public provided only through the lobby.
- B. Halfway Houses (in accordance with Article 51 and Section 406.)
- C. Hotel and motel, which may have eating places #1 and #2, swimming pools, plus other customary incidental facilities.
- D. Rooming House
- E. Testing laboratories which are compatible with the other permitted uses.

F. Senior Citizen Apartments

**SECTION 1804 DEVELOPMENT STANDARDS**

In addition to the provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standard for arrangement and development of land and building are required in the "O-2" Office District.

No structure shall exceed forty (40) feet in height.

**1804.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS**

The following minimum requirements shall be observed.

<b>Lot Area</b>	<b>Lot Frontage</b>	<b>Front* Yard Depth</b>	<b><u>Side Yard</u> Least Width</b>	<b>Rear Yard Depth</b>
10,000 Sq. Ft.	80 ft.	25 ft.	10 ft.	30 ft.

Rooming house: Lot area requirement of six hundred (600) square feet per rental unit for a rooming unit.

Nursing homes, rest homes, and convalescent homes:  
Four hundred (400) square feet per bed.

**1804.03 MAXIMUM LOT COVERAGE**

Fifty (50) percent of lot area.

**1804.04 MAXIMUM FLOOR AREA RATIO**

.5

\*The front yard depth shall be measured from the established right-of-way lines as shown on the **Official Thoroughfare Plan for Montgomery County**.

## ARTICLE 19

### "B-1" NEIGHBORHOOD BUSINESS DISTRICT

#### PREAMBLE

This district has been established to provide for relatively small business and service establishments which may be placed in a residential or rural area to serve primarily near by residents.

#### **SECTION 1901      PRINCIPAL PERMITTED USES**

- A. Any use permitted in Section 1701. The requirements of that article shall be applicable.
- B. Baked goods shop, retail only.
- C. Barber and beauty shops.
- D. Candy and ice cream stores.
- E. Drug Stores.
- F. Pick-up stations for dry cleaning and laundry.
- G. Dry cleaning and Laundromats of the self-service type.
- H. Grocery and delicatessen stores.
- I. Nursery school or child care facility

#### **SECTION 1902      ACCESSORY USES**

- A. Accessory uses, buildings or other structures customarily incidental to any of the foregoing permitted uses.

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

**SECTION 1903      CONDITIONAL USE**

The following Conditional Uses subject to approval in accordance with Article 4, Section 406:

- A.     Halfway Houses
- B.     Places of Worship
- C.     Rooming House

**SECTION 1904      REQUIRED CONDITIONS**

No zoning certificate shall be issued for a "B-1" use, until the applicant shall have certified to the zoning inspector that:

- A.     The business activity is open to the public only between the hours of 6:00 A.M. and 10:00 P.M.
- B.     The business activity shall be conducted wholly within a completely enclosed building.
- C.     The business establishment shall not offer goods, service, food, beverages or make sales directly to customers in automobiles, except for drive-in windows for pick-up or delivery and which will be provided with adequate drive-way space on the premises for waiting vehicles.
- D.     All business shall be of retail or service character.
- E.     No manufacturing, processing, packaging, repair or treatment of goods shall be carried on, except when incidental or accessory to the performance of services or the sale of goods to the public on the premises.
- F.     All premises shall be furnished with all weather hard surface walks of a material such as bituminous or portland cement concrete, wood, tile, terrazzo or similar material, and, except for parking areas, the grounds shall be planted and landscaped.
- G.     Where the property lines separate a Business District from a Residential District, a visual and mechanical barrier, a minimum of six (6) feet in height, shall be



provided along the common lot line, which may consist of any of the following:

1. An evergreen hedge used with a chain link fence. Such hedge shall not be less than three (3) feet in height.
  2. A solid fence of a non-deteriorating material.
  3. Masonry wall.
- H. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 44.
- I. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.
- J. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Health Department. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, or other acceptable means.
- K. There will be no emission of odors or odor causing substances which can be detected without the use of instruments at or beyond the lot lines.
- L. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.

Failure to comply with any of the Required Conditions by property owners or users will be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

**SECTION 1905 DEVELOPMENT STANDARDS**

In addition to the provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standard for arrangement and development of land and building are required in the "B-1" Neighborhood Business District.

**1905.01 HEIGHT REGULATIONS**

No structure shall exceed forty (40) feet in height.

**1905.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS**

The following minimum requirement shall be observed.

<b>Lot Area</b>	<b>Lot Frontage</b>	<b>Front Yard Depth*</b>	<b>Side Yards** Least / Total</b>	<b>Rear** Yard Depth</b>
7,500 Sq. Ft.	60 ft.	25 ft.	8 ft. / 20 ft.	40 ft.

**1905.03 MAXIMUM LOT COVERAGE**

Thirty (30) percent of lot area.

**1905.04 MAXIMUM FLOOR AREA RATIO**

.35

\*The front yard depth shall be measured from the established right-of-way lines as shown on the **Official Thoroughfare Plan for Montgomery County**.

\*\*Unless adjoining a Business District.

## ARTICLE 20

### "B-2" BUSINESS DISTRICT

#### PREAMBLE

This district has been established to provide for business and service establishments serving the needs of consumers beyond the immediate neighborhood.

<b>SECTION</b>	<b>2001</b>	<b><u>PRINCIPAL PERMITTED USES</u></b>
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- |    |   |
|----|---|
| A. | Any use permitted in Section 1801. The Required Conditions of Section 2004 shall be applicable.   |
| B. | Any commercial activity, such as those enumerated below as examples, which fulfills all the requirements of the other sections of this Article, and is not listed initially as a permitted use in Article 21 and 22 or any Industrial District. <ol style="list-style-type: none"><li>1. Antiques.</li><li>2. Appliance sales and service.</li><li>3. Art and school supplies.</li><li>4. Automobile accessories.</li><li>5. Bakeries, retail.</li><li>6. Barber and beauty schools.</li><li>7. Barber and beauty shops.</li><li>8. Bicycle sales, rental, repair.</li><li>9. Billiard rooms.</li><li>10. Book stores and card shops.</li><li>11. Bowling alleys.</li><li>12. Bridal consultants.</li><li>13. Business machines, sales and service.</li></ol> |

14. Cameras - photo supplies.
15. Candy and confectionery.
16. Carpet and floor covering.
17. Catering services.
18. China, glassware.
19. Cigarettes, cigars, tobacco.
20. Clothing stores and shoes.
21. Community center.
22. Costume rental.
23. Dairy products - retail.
24. Dancing schools.
25. Delicatessen.
26. Department stores.
27. Draperies.
28. Dressmaking, seamstress.
29. Driver training schools.
30. Drug stores.
31. Dry cleaning and Laundromats (self-service).
32. Dry cleaning and laundry pick-up stations.
- 34 Restaurant, sit-down
35. Restaurant, carry-out
36. Equipment rental services (but not including automobiles, trucks and trailers).

37. Exterminating services.
38. Florists.
39. Food stores.
40. Frozen food lockers.
41. Furniture and home furnishings.
42. Furniture and upholstery repair.
43. Gifts and novelties.
44. Hardware.
45. Heating, air conditioning, electrical and plumbing sales.
46. Hobby shops.
47. Interior decorating shops.
48. Lawn mower sales.
49. Leather goods, luggage.
50. Locksmiths.
51. Mail order catalogue stores.
52. Music, musical instruments.
53. Newspaper substations.
54. News-stand.
55. Nursing Home
56. Nursery school or child care facility
57. Office furniture and supplies.
58. Optical goods.
59. Paint, glass and wallpaper.

- 60. Party supply.
- 61. Pet sales and supplies.
- 62. Photo studios.
- 63. Radio and television sales and service.
- 64. Show Repair.
- 65. Sporting goods.
- 66. Tailor shops.
- 67. Taxidermists.
- 68. Telegraph message centers.
- 69. Tennis courts.
- 70. Tent and awning sales and service.
- 71. Trading stamp redemption stores.
- 72. Travel bureaus and ticket offices.
- 73. Variety stores.
- 74. Watch, clock and jewelry sales and service.
- 75. Wig shops.
- 76. Window cleaning services

**SECTION 2002 ACCESSORY USES**

- A. Accessory uses, buildings, or other structures customarily incidental to any of the foregoing permitted uses.
- B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

**SECTION 2003 CONDITIONAL USE**

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

- A. Automobile Self Service Gas Station/Mini Market.
- B. Automobile Quick Service Facility.
- C. Halfway Houses
- D. Rooming House
- E. Soup Kitchen

**SECTION 2004 REQUIRED CONDITIONS**

No zoning certificate shall be issued for a "B-2" use, until the applicant shall have certified to the zoning inspector that:

- A. The business activity will be conducted wholly within a completely enclosed building, except for automobile service stations in accordance with Section 2004F.
- B. The business establishment shall not offer goods, service, food, beverages or make sales directly to customer in automobiles, except for drive-in windows for pick-up or delivery and which will be provided with adequate drive-way space on the premise for waiting vehicles.
- C. All business shall be of retail or service character.
- D. No manufacturing, processing, packaging, repair or treatment of goods shall be carried on, except when incidental or accessory to the performance of services or the sale of goods to the public on the premises.
- E. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any property located in a Residential District or upon any public street.
- F. Automobile service stations shall be limited to the selling and dispensing of petroleum fuel primarily to passenger vehicles and to such accessory uses as the sale and installation of lubricants, tires, batteries, accessories and supplies, incidental washing and

polishing, tune-ups and brake repair. No outdoor dismantling, wrecking or storage of automotive vehicles, parts or accessories shall be permitted. No outdoor storage or rental of trucks, trailers or passenger vehicles shall be permitted, with adequate consideration of neighborhood.

- G. All premises shall be furnished with all weather hard surface walks of a material such a bituminous or portland cement concrete, wood, tile, terrazzo or similar material, and, except for parking areas, the grounds shall be planted and landscaped.
- H. Where the property lines separate a Business District from a Residential District, a visual and mechanical barrier, a minimum of six (6) feet in height, shall be provided along the common lot line which may consist of any of the following:
  - 1. An evergreen hedge used with a chain link fence. Such hedge shall not be less than three (3) feet in height.
  - 2. A solid fence of a non-deteriorating material.
  - 3. Masonry wall.
- I. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 44.
- J. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.
- K. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Health Department. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, or other acceptable means.



- L. There will be no emission of odors or odor causing substances which can be detected without the use of instruments at or beyond the lot lines.
- M. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.

Failure to comply with any of the Required Conditions by property owners or users will be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

**SECTION 2005 DEVELOPMENT STANDARDS**

In addition to the provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standard for arrangement and development of land and building are required in the "B-2" Business District.

**2005.01 HEIGHT REGULATIONS**

No structure shall exceed forty (40) feet in height.

**2005.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS**

The following minimum requirements shall be observed.

Lot Area	10,000 sq. ft.
Lot Frontage	80 ft.
Front Yard Depth	25 ft. *
Side Yard	None, except when adjacent to a Residential District. In such case the side yard shall be not less than one-fourth (1/4) of the sum of the height and depth of the structure, but in any event not less than fifteen (15) feet.
Rear Yard	A rear yard shall be required adjacent to a Residential Zoning District or a Planned Residential District. Such

rear yards shall be not less than one-fourth (1/4) the sum of the height and width of the structure, but in no case shall be less than twenty (20) feet.

If a use is to be serviced from the rear, a yard shall be provided not less than forty (40) feet deep.

**2005.03 MAXIMUM LOT COVERAGE**

Forty (40) percent of lot area.

**2005.04 MAXIMUM FLOOR AREA RATIO**

0.4

\*The front yard depth shall be measured from the established right-of-way lines as shown on the **Official Thoroughfare Plan for Montgomery County**.

# ARTICLE 21

## "B-3" BUSINESS DISTRICT

### PREAMBLE

This district has been established to provide for commercial activities which primarily are conducted within an enclosed building.

### **SECTION 2101      PRINCIPAL PERMITTED USES**

- A. Any use permitted in Section 2001. The Required Conditions of Section 2103 shall be applicable.
  
- B. Any commercial activity, such as those enumerated below as examples, which fulfills all the requirements of other sections of this Article, and is not listed initially as a permitted use in Article 22 or any Industrial District.
  - 1. Auction house
  - 2. Automobile Self Service Gas Station/Mini Market.
  - 3. Billiard Rooms
  - 4. Blue printing, photo copying and photo finishing
  - 5. Data processing centers
  - 6. Exercise & Weight Training Facilities
  - 7. Heating, air conditioning, electrical and plumbing service and repair
  - 8. Hotels and motels
  - 9. Skating Rinks
  - 10. Indoor Tennis/Racquet Ball Clubs
  - 11. Indoor Swimming Pools
  - 12. Lawn mower service and repair
  - 13. Magazine distribution agency

14 Nursing Home

15 Nursery school or child care facility

16. Pawn Shops & Second Hand Dealers

**SECTION 2102 ACCESSORY USES**

- A. Accessory uses, buildings or other structures customarily incidental to any of the foregoing permitted uses.
- B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

**SECTION 2103 CONDITIONAL USE**

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

- A. Arcade Game Rooms
- B. Automobile Full Service Station.
- C. Automobile Service Facility.
- D. Automobile Quick Service Facility.
- E. Automobile Wash Facility.
- F. Bingo Hall
- G. Halfway Houses
- H. Garden Centers - Retail Only
- I. Gymnasium
- J. Private Clubs & Lodges, excluding adult entertainment.
- K. Rooming House
- L. Seasonal Temporary Sales

**SECTION 2104 REQUIRED CONDITIONS**

No zoning certificate shall be issued for a "B-3" use until the applicant shall have certified to the zoning inspector that:

- A. The business activity will be conducted wholly within a completely enclosed building, except for automobile service stations. (No outdoor dismantling, wrecking, or storage of automotive vehicles, parts, or accessories, shall be permitted).
- B. The business establishment shall not offer goods, service, food, beverages or make sales directly to customers in automobiles, except for drive-in window for pick-up or delivery and which will be provided with adequate drive-way space on the premises for waiting vehicles.
- C. All business shall be of retail or service character.
- D. No manufacturing, processing, packaging, repair or treatment of goods shall be carried on, except when incidental or accessory to the performance of services or the sale of goods to the public on the premises.
- E. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any property located in a Residential District or upon any public street.
- F. All premises shall be furnished with all-weather hard surface walks of a material such as bituminous or portland cement concrete, wood, tile, terrazzo or similar material, and, except for parking areas, the grounds shall be planted and landscaped.
- G. Where the property lines separate a Business District from a Residential District, a visual and mechanical barrier, a minimum of six (6) feet in height, shall be provided along the common lot line, which may consist of any of the following:
  - 1. An evergreen hedge used with a chain link fence. Such hedge shall not be less than three (3) feet in height.
  - 2. A solid fence or a non-deteriorating material.

3. Masonry wall.

- H. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 44.
- I. No emission to toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.
- J. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Health Department. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, or other acceptable means.
- K. There will be no emission of odors or odor-causing substances which can be detected without the use of instruments at or beyond the lot lines.
- L. There will be vibrations which can be detected without the use of instruments at or beyond the lot lines.
- M. Garden Centers - Retail Only
  - 1. Outdoor storage areas shall be permitted only for those items normally associated with Garden Center, requiring outdoor storage.
  - 2. Items to be permitted within the outdoor storage area shall be reviewed by the Board of Zoning Appeals for conformance with Section 2104 (N,1).
  - 3. Location and size of the outdoor storage area shall require approval of the Board of Zoning Appeals.
  - 4. The Board of Zoning Appeals may require an appropriate screening of outdoor storage areas to completely or partially obstruct the view of the items contained therein.

5. Screening may be one of the following or a combination of two or more:
    - a. A solid masonry wall;
    - b. A solidly constructed decorative fence;
    - c. A louvered fence;
    - d. Dense evergreen planting; and/or
    - e. Landscaped mounding with ground cover.
  6. A required screening plan shall be submitted to and approved by the Board of Zoning Appeals.
  7. Whenever required screening is adjacent to parking area or drive-ways such screening shall be protected by bumper blocks, posts or curbing to avoid damage by vehicles.
  8. All screening shall be trimmed and maintained in good condition and remain free of all signs.
- N. Seasonal Temporary Sales as regulated by Article 49, Section 4902.
- O. Pawn Shops & Second Hand Dealers
1. Recording of Transaction - All dealers shall keep and preserve a separate book or record in which the dealer shall enter in the English language, at the time of each purchase, receipt or exchange of such articles the following information:
    - a. The name, address, social security number or date of birth of the individual making the transaction.
    - b. A description of the person from whom the article was purchased or received.
    - c. The date and time of the transaction.

- d. A complete and accurate description of the article(s) purchased, received or exchanged, including the name of the maker or manufacturer, initials, serial numbers or other identifying features, including the price paid for each article.
  - e. The dealer shall require the seller of any article to sign their name on the page on which that person's transaction is recorded.
2. Inspection of Records - The book or record shall be open to inspection by any enforcement official or law enforcement officer during normal business hours.
  3. Maintenance of Records - Each page of the book or record shall consist of one or more sequentially and consecutively numbered forms which shall contain appropriate blanks for furnishing all the information required in Section 2104, Paragraph O. The numbering of the forms shall begin with the number on (1) and all numbers thereafter shall be accounted for.
  4. Preservation of Records - The dealer shall preserve the book or record for a period of not less than one (1) year after making the final entry on any purchase or exchange of property recorded therein.

Failure to comply with any of the Required Conditions by property owners or users will be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

**SECTION 2105 DEVELOPMENT STANDARDS**

In addition to the provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and building are required in the "B-3" Business District.

**2105.01 HEIGHT REGULATIONS**

No structure shall exceed forty (40) feet in height.

**2105.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS**



The following minimum requirements shall be observed.

Lot Area	None
Lot Frontage	80 ft.
Front Yard Depth	25 ft. *
Side Yard	None, except when adjacent to a Residential or Planned Residential District. In such case the side yard shall be not less than one-fourth (1/4) of the sum of the height depth of the structure, but in no case shall be less than twenty (20) feet.
Rear Yard	A rear yard shall be required adjacent to a Residential Zoning District or a Planned Residential District. Such rear yards shall be not less than one-fourth (1/4) the sum of the height and width of the structure, but in no case shall be less than twenty (20) feet.  If a use is to be serviced from the rear, a yard shall be provided not less that forty (40) feet deep.

**2105.03 MAXIMUM LOT COVERAGE**

Forty (40) percent of lot area.

**2105.04 MAXIMUM FLOOR AREA RATIO**

.45

\*The front yard depth shall be measured from the established right-of-way lines as shown on the Official Thoroughfare Plan for Montgomery County.



## ARTICLE 22

### "B-4" BUSINESS DISTRICT

#### PREAMBLE

This district has been established to provide for commercial activities which are conducted both inside and to conditionally permit outside sales directly associated with a permitted or conditionally permitted use within the B-4 District.

#### **SECTION 2201      PRINCIPAL PERMITTED USE**

- A. Any use permitted in Section 2101. The Required Conditions of Section 2203 shall be applicable.
- B. Any commercial activity, such as those enumerated below as examples, which fulfills all the requirements of the other sections of this Article and is not listed initially as a permitted use in any Industrial District.
  - 1. Agricultural implement sales and service.
  - 2. Automobile Full Service Station.
  - 3. Automobile Self Service Gas Station/Mini Market.
  - 4. Automobile Quick Service Facility.
  - 5. Automobile Service Facility.
  - 6. Automobile Wash Facility.
  - 7. Eating places (drive-in).
  - 8. Exercise & Weight Training Facility
  - 9. Garden stores, garden centers, greenhouses and nurseries.
  - 10. Motorcycle sales and service.
  - 11. Nursing Home
  - 12. Nursery school or child care facility

13. Pawn Shops & Second Hand Dealers

14. Utility trailer sales and rentals.

**SECTION 2202 ACCESSORY USES**

- A. Accessory uses, buildings or other structures customarily incidental to any of the foregoing permitted uses.
- B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

**SECTION 2203 CONDITIONAL USE**

The following conditional use may be permitted as conditional uses in the B-4 District, subject to the approval of the Board of Zoning Appeals in accordance with Article 4, Section 406 and any other applicable Sections of this Zoning Resolution, and the subsequent issuance of a conditional use permit by the Planning/Zoning Director.

- A. Animal Hospitals, Kennel or Pounds, provided the kennel structures and runs are located a minimum of fifty (50) feet from any "R" District.
- B. Arcade Game Rooms
- C. Automobile Customizing Shop.
- D. Automobile Sales, Rental or Lease in accordance with Section 2204(M), and Article 4, Section 406.
- E. Automobile Transmission Shop.
- F. Bingo Hall
- G. Boat and marine equipment sales, rental and service.
- H. Commercial Recreational Facilities, including golf courses, driving ranges, miniature golf courses, swimming pools, field sports (football, baseball, soccer), and similar recreational activities.
- I. Drive-In Theaters

- J. Gymnasium
- K. Halfway Houses
- L. Mobile home sales, rental and services.
- M. Outdoor Sales and/or Storage associated with a permitted or conditionally permitted use within the B-4 District.
- N. Private Clubs & Lodges, excluding adult entertainment.
- O. Recycling Trailer Stations.
- P. Rooming House
- Q. Seasonal Temporary Sales.
- R. Self-Service Storage Facilities

**SECTION 2204**

**REQUIRED CONDITIONS**

No zoning certificate shall be issued for a "B-4" use, until the applicant shall have certified to the zoning inspector that:

- A. Drive-in window for pick-up or delivery shall be located on and accessible only from the premises and shall be provided with adequate drive-way space for waiting vehicles.
- B. All business shall be of retail, service or recreational character.
- C. No manufacturing, processing, packaging, repair or treatment of goods shall be carried on, except when incidental or accessory to the performance of services or the sale of goods on the premises.
- D. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any property located in a Residential District or upon any public street.
- E. All premises shall be furnished with all weather hard surface walks of a material such as bituminous or portland cement concrete, wood, tile, terrazzo or similar

material, and, except for parking area, the grounds shall be planted and landscaped.

- F. Where the property lines separate a Business District from a Residential District, a visual and mechanical barrier, a minimum of six (6) feet in height, shall be provided along the common lot line, which may consist of any of the following:
  - 1. An evergreen hedge used with a chain link fence. Such hedge shall not be less than three feet in height.
  - 2. A solid fence of a non-deteriorating material.
  - 3. Masonry wall.
- G. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 44.
- H. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.
- I. The emission of smoke or other air pollutants shall not violate the standards and regulations or the Montgomery County Health Department. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, or other acceptable means.
- J. There will be no emission of odors or odor-causing substances which can be detected without the use of instruments at or beyond the lot lines.
- K. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.
- L. Seasonal Temporary Sales, as regulated by Article 49, Section 4902.

M. Automobile Sales, Lease or Rental:

In addition to other applicable sections of this Zoning Resolution, Automobile Sales, Lease and/or Rental businesses shall comply with the following requirements:

1. All off-street parking and/or outdoor sales display area shall be separated from the public right-of-way by a landscaped area at least ten (10) feet in width. On streets having an existing curb on the street side, a six (6) inch high curb shall be required only on the inside of the parking/sales area. On streets no having an existing curb on the street side, a six (6) inch high curb shall be required to completely enclosed the ten (10) foot separation strip. No vehicles shall be displayed or parked within the ten (10) foot landscaped area.
2. Within the ten (10) foot landscaped area, all shrubs at the time of planting shall have a minimum height of on (1) foot and a maximum height of three (3) feet and shall be planted so as to completely screen the undersides of vehicles. Grass or other ground cover shall be planted on all portions of the landscaped area not occupied by shrubs. All plantings, including ground cover, shall be kept trimmed and maintained with necessary care to ensure their survival. Any plant material that dies or otherwise becomes unhealthy shall be immediately replaced with like planting material. To ensure traffic visibility, no shrubs shall be permitted to exceed a height of three (3) feet.
3. All outdoor display areas for vehicles shall be marked with a yellow or white all weather paint. The minimum size for each outdoor display area stall shall be a minimum of eight and one-half (8.5) feet in width and eighteen (18) feet in depth.
4. The stalls that comprise the customer off-street parking area shall be marked with a yellow or white all weather minimum of nine (9) feet in width, and a minimum of eighteen (18) feet in depth. All off-street customer parking areas shall be

designated "Customer Parking Only." Designation shall be painted across the customer parking area with a yellow or white all weather paint, using a minimum four (4) inch, Helvetica styled letter.

5. One elevated display pad shall be permitted per one-hundred (100) feet of lot frontage. The elevated display pad shall be a solid, permanent structure and shall not exceed a height of two (2) feet above finished grade.
6. For security, square, tubular steel or wood posts with cable or chain shall be used to prevent unauthorized access to the property. The posts shall be painted and maintained in good condition. No wire type fencing shall be permitted within the front yard setback.
7. All lighting shall be arranged and designated to deflect light away from adjoining properties and public right-of-ways. The use of an energized lamp bulb, where the surface of the bulb is directly visible to persons not located on the premises, is prohibited.

N. Pawn Shops & Second Hand Dealers

1. Recording of Transaction - All dealers shall keep and preserve a separate book or record in which the dealer shall enter in the English language, at the time of each purchase, receipt or exchange of such articles the following information:
  - a. The name, address, social security number or date of birth of the individual making the transaction.
  - b. A description of the person from whom the article was purchased or received.
  - c. The date and time of the transaction.
  - d. A complete and accurate description of the article(s) purchased, received or exchanged, including the name of the maker or manufacturer, initials, serial numbers or other



identifying features, including the price paid for each article.

- e. The dealer shall require the seller of any article to sign their name on the page on which that person's transaction is recorded.
2. Inspection of Records - The book or record shall be open to inspection by any enforcement official or law enforcement officer during normal business hours.
3. Maintenance of Records - Each page of the book or record shall consist of one or more sequentially and consecutively numbered forms which shall contain appropriate blanks for furnishing all the information required in Section 2104, Paragraph O. The numbering of the forms shall begin with the number one (1) and all numbers thereafter shall be accounted for.
4. Preservation of Records - The dealer shall preserve the book or record for a period of not less than one (1) year after after making the final entry on any purchase or exchange of property recorded therein.

Failure to comply with any of the Required Conditions by property owners or users will be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

**SECTION 2205 DEVELOPMENT STANDARDS**

In addition to the provisions of Chapters VIII and IX, General Regulation and Special Regulations, the following standard for arrangement and development of land and building are required in the "B-4" Business District.

**2205.01 HEIGHT REGULATIONS**

No structure shall exceed forty (40) feet in height.

**2205.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS**

The following minimum requirements shall be observed.

<b>Lot Area</b>	None
<b>Lot Frontage</b>	80 ft.
<b>Front Yard Depth</b>	25 ft. *
<b>Side Yard</b>	None, except when adjacent to a Residential or Planned Residential District. In such case the side yard shall be not less than one-fourth (1/4) of the sum of the height and depth of the structure, but in any event not less than fifteen (15) feet.
<b>Rear Yard</b>	A rear yard shall be required adjacent to a Residential Zoning District or a Planned Residential District. Such rear yards shall be not less than one-fourth (1/4) sum of height and width of the structure, but in no case shall be less than twenty (20) feet.  If a use is to be service from the rear, a yard shall be provided not less than forty (40) feet deep.

**2205.03 MAXIMUM LOT COVERAGE**

Fifty (50) percent of lot area.

**2205.04 MAXIMUM FLOOR AREA RATIO**

.5

\*The Front Yard Depth shall be measured from the established right-of-way lines as shown on the Official Thoroughfare Plan for Montgomery County.

# ARTICLE 23

## "I-1" LIGHT INDUSTRIAL DISTRICT

### PREAMBLE

This district has been established to accommodate industrial uses which will have a minimum impact upon their environment.

### **SECTION 2301      PRINCIPAL PERMITTED USES**

- A. The manufacturing, compounding, assembling or treatment (or any combination of such processes) of articles or products from the following substances: bone, canvas, cellophane, clay, cloth, cork, elastomers, feathers, felt, fiber, fur, cork, elastomers, feathers, felt, fiber, fur, glass, hair horn, leather, paper, plastics, rubber, precious or semi-precious stone or metal sheet metal, shell, textiles, tobacco, wax, wire, and wood, but not including as a principal operation, the manufacturing of such substances.
  
- B. Any industrial activity, such as those enumerated below as examples, which fulfills all the requirements of the other sections of this Article, and is not listed initially as a permitted use in Article 24 and 25.
  - 1. The manufacturing or assembling of the following:
    - a. Medical, dental, optical and similar precision instruments.
    - b. Musical instruments.
    - c. Novelties, toys, rubber products.
    - d. Orthopedic or medical appliances.
    - e. Watches, clocks, including clock operated devices.
  - 2. Machine shops and tool and die shops.
  - 3. Manufacturing, assembling or repairing of electrical and electronic products, components and equipment.

4. Compounding, processing and packaging of meat, dairy and food products, exclusive of slaughtering.
5. Compounding, processing and packaging of chemical products, but not including any material which decompose by detonation.
6. Automobile Customizing Shop.
7. Automobile Full Service Station.
8. Automobile Self Service Gas Station/Mini Market.
9. Automobile Service Facility.
10. Awning company.
11. Bakeries, wholesale.
12. Beverage distributors manufacturing, bottling plants.
13. Carpenter and cabinet shops.
14. Carpet and rug cleaning plants.
15. Commercial radio and television transmitting stations, antenna towers and other electronic equipment requiring outdoor towers.
16. Eating places #1 and #2, drive-in and carry-out.
17. Electric supply company.
18. Fence company.
19. Glass distributors.
20. Labor union meeting halls.
21. Laundries, dry cleaning plants and linen supply.
22. Mail order houses.
23. Monument sales and finishing.

24. Office Buildings associated with permitted and/or conditionally permitted use within the "I-1" District.
25. Printing, publishing, binding and typesetting plants.
26. Research and engineering laboratories.
27. Sign painting and manufacturing.
28. Wholesale houses, warehouses and storage facilities.
29. Warehouses which may have a maximum lot coverage of 75 percent and a maximum floor area ratio of .75, which ever is less.
30. Warehouses - Mini-Storage Facilities.

**SECTION 2302 ACCESSORY USES**

- A. Accessory uses, building or other structures customarily incidental to any aforesaid permitted use.
- B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

**SECTION 2303 CONDITIONAL USES**

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

- A. Automobile Body Shop.
- B. Automobile Repair Garage.
- C. Automobile Transmission Facility.
- D. Equipment Rental, Sales and Service.
- E. Retail establishments, whose primary product is associated with Building and/or Home Improvement, as regulated by Section 2304 (N).
- F. Truck and motor freight terminals and hauling services.

G. Truck Sales, Service and Rental.

**SECTION 2304**

**MINIMUM PERFORMANCE STANDARDS -**

In addition to other applicable requirements contained in this zoning resolution, the following standards shall apply to all uses within the "I-1" District.

- A. The business or industrial activity shall be conducted wholly within a completely enclosed building, and all outdoor storage shall be prohibited; except for those conditional uses authorized by the Board of Zoning Appeals, where the Board finds that outdoor storage is intrinsically associated with the business operation.
- B. No noise from any operation conducted on the premises, either continuous or intermittent shall violate the provisions of Article 44.
- C. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken.
- D. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Health Department. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means.
- E. There will be no emission of odors or odor causing substances which can be detected without the use of instruments at or beyond the lot lines.
- F. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.
- G. Where the property lines separate a Industrial District from a Residential District, a visual and mechanical barrier, a minimum of six (6) feet in height, shall be

provided along the common lot line, which may consist of any of the following:

1. An evergreen hedge used with a chain link fence. Such hedge shall not be less than three (3) feet in height.
  2. A solid fence of a non-deteriorating material.
  3. Masonry wall.
- H. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any Residential District or upon any public street.
- I. No building or structure shall be used for residential purposes except that a watchman or custodian may reside on the premises.
- J. No raw materials shall be processed into any of the following basic products: metals of any kind, glass, plastic, textiles, leather or paper.
- K. All premises shall be furnished with all weather hard surface walks of a material such as bituminous or portland cement concrete, wood, tile, terrazzo or similar material, and except for parking areas, the grounds shall be planted and landscaped.
- L. The storage, utilization and manufacture of solid, liquid and gaseous chemicals and other material shall be permitted subject to the following conditions:
1. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted; but only if said materials or products are stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
  2. All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and



protective devices against hazards of fire and explosion, as well as with adequate fire fighting and suppression equipment and devices standard to industry involved. All above ground storage shall be in enclosed fireproof vaults.

3. The storage, utilization or manufacture of pyrophoric and explosive powders and dusts, and of materials and products which decompose by detonation is prohibited.
4. The manufacture of flammable liquids or materials which produce flammable or explosive vapors of gases is prohibited.
5. The storage and utilization of flammable liquids, or of materials that produce flammable or explosive vapors or gases shall be permitted on any lot in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshall for the manufacture, storage, handling, sale and transportation or flammable and combustible liquids." Furthermore the following table shall establish minimum quantities of flammable materials in gallons:

<b>CLOSED CUP FLASH POINT IN DEGREES F</b>	<b>ABOVE GROUND</b>	<b>BELOW GROUND</b>
Class I below 100' F.	I Not Permitted	20,000
Class II above 100' F. and below 140'.	II 1,000	40,000
Class III above 140' F.	III 5,000	80,000

Note: If this table conflicts with above State Fire Marshall Regulations the more restrictive will apply.

- M. The handling of radioactive material, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in strict conformance with:
  - 1. The applicable regulations of the Energy Research and Development Administration.
  - 2. The applicable regulations of any instrumentality of the State of Ohio.
  
- N. Retail Establishments whose primary product is associated with Building and/or Home Improvement.
  - 1. In addition to the other requirements of Section 2304, the aforementioned use:
    - a. Shall not be located on any street having less than an eighty-two (82) foot right-of-way, as shown on the Official Thoroughfare Plan for Montgomery County.
    - b. Shall have access to the site directly off a street having a minimum right-of-way of (82) feet, as shown on the Official Thoroughfare Plan for Montgomery County.
    - c. Loading docks shall be located only to the side or rear of the building, and in no case shall loading docks be located in the area between the front building line and the street right-of-way line.

Failure to comply with any of the Required Conditions by property owners or users will be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

**SECTION 2305 DEVELOPMENT STANDARDS**

In addition to provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and buildings are required in the "I-1" Light Industrial District.

**2305.01 HEIGHT REGULATIONS**

No structure shall exceed forth (40) feet in height.

**2305.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS**

he following minimum requirements shall be observed.

Lot Area	None
Lot Frontage	100
Front Yard Depth	25 ft. *
Side Yard	A side yard shall be required adjacent to a Residential or a Planned Residential District. Such side yard shall be equal to twice the height of the structure with a minimum requirement of twenty (20) feet and a maximum requirement of forty (40) feet.
Rear Yard	A rear yard shall be required adjacent to a Residential or a Planned Residential District. Such side yard shall be equal to twice the height of the structure with a minimum requirement of twenty (20) feet and a maximum requirement of fifty (50) feet.  If a use is to be serviced from the rear, the yard shall be at least fifty (50) feet deep.

**2305.03 MAXIMUM LOT COVERAGE**

Fifty (50) percent of lot area.

**2305.04 MAXIMUM FLOOR AREA RATIO**

0.5

\*The front yard depth shall be measured from the established right-of-way lines as shown on the **Official Thoroughfare Plan for Montgomery County**.

# ARTICLE 24

## "I-2" GENERAL INDUSTRIAL DISTRICT

### PREAMBLE

This district has been established to accommodate a broad range of industrial activities; diverse in product, operational techniques and size and which have a greater impact upon their environment than those permitted in "I-1".

### **SECTION 2401      PRINCIPAL PERMITTED USES**

- A. Any use permitted in Section 2301. The Required Conditions of Section 2404 shall be applicable.
- B. The manufacturing, compounding, assembling or treatment (or any combination of such processes) of articles or products from the following previously prepared materials:
  - 1. Light metal products, excluding structural steel and foundry products.
  - 2. Pharmaceutical products, including cosmetic, toiletries and the compounding of perfumes, but excluding the manufacture of soap from raw materials.
- C. Any industrial activity, such as those enumerated below as examples, which fulfills all the requirements of the other sections of this Article, and is not listed initially as a permitted use in Article 25.
  - 1. Automobile Body Shop.
  - 2. Automobile Repair Garage.
  - 3. Automobile Transmission Shop.
  - 4. Bus garages, repair and storage.
  - 5. Cement block and formed products manufacturing.
  - 6. Building material sales and storage facilities.

7. Cold storage plants.
8. Concrete mixing plants.
9. Contractor sales, storage facilities.
10. Motor vehicle repair and storage facilities.
11. Sawing and planting mills.
12. Trucking and motor freight terminals.

**SECTION 2402 ACCESSORY USES**

- A. Accessory uses, building or other structures customarily incidental to any aforesaid permitted use.
- B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

**SECTION 2403 CONDITIONAL USES**

The following Conditional uses subject to approval in accordance with Article 4, Section 406.

- A. Bulk storage of corrosive acids and acid derivatives and bulk storage stations for liquid fuels, petroleum products, petroleum and volatile oils, in accordance with Section 2405 hereof.
- B. Extraction of sand and gravel and other raw materials subject to the provisions of Chapter X, Article 45.

**SECTION 2404 REQUIRED CONDITIONS**

No zoning certificate shall be issued for a "I-2" use, until the applicant shall have certified to the zoning inspector that:

- A. Where the property lines separate a Industrial District from a Residential District, a visual and mechanical barrier, a minimum of six (6) feet in height, shall be provided along the common lot lines, which may consist of any of the following:

1. An evergreen hedge used with a chain link fence. Such hedge shall not be less than three (3) feet in height.
  2. A solid fence of a non-deteriorating material.
  3. Masonry wall.
- B. No noise from any operation conducted on premises either continuous or intermittent, shall violate the provisions of Article 44.
- C. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animals or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken.
- D. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Health Department. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, oiling or other acceptable means.
- E. No person shall cause, permit or allow the emission of odorous matter in such concentration and frequency or for such duration that such odor can be perceived when one volume of odorous air is diluted with seven (7) volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one hour.
- F. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.
- G. Any operation that produces intense glare or heat shall be performed within a completely enclosed building or structure and expose sources of light shall be screened so as not to be detectable at the lot line.

- H. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any Residential District or upon any public street.
- I. No building or structure shall be used for residential purposes except that a watchman or custodian may reside on the premises.
- J. All premises shall be furnished with all weather hard surface walks or a material such as bituminous or portland cement concrete, wood, tile terrazzo, or similar material and, except for parking areas, the grounds shall be planted and landscaped.
- K. The storage, utilization and manufacture of solid, liquid and gaseous chemicals and other materials shall be permitted subject to the following conditions:
  - 1. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, but only if said material or products are stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
  - 2. All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire fighting and suppression equipment and devices standard to the industry involved. All above ground storage shall be in enclosed fireproof vaults.
  - 3. The storage, utilization or manufacture of pyrophoric and explosive powders and dusts, and of materials and products which decompose by detonation is prohibited.
  - 4. The manufacture of flammable liquids or materials which produce flammable or explosive vapors or gases is prohibited.

5. The storage and utilization of flammable liquids, or of materials that produce flammable or explosive vapors or gases shall be permitted on any lot in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the Sate Fire Marshall for the manufacture, storage, handling, sale and transportation of flammable and combustible liquids."

Furthermore the following table shall establish minimum quantities of flammable materials in gallons:

Closed Cup Flash Point in Degrees F	Above Ground	Below Ground
Class I Below	I Not Permitted	60,000
Class II above 100' F and below 140' F	II 3,000	120,000
Class III above	III 15,000	240,000

Note: If this table conflicts with above State Fire Marshall Regulations, the more restrictive will apply.

- L. The handling of radioactive materials, the discharge of such materials into air and water and the disposal of radioactive wastes shall be in strict conformance with:
  1. The applicable regulations of The Energy Research and Development Administration.
  2. The applicable regulations of any instrumentality of the State of Ohio.
- M. Materials or merchandise stored or stockpiled in unsheltered storage bins or outside storage piles or pits shall not exceed a height limit of twenty (20) feet above normal ground level at that point and said storage area shall not be located closer than fifty (50) feet from any property zoned for residential purposes.



Failure to comply with any of the Required Conditions by property owners or users will be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

**SECTION 2405 DEVELOPMENT STANDARDS**

In addition to provisions of Chapter VIII and IX, General Regulation and Special Regulations, the following standards for arrangement and development of land and buildings are required in the "I-2" General Industrial District.

**2405.01 HEIGHT REGULATIONS**

No structure shall exceed forty (40) feet in height.

**2405.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS**

Lot Area	None
Lot Frontage	Minimum 100 ft.
Front Yard Depth	50 ft. *
Side Yard	A side yard shall be required adjacent to a Residential or a Planned Residential District. Such side yard shall be equal to twice the height of the structure with a minimum requirement of twenty (20) feet and a maximum requirement of fifty (50) feet.
Rear Yard	A rear yard shall be required adjacent to a Residential or a Planned Residential District. Such side yard shall be equal to twice the height of the structure with a minimum requirement of twenty (20) feet and a maximum requirement of fifty (50) feet.  If a use is to be serviced from the rear, the yard shall be at least fifty (50) feet deep.

**2405.03 MAXIMUM LOT COVERAGE**

Fifty (50) percent of lot area.

**2405.04 MAXIMUM FLOOR AREA RATIO**

.5

\*The front yard depth shall be measured from the established right-of-way lines as shown on the **Official Thoroughfare Plan for Montgomery County**.

# ARTICLE 25

## "I-3" HEAVY INDUSTRIAL DISTRICT

### PREAMBLE

This district is established to accommodate industrial uses not provided for in other Industrial Zoning Districts.

### **SECTION 2501      PRINCIPAL PERMITTED USES**

- A. Any use permitted in Section 2401. The Required Conditions of Section 2505 shall be applicable.
- B. Any industrial activity, such as those enumerated below as examples, which fulfills all the requirements of the other sections of this Article.
  - 1. Asphalt or asphalt products.
  - 2. Ammonia or chlorine manufacturing and storage.
  - 3. Boiler shops.
  - 4. Celluloid or cellulose products and manufacturing.
  - 5. Cement lime or lime products manufacturing.
  - 6. Coal tar and creosote manufacturing.
  - 7. Coke ovens.
  - 8. Drop-forge plants.
  - 9. Fat rendering.
  - 10. Fertilizer manufacturing.
  - 11. Foundries and foundry products.
  - 12. Garbage or offal reduction or transfer.
  - 13. Glue manufacturing.
  - 14. Incinerators.

15. Petroleum refining plants.
16. Rubber manufacturing from crude or scrap material or the manufacturing of articles therefrom.
17. Sewage treatment plants.
18. Soap and detergent manufacturing from raw materials.
19. Stockyards, shambles and slaughterhouses.
20. Stone products processing and manufacturing.
21. Turpentine, varnish or paint manufacturing.

**SECTION 2502 ACCESSORY USES**

- A. Accessory uses, building or other structures customarily incidental to any aforesaid permitted use.
- B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

**SECTION 2503 CONDITIONAL USES**

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

- A. The following uses subject to the conditions for Conditional Uses Section 2504 A.
  1. Manufacturing and bulk storage of corrosive acids and derivatives and bulk storage stations for liquid fuels, petroleum products, petroleum and volatile oils.
  2. Manufacturing of flammable or explosive vapors or gases.
  3. Storage, utilization or manufacturing of pyrophoric and explosive powders and dusts, and of materials and products which decompose by detonation.

- B. The following use subject to the conditions for Conditional Uses Section 2504 B.
  - 1. Junk yards.
- C. Extraction of sand and gravel and other raw materials subject to the provisions of Chapter IX, Article 45.

**SECTION 2504 CONDITIONS FOR CONDITIONAL USES**

- A. Uses of the type exemplified by Section 2503 (A), shall be confined to tracts located at least one thousand (1,000) feet from any property where residents are permitted by this Zoning Resolution.
- B. Junk yards subject to the requirements of Section 2503 (B), shall be confined to tracts located at least six hundred (600) feet from any property zoned for residential purposes, shall observe a fifty (50) foot front yard setback, and shall comply with Chapter 4737, of the Ohio Revised Code.

**SECTION 2505 REQUIRED CONDITIONS**

No zoning certificate shall be issued for a "I-3" use, until the applicant shall have certified to the zoning inspector that:

- A. Where the property lines separate an Industrial District from a Residential District, a visual and mechanical barrier, a minimum of six (6) feet in height, shall be provided along the common lot line, which may consist of any of the following:
  - 1. An evergreen hedge used with a chain link fence. Such hedge shall not be less than three (3) feet in height.
  - 2. A solid fence of a non-deteriorating material.
  - 3. Masonry wall.
- B. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provision of Article 44.

- C. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animals or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken.
- D. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Health Department. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, oiling or other acceptable means.
- E. No person shall cause, permit or allow the emission or odorous matter in such concentration and frequency or for such durations that such odor can be perceived when one volume of odorous air is diluted with seven (7) volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one hour.
- F. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.
- G. Any operation that produces intense glare or heat shall be performed within a completely enclosed building or structure; and exposed sources of light shall be screened so as not to be detectable at the lot line.
- H. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any Residential District or upon any public street.
- I. No building or structure shall be used for residential purposes except that a watchman or custodian may reside on the premises.
- J. The storage, utilization and manufacture of solid, liquid and gaseous chemicals and other materials shall be permitted subject to the following conditions:
  - 1. The storage, utilization or manufacture of solid materials or products ranging from free or active

burning to intense burning is permitted only if said materials or products are stored, utilized or manufactured within completely enclosed buildings have incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

2. All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire fighting and suppression equipment and devices standard to the industry involved. All above ground storage shall be in enclosed fireproof vaults.
  
3. The storage and utilization of flammable liquids, or of materials that produce flammable or explosive vapors or gases shall be permitted on any lot in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshall for the manufacture, storage, handling, sale and transportation of flammable and combustible liquids."

Furthermore the following table shall establish minimum quantities of flammable materials in gallons:

<u>Closed Cup in Degrees F</u>	<u>Above Ground</u>	<u>Flash point</u>
Class I below <u>100 degrees</u>	I Not Permitted	Unlimited
Class II above 100' F. and below 140' F.	II Unlimited	Unlimited
Class III above 140' F	III Unlimited	Unlimited

Note: If this table conflicts with above State Fire Marshall Regulation, the more restrictive will apply.

- K. The handling of radioactive materials, the discharge of such materials into air and water and the disposal of radioactive wastes shall be in strict conformance with:
  1. The applicable regulations of the Energy Research and Development Administration.
  2. The applicable regulations of any instrumentality of the State of Ohio.
  
- L. Materials or merchandise stored or stockpiled in unsheltered storage bins or outside storage piles or pits shall not exceed a height limit of twenty (20) feet above normal ground level at that point and said storage area shall not be located closer than fifty (50) feet from any property zoned for residential purposes.

Failure to comply with any of the Required Conditions by property owners or users will be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

**SECTION 2506 DEVELOPMENT STANDARDS**

In addition to provisions of Chapters VIII and IX, General Regulations and Special Regulations the following standards for arrangements and development of land and buildings are required in the "I-3" Heavy Industrial District.

**2506.01 HEIGHT REGULATIONS**

No structure shall exceed forty (40) feet in height.

**2506.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS**

The following minimum requirements shall be observed.

Lot Area	None
Lot Frontage	Minimum 100 ft.
Front Yard Depth	50 ft. *
Side Yard	A side yard shall be required adjacent to a Residential or a Planned Residential District. Such side yard shall be equal to twice the height of the structure with a minimum



requirement of twenty (20) feet and a maximum requirement of forty (40) feet.

Rear Yard

A rear yard shall be required adjacent to a Residential or a Planned Residential District. Such side yard shall be equal to twice the height of the structure with a minimum requirement of fifty (50) feet.

If a use is to be service from the rear, the yard shall be at least fifty (50) feet deep.

**2506.03 MAXIMUM LOT COVERAGE**

Fifty (50) percent of lot area.

**2506.04 MAXIMUM FLOOR AREA RATIO**

.75

\*The front yard depth shall be measured from the established right-of-way lines as shown on the **Official Thoroughfare Plan for Montgomery County**.

## ARTICLE 26

### "F" FLOOD PLAIN DISTRICT

#### PREAMBLE

Certain areas within the unincorporated territory of Harrison Township are not readily usable or suitable for residential, commercial or industrial uses and should be reserved as conservation areas. Such areas may be subject to periodic flooding which makes development contrary to public interest.

#### **SECTION 2601      PRINCIPAL PERMITTED USES**

- A.      Agricultural operations, according to Article 2, Section 201.02, but this shall not include or permit the spreading, accumulation, feeding or use of garbage in any manner on the open surface of the ground.
- B.      Forestry.
- C.      Wildlife refuge, fish hatchery, or wildlife propagation.

#### **SECTION 2602      CONDITIONAL USES**

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

Before taking action on such request, the Board shall secure a written recommendation from the Montgomery County Planning Commission, and Miami Conservancy District regarding the advisability and approval of the request and setting the necessary standards and conditions for the proper operation of the proposed use.

- A.      Public and private park recreation areas to include parks, playgrounds, picnic grounds, golf courses and fishing lakes; also, boat docks, private and commercial, including leasing of fishing and recreational equipment and sale of bait.
- B.      Riding stables, provided that any buildings in which such animals are housed shall be at least five hundred (500) feet distant from any lot or tract in any Residential District.

- C. Circus, carnival or similar transient and portable amusement enterprises.
- D. Extraction of sand and gravel and other raw materials subject to the provisions of Chapter IX, Article 45.

# ARTICLE 27

## "WP" WELL FIELD PROTECTION OVERLAY DISTRICT

### PREAMBLE

The "WP" Well Field Protection Overlay District is designed to safeguard the public health, safety and welfare of citizens and institutions that are customers of any "protected public water supply" by regulating the land use and the storage, handling, use and/or production of Regulated Substances. The areal extent of the zone is described as the land area within Harrison Township adjacent to existing and proposed protected public wells which lie within the Well Field Protection Area. The intent of this designation is to protect the region's potable water supply against contamination.

### **SECTION 2701 APPLICABILITY OF WELL FIELD PROTECTION OVERLAY DISTRICT TO UNDERLYING ZONING DISTRICTS**

The provisions of this Article shall be applicable to all lands shown as being located within the boundaries of the "WP" Well Field Protection Overlay District on the Zoning Map and shall be supplemental to the regulations of the underlying zoning district. Where the requirements of this Article are in conflict with the regulations of the underlying district, the more restrictive regulations shall apply.

### **SECTION 2702 DETERMINATION OF APPLICABILITY**

It shall be the responsibility of any person owning real property and/or owning or operating a business within Harrison Township to make a determination of the applicability of this Article as it pertains to the property and/or business under his/her ownership or operation and his/her failure to do so shall not excuse any violations of this Article.

### **SECTION 2703 DEFINITIONS:**

- A. **Administrator** - Shall be the Planning/Zoning Director and such individuals or agencies authorized by the Township Trustees to assist in administration and enforcement of the provisions of this article.
- B. **Aquifer** - A glacial formation, group of glacial formations or part of a glacial formation that contains

enough saturated permeable material to yield significant quantities of water.

- C. **Potable Water** - Water that is satisfactory for drinking, culinary and domestic purposes, meeting current drinking water standards.
- D. **Protected Public Water Supply** - A public water system which serves at least fifteen (15) service connections used by year-round residents or regularly services at least twenty-five (25) year-round residents, and having a one-year capture area defined through appropriate hydrologic study.
- E. **Recharge Lagoon** - A body of water designed and maintained by man to add water to the groundwater at a rate greater than that occurring naturally.
- F. **Regulated Substance(s)** - Substances to be regulated, hereinafter referred to as Regulated Substances, are chemicals and mixtures of chemicals which are health hazards. Regulated Substances include:
  - 1. Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, irritants, corrosives, 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) 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 within the "WP" Well Field Protection Overlay District 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 in use in equipment for the transmission of electric power to homes and businesses).

**G. Underground Storage Tank** – One or any combination of tanks (including underground pipes connected thereto) that are used to contain an accumulation of Regulated Substances and the volume of which (including the volume of underground pipes connected thereto) is ten (10) percent or more beneath the surface of the ground. The term Underground Storage Tank does not include any of the following:

- a) Pipeline facilities, including gathering lines, regulated under the "Natural Gas Pipeline Safety Act of 1968" 82 Stat. 720, 49 U.S.C.A. as amended;
- b) Surface impoundments, pits, ponds, or lagoons;
- c) Storm or waste water collection systems;
- d) Flow-through process tanks;
- e) Storage tanks located in underground areas when the tanks are located on or above the surface of the floor and the integrity of the tank is periodically visually evaluated;
- f) Septic tanks;
- g) Tanks used for storing heating fuel for consumptive use on the premises where stored, provided the premises are single or two family residences.

**H. Well Field** - A tract of land that contains a number of wells for supplying water.

**I. Well Field Protection Area** – The surface and subsurface area surrounding a water well or well field, supplying a public water system, through which contaminants are reasonable likely to move toward and reach such water well or well field.

**SECTION 2704 PRINCIPAL PERMITTED USES**

The principal permitted uses allowed within the "WP" Well Field Protection Overlay District shall be those of the underlying zoning district, provided they meet all requirements of this Article. Uses not specifically mentioned are not permitted.

**SECTION 2705 ACCESSORY USES**

The accessory uses allowed within the "WP" Well Field Protection Overlay District shall be those of the underlying zoning district, provided they meet all requirements of this Article. Uses not specifically mentioned are not permitted.

**SECTION 2706 CONDITIONAL USES**

The conditional uses allowed within the "WP" Well Field Protection Overlay District shall be those of the underlying zoning district, provided they meet all requirements of this Article in addition to any applicable requirements established under any other Article. In addition, specific conditional use provisions for the extraction of minerals and existing uses within the WP district shall be as follows:

A. **Mineral Extraction:** The excavation, extraction, mining or processing of sand, gravel and limestone from the earth for resale shall remain as conditional uses in the "WP" Well Field Protection Overlay District subject to BZA approval of an excavation and facilities plan that includes, but is not limited to:

1. An existing site plan with topographic detail at two (2) foot contour intervals, all planimetric information, depth to ground water and flood plain characteristics where applicable.

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

- B. **Existing Businesses** - Existing legal businesses within the WP district as of the effective date of this article may make application to increase the maximum quantities of regulated substances maintained on site in response to changes in the market and/or need to increase production.
1. All other methods to respond to changes in the market or increase production without exceeding the maximum quantities or reported regulated substances have been exhausted.
  2. There shall be no greater hazard and/or threat of hazard to the aquifer and/or ground water as a result of increasing the amount of regulated substances.



**SECTION 2707 SPECIFIC PROHIBITED USES**

The following uses are prohibited in the Well Field Protection Areas:

1. Construction and demolition waste and debris sites;
2. Sanitary waste facility and/or sanitary waste processing facility;
3. Hazardous waste facility and/or hazardous waste processing facility;
4. Dry well;
5. Underground storage tank

**SECTION 2708 GROUNDWATER PROTECTION STANDARDS**

**2708.01 REGULATED SUBSTANCES MAXIMUM QUANTITIES**

Use, storage, handling and/or production of Regulated Substances in conjunction with permitted and conditional uses in this district shall be limited to or as follows:

**Aggregate of Regulated Substances:** The aggregate of Regulated Substances in use, storage, handling and/or production may not exceed twenty (20) gallons or one hundred and sixty (160) pounds at any time.

**2708.02 LIMITED EXCLUSIONS**

Limited exclusions from the provisions of Section 2708.01 are authorized for:

- A. **Non-Routine Maintenance or Repair of Property or Equipment:** The use, storage, handling and/or production of Regulated Substances under this exclusion shall be limited to:

. 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.

- B. **Medical & Research Laboratory Uses:** Excluded Regulated Substances shall be stored, handled or used in containers not to exceed five (5) gallons or forty (40) pounds of each substance and the aggregate inventory of Regulated Substances shall not exceed two hundred and fifty (250) gallons or two thousand (2,000) pounds.
  
- C. **Cleaning Agents:** Excluded Regulated Substances which are cleaning agents shall be packaged for personal or household use or be present in the same form and concentration as a product packaged for use by the general public. The aggregate inventory of such cleaning agents shall not exceed two hundred (200) gallons or sixteen hundred (1600) pounds at any time. In no case shall Regulated Substances claimed under this exclusion include hydrocarbon or halogenated hydrocarbon solvents.
  
- D. **Construction Materials** - Regulated Substances associated with construction for which a permit has been issued, paving or the pouring of concrete shall be excluded from regulation while present on the construction site provided such regulated substances do not pose a real and present danger of contaminating surface and/or ground water. For the on-site storage of fuel and lubricants for vehicles or other equipment, which may be associated with such construction activity, the fuel storage containers shall be secondarily contained. Regulated Substances not used in the construction process and all wastes generated during construction shall be removed from the construction site no later than at the time of completion of the construction. If construction activity has ceased for sixty (60) days, all Regulated Substances shall be removed from the site until such time as the construction activity is to resume.

**2708.03 UNDERGROUND STORAGE OF FUEL AND LUBRICANTS**

With the exception of residential use of heating fuels, the underground storage of fuel and lubricants for vehicle operations and fuel for building and/or process heating in conjunction with permitted and conditional uses in this district

shall be secondarily contained and monitored. Such installations shall be subject to approval by the Administrator.

**2708.04 NONCONFORMING USES**

- A. **Underground Storage Tanks:** Not- withstanding other provisions in this Article, nonconforming uses in this district using underground storage tanks on November 20, 2008 for fuel and lubricants for vehicle operations and fuel for building and/or processing heating shall be permitted to replace existing tanks with those constructed as per the specifications of Section 2708.03 above and not exceeding the capacity of existing tanks. Replacement of underground tanks for Regulated Substances other than the above noted fuels and lubricants are not permitted.
  
- B. **Substitutions of Nonconforming Uses:** As part of the findings required under Article 36, the Administrator shall use the Total Maximum Daily Inventory and Facility Hazard Potential Rating to assist in the determination of intensity of use within this district. Except as provided for in Section 2706(B), no substitutions of a non-conforming use shall be permitted which result in an increase in the Total Maximum Daily Inventory of Regulated Substances or that result in an increase of the Facility Hazard Potential Rating on a parcel within this district.

**2708.05 EXEMPTION OF CERTAIN REGULATED SUBSTANCES**

The Administrator is authorized to exempt certain regulated substances that pose no threat to groundwater, from the provisions of this Article. Prior to authorizing the exemption of any regulated substance, the Administrator shall have such request for exemption reviewed by the City of Dayton's Environmental Advisory Board (E.A.B.). The recommendation of the E.A.B. shall be binding on the Administrator.

**2708.06 TECHNICAL CONSULTANTS**

Upon application for a Zoning Permit and/or Occupancy Certificate and/or Conditional Use Permit for a use within the "WP" Well Field Protection Overlay District, the Administrator

may employ such technical expertise as needed to ensure compliance with the provisions of this Article. All documented costs incurred in the compliance review process shall be passed through to the applicant and shall be in addition to those fees normally charged by the Township to review a Zoning Permit and/or Occupancy Certificate and/or Conditional Use Permit.

**2708.07 EXISTING BUSINESS/NONCONFORMING USES**

All legal uses located within the WP district, as of the effective date of this Article shall be "Grandfathered" in and have the maximum quantities (determined by peak business cycle) for each reportable regulated substance, "Grandfathered" in at the reported maximum quantity with no annual use limitation. Existing uses and Total Maximum Daily Inventory, in combination with "Facility Hazard Potential Rating" shall run with the land and be administered in conformance with all other applicable nonconforming provisions of this Zoning Resolution and the "Ohio Revised Code."

**2708.08 REMOVAL OF REGULATED SUBSTANCES**

Any nonresidential use of property that becomes unoccupied or has discontinued operation for a period of sixty (60) days or more shall remove all regulated substances other than those used exclusively for heating, cooling and providing electrical lighting from the property upon which it is located within thirty (30) days.

**SECTION 2709 REPORTING REQUIREMENTS**

**2709.01 REGULATED SUBSTANCE ACTIVITY INVENTORY**

A. **Applicability:**

1. Except as provided in Section 2709.01(B), any owner or occupant of any land in the Well Field Protection Overlay District at the effective date of this Article shall file a Regulated Substance Activity Inventory Report with the Administrator. Said report shall be filed by January 30<sup>th</sup> of every even numbered calendar year.
2. Any prospective new owner or occupant of any land in the Well Field Protection District shall file a Regulated Substance Activity Inventory Report

with the Director before occupying the site and henceforth as required in Section 2709.01(A)(1). Any prospective new owner or occupant that is also required to obtain a new Certificate of Zoning Compliance shall obtain such certificate before occupying the site. For purposes of this subdivision, “new” shall be defined as subsequent to the effective date of this section.

3. Where a person owns, operates or occupies more than one location, Regulated Substance Activity Inventory Reports shall be made for each location.

**B. Exclusions to Activity Inventory Reporting:**

1. Any exclusion set forth in this Paragraph shall apply provided that said exclusion does not substantially increase any risk or hazard to the public health, aquifer, water supply, wells or well fields; and provided further that any spill, leak, discharge or mishandling shall be subject to the provision of this Article. Any exclusion granted herein shall not remove or limit the liability and responsibility of any person or activity involved.
2. A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for routine uses of Regulated Substances provided the uses are limited as follows:

The aggregate of Regulated Substances in use may not exceed twenty (20) gallons or one hundred and sixty (160) pounds at any time.

3. A limited exclusion from Regulated Substance Activity reporting is hereby authorized for non-routine maintenance or repair of property in the Well Field Protection Overlay District provided the uses are limited as follows:

The aggregate of Regulated Substances in use may not exceed fifty (50) gallons or four hundred (400) pounds at any time.

4. A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for Regulated Substances which are cleaning agents provided however, such cleaning agents are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public, and provided that aggregate inventory of such cleaning agents shall not exceed two hundred (200) gallons or sixteen hundred (1600) pounds at any time. In no case shall Regulated Substances claimed under the exclusion include halogenated hydrocarbon solvents.
5. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for medical and research laboratory uses in the Well Field Protection Overlay District, provided however, Regulated Substances shall be stored, handled or used in containers not to exceed five (5) gallons or forty (40) pounds of each substance and the aggregate inventory of Regulated Substances shall not exceed two hundred and fifty (250) gallons or two thousand (2,000) pounds.
6. An exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for the transportation of Regulated Substances being transported through the Well Field Protection Overlay District provided that the transporting vehicle is in compliance with applicable local ordinances and Federal and Ohio laws and provided that the transporting vehicle is in continuous transit, making delivery, or is stopped for no more than seventy-two (72) hours.
7. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for single or two-family residences provided that the storage and use of such Regulated Substances are related to the maintenance of the residence or vehicles at the residence and provided waste Regulated Substances are handled and disposed of properly.

8. A limited exclusion from Regulated Substances Activity Inventory Reporting is hereby authorized for regulated substances that are contained within tanks that are designed as an integral part of the motor vehicle or watercraft and used specifically and solely for the operation of the motor vehicle. This exclusion does not apply to inoperative motor vehicles. Except as provided for in Section 2709.01(B.6), in no case shall the tanker portion of a tractor-trailer truck be included in this exclusion.
9. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for Regulated Substances for melting ice from walking and driving areas of a property or using water softeners, provided such Regulated Substances are salts and are stored inside a building that has an impervious floor.
10. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for Regulated Substances for swimming pool water quality maintenance, provided that the total of Regulated Substances does not exceed one hundred ten (110) gallons or eight hundred eighty (180) pounds at any time.
11. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for Regulated Substances for the operation of elevators, escalators, moving walkways, and similar devices that are an integral part of the building or structure.
12. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for refrigerants contained in equipment used for on-site air-cooling or contained in household appliances.
13. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for the solid form of plastic resins, solid inks, dry wall mud, caulking, joint and topping compounds and similar solids and semi-solids that have been determined by the Administrator to pose a minimal threat to the ground water, provided the substances are stored inside a building that has an impervious

floor. Plastic resins containing chlorine are not excluded from reporting.

14. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for gasses, with the exception of ammonia, halogens and halogenated compounds. Gasses for retail are not excluded from reporting. Regulated Substances used in the manufacturing and extraction of gasses and repackaged or warehoused gasses are not excluded from reporting.
15. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for food grade citric acid.
16. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for batteries in use in equipment and the storage of new replacement batteries provided the batteries are stored inside a building that has an impervious floor. Batteries for retail, to be disposed, or to be recycled are not excluded from reporting. Regulated Substances used in the manufacturing of batteries and repacked or warehoused batteries are not excluded from reporting.
17. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for Cosmetics as defined by Section 321 of Title 21 of the United States Code. Regulated Substances used in manufacture and extraction of Cosmetics and repackaged or warehoused cosmetics are not excluded from reporting.
18. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for regulated substances for personal or household use as food or drink for a person or animal, except that Regulated Substances used in the manufacture and extraction of such are not excluded from reporting.

#### **2709.02 SPILLS, LEAKS OR DISCHARGES**

- A. **Notification:** Any person with direct knowledge of a spill, leak or discharge of a Regulated Substance within



the Well Field Protection Overlay District shall, if such spill, leak or discharge escapes containment, contacts a non-impervious ground surface and is not immediately and completely remediated, give notice to the Harrison Township Fire Dispatcher, by telephone within thirty (30) minutes of such spill. When it is impractical for a person to give notice of a spill within the first thirty (30) minutes, notice shall be given as soon as it becomes practicable to do so. The notification shall include at a minimum, the location of the incident, name and telephone number, date and time thereof, type of substance(s), concentration and volume, and control or corrective action taken. Such notification shall in no way alleviate other local, state, and federal reporting obligations as required by law.

- B. **Liability:** Any entity or person who spills, leaks or discharges said substance(s) shall be liable for any reasonable expense, loss or damages incurred by the Township in response to such an incident, in addition to the amount of any fines imposed on account thereof under Ohio 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 and eighty (180) days after the incident.
- C. **Posting:** Harrison Township shall post signs in conspicuous places advising transporters of Regulated Substances of notification procedures in the event of a spill or accidental discharge.

**SECTION 2710 UNDERGROUND STORAGE TANKS**

Owners and operators of underground storage tanks systems, as defined in Section 2703.G, which are located within the Well Field Protection Overlay District, shall comply with requirements of the Ohio Administrative Code, Section 1301:7-9, as amended, irrespective of whether they are defined as underground storage tank systems by OAC Section 1301:7-9. Owners and operators of underground storage tank systems within the Well Field Protection Overlay District shall comply with the requirements of this subsection irrespective of whether

they are located within a sensitive area as defined in Ohio Administrative Code Section 1301:7-9-09, as amended. Owners and operators of any underground storage tank system in the Well Field Protection Overlay District when required to file a Closure Assessment Report by OAC Section 1301.7-9 shall file one copy of the Closure Assessment Report with the Administrator.

**SECTION 2711 FALSIFYING INFORMATION**

No person shall make any false statement, representation, or certification in any report or other document filed or required to be maintained pursuant to this Article.

**SECTION 2712 RETENTION OF RECORDS**

Any reports or records compiled or submitted pursuant to this Article shall be maintained by the user for a minimum of five (5) years or so long as enforcement or judicial proceedings are being pursued, whichever is longer.

**SECTION 2713 ENFORCEMENT**

A. **Application:** If any activity or use of Regulated Substance is deemed by the Administrator to be in violation of this Article or poses a real and present danger of contaminating surface and/or ground water which would normally enter the public water supply, in accordance with Section 519.24 (O.R.C.) or other applicable State Laws, the Administrator is authorized to:

1. Cause cessation of said activity or use of the Regulated Substance;
2. Require the provision of administrative controls and/or facilities sufficient to mitigate said danger; and/or
3. Cause the provision of pollution control and/or abatement activities.

B. **Considerations:** When considering the exercise of any of the above authorities or actions, the Administrator shall notify and consult with the Director or designated

representative of the affected water supply 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. The Administrator may take into consideration any evidence represented by the entity regarding cost effectiveness and the economic effectiveness and the economic impact imposed by the requirements or actions.

**SECTION 2714 HAZARD POTENTIAL RANKING SYSTEM**

In order to assess the risk for potential groundwater contamination, a hazard ranking has been developed for various activities categorized by their Standard Industrial Classification (SIC) code. This ranking is based on the kinds of materials commonly associated with each use looking only at the most critical hydrologic factor.

- A. **Table 1 - Hazard Potential by Land Use\***: Table 1 lists the site hazard potential by land use activity on a scale of 1 - 9, with 1 being a low hazard and 9 a very high hazard. This rating is based on the intrinsic hazards posed by different land uses and is related to the materials commonly used or stored on the site or the types and amounts of wastes commonly discharged.
- B. **Table 2 - Hazard Potential by Material\***: Table 2 lists the hazard potential determined on the basis of materials known to be used, stored, or disposed of at a specific site.

\*If the two tables referenced above indicate different site hazard potential ratings for the SIC-coded land use activity and the materials found on-site, the higher of the two scores is the rating for the site.

**Table 1**

**Contaminant Hazard Potential Ranking Classified by Source**

SIC No.	Description of Waste Source	Hazard Potential Initial Rating
01	Agricultural Production-Crops	1 - 2

<b>02</b>	<b>Agricultural Production- Livestock</b>	
	021.....Livestock, except Dairy, Poultry and Animal Specialties, Feedlots	3; 5 for
	024.....Dairy Farms.....	4
	025.....Poultry and Eggs.....	4
	027.....Animal Specialties.....	2 - 4
	029.....General Farms, Primarily Livestock.....	2
<hr/>		
<b>10</b>	<b>Metal Mining</b>	
	101.....Iron Ores.....	4
	102.....Copper Ores.....	6
	103.....Lead and Zinc Ores.....	5
	104.....Gold and Silver Ores.....	6
	105.....Bauxite and Other Aluminum Ores.....	5
	106.....Ferroalloy Ores Except Vanadium.....	5
	108.....Metal Mining Services.....	4
	1092.....Mercury Ore.....	6
	1094.....Uranium-Radium-Vanadium Ores.....	7
	1099.....Metal Ores Not Elsewhere Classified....	5
<hr/>		
<b>11</b>	<b>Anthracite Mining.....</b>	<b>7</b>
<hr/>		
<b>12.....</b>	<b>Bituminous Coal and Lignite Mining.....</b>	<b>7</b>
<hr/>		
<b>13</b>	<b>Oil and Gas Extraction</b>	
	131 Crude Petroleum and Natural Gas.....	7
	132.....Natural Gas Liquids.....	7
	1381.....Drilling Oil and Gas Wells.....	6
	1382.....Oil & Gas Field Exploration Services...	1
	1389.....Oil & Gas Field Services Not.....	Variable,
	Elsewhere Classified	Depending on Activity
<hr/>		
<b>14</b>	<b>Mining &amp; Quarrying of Non-Metallic Minerals, Except Fuels</b>	
	141.....Dimension Stone.....	2
	142.....Crushed & Broken Stone, Including.....	2

	Rip-Rap	
144.....	Sand & Gravel.....	2
145.....	Clay, Ceramic & Refractory Minerals....	2 - 5
147.....	Chemical & Fertilizer Mineral Mining...	4 - 7
148.....	Nonmetallic Minerals Services.....	1 - 7
149.....	Miscellaneous Nonmetallic Minerals,....	2 - 5
	Except Fuels	

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**16 Construction Other than Building  
Construction**

1629....	Heavy Construction, not Elsewhere.....	4
	Classified (Dredging, Especially in Salt Water)	

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**20 Food and Kindred Products**

201.....	Meat Products.....	3
202.....	Dairy Products.....	2
203.....	Canned & Preserved Fruits & Vegetables.	4
204.....	Grain Mill Products.....	2
205.....	Bakery Products.....	2
206.....	Sugar & Confectionery Products.....	2
207.....	Fats & Oils.....	3
208.....	Beverages.....	2 - 5
209.....	Miscellaneous Food Preparation &.....	2
	Kindred Products	

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**22 Textile Mill Products, All Except  
Listed Below**

223.....	Broad Woven Fabric Mills Wool.....	6
	(including dyeing & finishing)	
226.....	Dyeing & Finishing Textiles, Except....	6
	Wool Fabrics & Knit Goods	
2295.....	Coated Fabrics, not Rubberized.....	6

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**24 Lumber & Wood Products Except Furniture**

241.....	Logging Camps & Logging Contractors....	2
242.....	Sawmills & Planing Mills.....	2
2435.....	Hardwood Veneer & Plywood.....	4

2436.....Softwood Veneer & Plywood.....	4
2439.....Structural Wood Members not Elsewhere.. Classified (laminated wood-glue)	3
2491.....Wood Preserving.....	5
2492.....Particle Board.....	4
2499.....Wood Products, not Elsewhere..... Classified	2 - 5

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## **26 Paper & Allied Product**

261.....Pulp Mills.....	6
262.....Paper Mills Except Building..... Mills	6
263.....Paperboard Mills.....	6

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## **28 Chemicals & Allied Products**

2812.....Alkalies & Chlorine.....	7 - 9
2813.....Industrial Gases.....	-
2816.....Inorganic Pigments.....	3 - 8
2819.....Industrial Inorganic Chemicals, not... Elsewhere Classified	3 - 9
2821.....Plastic Materials, Synthetic Resins.... & Nonvulcanizable Elastomers	6 - 8
2822.....Synthetic Rubber (Vulcanizable..... Elastomers)	6 - 8
2823.....Cellulose Man-Made Fibers.....	6 - 8
2824.....Synthetic Organic Fibers, Except..... Cellulosic	6 - 8
2831.....Biological Products.....	6 - 9
2833.....Medicinal Chemicals & Botanical..... Products	3 - 8
2834.....Pharmaceutical Preparations.....	6 - 9
2841.....Soap & Other Detergents, Except..... Specialty Cleaners	4 - 6
2842.....Specialty Cleaning, Polishing, &..... Sanitation Preparation	3 - 8
2843.....Surface Active Agents, Finishing..... Agents, Sulfonated Oils & Assistants	6 - 8
2844.....Perfumes, Cosmetics & Other Toilet.... Preparations	3 - 6
2851.....Paints, Varnishers, Lacquers, Enamels.. & Allied Products	5 - 8
2861.....Gum & Wood Chemicals.....	5 - 8

2865.....Cyclic (coal tar) Crudes, & Cyclic..... Intermediates, Dyes & Organic Pigments (Lakes and Toners)	6 - 9
2869.....Industrial Organic Chemicals not..... Elsewhere Listed	3 - 9
2873.....Nitrogenous Fertilizers.....	7 - 8
2874.....Phosphatic Fertilizers.....	7 - 8
2875.....Fertilizer Mixing Only.....	5
2879.....Pesticides & Agricultural Chemicals.... not Elsewhere Listed	5 - 9
2891.....Adhesives & Sealants.....	5 - 8
2892.....Explosives.....	6 - 9
2893.....Printing Ink.....	2 - 5
2895.....Carbon Black.....	1 - 3
2899.....Chemicals & Chemical Preparations,..... not Elsewhere Listed	3 - 9

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## **29 Petroleum Refining & Related Industries**

291.....Petroleum Refining.....	8
295.....Paving & Roofing Materials.....	7
299.....Misc. Petroleum & Coal Products.....	7

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## **30 Rubber & Miscellaneous Plastics Products**

301.....Tires & Inner Tubes.....	6
302.....Rubber & Plastic Footwear.....	6
303.....Reclaimed Rubber.....	6
304.....Rubber & Plastic Hose & Belting.....	4
306.....Fabricated Rubber Products, not..... Elsewhere Classified	4

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## **31 Leather & Leather Products**

311	Leather Tanning & Finishing.....8
Remaining Three-Digit Codes.....	1 - 3

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## **32 Stone, Clay, Glass & Concrete Products**

321.....Flat Glass.....	4
322.....Glass & Glassware Pressed or Blown.....	4
324.....Cement, Hydraulic.....	3

	33274.....Lime.....	3
	3291.....Abtasive Produces.....	3
	3292.....Asbestos.....	3
	3293.....Gaskets, Packing & Sealing Devices.....	3
<hr/>		
<b>33</b>	<b>Primary Metal Industries (Except as.....3 Noted Below)</b>	
	3312....Blast Furnaces, Steel Works, and..... Rolling & Finishing Mills	6
	333.....Primary Smelting & Refining of..... Nonferrous Metals	7
<hr/>		
<b>34</b>	<b>Fabricated Metal Products, Except.....5 Machinery &amp; Transportation Equipment (Except as Noted Below)</b>	
	347.....Coating, Engraving & Allied Services...	8
	3482.....Small Arms Ammunition.....	7
	3483.....Ammunition, Except for Small Arms..... not Elsewhere Classified	7
	3489.....Ordnance and Accessories..... not Elsewhere Classified	7
	349.....Misc. Fabricated Metal Products.....	3 - 6
<hr/>		
<b>35</b>	<b>Machinery, Except Electrical.....5 - 7</b>	
<hr/>		
<b>36</b>	<b>Electrical &amp; Electronic Machinery, Equipment &amp; Supplies (Except as Note Below)</b>	
	3391....Storage Batteries. ....	8
	3692....Primary Batteries, Dry & Wet. ....	8
<hr/>		
<b>37</b>	<b>Transportation Equipment.....</b>	<b>5 - 8</b>
<hr/>		
<b>38</b>	<b>Measuring, Analyzing, &amp; Controlling..... Instruments; Photographic, Medical, &amp; Optical Goods; Watches &amp; Clocks (Except as Noted Below)</b>	<b>4 - 6</b>



386.....Photographic Equipment & Supplies.....	7
<b>39 Misc. Manufacturing Industries.....</b>	<b>3 - 7</b>
<b>49 Electric, Gas &amp; Sanitary Services</b>	
491.....Electric Services.....	3 - 5
492.....Gas Production & Distribution.....	3
494.....Water Supply.....	2
4952.....Sewage Systems.....	2 - 5
4953.....Refuse Systems (Landfills).....	5 - 9
496.....Steam Supply.....	2 - 4

**Table 2**  
**Contaminant Hazard Potential Ranking Classified by Type**

Description	Hazard Potential Initial Reading	ID No *
<b><u>Solids</u></b>		
Ferrous Metals.....	1 - 4.....	1100
Non-Ferrous Metals.....	1 - 7.....	1200
Resins, Plastics, and Rubber.....	2 .....	1300
Wood and Paper Materials (except as noted below)..	2 .....	1400
Bark.....	4 .....	1401
Textiles and Related Fibers.....	2 .....	1500
Inert Materials (except as noted below).....	2 .....	1600
Sulfide Mineral-Bearing Mine Tailings	6 .....	1601
Slag and other Combustion Residues...	5 .....	1602
Rubble, Construction, and Demolition Mixed Waste. ....	3 .....	1603
Animal Processing Wastes (except as noted below)..	2 - 4.....	1700
Processing Skins, Hides, and Leathers.	6 .....	1701
Dairy Wastes....	4 .....	1702
Live Animal Wastes-Raw Manures (Feedlots).	5 .....	1703
Composts of Animal Waste.....	2 - 4.....	1704
Dead Animals.....	5 .....	1705
Edible Fruit and Vegetables Remains-Putrescables..	2 - 3.....	1800

**Liquids**

Organic Chemicals (must be chemically classified) .....	2000
Aliphatic (Fatty) Acids.....	3 - 5.....2001
Aromatic (Benzene) Acids.....	7 - 8.....2002
Resin Acids.....- .....	003
Alcohols.....	- 7.....2004
Aliphatic Hydrocarbons (petroleum.... derivatives)	- 6.....2005
Aromatic Hydrocarbons (benzene..... derivatives)	- 8.....2006
Sulfonated Hydrocarbons.....	7- 8.....2007
Halogenated Hydrocarbons.....	7- 9.....2008
Alkaloids.....	7 - 9.....2009
Aliphatic Amines & Their Salts.....	1 - 4.....2010
Anilines.....	6 - 8.....2011
Pyridines.....	2 - 6.....2012
Phenols.....	7 - 9.....2013
Aldehydes.....	6 - 8.....2014
Keytones.....	6 - 8.....2015
Organic Sulfur Compounds (Sulfides,.. Mercaptans)	7 - 9.....2016
Organometallic Compounds.....	7 - 9.....2017
Cyanides.....	7 - 9.....2018
Thiocyanides.....	2 - 6.....2019
Sterols.....- .....	2020
Sugars & Cellulose.....	1 - 4.....2021
Esters.....	6 - 8.....2022

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<b><u>Inorganic Chemicals (must be chemically classified)</u></b> .....	2100
Mineral & Metal Acids..... .	5 - 8.....2101
Mineral & Metal Bases.....	5 - 8.....2102
Metal Salts, Including Heavy Metals..	6 - 9.....2103
Oxides.....	5 - 8.....2104
Sulfides.....	5 - 8.....2105
Carbon or Graphite.....	1 - 3.....2106

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<b><u>Other Chemical Process Wastes Not Previously Listed</u></b> .....	2200
<b>(must be chemically classified)</b>	
Inks.....	2 - 5.....2201
Dyes.....	3 - 8.....2202
Paints.....	5 - 8.....2203
Adhesives.....	5 - 8.....2204
Pharmaceutical Wastes.....	6 - 9.....2205
Petrochemical Wastes.....	7 - 9.....2206

Metal Treatment Wastes.....	7 - 9.....2207
Solvents.....	6 - 9.....2208
Agricultural Chemicals (Pesticides,.. Herbicides, Fungicides, etc.)	7 - 9.....2209
Waxes & Tars.....	4 - 7.....2210
Fermentation & Culture Wastes.....	2 - 5.....2211
Oils, Including Gasoline, Fuel Oil, etc.	5 - 8.....2212
Soaps & Detergents.....	4 - 6.....2213
Other Organic or Inorganic Chemicals. includes Radioactive Wastes.....	2 - 9.....2214 4 - 8.....2300
Conventional Treatment Process.....	4 - 8.....2301
County/Municipal Sludges from Biological Sewage Treatment From Water Treatment & Conditioning.. Plants (must be chemically classified)	2 - 5.....2302

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

1. Classification based on material in Environmental Protection Agency, Publication, 670-2-75-024, pp. 79-85, prepared by Arthur D. Little, Inc., and published in 1975.
2. For individual material ranking, refer to solubility-toxicity tables prepared by Versar, Inc., for the Environmental Protection Agency (source: MDNR, June 1980).

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

## ARTICLE 28

### "OSI-1" OFFICE/SERVICE/INDUSTRIAL PARK DISTRICT

#### PREAMBLE

The intent of the "OSI-1" District is to provide for the development of office, service, research and industrial types of activities, generally characterized by their low intensity and having little or no negative impact on the community and environment. This district is also intended to serve as a transitional zone between commercial and industrial districts, and to encourage redevelopment along major thoroughfares where higher intensity zoning is deemed inappropriate.

#### SECTION

**2801**

#### PRINCIPAL PERMITTED USES

- A. Administrative offices, including public, semipublic, civic, religious and charitable organizations.
- B. Antiques.
- C. Appliance sales and service.
- D. Art galleries, libraries and museums.
- E. Art and school supplies.
- F. Artist, sculptor and composer studios
- G. Auction House
- H. Automobile Self Service Gas Station/Mini Market
- I. Automobile accessories
- J. Bakeries, retail
- K. Banks and financial institutions without drive-in windows or drive-up automatic teller machines.
- L. Barber and beauty schools.
- M. Barber and beauty shops.
- N. Bicycle sales, rental, repair.

- O. Blue printing, photo copying and photo finishing
- P. Book stores and card shops.
- Q. Bowling alleys.
- R. Bridal consultants.
- S. Business machines, sales and service
- T. Business offices and industrial sales and service establishments where a stock of goods may be maintained on the premises for local or regional transport and sales to customers is permitted, provided that retail sales do not comprise a major portion of the total business.
- U. Camera and photo supplies.
- V. Candy and confectionery.
- W. Carpet and floor covering.
- X. Catering services.
- Y. China, glassware.
- Z. Cigarettes, cigars, tobacco.
- AA. Clothing stores and shoes.
- BB. Community center.
- CC. Costume rental
- DD. Dancing schools.
- EE. Dairy products retail.
- FF. Data processing centers
- GG. Delicatessen.
- HH. Department stores.

- II. Draperies.
- JJ. Dressmaking, seamstress.
- KK. Driver training schools.
- LL. Drug stores.
- MM. Dry cleaning and Laundromats (self service).
- NN. Dry cleaning and laundry pick up stations.
- OO. Equipment rental services (but not including automobiles, trucks and trailers).
- PP. Exercise & Weight Training Facilities
- QQ. Exterminating services.
- RR. Florists.
- SS. Food stores.
- TT. Frozen food lockers.
- UU. Furniture and home furnishings.
- VV. Furniture and upholstery repair.
- WW. Gifts and novelties.
- XX. Hardware.
- YY. Heating, air conditioning, electrical and plumbing sales and repair.
- ZZ. Hobby shops.
- AAA. Hotels and motels
- BBB. Hospitals.
- CCC. Indoor Tennis/Racquet Ball Clubs
- DDD. Interior decorating shops.

- EEE. Lawn mower sales.
- FFF. Lawn mower service and repair
- GGG. Leather goods, luggage.
- HHH. Libraries and reading rooms.
- III. Locksmiths.
- JJJ. Mail order catalogue stores.
- KKK. Magazine distribution agency
- LLL. Medical clinics and hospitals
- MMM. Medical and dental clinics
- NNN. Medical research facilities.
- OOO. Music, musical instruments
- PPP. Newspaper substations.
- QQQ. News stand.
- RRR. Nursing Home
- SSS. Nursing homes, rest homes, and convalescent homes.
- TTT. Nursery school or child care facility.
- UUU. Office buildings of any kind provided that no retail trade with the general public is carried on, and that no stock of goods is maintained for sale to customers.
- VVV. Office furniture and supplies
- WWW. Optical goods.
- XXX. Paint, glass and wallpaper.
- YYY. Party supply.

- ZZZ. Pet sales and supplies.
- AAAA. Photo studios.
- BBBB. Places of Worship
- CCCC. Professional services, including, but not limited to, offices of physicians, surgeons, dentists, lawyers, accountants, architects, engineers, insurance and real estate agents and member of similar professions.
- DDDD. Radio and television sales and service.
- EEEE. Radio and television broadcasting studios
- FFFF. Research and development offices, and prototype development.
- GGGG. Restaurant, sit-down
- HHHH. Restaurant, carry-out
- IIII. School and educational services.
- JJJJ. Show Repair.
- KKKK. Sporting goods.
- LLLL. Tailor shops.
- MMMM. Taxidermists.
- NNNN. Telegraph message centers.
- OOOO. Tennis courts.
- PPPP. Tent and awning sales and service.
- QQQQ. Trading stamp redemption stores.
- RRRR. Travel bureaus and ticket offices.
- SSSS. Variety stores.
- TTTT. Veterinarians offices provided that:



UUUU. Offices shall be housed in a completely enclosed and soundproof building.

VVVV. Services will be on a strictly "outpatient basis" with no raising, breeding, and boarding of dogs or other small animals, except for the confinement of small animals under emergency treatment in facilities within the office.

WWWW. Watch, clock and jewelry sales and service.

XXXX. Wig shops.

YYYY. Window cleaning services

**SECTION 2802 ACCESSORY USES**

Accessory uses, buildings or other structures normally associated with and incidental to any listed permitted or conditionally permitted use.

**SECTION 2803 CONDITIONAL USES**

The following Conditional Uses subject to approval in accordance with Article 4.

- A. Distribution centers.
- B. Fabrication of light sheet metal products.
- C. Manufacturing, assembly and fabricating establishments characterized as light industrial, such as tool and die manufacturing, electrical and electronic component production and assembly, small motor and machinery production surgical and medical equipment manufacturing and distribution and similar uses.
- D. Printing and binary
- E. Self-service storage facilities

**SECTION 2804**

**MINIMUM PERFORMANCE STANDARDS**

In addition to other applicable requirements contained in this Zoning Resolution, the following standards shall apply to all uses within the "OSI-1" district:

- A. **Outdoor Storage**: Except as hereinafter specified, all outdoor storage shall be prohibited.
- B. **Business Activity Enclosed**: All business activity shall be conducted wholly within a completely enclosed building.
- C. **Exterior Building Materials**: The exterior building wall-face oriented towards the front lot line shall be a constructed with a minimum of fifty percent (50%) decorative brick or block, stone, wood/vinyl siding or similar building materials. No more than fifty percent (50%) of the exterior building wall-face oriented towards the front lot line shall be constructed with a metal sheeting or similar building materials.
- D. **Storage of Flammable Materials**: The outdoor storage of flammable liquids, or of materials that produce flammable or explosive vapors or gases may be permitted when such storage is directly related to a permitted or conditionally permitted use, and when such storage meets all applicable state and local regulations governing such storage.
- E. **Storm Water Control**: All uses within the "OSI-1" district shall be provided adequate drainage facilities and a storm water run-off control plan that meets the design requirements of the Montgomery County Engineer's Office.
- F. **Lighting**: Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any Residential District or upon any public street.
- G. **Residential Uses Prohibited**: No building or structure shall be used for residential purposes, except that a watchman or custodian may reside on the premises.

## 2804.01 **Screening**

Where any required yard abuts a residential district and is not separated from the residential district by a dedicated street, there shall be a permanently maintained twenty-five (25) foot buffer located along the abutting lot lines. Within the buffer shall be located a screen of sufficient density or opaqueness to obstruct the view of the structures or activities within the nonresidential district.

- A. **Types of Screening Permitted:** Screening may be one of the following or a combination of two or more:
  - a. Solid masonry wall;
  - b. Decorative fence, excluding chain link with slats;
  - c. Dense evergreen plantings;
  - d. Landscaped mounding with ground cover.
- B. **Height of Screening:** At the time of placement, all screening material shall be a minimum of six (6) feet in height.
- C. **Required Ground Cover:** The space between any screening, the adjoining property line and the perimeter of the buffer zone shall be landscaped with appropriate ground cover.
- D. **Maintenance, Repair and/or Replacement of Screening:** All screening shall be maintained in good condition and free of all advertising or other signs, and repaired and replaced as needed to maintain the integrity of the screen as originally designed.

## 2804.02 **Required Off-Street Loading and Parking**

Off-street loading and parking shall be provided in accordance with the requirements specified in Article 42 "Off-Street Loading Regulations" and Article 43 "Off-Street Parking Requirements."

**SECTION 2805 DEVELOPMENT STANDARDS**

In addition to other provisions of this Zoning Resolution, the following standards for arrangement of land, buildings and/or structures shall be applicable to all uses within the "OSI-1" Office/Service/Industrial Park District.

**2805.01 Maximum Height Limitation**

No structure shall exceed forty (40) feet in height.

**2805.02 Minimum Lot Area**

The minimum zoning lot shall be 20,000 square feet.

**2805.03 Minimum Lot Width**

The minimum zoning lot width shall be 100 feet.

**2805.04 Minimum Yard Setbacks**

- A. **Front Yard**: There shall be a minimum setback of not less than twenty-five (25) feet. The front yard depth shall be measured from the established right-of-way lines as shown on the Official Thoroughfare Plan for Montgomery County.
- B. **Side Yards**: There shall be a minimum side yard of not less than ten (10) feet; except when adjacent to any residential district the minimum side yard shall be twenty- five (25) feet with screening as provided for in Section 2804.01.
- C. **Rear Yard**: There shall be no minimum rear yard requirement; except when adjacent to a residential district the minimum rear yard setback shall be twenty-five (25) feet with screening as provided for in Section 2804.01.

**2805.05 Maximum Lot Coverage**

The maximum lot coverage, exclusive of parking lots and storm water detention/retention systems, shall be fifty (50) percent.

**2805.05 Maximum Floor Area Ratio**

0.5

## ARTICLE 29

### "OSI-2" OFFICE/SERVICE/INDUSTRIAL PARK DISTRICT

#### PREAMBLE

The intent of the "OSI-2" District is to provide for the development of a broader range of office, service, research and industrial types of activities, generally characterized as more intensive than those uses in the "OSI-1" District, where diversity in product, operational technique and size may have a greater impact on the environment than those uses permitted in the "OSI-1" District.

#### SECTION 2901 PRINCIPAL PERMITTED USES

- A. Any use permitted in Section 2801 of the Office/Service/Industrial Park "OSI-1" District.
- B. Distribution Centers.
- C. Electrical component manufacturing and supply company.
- D. Fabrication of light sheet metal products.
- E. Machine Shops, and Tool and Die Shops.
- F. Manufacturing of medical, dental, optical and similar precision instruments.
- G. Manufacture and sale of precision industrial machines comprised primarily of welding, machining, assembly, and office operations.
- H. Manufacturing, assembly and fabricating establishments characterized as light industrial, such as tool and die manufacturing, electrical and electronic component production and assembly, small motor and machinery production surgical and medical equipment manufacturing and distribution and similar uses.
- I. Printing and binary.
- J. Research and development office, laboratories and production.

- K. Sign manufacturing.
- L. Warehouses, when associated with a permitted use.

**SECTION 2902 ACCESSORY USES**

Accessory uses, buildings or other structures normally associated with and incidental to any listed permitted or conditionally permitted use.

**SECTION 2903 CONDITIONAL USES**

The following Conditional Uses subject to approval in accordance with Article 4.

- A. Banks and financial institutions, with drive-in windows or drive-in automatic teller machines.
- B. Hotels and motels
- C. Outdoor Storage, when associated with a principal or conditionally permitted use.
- D. Restaurants
- E. Self-service storage facilities.
- F. Schools and educational services.
- G. Truck and Motor Freight Terminals.
- H. Veterinarians offices and hospitals, provided no raising, breeding and boarding of animals shall be permitted.
- I. Warehouses, when not associated with a principal permitted use.

**SECTION 2904 MINIMUM PERFORMANCE STANDARDS**

In addition to other applicable requirements contained in this Zoning Resolution, the following standards shall apply to all uses within the "OSI-2" district:

- A. **Outdoor Storage:** Within the "OSI-2" District, outdoor storage may be conditionally permitted by the Board of Zoning Appeals when the Board finds:
1. The outdoor storage area is associated with and is an integral part of a permitted or conditionally permitted use.
  2. The outdoor storage area shall not exceed a maximum of ten (10) percent of the lot area.
  3. The items in the outdoor storage area shall be limited to products awaiting transit, excess inventory, stock for processing and similar material. Scrap, junk, and discarded combustible and non-combustible material shall not be maintained in any outdoor storage area.
  3. The outdoor storage shall be located behind the principal or accessory building and shall be screened from view of adjacent properties and public right-of-ways as specified in Section 2904.01 (Screening).
- B. **Business Activity Enclosed:** All business activity shall be conducted wholly within a completely enclosed building.
- C. **Exterior Building Materials:** The exterior building wall-face oriented towards the front lot line shall be a constructed with a minimum of fifty percent (50%) decorative brick or block, stone, wood/vinyl siding or similar building materials. No more than fifty percent (50%) of the exterior building wall-face oriented towards the front lot line shall be constructed with a metal sheeting or similar building materials.
- D. **Storage of Flammable Materials:** The outdoor storage of flammable liquids, or of materials that produce flammable or explosive vapors or gases may be permitted when such storage is directly related to a permitted or conditionally permitted use, and when such storage meets all applicable state and local regulations governing such storage.

- E. **Storm Water Control:** All uses within the OSI-2 district shall be provided adequate drainage facilities and a storm water run-off control plan that meets the design requirements of the Montgomery County Engineer's Office.
- F. **Lighting:** Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any Residential District or upon any public street.
- G. **Residential Uses Prohibited:** No building or structure shall be used for residential purposes, except that a watchman or custodian may reside on the premises.

**2904.01 Screening**

Where any required yard abuts a residential district and is not separated from the residential district by a dedicated street, there shall be a permanently maintained twenty-five (25) foot buffer located along the abutting lot lines. Within the buffer shall be located a screen of sufficient density or opaqueness to obstruct the view of the structures or activities within the nonresidential district.

- A. **Types of Screening Permitted:** Screening may be one of the following or a combination of two or more:
  - a. Solid masonry wall;
  - b. Decorative fence, excluding chainlink with slats;
  - c. Dense evergreen plantings;
  - d. Landscaped mounding with ground cover.
- B. **Height of Screening:** At the time of placement, all screening material shall be a minimum of six (6) feet in height.
- C. **Required Ground Cover:** The space between any screening, the adjoining property line and the perimeter of the buffer zone shall be landscaped with appropriate ground cover.



- D. **Maintenance, Repair and/or Replacement of Screening:** All screening shall be maintained in good condition and free of all advertising or other signs, and repaired and replaced as needed to maintain the integrity of the screen as originally designed.

**2904.02 Required Off-Street Loading and Parking**

Off-street loading and parking shall be provided in accordance with the requirements specified in Article 42 "Off-Street Loading Regulations" and Article 43 "Off-Street Parking Requirements."

**SECTION 2905 DEVELOPMENT STANDARDS**

In addition to other provisions of this Zoning Resolution, the following standards for arrangement of land, buildings and/or structures shall be applicable to all uses within the "OSI-2" Office/Service/Industrial Park District.

**2905.01 Maximum Height Limitation**

No structure shall exceed forty (40) feet in height.

**2905.02 Minimum Lot Area**

The minimum zoning lot shall be 20,000 square feet.

**2905.03 Minimum Lot Width**

The minimum zoning lot width shall be 100 feet.

**2905.04 Minimum Yard Setbacks**

- A. **Front Yard:** There shall be a minimum setback of not less than twenty-five (25) feet. The front yard depth shall be measured from the established right-of-way lines as shown on the Official Thoroughfare Plan for Montgomery County.
- B. **Side Yards:** There shall be a minimum side yard of not less than ten (10) feet; except when adjacent to any residential district the minimum side yard shall be twenty-five (25) feet with screening as provided for in Section 2804.01.

- C. **Rear Yard:** There shall be no minimum rear yard requirement; except when adjacent to a residential district the minimum rear yard setback shall be twenty-five (25) feet with screening as provided for in Section 2804.01.

**2905.05 Maximum Lot Coverage**

The maximum lot coverage, exclusive of parking lots and storm water detention/retention systems, shall be fifty (50) percent.

**2905.05 Maximum Floor Area Ratio**

0.5

# ARTICLE 31

## PLANNED UNIT DEVELOPMENT DISTRICT (P.U.D.)

### PREAMBLE

This article is intended to permit a more creative and imaginative design environment for the development and redevelopment of land within the Township. Increased design flexibility is intended to promote the most efficient use of land and take the greatest advantage of existing topography, trees and vegetation, and other natural amenities that may exist on the site. Regulations contained herein need not be uniform, but may vary in order to promote public health, safety and morals.

### SECTION 3101 TYPES OF PLANNED UNIT DEVELOPMENT DISTRICTS

Planned unit development districts may include a single land use or mixed land use that is to be developed in a unified manner. In the case of a single land use, the applicable conventional zoning district classification shall follow the letters "P.U.D." (e.g. P.U.D./R-7). In the case of a mixed land use development, the applicable conventional zoning districts (in order of intensity) shall follow the letters "P.U.D." (e.g. P.U.D./R-2; P.U.D./R-7; P.U.D./O-2).

### SECTION 3102 FEES FOR PLANNED UNIT DEVELOPMENT

Fees charged for the submission of an application for Planned Unit Development shall be established by Resolution of the Township Trustees.

### SECTION 3103 ADMINISTRATIVE REVIEW

**3103.01 Permitted Uses** - An activity listed as a permitted use in a specific conventional zoning district classification shall be considered a permitted use within that area of the approved P.U.D. that has the same zoning district designation. Determining the conformity of the permitted use with the conventional zoning district classification and the approved P.U.D., and the issuance of any subsequent zoning permits and/or certificates to operate such permitted use shall be administratively processed.

**3103.02** Accessory Uses - Accessory uses, buildings or other structures normally associated with and incidental to a listed permitted use shall be permitted within that area of the P.U.D. that has the same zoning district designation, provided such use, building or structure meets all of the provisions of the conventional zoning district classification and all elements of the approved P.U.D. Determining conformity of the accessory use, building or structure with the conventional zoning district classification and the approved P.U.D., and the issuance of any subsequent zoning permits and/or certificates shall be administratively processed.

**3103.03** ARCHITECTURAL FEATURES - Unless the Resolution adopting the Final Development Plan specifically prohibits an administrative review of building additions and/or structural alterations, such additions and/or alterations that meet the conventional zoning district classification and all elements of the approved P.U.D., shall be administratively processed. If there is a conflict between the conventional zoning district and the approved P.U.D. requirements, the requirements of the P.U.D. shall prevail.

**SECTION 3104** CONDITIONAL USES

Conditional Uses listed within the conventional zoning district classification shall be conditionally permitted within the area indicated by the conventional zoning district designation, subject to approval in accordance with the Article 4, provided such conditional use does not otherwise conflict with other provision of the approved P.U.D.

**SECTION 3105** AREA REQUIREMENTS

No minimum land area shall be required.

**SECTION 3106** PRE-APPLICATION CONSULTATION

The applicant is encouraged to engage in informal consultations with the township officials and when appropriate, with county planning officials prior to filing of any application; however, no statements or representations by such officials shall be binding on either the Zoning Commission, Montgomery County Planning Commission or Township Trustees.

**SECTION 3107 ISSUANCE OF PERMITS**

A zoning permit shall only be issued for that phase of a P.U.D. having an approved Final Development Plan. The Final Development Plan shall include an approved storm water and sediment abatement control plan.

**SECTION 3108 DEVELOPERS PLAN SUBMISSION OPTIONS**

The Township provides an applicant a three-step process for review of a Planned Unit Development. The process steps include: a concept plan stage which is processed in a manner described in Section 3109; a preliminary development plan stage which is processed in a manner described in Article 6 and the subsequent preliminary development for any portion of the approved preliminary development the applicant wishes to develop. The Final Development Plan submitted according to this option shall be processed in the manner described in Section 3111; a Final Development Plan without a preliminary development plan pursuant to Section 3107. A final development plan so submitted shall be processed in the manner described in Article 6.

The stage at which the process is initiated shall be at the applicant's discretion.

**SECTION 3109 CONCEPT PLAN**

This stage is intended to provide the applicant a mechanism by which a public meeting with members of the Zoning Commission and the general public can take place, where the applicant can make an informal presentation, answer questions, and be provided with information that may be incorporated into a preliminary and/or final development plan. The concept plan stage is not part of the formal rezoning process for a P.U.D.; therefore, no decisions regarding approval or denial can be made at this level.

**3109.01 DETAILS OF THE CONCEPT PLAN**

At the concept plan stage, the applicant is expected to present the proposed project in sufficient detail that will allow participants at the public meeting the ability to formulate opinions, questions and suggestions regarding the proposed project. The concept plan should contain in map and text form the following information:

- A. **Boundaries** - Boundaries of the tract to be developed.
- B. **Existing Features** - Existing major physical features and land uses on the tract.
- C. **Schematic Site Layout** - General areas of the site proposed for development and tentative building footprint designs and approximate locations.
- D. **Density** - Approximate density levels for each residential area.
- E. **Zoning Classification** - Proposed zoning district classification(s).
- F. **Access Points** - Points of ingress and egress and their relationship to existing right-of-ways.

**3109.02 ACTION BY THE APPLICANT**

- A. **Continuation of the public meeting** - The applicant may request the commission continue a public meeting to permit further discussions of the concept plan. In the time period between the public meetings, the applicant may make changes and refinements to the concept plan as a result from input from the public meeting.
- B. **Closing of the public meeting** - At any point in the proceedings, the applicant may request the commission to close the public meeting. Upon such request, the commission's chairperson shall close the public meeting. Should the applicant desire to reopen the case after the chairperson has closed public meeting, the applicant shall be required to resubmit a concept development plan application and follow the procedures contained therein.

**3109.03 APPLICATION PROCESS - CONCEPT PLAN**

Any owner(s) or lessee(s) of a tract of land, or a developer that has an option on the tract of land may make application to submit a concept plan to the Zoning Commission for a Planned Unit Development.

- A. **Application** - The application for a concept plan shall be on forms provided by the township and contain the information and supporting documentation required therein.
- B. **Public Meeting** - The Zoning Commission shall hold a public meeting on the concept plan within forty-five (45) days of receipt of the application.
- C. **Notice** - Ten (10) days prior to the public meeting, all property owners within three-hundred (300) feet of the property for which the concept plan has been filed shall be sent notice of such meeting by regular mail.

**3109.04 JURISDICTION OVER THE CONCEPT PLAN**

The Zoning Commission shall have exclusive jurisdiction over the concept plan; however, as supporting documentation, the applicant may file a copy of the concept plan with the preliminary and/or final development plan.

**SECTION 3110 PRELIMINARY DEVELOPMENT PLAN**

Ten (10) copies of a Preliminary Development Plan and one (1) 8 1/2" x 11" Photostat of the Preliminary Development Plan and supporting documentation shall be submitted and include in text and map form:

- A. **Survey** - A survey of the tract that is to be developed showing features of the property including streets, alleys, easements, utility lines, existing land uses, general topography and physical features.
- B. **Designation of Zoning Districts** - On the preliminary site plan, the proposed zoning district designation for each zoning district classification specified in the rezoning application; there shall be a clear delineation of each different type of zoning district on the preliminary plan.
- C. **Arrangement of Site Plan** - A preliminary site plan identifying proposed land uses, approximate configuration and location, the relationship with abutting land uses and zoning districts, proposed lots and amount of buildable area within each lot.

- D. **Landscaping Plan** - A general landscaping plan, including the location and design of proposed screening and buffering, the extent of grubbing, existing tree cover to remain, and areas of the site that are to remain undisturbed in their natural state.
- E. **Public Areas** - If applicable, location of schools, parks and other community facilities.
- F. **Utilities** - Identification of existing and proposed water, sanitary and storm sewer facilities, and areas to be reserved for storm water detention or retention.
- G. **Access Points** - Location of proposed access points (ingress and egress) in relationship to existing right-of-ways.
- H. **Traffic Data** - Preliminary traffic data expected to be generated by the proposed development and resultant proposed improvements to existing thoroughfares (e.g. road widening, deceleration lanes, traffic signals, etc.) to accommodate increased traffic loads.
- I. **Care & Maintenance** - A statement describing the provision that is to be made for the care and maintenance of open space, recreational facilities, common areas and storm water detention.
- J. **Off-Street Parking** - A parking plan showing generally the location, configuration and capacity of off-street parking facilities.
- K. **Ownership/Lease Agreement/Option**
  - 1. Identification of all owners of property within the proposed P.U.D.; in addition, if the applicant is not an owner of property upon which the proposed P.U.D. is to be developed, a copy of the lease agreement between the applicant and the property owner(s).
  - 2. Only a property owner or lessee may make application for a P.U.D.; however, if the developer or developer's designee is representing the property owner or lease holder, a copy of the option



agreement to purchase the land upon which the proposed P.U.D. is to be located.

- L. **Additional Information** - Additional information may be required of the applicant by the Zoning Commission, when the commission deems such information essential in formulating their recommendation to the Township Trustees.

**3110.01 ACTION BY THE ZONING COMMISSION**

- A. **Public Hearing** - The Zoning Commission shall hold a public hearing on the Preliminary Development Plan as provided by Article 6 of this Resolution.
- B. **Recommendation** - Within thirty (30) days of the close of the public hearing on the Preliminary Development Plan, the Zoning Commission shall make its recommendation to the Township Trustees. The commission's recommendation shall be in resolution form and indicate approval, approval with conditions, modifications and/or specifications, or disapproval. Any agreements, modifications or specifications shall be appear in the approved resolution and a copy transmitted to the Township Trustees.

**3110.11 ACTION BY THE TOWNSHIP TRUSTEES**

- A. **Public Hearing** - The Township Trustees shall hold a public hearing on the Preliminary Development Plan as provided by Article 6 of this Resolution.
- B. **Decision by Trustees** - If the application is granted, the Resolution authorizing the change of district classification shall incorporate the text and map of Preliminary Development Plan and include any agreements, modifications or specifications that have been designated as part of the Preliminary Development Plan by the Township Trustees.
- C. **Limitation** - Approval of the Preliminary Development Plan shall be limited to the acceptability of the land uses proposed and density levels, and shall not be construed to approve the precise location of uses, configuration of parcels or engineering feasibility

which are to be determined in the Final Development Plan.

- D. **Designation of District Classification** - Upon approval of the application, the area of land described therein shall be redesignated as provided for in Section 3101 of this Resolution.

**SECTION 3111**

**SUBMISSION OF FINAL DEVELOPMENT PLAN IN DEVELOPMENT PLAN**

A Final Development Plan may be filed with the Zoning Commission for any portion of an approved Preliminary Development Plan the applicant wishes to develop and it shall conform substantially to the approved Preliminary Development Plan. The filing fee shall be the same as that required for a change in zoning district. Ten (10) copies of the Final Development Plan and one (1) 8 1/2" x 11" Photostat of the Final Development Plan shall be submitted and include in text and map form:

- A. **Changes to Survey** - Any changes necessary to the survey described in Section 3110(A).
- B. **Site Plan** - A site plan showing areas to be developed, including:
1. The exact location and arrangement of all existing and proposed structures.
  2. The traffic circulation pattern within the development.
  3. Location and layout of off-street parking facilities.
  4. Points of ingress and egress, including access streets where required.
  5. Existing contiguous surrounding land uses.
  6. Lot layouts.
  7. The location and size of storm water detention/retention areas.

8. If applicable, location of schools, parks and other community facilities or common open space.
- C. **Density** - A statement of density, the proposed total gross floor area, and percentage of the development which is to be occupied by structures.
- D. **Elevations & Floor Plans** - Building elevations and floor plans of all proposed structures.
- E. **Staged Developments** - When a P.U.D. is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. No such stage or unit shall have a density that exceeds by more than twenty percent (20%) the density of the entire P.U.D. When a P.U.D. provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire P.U.D. as the stages or units completed or under development bear to the entire P.U.D.
- F. **Landscaping Plan** - A detailed landscaping plan which shall identify any changes from the preliminary landscaping plan, and indicate species and type of landscaping to be used within the developed portion of the P.U.D.
- G. **Ownership/Lease Agreement/Option** - A statement indicating any changes of ownership, lessee or option holder described in Section 3110(I).
- H. **Care and Maintenance** - When a P.U.D. includes provisions for open space, recreational facilities, common areas, storm water detention, private streets or similar facilities, a statement describing the provisions that are to be made for the care and maintenance of such facilities. If it is proposed that any such facility be owned and/or maintained by any entity other than a governmental authority, copies of the articles of incorporation and by-laws of such entity shall be submitted. If it is proposed a governmental authority provide such care and maintenance, a copy of an agreement with the governmental authority accepting such responsibility shall be submitted.

- I. **Traffic Data** - Specific traffic data, which may include trip generation rates; origins and destination (direction & distribution) estimates; if traffic signals are proposed for installation, traffic signal warrants; conformance with existing thoroughfare plan. Decisions regarding required traffic data shall be determined by the Montgomery County Engineer's Office.
- J. **Restrictive Covenants** - Copies of any restrictive covenants that are to be recorded with respect to property included in the P.U.D.
- K. **Additional Information** - Additional information may be required of the applicant by the Zoning Commission for any changes that have been made to the Final Development Plan from the approved Preliminary Development Plan.

**3111.01 ACTION BY THE ZONING COMMISSION**

- A. **Public Hearing** - The Zoning Commission shall hold a public meeting on the Final Development Plan. The applicant shall submit the Final Development Plan at least twenty (20) days prior to the date of the public hearing. Property owners within three hundred (300) feet of the Final Development Plan shall be given ten (10) days notice of the meeting by regular mail
- B. **Decision by the Zoning Commission** - Within thirty (30) days of the close of the public meeting on the Final Development Plan, the Zoning Commission shall make its decision on the plan. The commission's decision shall be in resolution form and indicate approval, approval with agreements, modifications and/or specifications, or disapproval of the Final Development Plan. If the Final Development Plan is disapproved by the commission, the specific reason(s) for such denial shall be incorporated into the commission's resolution. Upon commission's approval of the Final Development Plan, such plan shall go into immediate effect.
- C. **Approval May Not Constitute Authority to Build** - Approval of the Final Development Plan may not constitute authority for the applicant to proceed with actual physical development of the property.

Authority for the applicant to proceed and for the issuance of a zoning permit shall be dependent upon approval of the subdivision plat as set forth in Section 3114.

**SECTION 3112 SUBMISSION OF FINAL DEVELOPMENT PLAN WITHOUT AN APPROVED PRELIMINARY DEVELOPMENT PLAN**

The applicant need not file a Preliminary Development Plan if a Final Development Plan is filed for the entire site, incorporating all requirements of both the Preliminary and Final Development Plans as described in this Section. The Final Development Plan shall be processed, noticed and heard in the manner prescribed in Article 6. Ten (10) copies of the Final Development Plan and one (1) 8 1/2" x 11" Photostat of the Final Development Plan shall be submitted and shall include in text and map form:

- A. **Survey** - A survey of the tract that is to be developed showing features of the property including streets, alleys, easements, utility lines, existing land uses, general topography and physical features.
  
- B. **Site Plan** - A site plan showing areas to be developed, including:
  - 1. The specific location and configurations of all existing and proposed structures including respective land uses.
  - 2. The traffic circulation pattern within the development, including proposed public and private streets.
  - 3. Location and layout of off-street parking facilities.
  - 4. Ingress and egress point of intersection with any public right-of-way.
  - 5. Existing contiguous surrounding land uses.
  - 6. Lot layouts.
  - 7. Identification of existing and proposed water, sanitary and storm sewer facilities, proposed

easements and size of storm water detention and retention areas.

8. If applicable, location of schools, parks and other community facilities or common open space.
9. Existing zoning and delineation of proposed conventional zoning district classifications.

- C. **Density** - A statement of density, total gross floor area, and percentage of the development which is to be occupied by structures.
- D. **Elevations & Floor Plans** - Building elevations and floor plans of all structures.
- E. **Landscaping Plan** - A detailed landscaping plan, including the extent of grubbing, predevelopment and post-development tree cover, areas of the site to remain undisturbed in its natural state, and indicate species and type of landscaping to be used within the developed portion of the P.U.D.
- F. **Traffic Data** - Specific traffic data, which may include trip generation rates; origin and destination (direction & distribution) estimates; if traffic signals are proposed for installation, traffic signal warrants; conformance with existing thoroughfare plan, including any proposed right-of-way improvements. Decision regarding required traffic data shall be determined by the Montgomery County Engineer's Office.
- G. **Care and Maintenance** - When a P.U.D. includes provisions for open space, recreational facilities, common areas, storm water detention or similar facilities, a statement describing the provisions that are to be made for the care and maintenance of such facility. If they are to be owned and/or maintained by any entity other than a governmental authority, copies of the articles of incorporation and by-laws of such entity shall be submitted. If it is proposed that a governmental authority provide such care and maintenance, a copy of an agreement with the governmental authority accepting such responsibility.

- H. **Restrictive Covenants** - Copies of any restrictive covenants that are to be recorded with respect to property included in the P.U.D.
  
- I. **Staged Developments** - When a P.U.D. is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. No such stage or unit shall have a density that exceeds by more than twenty percent (20%) the density of the entire P.U.D. When a P.U.D. provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire P.U.D. as the stages or units completed or under development bear to the entire P.U.D.
  
- I. **Ownership/Lease Agreement/Option**
  - 1. Identification of all owners of property within the proposed P.U.D.; in addition, if the applicant is not an owner of property within the proposed P.U.D., a copy of the lease agreement between the applicant and the property owner(s).
  
  - 2. If the developer or developer's designee is representing the property owner or lease holder, a copy of the option agreement to purchase the proposed P.U.D.
  
- J. **Additional Information** - Additional information may be required of the applicant when either the Zoning Commission or Trustees deem such information essential in formulating their decision regarding approval or denial of the proposed P.U.D.

**3112.01 ACTION BY THE ZONING COMMISSION**

- A. **Public Hearing** - The Zoning Commission shall hold a public hearing on the Final Development Plan as provided by Article 6 of this Resolution.
  
- B. **Recommendation** - Within thirty (30) days of the close of the public hearing on the Final Development Plan, the Zoning Commission shall make its recommendation to the Township Trustees. The commission's

recommendation shall be in resolution form and indicate approval, approval with agreements, modifications and/or specifications, or disapproval. Any agreements, modifications or specifications shall be itemized in the approved resolution and a copy transmitted to the Township Trustees.

**3112.02 ACTION BY THE TOWNSHIP TRUSTEES**

- A. **Public Hearing** - The Township Trustees shall hold a public hearing on the Final Development Plan as provided by Article 6 of this Resolution.
- B. **Decision by Trustees** - If the application is approved, the Resolution authorizing the change of district classification shall incorporate the text and map of Final Development Plan and include any agreements, modifications or specifications that have been designated as part of the Final Development Plan by the Township Trustees.
- C. **Designation of District Classification** - Upon approval of the application, the area of land described therein shall be redesignated as provided for in Section 3101 of this Resolution.
- D. **Approval May Not Constitute Authority to Build** - Approval of the Final Development Plan may not constitute authority for the applicant to proceed with actual physical development of the property. Authority for the applicant to proceed and for the issuance of a zoning permit shall be dependent upon approval of the subdivision plan as set forth in Section 3114.

**SECTION 3113 MINOR AND MAJOR MODIFICATIONS**

- 3113.01 Minor Modifications** - Minor adjustments 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 Planning/Zoning Director, provided such adjustments do not



increase the density, decrease the number of parking spaces or allow buildings closer to perimeter property lines of the P.U.D.

**3113.02** **Major Modifications** - Except as provided for in Section 3113.01, any change to a Final Development Plan shall be considered a major modification and require resubmission to the Zoning Commission for approval for an amended Final Development Plan. An amended Final Development Plan shall follow the procedures outlined in Section 3111 for the submission of a Final Development Plan.

**SECTION 3114** **SUBDIVISION PLAT REQUIRED**

**3114.01** **Approval by Planning Commission** - No zoning permit shall be issued for any structure in any portion of a P.U.D. unless and until the final subdivision plat for that portion has been approved by the Montgomery County Planning Commission having plating jurisdiction of the P.U.D. and recorded in the public record of the County.

**3114.02** **Waiver of Plating Requirement by Zoning Commission** - To the extent of its authority to do so, the Zoning Commission may deem a subdivision plan not required and waive the plating requirement.

# ARTICLE 32

## "C/S-1" COMMERCIAL/SERVICE DISTRICT

### PREAMBLE

The intent of the "C/S-1" District is to provide for the development of a broad range of commercial and service related activities, uses that are generally characterized by having little or no negative impact on the community and environment This district is also intended to encourage development and redevelopment of property along designated major thoroughfares, where established conventional zoning districts have been deemed ineffective in addressing changes in market trends

### **SECTION 3201                    PRINCIPAL PERMITTED USES**

- A. Any commercial, service or related activity, such as those enumerated below as examples, which fulfills all the requirements of this zoning resolution.
  - 1. Administrative offices, including public, semi-public, civic, religious and charitable organizations.
  - 2. Adult Entertainment Facilities in accordance with Section 3204.
  - 3. Advertising agencies
  - 4. Antique Shops
  - 5. Appliance Store
  - 6. Art School and supplies
  - 7. All Galleries
  - 8. Artist, Sculptor and Composer Studio
  - 9. Automobile Accessories
  - 10. Automobile Self Service Gas Station/Mini Market.
  - 11. Automobile Quick -Service Facilities
  - 12. Bakeries, Retail

13. Banks and Financial Institutions
14. Barber and beauty shops
15. Bicycle Sales, Rental and Repair
16. Billiard Rooms
17. Books, stationary and card shops
18. Bowling Alleys
19. Bridal consultants
20. Business machines, sales and service
21. Camera and photo supplies
22. Carpet and floor coverings
23. Catering services
24. China and glassware
25. Community centers
26. Copying and duplicating services
27. Costume rental
28. Dancing schools
29. Delicatessen
30. Department Stores
31. Driver Training Schools
32. Drug Stores
33. Dry Cleaning and Laundromats
34. Restaurant, sit down
35. Restaurant, fast food

36. Employment agencies
37. Exercise & Weight Training Facilities
38. Exterminating Services
39. Florists
40. Funeral homes
41. Furniture and home furnishings
42. Garden stores
43. Gifts and novelties
44. Glass repair and distribution
45. Grocery stores
46. Hardware Store
47. Heating, A/C, Electrical and Plumbing Sales
48. Hobby shops
49. Hospitals
50. Indoor recreation facilities, such as skating rinks, tennis/racquet ball clubs and swimming pools.
51. Interior decorating shops
52. Lawn mower service and repair
53. Libraries
54. Locksmiths
55. Lounges and bars
56. Medical and dental office/clinics
57. Medical Research Facilities
58. Museums

59. Music, music instruments sales and lessons
60. Newspaper office, including printing
61. Nursery school or child care facility
62. Nursing homes, rest homes, and convalescent homes
63. Office buildings
64. Office furniture and supplies
65. Opticians, optometrists and optical supplies
66. Paint, glass and wallpaper
67. Party supply
68. Pawn Shop
69. Pet sales and supplies
70. Photo studios
71. Plumbing supplies
72. Printing Establishments
73. Radio and television repair
74. Radio and television broadcasting studios
75. Research and development laboratories
76. Research and development offices
77. Restaurants, sit down and carry out, excluding drive-through windows.
78. School, trade
79. Shoe store and Repair
80. Sporting goods

81. Tailor shops
82. Taxidermists
83. Theaters, excluding drive-in theaters
84. Ticket offices
85. Travel bureaus
86. Upholstery repair
87. Window cleaning services

**SECTION 3202            ACCESSORY USES**

Accessory uses, buildings or other structures normally associated with and incidental to any listed permitted or conditionally permitted use.

**SECTION 3203            CONDITIONAL USES**

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

- A. Arcade Game Rooms
- B. Auction house
- C. Automobile rental
- D. Automatic teller machines, freestanding
- E. Automobile Full Service Station
- F. Automobile Service Facility
- G. Automobile Wash Facility.
- H. Awning company
- I. Bakeries, wholesale
- J. Bingo Hall
- K. Boat marine equipment sales, rental and service

- L. Building supply/home improvement stores
- M. Carpenter and cabinet shops
- N. Churches and places of worship
- O. Curb cuts on residential streets
- P. Distribution centers
- Q. Drive through windows ancillary to a permitted or conditionally permitted use
- R. Electronic Supply company
- S. Equipment Rental
- T. Fabrication of light sheet metal products
- U. Fence companies
- V. Halfway Houses (in accordance with Article 51 and Section 406).
- W. Hotels and motel
- X. Gymnasium
- Y. Machine shops, tool & die
- Z. Manufacturing, assembly and fabricating establishments characterized as light industrial, such as tool and die manufacturing, electrical and electronic component production and assembly, small motor and machinery production surgical and medical equipment manufacturing and distribution and similar uses.
- AA. Monument sales and service
- BB. Motor cycle sales and service
- CC. Private Clubs/Lodges, excluding sexually oriented businesses.
- DD. Printing and binary services
- EE. Recycling trailer stations

- FF. Research and development offices
- GG. Restaurants with drive-through windows
- HH. Schools and educational services
- II. Seasonal Temporary Sales
- JJ. Self service storage facilities
- KK. Soup Kitchen
- LL. Truck and motor freight terminal
- MM. Testing laboratories which are compatible with the other permitted uses.
- NN. Utility trailer sales and rental
- OO. Veterinarians offices and hospitals, provided no raising, breeding and boarding of animals shall be permitted.

**SECTION 3204**

**MINIMUM PERFORMANCE STANDARDS**

In addition to other applicable requirements contained in this zoning resolution, the following standards shall apply to all uses within the C/S- I District:

- A. Outdoor Storage - Except as hereinafter specified all outdoor storage shall be prohibited.
- B. Business Activity Enclosed - All business activity shall be conducted wholly within a completely enclosed building.
- C. Exterior Building Materials - The exterior building wall face oriented towards the front lot line shall be constructed with a minimum of fifty percent (50%) decorative brick or block, stone, wood/vinyl siding or similar building materials. No more than fifty percent (50%) of the exterior building wall face oriented towards the front lot line shall be constructed with a metal sheeting or similar building materials.
- D. Storage of flammable materials - The outdoor storage of flammable liquids, or of materials that produce flammable or explosive vapors or gases may be permitted when such storage is directly related to a permitted or conditionally permitted use,



and when such storage meets all applicable state and local regulations governing such storage.

- E. Storm Water Control - All uses within the "C/S-1 " District shall be provided with adequate drainage facilities and a storm water run-off control plan that meets the design requirements of the Montgomery County Engineer's Office.
- F. Lighting - Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district or upon any public right-of-way.
- G. Residential Uses Prohibited - No building or structure shall be used for residential purposes, except that a watchman or custodian may reside on the premises.
- H. Noise - No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 44.
- I. Adult Entertainment Facilities -
  - 1. No Adult Entertainment Facility shall be established within a radius of 500 feet of any School or Library.
  - 2. No Adult Entertainment Facility shall be established within a radius of 250 feet of any Residential District.
  - 3. No Adult Entertainment Facility shall be established within a radius of 500 feet of any Public Park or Recreation Area.
  - 4. No Adult Entertainment Facility shall be established within a radius of 500 feet of any Church or Church Grounds.
  - 5. No Adult Entertainment Facility shall be established within 1,000 feet of an existing Adult Entertainment Facility.
  - 6. All distances shall be measured in a straight, horizontal line, without regard for intervening structures. Measurements from the Adult Entertainment Facility shall be made from the closest part of the building housing any part of the Adult Entertainment Facility to the closest real estate parcel boundary of any parcel containing a School, Library, Public Park or Recreation Area, Church or Church Grounds, or a parcel within a Residential District. Measurements from one Adult Entertainment Facility to

another existing or proposed Adult Entertainment Facility shall be made from the closest part of the building housing any part of an Adult Entertainment Facility to the closest part of the building housing, or planned to house, any part of the other Adult Entertainment Facility.

7. All building openings, entries, windows, etc. for Adult Entertainment Facility uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public area, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public areas.
8. No screens, loud speakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public areas, or adjoining private areas not owned by the owner of the adult motion picture theater.
9. “Established” means and includes any of the following:
  1. The opening or commencement of any Adult Entertainment Facility as a new business;  
The conversion of an existing business.
  2. Whether or not an Adult Entertainment Facility, to any of the Adult Entertainment Facilities defined in this zoning resolution;
  3. The addition of any of the Adult Entertainment Facilities defined in this zoning resolution to any other Adult Entertainment Facility;
  4. The relocation of any such Adult Entertainment Facility.
10. No more than one classification of Adult Entertainment Facility may be operated in any one location, structure or parcel of real estate
- J. Pawn Shops & Second Hand Dealers
  1. Recording of Transaction - All dealers shall keep and preserve a separate book or record in which the dealer shall enter in the English language, at the time of each purchase, receipt or exchange of such articles the following information:

2. The name, address, social security number or date of birth of the individual making the transaction.
3. A description of the person from whom the article was purchased or received.
4. The date and time of the transaction.
5. A complete and accurate description of the article(s) purchased, received or exchanged, including the name of the maker or manufacturer, initials, serial numbers or other identifying features, including the price paid for each article.
6. The dealer shall require the seller of any article to sign their name on the page on which that person's transaction is recorded.
7. Inspection of Records - The book or record shall be open to inspection by any enforcement official or law enforcement officer during normal business hours.
8. Maintenance of Records - Each page of the book or record shall consist of one or more sequentially and consecutively numbered forms which shall contain appropriate blanks for furnishing all the information required in Section 2104, Paragraph 0. The numbering of the forms shall begin with the number one (1) and all numbers thereafter shall be accounted for.
9. Preservation of Records - The dealer shall preserve the book or record for a period of not less than one (1) year after making the final entry on any purchase or exchange of property recorded therein.

**SECTION            3204.01            SCREENING**

Where any required yard abuts a residential district and is not separated from the residential district by a dedicated street, there shall be a permanently maintained twenty-five (25) foot buffer located along the abutting lot lines. Within the buffer shall be located a screen of sufficient density or opaqueness to obstruct the view of the structures or activities within the nonresidential district.

- A. Types of Screening Permitted: Screening may be one of the following or a combination of two or more:
  - a. Solid masonry wall
  - b. Decorative fence, excluding chain link with slats;
  - c. Dense evergreen plantings;
  - d. Landscaped mounding with ground cover.
- B. Height of Screening - At the time of placement or planting, all screening material shall be a minimum of six (6) feet in height.
- C. Required Ground Cover - The space between any screening, the adjoining property line and the perimeter of the buffer zone shall be landscaped with appropriate ground cover.
- D. Maintenance, Repair and/or Replacement of Screening – All screening shall be maintained in good condition and free of all advertising or other signs, and repaired and replaced as needed to maintain the integrity of the screen as originally designed.

**SECTION 3205 DEVELOPMENT STANDARDS**

In addition to other provision of this zoning resolution, the Following standards for arrangement of land, buildings and/or structures shall be applicable to all uses within the "C/S- 1" Commercial/Service District.

- 3205.01 Height Regulations** No structure shall exceed forty (40) feet in height.
- 3205.02 Minimum Lot Area** The minimum lot area shall be 20,000 square feet.
- 3205.03 Minimum Lot Width** The minimum lot width shall be 100 feet.
- 3205.04 Minimum Yard Setbacks:**

A. Front: There shall be a minimum setback of not less than twenty-five (25) feet. The front yard setback depth shall be measured from the established right-of-way lines as shown on the official thoroughfare plan for Montgomery County.

B. Side Yards: There shall be a minimum side yard of not less than ten (10) feet, except when adjacent to any residential district the minimum side yard shall be twenty-five (25) feet with screening as provided for in Section 3204.01.

C. Rear Yard: There shall be no minimum rear yard requirement, except when adjacent to a residential district the minimum rear yard setback shall be twenty-five (25) feet with screening as provided for in Section 3204.01.

**3205.05 Maximum Lot Coverage**

Fifty (50) Percent of the lot.

**3205.05 Maximum Floor Area Ratio**

0.5

**SECTION 3206 MINOR MODIFICATIONS**

The community and economic development director shall have the authority to make minor modifications to specifications contained in the C/S-1 District.

# ARTICLE 33

## **"C/S-2" COMMERCIAL/SERVICE DISTRICT**

### **PREAMBLE**

The intent of the "C/S-2" District is to provide for the development of a broad range of commercial and service related activities, uses that are generally characterized by having little or no negative impact on the community and environment This district is also intended to encourage development and redevelopment of property along designated major thoroughfares, where established conventional zoning districts have been deemed ineffective in addressing changes in market trends

### **SECTION 3301 PRINCIPAL PERMITTED USES**

- A. Any commercial, service or related activity, such as those enumerated below as examples, which fulfills all the requirements of this zoning resolution.
- 1.. Administrative offices, including public, semi public, civic, religious and charitable organizations.
  2. Advertising agencies
  3. Antique Shops
  4. Appliance Store
  5. Art School and supplies
  6. Art Galleries
  7. Artist, Sculptor and Composer Studio
  8. Automobile Accessories
  9. Automobile Full Service Station
  10. Automobile Self Service Gas Station/Mini

Market

11. Automobile Service Facility
12. Automobile Quick Service Facilities
13. Automobile Wash Facility
14. Bakeries, Retail
15. Banks and Financial Institutions
16. Barber and beauty shops
17. Bicycle Sales, Rental and Repair
18. Billiard Rooms
19. Books, stationary and card shops
20. Bowling Alleys
21. Bridal consultants
22. Business machines, sales and service
23. Camera and photo supplies
24. Carpet and floor coverings
25. Catering services
26. China and glassware
27. Community centers
28. Copying and duplicating services
29. Costume rental
30. Dancing schools
31. Delicatessen
32. Department Stores
33. Driver Training Schools

34. Drug Stores
35. Dry Cleaning and Laundromats
36. Employment Agencies
37. Exercise & Weight Training Facilities
38. Exterminating Services
39. Florists
40. Funeral Home
41. Furniture and home furnishings
42. Garden Stores/Centers, Greenhouses/Nurseries
43. Gifts and novelties
44. Glass Repair and Distribution
45. Grocery Stores
46. Hardware Store
47. Heating, A/C, Electrical and Plumbing Sales
48. Hobby shops
49. Hospitals
50. Indoor recreation facilities, such as skating rinks, tennis/racquet ball clubs, and swimming pools.
51. Interior decorating shops
52. Lawn mower service and repair
53. Libraries
54. Locksmiths
55. Lounges and bars
56. Medical and dental offices/clinics



57. Medical Research Facilities
58. Motorcycle Sales and Service
59. Museums
60. Music, music instruments sales and lessons
61. Newspaper office, including printing
62. Nursery school or child care facility
63. Nursing homes, rest homes, and convalescent homes
64. Office buildings
65. Office Furniture and supplies
66. Opticians, optometrists and optical supplies
67. Paint, glass and wallpaper
68. Party supply
69. Pawn Shop
70. Pet sales and supplies
71. Photo studios
72. Plumbing Supplies
73. Printing Establishments
74. Radio and Television Repair
75. Radio and television broadcasting studios
76. Research and development laboratories
77. Research and Development Offices
78. Restaurants sit down and carry out, excluding drive through windows.

- 79. School, trade
- 80. Shoe Sore and Repair
- 81. Sporting goods
- 82. Tailor shops
- 83. Taxidermists
- 84. Theaters, excluding drive-in theaters
- 85. Ticket offices
- 86. Travel bureaus
- 87. Upholstery repair
- 88. Utility Trailer Sales and Rental
- 89. Window cleaning service

**SECTION 3302 ACCESSORY USES**

Accessory uses, buildings or other structures normally associated with and incidental to any listed permitted or conditionally permitted use.

**SECTION 3303 CONDITIONAL USES**

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

- A. Animal Hospitals, Kennel or Pounds, provided the kennel structures and runs are located a minimum of fifty (50) feet from any "R" District.
- B. Arcade Game Rooms
- C. Auction houses
- D. Automobile Customizing Shop
- E. Automobile renta

- F. Automobile Sales, Rental or Lease in accordance with Section 3304(M), and Article 4, Section 406-
- G. Automatic teller machines free standing
- H. Automobile Transmission Shop
- I. Awning companies
- J. Bakeries, wholesale
- K. Bingo Hall
- L. Boat, Marine Equipment Sales, Rental and Service.
- M. Building supply/home improvement stores
- N. Carpenter and Cabinet shops
- O. Churches, Places of Worship
- P. Commercial Recreational Facilities, including golf courses, driving ranges, miniature golf courses, swimming pools, field sports (football, baseball, soccer), and similar recreational activities.
- Q. Curb cuts on residential streets
- R. Distribution Centers
- S. Drive-In Theaters
- T. Drive-through windows ancillary to a permitted or conditionally permitted use
- U. Electronic supply company
- V. Equipment rental
- W. Fabrication of light sheet metal products
- X. Fence companies
- Y. Gymnasium

- Z. Halfway Houses (in accordance with Article 51 and Section 406).
- AA. Hotels and motels
- BB. Machine shops, tool & die
- CC. Manufacturing, assembly and Fabricating establishments characterized as light industrial, such as tool and die manufacturing, electrical and electronic component production and assembly, small motor and machinery production, surgical and medical equipment manufacturing and distribution and similar uses.
- DD. Mobile homes sales, rental and service.
- EE. Monument Sales and Service
- FF. Outdoor Sales associated with a permitted or Conditionally permitted use within a CS-2 District.
- GG. Outdoor storage when associated with a principal or Conditionally permitted use within the C/S-2 District.
- HH. Private Clubs & Lodges, excluding sexually oriented businesses.
- II. Printing and binary services
- JJ. Recycling Trailer Stations
- KK. Research and development offices
- LL. Restaurants with drive through windows
- MM. Schools and educational services
- NN. Seasonal Temporary Sales
- OO. Self Service Storage Facilities
- PP. Soup Kitchen
- QQ. Truck and motor freight terminals

RR. Testing laboratories which are compatible with the other permitted uses.

SS. Veterinarians offices and hospitals provided no rising breeding and boarding of animals shall be permitted.

**SECTION 3304 MINIMUM PERFORMANCE STANDARDS**

In addition to other applicable requirements contained in this zoning resolution, the following standards shall apply to all uses within the C/S-2 District:

A. Outdoor Storage - Except as hereinafter specified, all outdoor storage shall be prohibited.

B. Business Activity Enclosed - AR business activity shall be conducted wholly within a completely enclosed building.

C. Exterior Building Materials - The exterior building wall face oriented towards the front lot line shall be constructed with a minimum of fifty percent (50%) decorative brick or block, stone, wood/vinyl siding or similar building materials. No more than fifty percent (50%) of the exterior building wall face oriented towards the front lot line shall be constructed with a metal sheeting or similar building materials.

D. Storage of Flammable Materials - The outdoor storage of flammable liquids, or of materials that produce flammable or explosive Vapors or gases may be permitted when such storage is directly related to a Permitted or conditionally Permitted use, and when such storage meets all applicable state and local regulations governing such storage.

E. Storm Water Control - All uses within the "C/S-2" District shall be provided with adequate drainage facilities and a storm water run-off control plan that meets the design requirements of the Montgomery county engineer's office.

F. Lighting - Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district or upon any public right-of-way.

- G. No building or structure Purposes, except that a reside on the Premises.
- H. Noise -No noise from any operation conducted on the Premises, either continuous or intermittent, shall violate the provisions of Article 44.
- I. Pawn Shops & Second Hand Dealers
  - 1. Recording of Transaction - All dealers shall keep and preserve a separate book or record in which the dealer shall enter in the English language, at the time of each purchase, receipt or exchange of such articles the following information:
    - 2. The name, address, social security number or date of birth of the individual making the transaction.
    - 3. A description of the person from whom the article was purchased or received.
    - 4. The date and time of the transaction.
    - 5. A complete and accurate description of the article(s) purchased, received or exchanged, including the name of the maker or manufacturer, initials, serial numbers or other identifying features, including the price paid for each article.
    - 6. The dealer shall require the seller of any article to sign their name on the page on which that person's transaction is recorded.
  - 7. Inspection of Records - The book or record shall be open to inspection by any enforcement official or law enforcement officer during normal business hours.
  - 8. Maintenance of Records - Each page of the book or record shall consist of one or more sequentially and consecutively numbered forms which shall contain appropriate blanks for furnishing all the information required in Section 2104, Paragraph 0. The numbering of the forms shall begin with the number

on (1) and all numbers thereafter shall be accounted for.

9. Preservation of Records - The dealer shall preserve the book or record for a period of not less than one (1) year after making the final entry on any purchase or exchange of property recorded therein.

J. Seasonal Temporary Sales, as regulated by Article 49, Section 4902.

K. Automobile Sales, Lease or Rental:

In addition to other applicable sections of this Zoning Resolution, Automobile Sales, Lease and/or Rental businesses shall comply with the following requirements:

1. All off-street parking and/or outdoor sales display area shall be separated from the public right-of-way by a landscaped area at least ten (10) feet in width. On streets having an existing curb on the street side, a six (6) inch high curb shall be required only on the inside of the parking/sales area. On streets not having an existing curb on the street side, a six (6) inch high curb shall be required to completely enclosed the ten (10) foot separation strip. No vehicles shall be displayed or parked within the ten (10) foot landscaped area.
2. Within the ten (10) foot landscaped area, all shrubs at the time of planting shall have a minimum height of one (1) foot and a maximum height of three (3) feet and shall be planted so as to completely screen the undersides of vehicles. Grass or other ground cover shall be planted on all portions of the landscaped area not occupied by shrubs. All plantings, including ground cover, shall be kept trimmed and maintained with necessary care to ensure their survival. Any plant material that dies or otherwise becomes unhealthy shall be immediately replaced with like planting material. To ensure traffic visibility, no shrubs shall be permitted to exceed a height of three (3) feet.
3. All outdoor display areas for vehicles shall be marked with a yellow or white all weather paint.

The minimum size for each outdoor display area stall shall be a minimum of eight and one-half (8.5) feet in width and eighteen (18) feet in depth.

4. The stalls that comprise the customer off-street parking area shall be marked with a yellow or white all weather minimum of nine (9) feet in width, and a minimum of eighteen (18) feet in depth. All off-street customer parking areas shall be designated "Customer Parking Only." Designation shall be painted across the customer parking area with a yellow or white all weather paint, using a minimum four (4) inch, Helvetica styled letter.
5. One elevated display pad shall be permitted per one-hundred (100) feet of lot frontage. The elevated display pad shall be a solid, permanent structure and shall not exceed a height of two (2) feet above finished grade.
6. For security, square, tubular steel or wood posts with cable or chain shall be used to prevent unauthorized access to the property. The posts shall be painted and maintained in good condition. No wire type fencing shall be permitted within the front yard setback.
7. All lighting shall be arranged and designated to deflect light away from adjoining properties and public right-of-ways. The use of an energized lamp bulb, where the surface of the bulb is directly visible to persons not located on the premises, is prohibited.

### **3304.01 SCREENING**

Where any required yard abuts a residential district and is not separated from the residential district by a dedicated street, there shall be a permanently maintained twenty-five (25' foot buffer located along the abutting lot lines. Within the buffer shall be located a screen of sufficient density or opaqueness to obstruct the view of the structures or activities within the nonresidential district.

A. Types of Screening Permitted- Screening may be one of the following or a combination of two or more:



- a. Solid masonry wall;
  - b. Decorative fence, excluding chain link with slats
  - c. Dense evergreen plantings;
  - d. Landscaped mounding with ground cover.
- B. Height of Screening: At the time of placement or planting, all screening material shall be a minimum of six (6) feet in height.
- C. Required Ground Cover - The space between any screening and the adjoining property line and the perimeter of the buffer zone shall be landscaped with appropriate ground cover.
- D. Maintenance, Repair and/or Replacement of Screening - All screening shall be maintained in good condition and free of all advertising or other signs, and repaired and replaced as needed to maintain the integrity of the screen as originally designed.

**SECTION 3305 DEVELOPMENT STANDARDS**

In addition to other provisions of this zoning resolution, the following standards for arrangement of land, buildings and/or structures shall be applicable to all uses within the C/S-2" Commercial/Service District.

**3305.01 Height Regulations** No structure shall exceed forty (40) feet in height.

**3305.02 Minimum Lot Area** The minimum lot shall be 20,000 square feet.

**3305.03 Minimum Lot Width** The minimum lot width shall be 100 feet.

**3305.04 Minimum Yard Setbacks:**

- A. Front: There shall be a minimum setback of not less than twenty-five (25) feet. The front yard setback depth shall be

measured from the established right-of-way lines as shown on the official thoroughfare plan for Montgomery County.

- B. Side Yards: There shall be a minimum side yard of not less than ten (10) feet, except when adjacent to any residential district; the minimum side yard shall be twenty-five (25) feet with screening as provided for in Section 3304.01.
- C. Rear Yard: There shall be no minimum rear yard requirement, except when adjacent to a residential district the minimum rear yard setback shall be twenty-five (25) feet with screening as provided for in Section 3304.01.

**3305.05 Maximum Lot Coverage**

Fifty (50) percent of the lot.

**3305.05 Maximum Floor Area Ratio**

0.5

**SECTION 3306 MINOR MODIFICATIONS**

The community and economic development director shall have the authority to make minor modifications to specifications contained in the C/S-2 District.

# ARTICLE 36

## EXISTING AND NONCONFORMING USE

### SECTION 3601 CONFORMANCE REQUIRED

**3601.01** Except as hereinafter specified, no land, building, structure or premises shall hereafter be used, and no building or part thereof, or other structure, shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located.

### 3602 INTENT

**3602.01** The legitimate interests of those who lawfully established these nonconformities are recognized in this article by permitting such nonconformities to continue, subject to regulations for and limitations upon their completion, restoration, reconstruction, extension, and substitution. It is recognized, however, that nonconformities substantially and adversely affect the orderly development, maintenance, use, and taxable value of other property in the district, property that is itself subject to the regulations of this Zoning Resolution. In order to secure eventual compliance with the standards of this chapter, it is necessary to regulate non-conformities strictly and to prevent the reestablishment of non-conformities that have been discontinued.

### SECTION 3603 NONCONFORMING VACANT LOTS

#### **3603.01 NONCONFORMING VACANT LOTS IN RESIDENTIAL DISTRICT**

In any district where dwellings are permitted, a single family detached dwelling may be erected on any lot of official record as of the effective date of the Zoning Resolution of Miami Township, when by reason of its lot area, width or depth it does not meet minimum requirements for a lot under these regulation; provided, however, that no lot shall be deemed to be less than forty (40) feet wide for the calculation of yard requirements and provided, further:

- A. The sum of the side yard widths on any such lot of record shall be at least twenty-five (25) percent of the width of the lot.

- . In no case shall the width of any side yard be less than ten (10) percent of the width of the lot, except that on a corner lot, the width of side yard adjoining the side street lot line shall be no less than ten (10) feet.
- C. The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case shall it be less than twenty (20) feet.
- D. If the width of such lot meets the standards of this Resolution but the depth is such that the total area is less than seven thousand five hundred (7,500) square feet, the rear yard for such lot shall have a minimum of thirty (30) percent of the depth of the lot but in no case shall it be less than thirty (30) feet.

**3603.02 NONCONFORMING VACANT LOTS IN OTHER DISTRICTS**

In any district, other than a Residential District, a building designed for any permitted use in such district may be erected on any lot of official record as of the effective date of the Zoning Resolution of the Township, provided that:

- A. Such building shall comply with all regulations applicable in the district in which the lot in question is located; provided, however, the width of any required side yard need not be greater than that derived by applying the following equation, where "X" = the required side yard width:

$$X = \frac{\text{Minimum side yard required by district regulations}}{\text{Actual Lot Width} - \text{Minimum lot width required by district regulations}}$$

**SECTION 3604 NONCONFORMING STRUCTURES**  
**3604.01 CONTINUATION**

Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or development standards, may be continued, so long as it remains otherwise lawful, subject to the restrictions of 3604.02 through 3604.04.

**3604.02 ENLARGEMENT, REPAIR, ALTERATIONS**

Any such structure described in Subsection 3603.01 may be enlarged, maintained, repaired or structurally altered; provided, however, that no such enlargement, maintenance, repair or structural alteration shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structures; except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be determined by Subsection 3603.01 or 3603.02, whichever is applicable.

**3604.03 DAMAGE OR DESTRUCTION**

In the event that any such structure described in Subsection 3604.01 is damaged or destroyed, by any means, to the extent of more than fifty (50) percent of the current replacement cost of the entire structure, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located; provided, that structures located on a lot that does not comply with the applicable lot size requirements shall not in any event be required to provide a side yard that exceeds the yard requirements in Subsection 3602.01 or 3602.02, whichever is applicable. When a structure is damaged to the extent of fifty (50) percent or less, no repairs or restoration shall be made unless a zoning certificate is obtained and restoration is actually begun within one year after the date of such partial destruction.

**3604.04 MOVING**

No structure described in Subsection 3604.01 shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it will be located after being moved.

**SECTION 3605 NONCONFORMING USES**

**3605.01 CONTINUATION**

Any lawfully existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure, may be continued, so long as otherwise lawful, subject to the restriction of Subsection 3605.02 through 3605.09.

**3605.02 REPAIR, MAINTENANCE, AND STRUCTURAL ALTERATION**

- A. Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not physically extend or intensify the nonconforming use. This paragraph shall not be deemed to authorize any violation of Subsections 3605.03 through 3605.09.
- B. Nothing in this Resolution shall be deemed to prevent the strengthening or restoring to a safe condition any building or there structure (other than a damaged or destroyed building or other structure subject to the provisions of 3605.05 of this section) in accordance with the order of a public official who is charged with protecting the public safety and who declares such building or other structure to be unsafe and orders its restoration to a safe condition.
- C. All nonconforming residential buildings in a Business or Industrial District may be maintained, repaired, improved, modernized or enlarged in accordance with the development standards of Section \_\_\_\_; provided, however, that no increase in the number of dwelling units shall be permitted. A dwelling may not, however, be demolished and a new dwelling constructed unless the new dwelling is in full compliance with this Resolution.

**3605.03 STRUCTURAL ALTERATION**

Structural alterations to nonconforming single family residences within any zoning district shall be permitted in accordance with the development standards of Section \_\_\_\_\_, provided, however, that no increase in the number of dwelling units shall be permitted.

**3605.04 EXTENSION AND ENLARGEMENT**

The Board of Zoning Appeals may permit a nonconforming building or structure to be extended, expanded, enlarged, or increased in intensity subject to the following conditions:

- A. A nonconforming use may be extended throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on the effective date of this Resolution
- B. The Board may permit either an expansion of a nonconforming building or structure, or a substitution of a nonconforming use in such a building or structure, but not both.
- C. A building or structure that is devoted to a nonconforming use may be extended or enlarged upon the lot occupied by such building on the effective date of this Resolution or on an adjoining lot, provided such lot was under the same ownership as the lot in question on the effective date of this Resolution. Such building may be enlarged or extended to an extent not exceeding twenty-five (25) percent of the gross floor area of such structure or building lawfully existing at the time of the adoption of this Resolution.
- D. The extension or enlargement of a building or structure may not occupy ground space suitable and otherwise available for meeting the off-street parking requirements of this Resolution.
- E. A nonconforming use of land may not be extended enlarged or increased in intensity.
- F. Nothing contained in this section shall in any way prohibit a nonconforming use from acquiring additional off-street parking space.

Application for an extension or enlargement in accordance with paragraphs A and F shall be noticed and heard in the manner prescribed for appeals in Section 404 hereof.

In granting an extension or enlargement, the Board may impose such reasonable safeguards and restrictions upon the premises benefited by the extension or enlargement as may be necessary to reduce or minimize any potentially injurious effect of such extension or enlargement upon other property in the neighborhood and to carry out the general purpose and intent of this chapter.

**3605.05 DAMAGE OR DESTRUCTION**

- A. Nothing in this Resolution shall be deemed to prevent the total restoration of any legal nonconforming single family residence, so long as such restoration is actually begun within one year after the date of its damage or destruction.
  
- B. In the event that any building or structure that is devoted in whole or in part to a nonconforming use, other than that of a single-family residence, is damaged or destroyed by any means, to such an extent that the cost of restoration to the condition in which it was before such damage or destruction exceeds fifty (50) percent of the current replacement cost of the entire building or other structure, exclusive of foundation, such building or other structure shall not be restored unless such building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located. Moreover, even if such damage is fifty (50) percent or less, no repair or restoration shall be made unless a building permit is obtained and restoration is actually begun, within one year after the date of such partial destruction.

**3605.06 MOVING**

No structure devoted in whole or in part to a nonconforming use, shall be moved to any other location on the same lot or any other lot unless the entire structure and the use thereof shall thereafter conform to the regulations of the district in which it will be located after being so moved. Moreover, no nonconforming land use shall be relocated, in whole or in part, to any other location on the same or any other lot unless such use shall thereafter conform to the regulations of the district in which it is located after being moved.



**3605.07 CHANGE**

The Board of Zoning Appeals may permit a substitution for a nonconforming use in a building or structure lawfully existing at the time of the adoption of this Resolution subject to the following conditions:

- A. The Board may permit either an expansion of a nonconforming building or structure or a substitution of a nonconforming use, but not both.
- B. A nonconforming use of land (as opposed to a building or structure) may not be changed.
- C. Application for a substitution in accordance with paragraph "A" shall be noticed and heard in the manner prescribed for appeals in Section 404 hereof.

The proposed use shall be of no greater intensity and shall be more compatible with the surrounding neighborhood than the existing nonconforming use.

The Board shall not grant a substitution unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, that support conclusions that:

1. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
2. Adequate access roads or entrance and exit drives shall be provided and will be designed so as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets.
3. All exterior lighting fixtures are shaded wherever necessary to avoid casting direct light upon any property located in a residential district.
4. The proposed substitution will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public.

5. In granting a substitution, the Board may impose such reasonable safeguards and restrictions upon the premises benefited by the substitution as may be necessary to comply with the above standards and to reduce or minimize any potentially injurious effect of such substitution upon other property in the neighborhood and to carry out the general purpose and intent of this chapter.

If a nonconforming use is changed to any use other than a conforming use without obtaining approval pursuant to this paragraph that change shall constitute a discontinuance of the nonconforming use, and the property involved shall thereafter be used only for conforming uses.

**3605.08 DISCONTINUANCE**

- A. Discontinuance of nonconforming use of land: In the event that operation of a nonconforming use of land is voluntarily discontinued for a period of two (2) years, such nonconforming use shall not thereafter be reestablished and any subsequent use or occupancy of such land shall conform to the regulations of the district in which it is located.
- B. Discontinuance of nonconforming use of buildings or structures: In the event that operation of a nonconforming use of all or part of a building or other structure is voluntarily discontinued for a period of two (2) years, such nonconforming use shall not thereafter be reestablished, and any subsequent use or occupancy of such building or other structure shall conform to the regulations of the district in which it is located.
3. When any lawful nonconforming use of any structure or land in any zoning district has been changed to a conforming use, it shall not thereafter be changed back to any nonconforming use.

**3605.09 NONCONFORMING ACCESSORY USES**

No nonconforming accessory use shall continue after the principal use to which it is accessory has been discontinued.

**3605.10 EXCLUSION FOR CERTAIN NONCONFORMING USES IN THE WELL FIELD “WP” PROTECTION OVERLAY ZONING DISTRICT**

In the WP District, uses that are nonconforming solely because their Total Maximum Daily Inventory exceeds the limits established by Article 27 shall be excluded from the provisions of subsection 3605.05(B). In the WP District, uses that are nonconforming solely because their Total Maximum Daily Inventory exceeds the limits established by Article 27 shall be excluded from the provisions of subsection 3605.06 when the moving is to another location on the same lot, but not when the relocation is to another lot.

# ARTICLE 37

## PROVISIONS AFFECTING AREA, YARDS, AND COURTS

**SECTION 3701 MINIMUM FLOOR AREA FOR DWELLINGS**

The minimum total livable floor area for single family detached dwellings shall be seven hundred and twenty (720) square feet.

**SECTION 3702 STREET FRONTAGE REQUIREMENT**

Except as permitted by other provisions of this Zoning Resolution, no lot or parcel shall contain any building used in whole or part unless the front lot line of such lot abuts fully on a dedicated street. Each lot shall meet the minimum frontage requirements of the Zoning District in which it is located.

**SECTION 3703 TRAFFIC VISIBILITY ACROSS CORNER LOTS**

In any District on any corner lot, no fence, or planting shall be erected or maintained within twenty (20) feet of the "corner" if it interferes with traffic visibility across the corner.

**SECTION 3704 REDUCTION OF AREA OR SPACE**

No lot, yard, court, parking area or other space shall be reduced in area or dimension, thereby making said area or dimension less than minimum required by this Zoning Resolution; and, if already less than the minimum required by this Zoning Resolution, said area or dimension shall not be further reduced. No part of a yard, court, parking area, or other space provided about, or for, any building or structure for the purpose of complying with the provisions of this Zoning Resolution, shall be included as part of a yard, court, parking area or other space required under this Zoning Resolution, for another building or structure.

**SECTION 3705 OFF STREET PARKING AND LOADING**

In any district, spaces for off street parking and for loading or unloading shall be provided in accordance with the provisions of Article 42 and 43.

**SECTION 3706 BUILDINGS PER LOT**

Except as permitted by other provisions of this Zoning Resolution, there shall not be more than one (1) principal building for each lot.

# ARTICLE 38

## ACCESSORY USES

### SECTION 3801 PERMITTED ACCESSORY USES - RESIDENTIAL, OFFICE/RESIDENTIAL AND OFFICE DISTRICTS

The following accessory uses are permitted in each Residential District, Residential/Office District, and the Office District.

- A. Private garages or carports.
- B. A structure for storage incidental to a permitted use.
- C. A swimming pool, bath house, tennis court and other recreational facilities designed for the use of the occupants of a single-family dwelling and their guests. Such facilities shall comply with the following conditions and requirements:
  - 1. Such facilities shall be located only in the rear yard and have a minimum setback of five (5) feet from side and rear lot lines.
  - 2. Swimming pools in excess of twenty-four (24) inches in depth shall have fencing around the pool as provided for in Section 3909.04.
  - 3. Such facilities shall be located on the same lot as the principal building.
- D. A child's playhouse, tree house, birdhouse.
- E. Statuary, arbors, trellises, barbecue equipment, flag poles, fences, play equipment, non-mechanical laundry drying equipment, walls and hedges.
- F. Recreational vehicles and camping equipment subject to the following conditions:
  - 1. Parked or stored recreational vehicles and camping equipment as defined by Article 2 shall not be connected to electricity, water, gas or sanitary sewer facilities; and at no time shall this equipment be used for living or housekeeping purposes.

2. Recreational vehicles and camping equipment parked or stored outside a garage or a completely enclosed structure shall be parked or stored to the rear of the house may be parked or stored in the existing rear yard, or in a side yard not fronting on public right-of-way provided:
  - a. such vehicle or equipment is located behind the front building line of the principal structure;
  - b. the vehicle or equipment shall be parked or stored on a dust free all weather surface;
  - c. except when parked in a driveway, a privacy fence a minimum of six (6) feet in height shall be constructed along the front building line between the principal structure and the side lot line.
3. Notwithstanding the provisions of subparagraph 2, camping and recreational equipment may be parked anywhere on the premises for loading or unloading purposes, for a period of not more than forty-eight (48) hours within any seven (7) day period.

G. **Garage Sales** - (Including patio, basement, yard, block or similar types of sales) may be held from 8:00 A.M. to sundown and must comply with the following regulations:

1. No sale may extend for more than three (3) consecutive days (or portion thereof).
2. No more than two (2) garage sales per dwelling unit may be held on any lot in any calendar year and no garage sale shall be permitted within a minimum period of ninety (90) days of the previous garage sales.
3. No person conducting a garage sale under the provisions of this article shall sell or offer for sale any food or beverage for consumption on the premises. Food or beverage may be provided for such consumption at no cost to the consumer, but only if a permit is obtained in advance from the Combined Health District.
4. No fee or other charge shall be imposed upon members of the public attending any such sale.

5. Balloons, streamers, special lighting, noise making devices or other similar advertising displays or notices shall not be used to call attention to the garage sale.
  6. One non-illuminated sign not exceeding six (6) square feet in size not more than three (3) feet in height above grade may be displayed on the property where the sale is being held.
- H. **Satellite Dishes, Antennae Towers and Similar Devices** - Satellite dishes, receiving and transmission towers (excluding commercial), wind generators, and similar structures shall not be located in any front yard. All such structures shall be located a minimum of three (3) feet from any side or rear lot lines.
- I. **Storage Of Firewood** - Firewood shall be located on the same lot as the principal structure, be stored in the rear yard. A standard cord of firewood may be maintained in front of the principal structure, provided the firewood is stacked on the front porch or within four (4) feet of the principal structure.
- K. **Day Care Centers** - Day care centers with any number of individuals in conjunction with schools, community centers and places of worship.

**SECTION 3802**

**ACCESSORY USES NOT PERMITTED  
RESIDENTIAL, OFFICE/RESIDENTIAL AND OFFICE  
DISTRICTS.**

- A. Overnight parking or outdoor storage of trucks over nine thousand (9,000) pounds gross vehicle weight, buses or mobile homes.
- B. Outdoor storage, unless specifically permitted by the specific zoning district regulations.
- C. Outdoor storage such as, but not limited to: junk, lumber, building materials, outdoor storage of or parking of inoperative or unlicensed motor vehicles or similar items of property, auto parts, truck parts, motorcycle parts, and household appliances.



**SECTION 3803**

**STANDARDS - RESIDENTIAL AND OFFICE/RESIDENTIAL LAND OFFICE DISTRICTS**

An accessory building that is an integral part of or connected to the principal building by a breezeway or other similar structure shall meet the same minimum yard setback requirements for the principal structure. Accessory buildings not attached to the principal structure shall meet the following minimum requirements:

- A. **General** - An accessory use shall be located on the same lot as the principal structure. No accessory use shall be established prior to the establishment of the principal permitted use. No existing accessory use may be extended or expanded unless it is in compliance with all applicable provisions of the zoning resolution.
- B. **Location** - A detached accessory building and structures shall be located only in the rear yard.
- C. **Maximum Lot Coverage** - The total of all accessory buildings, structures and uses shall not occupy more than thirty-five (35) percent of the area of the rear yard.
- D. **Maximum Number of Accessory Buildings** - There shall be no more than two (2) accessory buildings on a lot in a residential, office/residential or office zoning district.
- E. **Detached Garage - Area, Height and Setback Requirements:**
  - 1. A detached garage shall not be larger than eighteen (18) percent of the rear yard.
  - 2. No detached garage may exceed 864 square feet except as provided in Section 3803 E.3; and no detached garage shall be restricted to less than 432 square feet.

3. **Exception to Maximum Size Limitation**

- a. The size of the garage may exceed 864 square feet on lots with rear yards that exceed twenty thousand (20,000) square feet in area. In this case, the size of the garage may be increased by five (5) percent of the rear yard area over twenty thousand (20,000) square feet.
  - b. Multi-family units containing three (3) or more dwelling units, shall be permitted a minimum of two hundred and eighty-eight (288) square feet of detached garage building area per dwelling unit.
4. Detached accessory buildings other than garages shall not exceed two hundred (200) square feet.
5. A detached accessory building shall not exceed twenty-five (25) feet in height.
6. A detached accessory building shall be a minimum of three (3) feet from the side and rear lines.
- F. On a corner lot a detached accessory building located shall not be located closer to the right-of-way line than the front building setback line. On lots having less than sixty (60) feet of frontage, the front yard setback may be reduced one (1) foot for each foot such frontage is below sixty (60) feet, to a minimum front yard setback of thirteen (13) feet. For each one (1) foot reduction of front yard setback, the rear yard setback between the rear lot line and the accessory building shall be increased two (2) feet.

**SECTION 3804**

**ACCESSORY USES - BUSINESS AND INDUSTRIAL DISTRICTS**

- A. **Residential Uses in a Business and Industrial District** - The construction, placement or use of an accessory building on the property of a nonconforming residential use in a business or industrial district shall meet the accessory use requirements for residential uses as specified in Article 38.

- B. **Uses Not Permitted in Business and Industrial Districts** - Outdoor storage such as, but not limited to: junk, lumber, building material, outdoor storage of or parking of inoperable or unlicensed motor vehicles or similar items of property including antique autos, auto parts, truck parts, motorcycle parts, and household appliances or machinery, unless specifically permitted by the specific zoning district regulation.

SECTION 3805

**HOME OCCUPATIONS**

In any Residential, Office/Residential or Planned Residential District, a home occupation may be permitted in any Residential, Office/Residential or Planned Residential District provided such home occupations meet the following minimum requirements:

- A. There are no changes in the outside appearance of the dwelling, other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated and mounted flat against the wall of the principal building. No sign shall be painted directly upon the surface of any building or structure.
- B. Does not generate traffic, parking, noise, light, odor, sewage or water use in excess of what is normal in a residential neighborhood.
- C. Does not create a hazard to person or property, results in electrical interference, or becomes a nuisance.
- D. No person other than members of the family residing on the premises shall be engaged in the home occupation.
- E. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes.
- F. Not more than twenty-five (25) percent of the floor area of a dwelling unit, and no more than twenty-five (25) percent of any one floor shall be devoted to the home occupation.
- G. No mechanical or electrical equipment shall be used except normal domestic household equipment, typewriters, computers, copying machines, and other similar devices.

- H. The home occupation shall be conducted by appointment only.
- I. No wholesale, jobbing, or retail business shall be permitted unless it is conducted entirely by mail or telephone and does not involve the receipt, delivery, sale or storage of merchandise on or from the premises.
- J. There shall be no outdoor storage of equipment or materials used in the home occupation, nor shall any accessory building be used for any home occupation activity.

**SECTION 3805.01 PERMITTED HOME OCCUPATIONS** - The following uses are examples of permitted home occupations and are permitted provided they do not violate any of the provision of this zoning resolution:

- A. Artists, sculptors, and authors
- B. Baby setting, nursery or day care center of persons, including day care of children, adults, or elderly persons, shall be limited to a maximum of six (6) persons on the premises at any one time. Any child under six (6) years of age, related to the care giver and who are on the premises shall be counted.
- C. Computer programming.
- D. Dressmaking, seamstresses, and tailors.
- E. Home cooking and preserving.
- F. Home crafts, such as model making, rug weaving, and lapidary work.
- G. Home office.
- H. Photography.
- I. Professional services.
- J. Tax examination/preparation.
- K. Telephone answering or secretarial work.

## L. Tutoring

# ARTICLE 39

## EXCEPTIONS, MODIFICATIONS AND INTERPRETATIONS

### SECTION 3901 APPLICATION

The requirements and regulations specified herein before in this Zoning Resolution shall be subject to the following exceptions, modifications and interpretations.

### SECTION 3902 HEIGHT LIMITS

Height limitations stipulated elsewhere in this Zoning Resolution shall not apply:

- A. To barns, silos or other farm buildings or structures on farms, provided these are more than fifty (50) feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, masts and aerial; to parapet walls extending not more than four (4) feet above the limiting height of the building.
- B. To places of public assembly in churches schools and other permitted public and semipublic buildings, provided that these are located on the first floor of such buildings and may provide that for each three (3) feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
- C. To bulkheads, elevator penthouses, water tanks, monitors, scenery lofts, towers and monuments. Fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height, provided, however, that all such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five (25) percent of the area of the lot and shall be distant not less than twenty-five (25) feet in all parts from every lot line.

**SECTION 3903      AREA REQUIREMENT WITHOUT UTILITIES**

In any district where plumbing facilities will not be connected to public sewer or water, such lot shall contain a minimum area of forty thousand (40,000) square feet and shall have at least one hundred fifty (150) feet of lot frontage along a public street or road.

**SECTION 3904      CORNER LOTS**

- A. The area of a corner lot shall be twenty (20) percent greater than the minimum area required for an interior lot.
  
- B. When the principal building is located with its greatest depth on the long side of a corner lot, the required rear yard may be reduced to a minimum of twenty (20) percent of the average lot depth; but in no case shall the shortest distance, measured horizontally between any part of a building, and the rear lot line, be less than twenty (20) feet.

**SECTION 3905      FRONT YARD EXCEPTIONS, AND MODIFICATIONS**

- A. In any Residential District where the average depth of at least two (2) existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Zoning Resolution, the required depth of the front yard on such lot shall be modified. In such case, this shall not be less than the average depth of said existing front yards, or the average depth of existing front yards of the two (2) lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on any lot shall be at least ten (10) feet including all projections nor required to be more than fifty (50) feet.
  
- B. In any Residential District where the natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along said line, of such a degree or percent of slope that it is not practicable to provide a driveway with a grade of twelve (12) percent or less to a private garage

conforming to the requirements of this Zoning Resolution, such garage may be located within such front yard, but not in any case closer than ten (10) feet to the street lines.

- C. All lots in Residential Districts fronting on major thoroughfares shall have a front yard depth of not less than thirty-five (35) feet measured from the street right-of-way line.

**SECTION 3906 DOUBLE FRONTAGE LOTS**

Buildings on lots having frontage on two (2) nonintersecting streets need not have a rear yard if any equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided, however, on both streets.

**SECTION 3907 SIDE YARD EXCEPTIONS OR MODIFICATIONS**

- A. Side yard widths may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such case the average width of the side yard shall not be less than the otherwise required least width; provided, however, that such side yard shall not be narrower at any point than one-half (1/2) the otherwise required least width, or narrower than six (6) feet in any case.
- B. A side yard along the side street lot line of a corner lot, which lot abuts in the rear, either directly or across an alley, the side lot line of another in a Residential District, shall have a width of not less than one-half (1/2) the required depth of the front yard on such other lot fronting the side street.

**SECTION 3908 PROJECTION INTO REQUIRED YARDS**

Architectural features may project into required yards or into courts as follows:

- A. Into any required front or side yard adjoining a side street:



1. Cornices, canopies, eaves, or other architectural features may project a distance not to exceed two (2) feet, six (6) inches.
  2. Fire escapes may project a distance not to exceed four (4) feet, six (6) inches.
  3. An open stair and necessary landing may project a distance not to exceed six (6) feet.
  4. A front porch may project into a front yard a distance not to exceed six (6) feet, provided it is open on three (3) sides, except for railing or banisters.
  5. Bay windows, balconies, or chimney may project into a yard a distance not to exceed five (5) feet provided, however, that the aggregate width of such projection shall not exceed one-third (1/3) of the length of the wall upon which they are located.
- B. Subject to the limitations in the preceding subsections, the above named features may project into any required side yard adjoining an interior side lot line, a distance not to exceed one-fifth (1/5) of the required least width of such side yard, but not exceeding three (3) feet in any case.
- C. Subject to the limitation in "A" above, the features named therein may project into any required rear yards or into any required outer court the same distance they are permitted to project into a front yard.

**SECTION 3909 FENCES, WALLS AND HEDGES**

Notwithstanding other provisions of this Zoning Resolution, fences, walls and hedges in any "R", "OR-1" or "O" districts are permitted in yards under the following conditions:

**3909.01 CORNER LOTS**

Within the triangular area formed by the right-of-way lines at corner lots and a straight line joining such right-of-way line at points which are twenty (20) feet distant from the intersection of the right-of-way line and measured along such right-of-way lines (see Appendix, Figure 2), no fence, wall, hedge, or other

planting shall exceed a height of two and one-half (2.5') feet above the center line grades of intersecting streets.

**3909.02 FRONT YARDS**

Except as provided for in Section 3909.01 (Corner Lots), fences, walls and hedges shall be permitted in front yards, provided that:

- A. **Height:** Such fence, wall or hedge does not exceed a height of three and one-half (3.5) feet.
- B. **Setback From Walks:** All fences and walls adjacent to any public sidewalk shall be set back a minimum of one (1) foot from the inside edge of the sidewalk; hedges shall be kept trimmed back a minimum of one (1) foot from the inside edge of the sidewalk.
- C. **Right-Of-Way:** No fence located along any right-of-way shall be permitted to be placed in the right-of-way, or extend or project into the right-of-way.
- D. **Visibility:** No fence, wall or hedges shall be permitted to interfere with visibility along a driveway.

**3909.03 SIDE AND REAR YARDS:**

Within a side or rear yard, no fence, wall or hedge shall be permitted to exceed a height or six (6) feet, except:

- A. **Topographical Considerations:** When topographical features of the property upon which a fence is to be located, or the topographical features of the surrounding property, make the six (6) foot height limitation impractical for providing adequate screening from surrounding properties, the Planning/Zoning Director may permit the placement of a fence up to eight (8) feet in height.
- B. **Tennis Courts:** Shall be permitted to have a fence surrounding the tennis court up to a maximum height of twelve (12) feet, provided:
  - 1. The fence material shall be comprised for a regulation tennis court mesh, whereby the openings in the wire mesh network that form the fence

material shall not exceed one and three-quarters (1 3/4) inches in diameter.

2. The fence shall not be located closer than five (5) feet from any side or rear property line.

#### **3909.04 SWIMMING POOLS:**

A swimming pool which has, at any point, a depth of twenty-four (24) inches or more of water shall be required to have a fence of adequate size and strength to exclude the entrance of unauthorized persons and to meet the following requirements:

- A. **Height:** Such fence shall be not less than five (5) feet in height above the ground level.
- B. **Clearance From Bottom of Fence:** Such fence shall have not more than two (2) inches of clearance from the bottom of the fence to the surface directly below the fence.
- C. **Setback From Water:** Such fence shall not be closer than five (5) feet from the water's edge of the swimming pool.
- D. **Mesh Openings:** Openings, if provided, shall be not larger than two and one-half (2.5) inches wide in their least dimension.
- E. **Gates:** Gates shall be capable of being securely fastened in a closed position at a height of not less than four feet above ground level.
- F. **Wire Gauge:** Chain or wire type fence shall be constructed of at least fourteen (14) gauge wire.
- G. **Above Ground Pools:** Swimming pools, such as above-ground pools, which are equipped with a deck fence and a ladder which is capable of being secured in the up position when not in use, shall be permitted, provided the degree of protection is not less than the protection afforded by the enclosure, gate and latch described in this section.

H. **Other Protective Devices:** Upon submission of documentation from a qualified expert, the Planning/Zoning Director may in lieu of the fencing requirement, permit the use of a natural barrier, hedge, pool cover or other protective device provided degree of protection is not less than the protection afforded by the enclosure, gate and latch described in this section.

**3909.05 PERMITTED TYPES OF FENCE MATERIAL:**

Fences shall be constructed only of materials that are processed or manufactured and customarily used for permanent fencing.

**3909.06 BARBED WIRE, ELECTRIC FENCES, RAZOR RIBBON:**

The use of barbed wire, electrically charged, razor ribbon or any other type of fencing material that is designed to cause injury upon contact are prohibited in all residential, office/residential and office districts.

**3910.00 BUSINESS AND INDUSTRIAL DISTRICTS - Fences Walls and Protective Enclosures:**

Notwithstanding other provisions of this Zoning Resolution, fences, walls and other types of protective enclosures in any business and/or industrial districts are permitted under the following conditions:

**3910.01 CORNER LOTS:**

Within the triangular area formed by the right-of-way lines at corner lots and a straight line joining such right-of-way line at points which are twenty (20) feet distant from the intersection of the right-of-way line and measured along such right-of-way lines (See Appendix, Figure 2), no fence, wall, hedge, or other planting shall exceed a height of two and one-half (2.5') feet above the center line grades of intersecting streets.

**3910.02 FRONT YARDS:**

Except as provided for in Section 3910.01 (Corner Lots), fences, walls and hedges may be permitted in front yards, provided that:

- A. **Type of Material:** In the front yard of any business or industrial district, no chain link fence or wire type material shall be permitted. The use of decorative fencing, or walls, designed to be complimentary to the surrounding land uses, may be located in the front yard provided:
- B. **Height:** Such fencing or walls shall not exceed six (6) feet in height.
- C. **Setback:** Shall be setback a minimum of ten (10) feet from the existing right-of-way.
- D. **Security Devices:** Barbed wire, razor ribbon or other type of fencing material that is designed to cause injury upon contact shall be placed in such a manner so as not to be visible from the street.

**3910.03 SIDE YARDS:**

Fences located in a side yard shall not exceed a maximum of eight (8) feet in height. Security devices, such as barbed wire or razor ribbon may exceed the eight (8) foot height requirement by one (1) foot.

**3910.04 REAR YARDS:**

Fences located in a rear yard shall not exceed a maximum of eight (8) feet in height. Security appendages, such as barbed wire or razor ribbon may exceed the eight (8) foot height requirement by one (1) foot.

**3910.05 PERMITTED TYPES OF FENCE MATERIAL:**

Fences shall be constructed only materials that are processed or manufactured and customarily used for permanent fencing.

# ARTICLE 40

## EXEMPTIONS FROM ZONING PROVISIONS

### **SECTION 4001 ESSENTIAL SERVICES**

Essential services shall be permitted as authorized and regulated by law and other Resolutions of the County, it being the intentions hereof to exempt such essential services from the application of this Zoning Resolution.

### **SECTION 4002 UNSAFE BUILDINGS**

Nothing in this Zoning Resolution shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

### **SECTION 4003 EXISTING BUILDING PERMITS**

Nothing contained in this Zoning Resolution shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of this Revised Zoning Resolution, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Revised Zoning Resolution, and continued to completion without interruption, except for causes beyond the builder's control.

### **SECTION 4004 EXEMPTION FOR POLITICAL SUBDIVISIONS**

When acting in their capacity as a political subdivision of the State of Ohio, such political subdivisions are hereby exempt from the regulations contained in this zoning resolution. All political subdivisions that are exempt, wherever possible shall attempt to meet the spirit and intent of the zoning resolution.

# ARTICLE 41

## SIGN REGULATIONS

### SECTION 4101 GENERAL PROVISIONS

The following general provisions are applicable to all signs unless modified by the general requirements or standards of a specific Zoning District:

#### 4101.01 PERMITS

Applications for permits shall be filed with the Community and Economic Development Department, together with a permit fee, and shall be issued prior to construction, erection or modification of any sign.

#### 4101.02 NONCONFORMING SIGNS

- A. Any sign erected prior to the enactment of this Resolution and not conforming to the provisions of this Resolution shall be deemed to be nonconforming. This shall not prohibit the maintaining in a safe condition any sign which is nonconforming, but if the sign is damaged to more than one-half (1/2) of its replacement value or in a state of disrepair then it shall be removed and shall not be repaired or replaced.
- B. Any nonconforming sign which is altered, relocated, or replaced shall comply with all provisions of this Resolution

#### 4101.03 MAINTENANCE, ABANDONMENT, REMOVAL AND RESPONSIBILITY

- A. Maintenance - Every sign, including those signs specifically exempt from this chapter in respect to permits, shall be afforded the normal care needed to keep the sign safe and functional, including the replacement of defective parts, cleaning, painting (except galvanized or signs of rust-resistant material), repairing, or replacing broken faces, or other elements of the sign structures so that they are structurally safe.

B. **Abandoned Signs** - Except as provided for in Section 4101.04(B,1), any sign located on a property that is unoccupied for a period of thirty (30) days or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned.

1. **Exceptions:** The following signs are specifically exempted from the provisions of Section 4101.01(B), provided such signs otherwise meet all of the other provisions of this article.

a. Real estate signs.

b. Signs pertaining to a specific use that operates on a seasonal basis.

C **Removal of Signs** - Any sign, including those elements of the sign structure that are considered an integral part of the sign, for which a permit has not been issued, is not maintained in accordance with the provisions of this chapter, or has been deemed abandoned shall be removed by the property owner, or the person in charge of the property at the property owners expense.

1. **Removal of Painted Wall Signs** - Any sign that is directly painted upon a building, shall have an imaginary rectangle or square (whichever configuration most closely encompasses the extremities of the wording of the painted wall sign; (see Appendix, Figure 1) placed around the perimeter of the word(s) and/or illustration(s), and the sign contained therein shall be painted or otherwise blocked out.

2. **Period for Compliance** - Upon receipt of a notice of Violation, the property owner or person in charge of the property shall have (30) days from the receipt of such notice to bring those signs, as described in the violation notice, into compliance with the provisions of this chapter.

3. **Removal of Signs Within the Right-of-Way** - Any sign placed within the street right-of-way without a permit is prohibited and the Code Enforcement Officer, Zoning Inspector, Services Director, Fire



Chief or Sheriff's Officers are authorized to remove the sign or cause it to be removed without notice.

D. **Sign Responsibility**

1. The building owner shall be held responsible for the removal and disposal of all abandoned signs including the complete blocking out of painted wall signs.
2. The owner of the sign shall be held responsible for the maintenance, repair and upkeep of his signs.

**4101.04 TRAFFIC HAZARDS**

- A. No sign shall be erected at or near any intersection of any streets, or any railway and any street, in such a manner as to obstruct free and clear vision, or at any location where by reason of position, shape, or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal, or device, or which makes use of the words "stop", "look", "danger", or other work, phrase, or symbol in such manner as to interfere with, mislead, or confuse traffic.
- B. Light sources for illuminated signs shall not be of such brightness as to constitute a hazard to pedestrian or vehicular traffic.
- C. No rotation beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign display; nor shall any illuminated device designed to attract attention of users of the street be permitted unless it is an integral part of the sign as herein defined.

**4101.05 SIGNS NEAR "R" AND "PD-1" DISTRICTS**

- A. No sign shall be located in a "B" or "I" district within one hundred (100) feet of any "R" or "PD" Residential district in such a manner as to be primarily viewed from "R" or "PD" Residential zoned property or from any street or alley within an "R" or "PD-1" District.

**4101.06 SETBACK**

- A. All signs shall be setback ten (10) feet from the right-of-way as shown on the Official Thoroughfare Plan for Montgomery County.

**4101.07 SIGNS**

A. **Wall Signs**

1. Shall not extend more than fifteen (15) inches from the wall of the structure upon which it is mounted.
2. May be inclined from the vertical only to the extent necessary for conformity to the general contour of the wall around projections or ornamental features, provided that no part of such sign, except the thickness thereof, shall extend beyond the lines of said projection in any direction.
3. Shall not extend above the top of the wall, nor extend beyond the ends of the wall to which they are attached.

B. **Painted Wall Signs**

1. Painted wall signs may identify only the name of the building and/or occupant of the building on which located, or the principal use of the premises.
2. A painted wall sign shall not be used as an advertising sign.

C. **Awnings or Canopies**

Signs located on an awning or canopy shall:

1. Be affixed flat to the surface thereof.
2. Not extend vertically or horizontally beyond the limits of the awning or canopy.
3. Be non-illuminated.

D. **Roof Signs**

1. Shall not exceed the height limitations of the Zoning District in which they are located.
2. Shall not extend beyond or overhang any exterior wall of the building upon which they are secured.
3. Are permitted to be erected upon one story building roofs, provided not more than one roof sign structure shall be permitted upon a building.
4. No roof sign structure shall be erected higher than ten (10) feet above the roof of the building to which it is attached at the point of mounting, and a clearance of at least six (6) feet shall be provided between the base of such signs and the roof level.

E. **Projecting Signs**

1. The bottom of a projecting sign may not be less than ten (10) feet above grade.
2. Shall be erected in such a manner that it forms an angle of ninety (90) degrees with the building wall the projecting sign is attached.
3. A projecting sign extending not more than three (3) feet from the face of the building shall not be restricted as to the angle it makes with the face of the building wall.

F. **Marquee Signs**

Signs or sign structures located on a marquee shall:

1. Be affixed to the face or top thereof.
2. Not be greater than four (4) feet in vertical measurement above the marquee.
3. Not extend vertically below the marquee.
4. Not extend horizontally more than eighteen (18) inches beyond the marquee limit.

**G. Changeable Copy Area of Signs**

1. Changeable copy area of wall, projecting, free standing, roof, marquee, awning, ground mounted or canopy signs shall not exceed fifty (50) percent of the total sign area.
2. Any sign using electronic technology for changeable copy message boards which malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing motion, movement, flashing or any other similar effects, shall be repaired or disconnected within 24 hours by the owner or operator of such sign.

**H. Ground Mounted Signs**

1. Permanent ground mounted signs shall require a single continuous landscaped area to be maintained in accordance with the following standards:
  - a. The minimum landscaped area shall be equal to the area of the sign face.
  - b. The landscaped area shall include all points where sign structural supports are attached to the ground.
  - c. The landscaped area shall include live plantings aesthetically located and maintained. The use of concrete, asphalt or any other paved surface inside the required landscape area shall be prohibited.
  - d. Shall not exceed eight (8) feet in height.

**4101.08 TEMPORARY SIGNS**

- A. **Permit Required** Unless otherwise specified in this article, no temporary sign shall be placed, located, or moved onto any site within the township until a Temporary Sign Permit has been issued for such sign by the Community and Economic Development Department.
- B. **General** Where more stringent regulations are provided for within a particular zoning district relative to

temporary signs, those regulations shall be applicable. Unless specifically exempted, all temporary signs shall be subject to the following minimum regulation:

1. **Location** All temporary signs shall be located only on the property for which the Temporary Sign Permit has been issued.
2. **Size** Temporary signs shall be limited to a maximum sign area of thirty-two (32) square feet per face and shall be limited to a maximum of two (2) sign faces.
3. **Height** Temporary signs shall not exceed eight (8) feet in height
4. **Setback** All temporary signs shall be set back a minimum of ten (10) feet from the edge of the right-of-way and side property lines, except where visibility problems constitute a traffic hazard, the minimum sign setback requirement shall be increased to a sufficient distance to eliminate the hazard.
5. **Display** The placement of any temporary sign, as regulated in this section, shall be limited to a maximum of thirty (30) consecutive days within a sixty (60) day period. The thirty (30) day time limitation may not be subdivided into smaller increments to permit the placement of a temporary signs more than one time within any sixty (60) day period. Except as provided for in Section 4101.08 (F) of this Article.
6. **Lighting** Internal or external lighting may be permitted; however, no lighting shall be permitted to flash, blink or rotate. -
7. **Motion** Temporary signs shall not at any time convey the visual sensation or appearance of motion, or present a non-constant visual image to the eye of the observer.
8. **Number of Temporary Signs Permitted** Not more than one (1) temporary sign, per business

frontage, shall be permitted to be displayed within any sixty (60) day period.

- C. **Portable/Promotional Signs** In addition to the regulations contained in Section 4101.08, all portable/promotional signs shall be subject to the following additional regulations:
1. **Bonding** In addition to the fee prescribed by the Trustees for a Temporary Sign Permit issued for the placement of a portable/promotional sign; at the time the permit is issued a one hundred dollar (\$100.00) cash bond shall be deposited with the township. The bond shall be forfeited to the township if the portable/promotional sign is not removed within two (2) days of the expiration date of the Temporary Sign Permit.
  2. **Number of Portable/Promotional Signs Permitted:** On individual lots or multiple tenant locations with less than five hundred (500) lineal feet of lot frontage, only one (1) portable/promotional sign shall be permitted per street frontage at any one time. At a shopping center or plaza location, where the street frontage exceeds five hundred (500) lineal feet, along that frontage three (3) portable/promotional signs may be displayed at any one time.
- D. **Real Estate Signs** Real estate signs are specifically exempted from the provisions of Section 4101.08 (A); however, such signs shall otherwise be required to meet all of the other provisions of this article.
- E. **Political Signs** Signs involving any issue or candidate for public elective office may be temporarily placed within all zoning districts in accordance with the following regulations.
1. **Size Limitation** Political signs in all zoning districts shall be limited to the following maximum sizes:
    - a. In all "A", "OR-1" and "R" zoning districts political signs shall not exceed six (6) square feet per side.

b. In all "O", "B" and "I" zoning districts political signs shall not exceed thirty-two (32) square feet per side.

2. **Time Limitation** No political sign shall be placed more than thirty (30) days before the election in which the candidate is running or issue is to be voted on, and all political signs shall be removed within seven (7) days after the election to which the sign pertains.

3. **Restrictions** No political sign shall be attached to any structure providing essential services (Light poles, utility poles, traffic control devices, etc.), or be located in such a manner so as to cause a traffic hazard or visibility problem.

F. **Seasonal Business Signs** Seasonal business signs may be displayed one continuous ninety (90) day period in one calendar year per parcel. The fee for such sign shall be three (3) times the regular fee for temporary signs. Seasonal business signs shall be exempt from Section 4101.08 (B), 5. Seasonal business signs shall be required to meet all other provisions of this article.

**SECTION 4102 EXEMPTED SIGNS**

The following signs are not subject to the provisions of this Resolution.

- A. Governmental signs for control of traffic and other regulatory purposes, street signs, and signs of public service companies for the purpose of safety.
- B. Flags, emblems and insignia of any governmental agency or subdivision
- C. Commemorative plaques placed by recognized historical agencies.
- D. Signs within a stadium, open-air theater, shopping center, arena or other use which signs can be viewed only by persons within such stadium, open-air theater, shopping center, arena or other use.

E. Directional signs.

**SECTION 4103**

**PROHIBITED SIGNS**

- A. No signs shall be attached or otherwise applied to trees, bus shelter, utility poles, benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure, or otherwise placed in the public right-of-way.
- B. Pennants, banners, streamers, inflatables, or other similar attraction devices.
- C. No sign shall have spinning devices or strings of spinning devices or similar type devices.
- D. Signs which are not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure shall be prohibited.
- E. No projecting sign shall extend above the wall or parapet of a building to which it is affixed.
- F. All blinking, flashing, or intermittent lighting is prohibited.

**SECTION 4104**

**SIGNS IN RESIDENTIAL DISTRICTS "R-1", THRU "R-8", "OR-1", and PD RESIDENTIAL**

**4104.01 GENERAL REQUIREMENTS**

- A. Sign height:
  - 1. Free standing signs shall not exceed twenty five (25) feet in height.
  - 2. Signs mounted on or attached to the wall of a building shall not exceed the height of the building.
- B. Signs located on interior lots:
  - 1. No more than one sign permitted per lot frontage. Which include the following types: ( real estate,



construction, wall, free-standing or ground mounted)

C. Signs located on lots abutting more than one public street frontage:

1. No more than one sign may be permitted per public street frontage. Which includes the following types: (real estate, construction, wall, free-standing or ground mounted)

D. **Illumination:**

1. All signs may be illuminated except where illumination is specifically prohibited.

E. Signs for multiple family dwellings:

1. No sign shall exceed thirty-two (32) square feet per sign face, or sixty-four (64) square feet of total sign area.

**4104.02 PERMITTED SIGNS**

A. Construction

1. Shall be considered as temporary signs.
2. Shall be limited in sign area to four (4) square feet per contractor.
3. Shall not exceed twelve (12) square feet in total area.
4. Shall not be illuminated.

B. Warning

1. Shall not exceed twelve (12) square feet in sign area.
2. Shall be permitted as needed.

C. Real estate

1. Shall be considered temporary signs.
2. Shall be limited in total sign area to twelve (12) square feet.
3. Shall not be illuminated.
4. Shall only be located on the premises to which the sign pertains.
5. Shall be set back at least twelve (12) feet from all property lines when not attached flat against a building.
6. Real estate signs for multiple family developments containing twenty (20) or more dwelling units:
  - a. Shall be located on the premises to which the sign pertains.
  - b. Shall not exceed sixty-four (64) square feet of total sign area per sign.
  - c. Shall not be illuminated.
  - d. Shall be considered temporary signs.

**D. Directional**

1. Directional signs are permitted as needed, provided that they do not exceed one (1) square foot in sign area per face.
2. Directional signs shall only display directional information. Logos or pictures shall be prohibited.

**E. Temporary signs to advertise services performed**

1. Shall be limited in total sign area to twelve (12) square feet.
2. Shall not be illuminated.

3. Shall only be located on the premises to which the sign pertains.
4. Shall be setback at least (12) feet from all property lines when not attached flat against a building.
5. Sign height shall not exceed four (4) feet.
6. Sign may be displayed one thirty (30) day period in one calendar year.

**F. Wall**

1. Wall signs located on single family dwellings, two family dwellings, accessory buildings, home occupations or temporary buildings shall not exceed two (2) square feet of total sign area.
2. Wall signs located at cemeteries, places of worship, public parks, playgrounds, community centers, public owned and operated buildings, schools and colleges for academic instruction, private noncommercial golf courses, swimming pools and tennis courts and accessory uses and mobile home parks shall not exceed thirty-two (32) square feet of total sign area.
3. Wall signs located at barber and beauty shops, nursery or child care centers, offices and all other permitted and conditional uses not listed shall not exceed thirty-two (32) square feet of total sign area.

**G. Free-standing**

1. Free standing signs located at cemeteries, places of worship, public parks, playgrounds, community centers, public owned and operated buildings, schools and colleges for academic instruction, private noncommercial golf courses, swimming pools and tennis courts and accessory uses and mobile home parks shall not exceed thirty-two (32) square feet per face with total sign area limited to sixty-four (64) square feet per sign
2. Free standing signs located at barber and beauty shops, nursery or child care centers, offices and all

other permitted and conditional uses not listed shall not exceed thirty-two (32) square feet of sign area per face with the total sign area limited to sixty-four (64) square feet per sign.

3. Free standing signs shall be prohibited for single family dwellings, two family dwellings, accessory uses, home occupations and temporary buildings.

**H. Ground Mounted**

1. Ground mounted signs located at cemeteries, places of worship, public parks, playgrounds, community centers, public owned and operated buildings, schools and colleges for academic instruction, private noncommercial golf courses, swimming pools and tennis courts and accessory uses and mobile home parks shall not exceed thirty-two (32) square feet per face with total sign area limited to sixty-four (64) square feet per sign
2. Ground mounted signs located at barber and beauty shops, nursery or child care centers, offices and all other permitted and conditional uses not listed shall not exceed thirty-two (32) square feet of sign area per face with the total sign area limited to sixty-four (64) square feet per sign.
3. Ground mounted signs shall be prohibited for single family dwellings, two family dwellings, accessory uses, home occupations and temporary buildings.

**SECTION 4104.03**

**I. Projecting**

1. No sign shall project beyond the limits of the setback line.

**SECTION 4105**

**SIGNS IN AGRICULTURAL, BUSINESS, INDUSTRIAL AND OTHER NON RESIDENTIAL DISTRICTS**

**4105.01 GENERAL REQUIREMENTS**

- A. Sign height

1. Free standing signs shall not exceed twenty-five (25) feet in height.
2. Signs mounted on or attached to the wall of a building shall not exceed the height of the building.

B. Sign illumination

1. All signs may be illuminated unless specifically prohibited.

C. Number of signs permitted per public street frontage:

1. Each business is permitted one sign attached to the building and one free-standing or ground mounted sign per public street frontage.
2. One real estate or construction sign may be permitted per public street frontage.

**4105.02 PERMITTED SIGNS**

A. Construction

1. Shall be considered temporary signs.
2. Shall be limited to thirty-two (32) square feet in area.
3. Shall not be illuminated.

B. Directional

1. Shall be permitted as required.
2. Shall be limited to two (2) square feet in sign area per face.
3. Directional signs shall only display directional information. Logos or pictures shall be prohibited.

C. Identification

Identification signs may be any of the following structural types of signs:

1. Awning
2. Canopy
3. Free standing
4. Marquee
5. Painted wall
6. Projecting
7. Roof
8. Wall
9. Ground mounted

D. Real estate

1. One sign per frontage.
2. Shall not exceed thirty-two (32) square feet per side with total sign area limited to sixty-four (64) square feet.

E. Temporary/Portable/Promotional

1. One sign per frontage.
2. Sign area shall not to exceed thirty-two (32) square feet per side.

F. Warning

1. Shall be permitted as required.
2. Size not to exceed thirty-two (32) square feet per sign.

G. Advertising signs

1. Advertising signs shall be considered a principle structure, and therefore meet all applicable zoning regulations.

### 4105.03 STANDARDS

#### A. Identification signs:

1. Sign area for wall, awning, canopy, marquee, painted wall, projecting or roof signs shall be calculated by the formula of one (1) square foot of total sign area for each linear foot of building frontage on a public street.
2. Sign area for free-standing or ground mounted signs shall be calculated by the formula of one (1) square foot of sign area, per face, for each linear foot of lot frontage on a public street.
3. No sign shall be restricted to less than sixty-four (64) square feet of total sign area (the cumulative area of all sign faces).

#### B. Advertising signs:

1. Advertising sign area is determined by using the distance to the nearest common wall with an adjoining use or the nearest property line. (whichever is closer) Multiply the first fifteen (15) feet or portion thereof times five (5); the next ten (10) feet or portion thereof times four (4); and the remainder times three (3) to obtain permitted square footage of the advertising sign.

#### C. Signs utilizing electronic technology for a variable message

1. No message, graphic, display or part thereof shall be visible for less than ten (10) seconds. During such interval, the entire message, graphic or display shall not be moving, flashing, scintillating, animating nor changing in color or light intensity or visibly changing in any other manner. Maximum brightness levels for variable message signs shall not exceed twelve (12) foot-candles, measured from the nearest point of any highway or public road. All such signs shall be equipped with a dimmer control and a photo shall be equipped with a dimmer control and a photo cell which shall

constantly monitor ambient light conditions and adjust brightness accordingly.

2. The display change interval, which is defined as the time period between when one message, graphic or display becomes illegible and the next message graphic or display first reaches legibility, shall be .3 seconds or less.



# ARTICLE 42

## OFF STREET LOADING REGULATIONS

### SECTION 4201 OFF STREET LOADING

On the same premises with every building or structure or part thereof, erected and occupied for commerce, industry, public assembly or other uses involving the receipt or distribution by vehicles of materials or merchandise, there shall be provided and permanently maintained the necessary off-street loading spaces as hereinafter required in this Zoning Resolution.

### SECTION 4201.01 GENERAL PROVISIONS

#### A. Design Standards:

1. **Dimension** - Each off-street loading space shall be at least twelve (12) feet in width by twenty-five (25) feet in length with a vertical clearance of fourteen (14) feet or more and adequate area for ingress and egress.
2. **Access** - Off street loading spaces shall be provided with entrances and exits not less than twelve (12) feet in width.
3. **Surfacing and Drainage** - All loading areas shall be graded as necessary and improved with asphalt, concrete or Portland cement and shall meet the standards for storm water runoff control as stipulated by the Montgomery County Engineer's Office. In no case shall crushed stone, gravel or similar material be considered a suitable substitute for asphalt or concrete.

B. **Location** - All required loading spaces shall be located off-street and on the same lot as the specific use to be served. Except as provided for in this Article, loading spaces may be located in a required side and/or rear yard.

1. No loading space shall be located within a required front yard.

2. No loading space or driveway shall be located within any side yard when located adjacent to any "R" District.
3. No permitted or required loading space in any district shall be located within fifty (50) feet of the nearest point of intersection of any two streets or highways, except for areas used for the occasional drop-off or pick-up of goods in vans, step vans, or parcel trucks.
4. No access drive or loading space shall be located in such a manner as to allow a vehicle to back onto a public street.
5. No access road or loading space shall be located in such a manner so as to cause a vehicle to back into the loading space from a public right-of-way.
6. No loading space shall be located in such a manner so as to cause a vehicle to extend into the right-of-way while being loaded or unloaded.

C. **Screening** - Whenever a loading area or access road/driveway is located adjacent to a residential district, it shall be screened on all sides from the residential district by an opaque fence, wall or planting. Such fence, wall or planting shall be a minimum of six (6) feet in height. Whenever screening is located adjacent to any loading area or access road/driveway, such screening shall be protected by bumper blocks, posts or curbing to avoid damage by vehicles. All screening shall be maintained in good condition and remain free of all advertising. All screening that employs living material shall be kept trimmed and replaced as needed to maintain the integrity of the screen.

D. **Marking** - Designated loading areas shall be marked as a loading area and shall be maintained in clearly visible condition.

E. **Utilization:**

1. No storage, motor vehicle repair work or service of any kind other than for an emergency shall be permitted within any loading berth.
2. Space allocated to a required loading berth shall not be used to satisfy any requirement of this resolution for off-street parking spaces.

**SECTION 4201.02 NUMBER OF LOADING SPACES REQUIRED**

<u>Type of Use</u>	<u>Required Number of Loading Spaces</u>
Retail and Service	One space for the first 10,000 square Establishments feet of gross floor area, and one space for each additional 20,000 square feet of gross floor area.
Freight and Truck	One space for every 5,000 square feet Terminal of gross floor area
Warehouse and	One space for every 7,500 square feet Wholesale of gross floor area.
Industrial Plant	One space

# ARTICLE 43

## OFF STREET PARKING REQUIREMENTS

### SECTION 4301 OFF STREET PARKING REQUIRED

Except as provided for herein, on the same premises with every building and structure erected, altered or changed and all land used, there shall be provided the necessary off-street parking as hereinafter required in this Zoning Resolution.

### SECTION 4301.01 GENERAL PROVISIONS

- A. **Use of Off-Street Parking Facilities** Off-street parking facilities shall be used solely for the parking of motor vehicles in operating condition by patrons, occupants, or employees of the premises.
1. The sale of all types of vehicles shall be prohibited from the off-street parking facility, except for a private individual selling his/her personal vehicle from their residence.
  2. The display, sales, or storage of any merchandise shall not be permitted within any off-street area unless otherwise specifically provided for within this Zoning Resolution.
  3. The storage of trucks and/or trailers shall be prohibited on off-street parking facilities, except trucks parked in loading stalls during periods of loading and unloading. In no case shall a truck or trailer be used as a storage facility.
  4. No vehicle repair work or service of any kind, except emergency repairs, shall be permitted in any off-street parking area.
  5. No vehicle shall be parked in any unpaved area of a front or side yard.
- B. **Building Additions** - Whenever a building addition results in an increase in the number of units used to measure the required off-street parking spaces, and such addition creates a need for an increase of more than ten

(10) percent of the required off-street parking spaces, additional off-street parking shall be provided on the basis of the increase in the number of such units of measurement, except that in the case of additional dwelling units created by conversion of an existing dwelling, two off-street parking spaces shall be required for each additional dwelling unit created.

C. **Parking Plan** - A parking plan shall be submitted with any application involving the construction, expansion, change of use or elimination of any off-street parking space. The parking plan shall be drawn to scale and fully dimensioned and detailed. All parking plans shall be subject to review by the Planning and Zoning Department prior to approval of such application. The Planning/Zoning Director may employ such technical expertise in the review of a parking plan as needed to ensure the adequacy of the off-street parking facility and traffic/pedestrian safety. All costs incurred in the review of a parking plan by outside consultants shall be passed through to the applicant.

D. **Minimum Parking Space and Driveway Aisle**  
Dimensions: The following minimum dimensions shall apply to all parking spaces and driveway aisles:

1. **Handicap Spaces**: Where provided, handicap parking spaces shall not be less than twelve (12) feet in width and twenty (20) feet in length.
2. **Standard Width and Length**: Perpendicular and angular parking spaces for retail stores and/or service facilities characterized high turnover of parking space use shall not be less than nine (9) feet in width and eighteen (18) feet in length. Parallel parking spaces shall not be less than nine (9) feet in width and twenty-two (22) feet in length.
3. **Reduced Width Permitted**: Except for parallel parking, parking spaces for employees, residences, offices and similar uses that are characterized by medium-to-low turnover of parking space use may have a minimum width of nine (9) feet and a minimum length of twenty (20) feet.

4. **Overhang Permitted:** Any parking space adjoining a landscaped area of the parking lot may include a two (2) foot overhang into the landscaped area as part of the required twenty (20) foot length, provided curbing or other well maintained wheel stops are used.
5. **Driveway Aisles:** Driveway aisles shall have the following minimum dimensions:\*

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

\* Parking spaces having angles not indicated herein shall provide aisle widths as indicated in the "Urban Planning and Design Criteria" manual or certified by an engineer.

E. **Reduction or Change in Required Parking Area:** Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere. Off-street parking existing at the effective date of this Resolution in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

F. **Special Provisions for Collective and Off-Site Parking Areas:** The following special provisions shall be applicable to all collective and off-site parking areas serving non-residential uses:

1. **Collective Parking Areas:** Two or more uses may collectively provide the required off-street parking area. The required number of parking spaces shall not be less than the sum of the requirements for the individual uses computed separately, unless the parking area is part of an approved planned development. A written agreement for joint usage, approved as to form and execution by the Township's legal counsel, shall be filed with the

application for a Zoning Certificate or Occupancy Certificate.

2. **Off-Site Parking Areas:** Parking spaces located within three hundred (300) feet of the building and/or use served on abutting properties may be used toward the calculation of the required number of spaces for a use, provided a written legal instrument is used to reserve such spaces for the subject use. Such legal instrument shall be approved as to form and execution by the Township's legal counsel prior to issuance of a Zoning Certificate or Occupancy Certificate.

- G. **Access to Public or Private Streets: All parking lots** shall be designed in such a manner that any vehicle entering or exiting the parking lot via a public or private street shall be traveling in a forward direction. Access roads or driveways for parking areas shall be located in such a manner that any vehicle entering or leaving such lot shall have adequate site distance, as specified by the Montgomery County Engineer's office. Acceleration and/or deceleration lanes may be required where traffic volumes indicate the need.

H. **Curbing and Wheel Stops:**

1. **Where Required** - A continuous curbing and/or the installation of wheel stops shall be required for any parking lot or portion thereof, where any of the following conditions exist:
  - a. Encroachment of a vehicle into any traffic aisle, pedestrian walkway, sidewalk or any public right-of-way;
  - b. Parking area abuts a wall, light pole/fixture, fence, or any other structure; or
  - c. A severe grade change or embankment at the edge of a parking lot.
2. **Standards:**
  - a. All curbing shall be a minimum of four (4) inches in height and be made of concrete.

Except as provided for in Section 4301.01, Paragraph H,2.b, other suitable materials may be approved by the Planning/Zoning Director, provided such material is an integral part of an overall development scheme. The use of asphalt as a curb material shall be prohibited.

- b. All curbing adjacent to or along any public right-of-way shall be constructed of concrete and shall meet the design standards of the Montgomery County Engineer's Office for curbing along a public right-of-way.
  - c. Wheel stops shall be made of concrete a minimum of six (6) feet in length and permanently affixed to the paved surface beneath it.
  - d. All curbing and wheel stops shall provide a minimum clearance of at least thirty (30) inches from any adjacent sidewalk, traffic aisle, embankment, wall, fence or other structure.
  - e. A sidewalk adjacent to a building may be used as a curb or wheel stop providing said sidewalk is a minimum of six and one-half (6-1/2) feet in width.
- I. **Required Surfacing**: All parking lots, driveways and access roads shall be made of asphaltic, concrete or some other comparable all-weather dustless material. In no case shall crushed stone, gravel or similar material be considered a suitable substitute for asphalt concrete.
- J. **Marking Required**: All parking spaces and driveway aisles shall be marked with an all-weather paint. Such markings shall be maintained in clearly visible condition and be in accordance with the approved parking plan.
- K. **Lighting**: Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be arranged and designed



so as to deflect the light away from adjoining or opposite residential property and public streets.

L. **Drainage:** Except for the "A" through "R-5" districts, all open off street parking areas shall be provided with adequate drainage facilities and a storm water run-off control plan as approved by the Montgomery County Engineer's office.

M. **Separation:**

1. All unenclosed off-street parking areas shall be separated from public rights of way by a planted, landscaped area of at least ten (10) feet in width. On streets having an existing curb on the street side, a minimum four (4) inch high curb shall be required only on the inside of the parking area. On streets not having an existing curb on the street side, a curb meeting the standards of the Montgomery County Engineer's Office, shall be required to completely enclose the ten (10) foot separation strip.

2. All unenclosed off-street parking areas shall be separated from principal buildings by a minimum four (4) inch high curb so as to maintain a clear unobstructed three (3) foot corridor between the building and the parked vehicles.

3. No driveways or parking areas shall be:

a. **Residential Districts** - One-fourth the distance of the existing side yard.

b. **Office, Business and Industrial Districts** - Located in any required side or rear yard, when adjacent to any "A", "R" or "OR-1" district. The separation shall be landscaped and a minimum four (4) inch high curb placed on the driveway and/or parking side of the space.

N. **Front Yard - Surface Limitation, "A" through "R-7" District:** In the agricultural and residential districts, no asphalt, concrete or other parking surface shall cover more that forty (40) percent of the front yard.

**SECTION 4301.02 SCREENING**

No parking lot used for non-residential purposes shall be constructed, altered, enlarged or changed until a screening plan has been submitted and approved by the Planning/Zoning Director.

- A. **When Required:** Any open off-street parking area that is located adjacent to any residential district and not separated from the residential district by a dedicated street, shall provide a screen between off-street parking area and the residential district. At the time of placement, the screen shall be of sufficient density or opaqueness to completely obstruct the view of the parking lot from the adjacent residential district.
- B. **Types of Screening Permitted:**
1. Solid masonry wall;
  2. Decorative fence, excluding chain link with slats;
  3. Dense evergreen plantings;
  4. Landscaped mounding with ground cover.
- C. **Height of Screening :** At the time of placement, all screening material shall be a minimum of six (6) feet in height.
- D. **Location of Screening:** All screening shall be located in such a manner that the off-street parking area shall be completely obstructed from the view of the residential district.
- E. **Required Ground Cover:** The space between any screening, adjoining property line and the perimeter of the off-street parking lot shall be landscaped with appropriate ground cover.
- F. **Protection of Screening:** Whenever screening is located adjacent to any parking area or driveway, such screening shall be protected by bumper blocks, posts or a minimum four (4) inch high curbing to prevent damage to the screen by vehicles.

- G. **Maintenance, Repair and/or Replacement of Screening:** All screening shall be maintained in good condition and free of all advertising or other signs, and repaired and replaced as needed to maintain the integrity of the screen as originally designed.
- H. **Compliance with Landscaping Requirements:** All screening composed of landscaping shall be in conformity with Section 4301.03.

**Section 4301.03 LANDSCAPING REQUIREMENTS**

- A. **Maintenance and Replacement of Landscaping:** All landscaping shall be maintained in good condition and replaced as needed to maintain the integrity of the landscaping as originally designed.
- B. **Perimeter Requirements:** The set-back areas for off-street parking facilities and other vehicular use areas shall be landscaped. In addition, the required ten (10) foot setback between the front property line and the vehicular use area shall be landscaped with one tree for each thirty-five (35) feet of lot frontage. Where the Planning/Zoning Director has determined the provision of this section will interfere with traffic visibility the required landscaping may be relocated on site, provided the standards of this section are maintained.
- C. **Interior Landscaped Areas Required:** Within interior vehicular use areas ten thousand (10,000) square feet in size or greater, and for each additional ten thousand (10,000) square foot unit or a proportional fraction thereof, there shall be provided a minimum total of four hundred (400) square feet of planting area consisting of separate sub areas. For individual parking lots with more than five (5) parking spaces and less than ten thousand (10,000) square feet in area, four percent (4%) of the vehicular use area, irrespective of the perimeter requirements, shall be devoted to landscape. All interior landscaping shall be in accordance with the following provisions:
  - 1. **Reduction of Landscaping Amount Per Unit:** The total planting area for a unit may be reduced by one hundred (100) square feet if such amount is

relocated elsewhere so as to emphasize an entrance corridor or feature.

2. **Total Landscaping Required:** Grass or other ground cover shall be planted on all portions of the interior planting area not occupied by other approved landscape material. Landscaping, other than grass or ground cover, shall not be located closer than three (3) feet from the edge of any pavement.
3. **Arrangement of Landscape Areas:** In order that there shall be safe access to parking spaces, landscaped strips shall be arranged so as to divide parking corridors and to limit cross taxiing through open parking spaces.
4. **Minimum Width:** The minimum width of landscaped areas shall be four (4) feet, except that the minimum distance from a tree to a vehicle area shall be four (4) feet measured from the face of the tree.
5. **Redistribution of Interior Landscaping:** In vehicular use areas where the Planning/Zoning Director has determined the standards of this section will interfere with the function of the area, the required interior landscaping may be located near the perimeter of the paved area, including such perimeters which may be adjacent to a building.
6. **Credit for Preserving Existing Trees:** If the Planning/Zoning Director deems appropriate, credit may be received on the interior landscaping plan by preserving existing trees capable of tolerating adjacent construction. The Planning/Zoning Director may employ such technical expertise as necessary, to review the landscaping plan to ensure that all trees being maintained for credit can be expected to survive the adjacent construction. All costs incurred in the review of the landscaping plan by outside technical consultants shall be passed through to the applicant. In order to maintain any tree deemed eligible for credit, fifty percent (50%) of the ground area under and within the drip line of the tree shall be preserved from the trunk out to the

edge of the drip line and shall be maintained in either vegetative landscape material or previous surface cover, except when the Planning/Zoning Director determines that lesser areas and other ground cover treatment will provide sufficient nourishment for the continued growth of the preserved type of tree. The required number of new trees may be reduced in accordance with the following schedule in exchange for preserving existing trees:

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

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

**SECTION 4301.04 NUMBER OF PARKING SPACES REQUIRED**

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

A. **RESIDENTIAL & INSTITUTIONAL**

**TYPE OF DWELLING**

**PARKING SPACES REQUIRED**

1. One Family Dwelling.....	Two spaces.
2. Two Family Dwelling.....	Two spaces for each unit.
3. Multiple Family Dwelling.....	Two spaces for each units, plus one space for each employee.
4. Apartment Hotel.....	Three spaces for each two units, plus one space for each employee.
5. Boarding House.....	One space for each sleeping room, plus one space for each employee.
6. Group Home, Social Service.....	To be determined by the Facilities Board of Zoning Appeals for the type of residential populations.
7. Hospital.....	Two spaces for each three beds, plus one space for each staff doctor, plus one space for each full-time employee on the largest shift.
8. Hotel or Motel.....	One space for each sleeping room, one space for each employee on the largest shift, and one space for each four seats within an accessory seats.
9. Housing for the Elderly.....	Two spaces for each three units, plus one space for each employee, plus one space for each vehicle used
10. Mobile Home.....	Two spaces for each mobile home.
11. Sanitarium, Convalescent Home.....	One space for each Nursing Home two beds, plus one space for each employee on the largest shift.

- 12. Library, Museum, or Art Gallery..... One space for each 400 square feet of floor area, plus one space for each employee.
- 13. Private Club, Lodge or similar use.... One space for each three person's capacity, plus one space for each employee.

**B. SCHOOLS AND CHURCHES**

- 1. Business, Technical, Trade School..... One space for each student, based on the design capacity of the building, plus one space for each teacher or other employee.
- 2. Church, or other place of.....  
assembly  
vehicle One space for each three religious assembly seats in the main area, plus one space for each owned by the church.
- 3. College or University..... One space for each five classroom seats, plus one space for each three seats in an auditorium.
- 4. Day Care Center/Nursery School..... One space for each five children at capacity, plus one space for each employee.
- 5. Elementary School or Junior High..... One space for every 30 School classroom seats, plus one space for each teacher or other employee.
- 6. High School..... One space for each six students based on the design capacity of the building, plus one space for each teacher or other employee.

**C. RECREATIONAL**

- 1. Auditorium, Sport Arena, Theater..... One parking space for each four (4) persons allowed by the fire code up to 1,000 seats, plus one parking space for each three persons allowed by the fire code over 1,000 seats, plus one space for each employee on the largest shift.

- |  |  |
|--|--|
| 2. Bowling Alley.....                  | Five spaces for each alley or lane, plus one additional space for each four seats within an accessory restaurant.                |
| 3. Dance Hall, Skating Rink.....       | One space for each three persons based on the design capacity of the building.   |
| 4. Golf Course.....                    | Five spaces for each hole, plus one space for each employee, plus one space for each four seats within and accessory restaurant. |
| 5. Swimming Pool, Recreation Club..... | Two spaces for each three member families, or one space for each five persons at the facilities design capacity.                 |
| 6. Tennis Facility, Racquetball.....   | Two spaces for each court facility plus one space for each employee.   |

**D. COMMERCIAL**

- |  |  |
|--|--|
| 1. Automobile Body Shop.....                   | One space for each 500 square feet of floor area, plus one space for each employee, plus one for each vehicle used in the business.  |
| 2. Automobile Full Service Station.....        | One space for each 100 square feet of floor area, plus one space for each accessory service bay, plus one for each employee, plus one for each vehicle used in the business. |
| 3. Automobile Mini Market/<br>Gas Station..... | One space for each 100 square feet of floor area, plus one space for each employee.  |
| 4. Automobile Quick Service Facility.....      | Two spaces for each service bay (the service bays may be counted as a parking space), plus one space for each employee.  |



5. Automobile Repair Garage.....	One space for each 500 square feet of floor area, plus one space for each employee, plus one space for each vehicle used in the business.
6. Automobile Sales or Rental Lot.....	One parking space for each 200 square feet of floor area in the main display room, plus one space for each 1500 square feet of outdoor display area, plus one space for each employee.
7. Automobile Specialty Shop.....	Two spaces for each service bay, plus one space for each employee, plus one space for each vehicle use in the business, with a minimum of eight spaces.
8. Automobile Wash Facility.....	One space for each employee.
9. Bank, Savings and Loan Institution....	One space for each 250 square feet of floor area, plus one space for each employee.
10. Barber or Beauty Shop.....	Two (2) spaces for each barber or beauty chair.
11. Contractor.....	One space for each employee, plus one adequately sized space for each vehicle and machine used in the business and kept on the premises.
12. Funeral Parlor, Mortuary, or.....	One space for each 50 square feet of floor area in slumber rooms, parlors, or service rooms, plus one space for each vehicle used in the business and kept on the premises.
13. Grocery Store or Specialty.....	One space for each 200 Food Store square feet of floor area, plus one space for each employee.
14. Health Studio.....	One space for each 100 square feet of gross floor area.

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|--|--|
| 15. Laundromat.....  | One space for each two washing machines, plus one space for each employee.   |
| 16. Restaurants.....   | One space for each three seats, plus one space for each automobile in which food is consumed on the premises, plus one space for each employee on the largest shift. |
| 17. Retail store for furniture, large....<br>appliances, or similar large items                                    | One space for each 800 square feet of floor area, plus one space for each employee.  |
| 18. Retail Stores not specified.....   | One space for each 200 square feet of gross floor area.  |
| 19. Warehouse Store, building material...<br>store, motorcycle sales, or similar<br>store for large items.<br>each | One space for each 800 square feet of floor display area, plus one space for employee.   |

**E. OFFICE**

- |   |   |
|---|---|
| 1. Medical and Dental Offices.....<br>or Clinic     | Three spaces for every examination or treatment room, plus one space for each employee.                                 |
| 2. Office/Manufacturing Combination.....            | One space for each 300 square feet of office floor area, plus two spaces for each three employees on the largest shift. |
| 3. Professional and/or Administrative....<br>Office | One space for each 300 square feet of floor area.   |
| 4. Veterinarian.....                                | Three spaces for every examination or treatment room, plus one space for each employee.                                 |

**I. INDUSTRIAL**

1. Manufacturing Plant, Warehouse,.....  
Parcel Delivery, Freight Terminal

Two spaces for each three employees on the largest shift for which the building is designed, plus one space for each 10,000 square feet of floor area, plus one space for each vehicle used in the business maintained on the premises.

and

**SECTION 4301.05 USES NOT SPECIFICALLY MENTIONED**

The requirements for off-street parking facilities for any use not specifically mentioned in Section 4301.03 shall be the same as for a similar permitted use. For uses not having a similar activity, the Planning/Zoning Director may use professional manuals containing parking demand data, professional consultants or consult with area jurisdictions having similar uses to determine the minimum number of required parking spaces.

**SECTION 4301.06 RESTRICTED ACCESSORY PARKING AREAS**

The Board of Zoning Appeals may permit accessory parking upon an adjacent lot within a residential or office district as a conditional use, providing:

- A. The accessory parking lot is not located closer than fifty (50) to any lot line of a residential district. Greater setbacks may be required where the Board finds a need for the increased setback.
- B. Screening shall be required along the mutual boundaries between the accessory parking lot and the residential district. Such screening shall be a minimum of six (6) feet in height and shall be of such density to completely obstruct the view of the parking lot from the adjacent residential property.
- C. The accessory parking lot shall not be permitted within any required front yard. The resulting open area shall be planted in grass and landscaped as provided for in this Zoning Resolution.
- D. Whenever a restricted accessory parking lot is located across the street from a residential district, the parking

lot shall be screened from the residential district. The screening shall be located on or behind the front setback line and shall otherwise conform to Section 4103.05(B).

- E. If the accessory lot is intended to be lighted, a lighting plan shall be submitted as part of the conditional use application.
- F. All of the provisions of Article 41 shall apply to an accessory parking lot, unless otherwise specifically waived by the Board.
- G. The parking lot shall be for use in connection with the land use to which the parking lot is accessory, and shall be used solely for the parking of passenger vehicles.
- H. The Board may impose further conditions and/or restrictions as may be necessary to ensure compatibility of the accessory parking lot with the adjacent residential district.

**SECTION 4301.07 UNITS OF MEASUREMENT**

For the purpose of determining off street parking requirements, the following units of measurements shall apply:

- A. **Floor Area** - Floor area for nonresidential purposes shall be the sum of the gross horizontal area of all the floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings.
- B. **Hospital Bassinets** - In hospitals, bassinets shall not be counted as beds.
- C. **Places of Assembly:**
  - 1. **Benches** - In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each twenty (20) inches of such seating facilities shall be counted as one seat for the purpose of determining the off-street parking requirements.

2. **Fixed Seats and Assembly Area** - In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

D. **Fractions**: When units of measurement determining the number of required parking spaces results in requirement of a fractional space, any fraction up to one-half ( $1/2$ ) shall be disregarded and any fraction over and including one-half ( $1/2$ ) shall require one parking space.

# ARTICLE 44

## NOISE

### SECTION 4401 METHOD OF MEASUREMENT

For the purposes of enforcing the provisions of these regulations, noise shall be measured in dba using a sound level meter, with the measurements taken at the most noisy point within the receiving property.

- A. A dba is the sound pressure in decibels measured using the "A" weighting network on the sound level meter. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base of 10 of the ratio of the pressure of the sound to a reference pressure of 20 micropascals.
- B. A sound level meter is a device which measures sound pressure levels and conforms to Type 1 or Type 2 as specified in the American National Standards Institute Specification S1. 4-1971.
- C. The receiving property is real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.

### SECTION 4402 EXEMPTIONS

- A. The following shall be exempt from the provisions of Section 4403, Table I, between the hours of 7:00 A.M. and 10:00 P.M. only:
  - 1. Sounds created by the discharge of firearms on authorized shooting ranges.
  - 2. Sounds created by blasting.
  - 3. Sounds created by the installation of utility services.
  - 4. Sounds originating from temporary construction sites as a result of construction activity.
  - 5. Sounds created by firearms in the course of hunting.

- B. The following shall be exempt from the provisions of Section 4403, Tables I and II, at all times.
1. Sounds created by motor vehicles operated on public roads and highways.
  2. Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations.
  3. Sounds created by surface carriers engaged in interstate commerce by railroad.
  4. Sounds created by warning devices not operating continuously for more than five (5) minutes, or bells, chimes, and carillons.
  5. Sounds created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible.
  6. Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health, safety, or welfare of the community.
  7. Sounds created by the repair of essential utility services.
  8. Sounds originating from officially sanctioned parades and other public events.
  9. Sounds emitted from venting at industrial process facilities during startup only, provided that the startup operation is performed during daytime hours whenever possible.

**SECTION 4403 MAXIMUM PERMISSIBLE NOISE LEVELS**

- A. No person shall cause or permit noise to intrude into the property of another person that exceeds the levels listed in:
1. Table I, between the hours of 7:00 A.M. and 10:00 P.M.

2. Table II, between the hours of 10:00 P.M. and 7:00 A.M.
- B. Between the hours of 7:00 A.M. and 10:00 P.M., the noise in Table I may be exceeded by no more than:
1. 5 dba for a total of 15 minutes in any one (1) hour period.
  2. 10 dba for a total of 5 minutes in any one (1) hour period, or
  3. 15 dba for a total of 30 seconds in any one (1) hour period.
- C. Between the hours of 10:00 P.M. and 7:00 A.M., the noise limits in Table II may be exceeded by no more than:
1. 5 dba for a total of 10 minutes in any one (1) hour period, or
  2. 10 dba for a total of 3 minutes in any one (1) hour period.
- D. Impulsive sound (such as sounds with a duration of less than 1 second, such as from gunfire or punch presses) shall not exceed the levels of Table I (daytime) or Table II (nighttime) by more than 5 dba, as measured with the sound level meter on the slow response setting.

1. Table I - Daytime Noise Limits

Receiving Property

Noise Source	Residential	Business	Industrial
Business	60 dba	60 dba	65 dba
Industrial	60 dab	65 dba	70 dba



2. Table II - Nighttime Noise Limits

Receiving Property

Noise Source	Residential	Business	Industrial
Business	50 dba	60 dba	65 dba
Industrial	50 dba	65 dba	70 dba

**SECTION 4404 DEFINITIONS APPLICABLE TO TABLES I AND II**

- A. **Residential** - Shall include all residential zoning districts comprising A, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, and OR-1.
- B. **Business** - Shall include all business zoning districts comprising O-2, B-1, B-2, B-3, and B-4.
- C. **Industrial** - Shall include all industrial zoning districts comprising I-1, I-2, and I-3; and OSI-1 and OSI-2.

# ARTICLE 45

## EXTRACTION OF MINERALS

### SECTION 4501 SUBMISSION OF ADDITIONAL INFORMATION

Two (2) copies of the additional information shall be submitted with the application and shall include:

- A. Name of the owner or owners of land from which removal is to be made.
- B. Name of the applicant making request for such a permit.
- C. Name of the person or corporation conducting the actual mining operations.
- D. Location, description and size of the area from which the removal is to be made.
- E. Location of the processing plant to be used and any accessory or kindred operations that may be utilized in connection with the operation of the processing plant by the mining processor or any other firm, person or corporation. The processing plant shall be located as to minimize the problems of dust, dirt and noise, insofar as reasonably possible.
- F. Type of resources or materials to be removed.
- G. Proposed method of removal and whether or not blasting or other use of explosives will be required.
- H. General description of the equipment to be used.
- I. Method of rehabilitation and reclamation of the mined-out area, including a grading plan showing existing contours in the area to be excavated and the proposed future contours showing the topography of the area after completion. Such plan shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.

**SECTION 4502**

**DEVELOPMENT STANDARDS**

- A. No mining of sand and gravel shall be carried on, or any stock pile placed closer than fifty (50) feet to any property line, or such greater distance as specified by the Board, where such is deemed necessary for the protection of adjacent property, except that this distance requirement may be reduced by the written consent of the owner or owners of abutting property, but in any such event, adequate lateral support shall be provided for said abutting property.
- B. In the event that the site of the mining operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than fifty (50) feet to the nearest one of such right-of-way, except as may otherwise be provided by Section 4153.11 of the Revised Code of the State of Ohio.
- C. Any excavated area adjacent to a right-of-way of any public street or road shall be back-filled for a distance of one hundred and fifty (150) feet from the right-of-way line.
- D. Fencing or other suitable barrier, including the planting of multiflora rose, shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Board, such fencing or barrier is necessary for the protection of the public safety and shall be of a type specified by the Board.
- E. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in a dust-free condition by surfacing or other treatment as may be specified by the Board.
- F. Quarrying shall not be carried out closer than three hundred (300) feet to any adjoining property line unless the written consent of such adjoining property line owner has first been obtained.
- G. The Board is authorized to impose such requirements with respect to providing adequate barriers as it may feel necessary to protect the public safety.

**SECTION 4503**

**REHABILITATION REQUIREMENTS**

All mined-out areas shall, within a reasonable length of time, be reclaimed and rehabilitated and the Board, at its discretion, may fix a bond in a reasonable amount to assure that such rehabilitation and reclamation will be carried out. The Board shall be guided by the following standards with respect to rehabilitation and reclamation of mined-out areas:

- A. All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the water mark, or shall be graded or back-filled with non-noxious, noncombustible and noninflammable solids, to secure:
  - 1. That the excavated area shall not collect and permit to remain therein, stagnant water; or,
  - 2. That the surface of such area which is not permanently submerged is graded or back-filled as necessary so as to reduce the peaks and depressions thereof so as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
- B. The banks of all sand and gravel excavations in a water producing excavation, and to the pit bottom in a dry operation, shall be sloped to the water line, at a slope which will not be less than three (3) feet horizontal to one foot vertical and said banks shall be restored with vegetation in a manner set forth in paragraph C.
- C. Vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of grasses or planting of shrubs and trees in all parts of said mining area where the same is not submerged under water.
- D. Proper drainage shall be provided for the mined-out area.
- E. All equipment and structures shall be removed from the mined-out area within six (6) months of the completion of the mining therefrom.

- F. The Board may impose such other reasonable conditions and restrictions as it may deem necessary for the protection of the public and to encourage the mining and processing of the sand and gravel from the authorized area.
  
- G. Due to the inherent difficulties in reclaiming and rehabilitating areas from which stone has been quarried, the Board is hereby empowered, in the issuance of a Conditional Use Permit for quarrying operation, to impose such reasonable standards for reclamation as may be necessary to protect the public interest, without unduly restricting the operations of the mine owner.

## ARTICLE 46

### PRIVATE NONCOMMERCIAL GOLF COURSES, SWIMMING POOLS AND TENNIS COURTS

**SECTION 4601      REQUIRED CONDITIONS**

- A. All swimming pools shall be a distance of at least one hundred and fifty (150) feet from all residential property lines, except for a swimming pool for the occupant of a single family dwelling.
- B. Loud speakers, juke boxes, public address systems and electric amplifiers shall be permitted, if the use of the same is for the occupants of the building only within which such equipment is installed, and does not create a nuisance and disturb the peace of the other persons or properties in this or any other District.
- C. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any property or upon any public street.
- D. Gun Clubs: The firing line shall be a distance of at least five hundred (500) feet from all residential property

# ARTICLE 48

## WHEN EFFECTIVE

### SECTION 4801 WHEN EFFECTIVE

This Resolution shall be in full force and take immediate effect November 2, 1971 or at a later date upon certification by the Montgomery County Board of Elections. Until such time The Montgomery County Zoning ordinance shall be in effect.

Following Certification this ordinance shall be in effect in all portions of Harrison Township, Montgomery County, Ohio as follows:

Portion of Township	Original Adoption
1. Harrison Township (Eldorado on the Miami Plat)	May 15, 1958
2. Harrison Township (Portions of Sections 5 & 6)	August 17, 1953
3. Harrison Township (All area not previously zoned)	January 22, 1959

Changes in Zoning Text filed by Harrison Township Zoning Commission - June 17, 1976. ZC-7-76.

Public Hearing - Zoning Commission held on July 15, 1976 Zoning Commission recommended this be approved.

Public Hearing - Board of Trustees held on August 23, 1976 Approved by Trustees on August 23, 1976.

The amendments are effective on September 23, 1976.

Changes in Zoning Text filed by Harrison Township Zoning Commission - April 21, 1978. ZC-8-78.

Public Hearing - Zoning Commission held on May 18, 1978. Zoning Commission recommended this be approved.

Public Hearing - Board of Trustees held on June 12, 1978. Approved by Trustees on June 12, 1978.

The amendments are effective on June 18, 1978.

Changes in Zoning Text filed by Harrison Township Zoning Commission - January 31, 1981. ZC-2-81.

Public Hearing - Zoning Commission held on February 19, 1981. Zoning Commission recommended this be approved.

Public Hearing - Board of Trustees held on March 23, 1981. Approved by the Trustees on March 23, 1981.

The amendments are effective on April 22, 1981.

**SECTION 4802 REPEAL OF CONFLICTING RESOLUTION**

The County Zoning Resolution now in effect in Montgomery County, Ohio, and in conflict with the Zoning Regulations as they are established hereafter, is hereby repealed. However, all suits at law or in equity and/or all prosecutions resulting from violation of any Zoning Resolution heretofore in effect, which are now pending in any of the Courts of the State of Ohio or of the United States, shall not be abated or abandoned by reason of the adoption of this Zoning Resolution; but shall be prosecuted to their finality the same as if this Zoning Resolution had not been adopted; and any and all violations of existing Zoning Resolutions, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Zoning Resolution shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.



# ARTICLE 49

## TEMPORARY BUSINESSES

### SECTION 4901 TEMPORARY SALES

#### 4901.01 PERMITTED USES

Only those uses which are specifically permitted within the zoning district in which the temporary sale is located.

#### 4901.02 GENERAL REQUIREMENTS

- A. A temporary and revocable permit shall be granted for a period not to exceed fourteen (14) consecutive days, within any six (6) month period.
- B. Any goods, product, ware, or other item offered to the public by any means shall be displayed from within enclosure. Such enclosure may consist of: a truck, trailer, tent, or other similar vehicle or structure.
- C. Before any person, group, or organization is issued a Temporary Sale Permit all State, County, and Local permits, licenses, and vendors numbers, if applicable, shall have been issued for that specific use.
- D. Each Temporary Sale shall conform to the Lot Area, Frontage and yard Requirements of the Zoning District in which such business is located.
- E. No Temporary Sale shall obstruct or impede the movement of traffic within the established right-of-way, or obstruct or impede traffic movement to or from private property at the established right-of-way line.
- F. To ensure intersection visibility on corner lots, no Temporary Sale activity shall be permitted within a triangular area formed by the right-of-way lines at such corner lot and a straight line joining such right-of-way line at points which are fifty (50) feet distant from the intersection of the right-of-way line and measured along such right-of-way lines. (See Appendix)

- G. A parking layout shall be submitted indicating spaces deleted due to location of Temporary Sales activity; relocation of deleted parking spaces, if such spaces are needed to fulfill the minimum number of parking spaces required by the Zoning Resolution for the permanent established business on the same lot; parking spaces to be provided for the exclusive use of the Temporary Business.

**4901.03 SPECIFIC REQUIREMENTS**

- A. Prior to conducting any business activity within the Township, a Temporary Sale Permit shall have been issued by the Zoning Inspector to do so. Such application shall be on forms provided by the Township and shall contain the information required therein.
- B. In addition, the applicant shall submit a plot plan for each proposed business location containing the following information:
  - 1. Type of enclosure to be used and setbacks from existing right-of-way lines to the proposed location of the Temporary Business.
  - 2. Signs: Size, type and location.
  - 3. Parking layout, as provided for in Section 4901.02 (G).
  - 4. Internal traffic circulation pattern to ensure compliance with Section 4901.02 (E).

**SECTION 4902 SEASONAL TEMPORARY SALES**

**4902.01 PERMITTED USES**

Seasonal Temporary Sales may be permitted only within a zoning district in which such use is specifically permitted under this Zoning Resolution. Such sales shall be permitted only for seasonal, non-manufactured items, typically sold out-of-doors.

**4902.02 GENERAL REQUIREMENTS**

- A. A Seasonal Temporary Sales Permit shall be granted for a period not to exceed sixty (60) days within a six (6) month period.
- B. The Board of Zoning Appeals shall review and approve all initial Seasonal Temporary Sales Permit Applications to ensure conformance with the requirements contained herein. In addition, the Board of Zoning Appeals may require other information it deems necessary to protect the health, safety, and general welfare of the community.
- C. An approved Seasonal Temporary Sales Permit shall not require a rehearing before the Board of Zoning Appeals for each subsequent year if such use is to be conducted again, provided that:
  - 1. The approved use remains unchanged;
  - 2. A Seasonal Temporary Sales Permit is obtained for each successive year and occurrence after Board of Zoning Appeals approval;
  - 3. The activity has not been adjudged by a court of law to be a hazard, nuisance, noisome condition, or in violation of any applicable provisions of the Zoning Resolution.

**4902.03 SPECIFIC REQUIREMENTS**

- A. Prior to conducting any Seasonal Temporary Sales within the Township, a Seasonal Temporary Sales Permit shall have been approved by the Board of Zoning Appeals authorizing the enforcement official to issue the required permit.
- B. Application for a Seasonal Temporary Sales Permit shall be on forms provided by the Township and shall contain the information required therein.
- C. In addition, the applicant shall submit a plot plan for each proposed business location containing information from Section 4901.03 (B).

**SECTION 4903 FEE**

At the time application is made a non-refundable fee of twenty-five (\$25.00) dollars shall be paid for each Temporary Sales or Seasonal Temporary Sales application made.

# ARTICLE 50

## DANGEROUS, EXOTIC AND WILD ANIMALS

**SECTION 5001 Definitions**

- A. **Dangerous Animals** - Any animal, reptile, mammal, bird or fowl which is carnivorous, and/or is not naturally tame, and/or is wild in nature, and/or because of its size, and/or wild nature or other characteristics constitutes a danger to human life.
- B. **Endangered and Protected Wildlife** - Any species of animal including, but not limited to fish, reptiles, amphibians, mammals, birds or fowls that are listed by the United States Department of the Interior as being an endangered or protected species.
- C. **Exotic Animals** - Any animal, reptile, amphibian, mammal, bird or fowl that is not indigenous to the State of Ohio.
- D. **Wild Animals** - Any animal, reptile, amphibian, mammal, bird or fowl that generally lives in its original, natural state and habitat and is not normally domesticated.

**SECTION 5002 Permit Required**

No person, firm or corporation shall own, harbor, keep, breed, sell or import into the Township any dangerous, exotic or wild animal until a zoning certificate has been obtained from the Township to do so.

**SECTION 5003 Endangered and Protected Wildlife**

Unless specifically authorized by the United States Department of the Interior to do so, no person shall own, keep, breed, sell or import any endangered or protected wildlife within any zoning district within the Township.

**SECTION 5004 Where Prohibited**

Within any flood plain, residential, office/residential, office, business/commercial or industrial district, no person shall own, harbor, keep, breed, sell or import any dangerous, exotic or wild animal(s).

**SECTION 5005 Where Permitted**

Within the "A" Agricultural District, dangerous, exotic or wild animals may be kept provided:

A. Specific Requirements:

1. There shall be a minimum site area of one (1) acre.
2. When located adjacent to any residential district, the animal shall not be located within one hundred (100) feet of any residential district.
3. All structures and buildings used to confine or house any animal shall be considered accessory structures and shall be located only in the rear yard.
4. The animal is maintained at all times in a safe, secure manner so as not to constitute a danger to human life.
5. Adequate safeguards are maintained that will prevent unauthorized access to any animal by the general public.
6. The keeping of any animal does not constitute a nuisance or health hazard.
7. The animal is kept in a manner that constitutes a humane condition, as outlined by the Humane Society of Greater Dayton.
8. All federal, state and county licenses and/or permits have been obtained for each species of animal to be kept on the premises.
9. The owner of each exotic, dangerous or wild animal shall obtain an insurance policy from company licensed to do business within the State of Ohio.

The certificate of insurance stating that the individual named thereon has a minimum of one-hundred thousand dollars (\$100,000) of liability insurance. The liability insurance shall be payable to any claimant for any bodily injury, including death, resulting from contact with the dangerous, exotic or wild animal. The certificate of insurance shall provide that no cancellation of the policy shall be initiated unless thirty (30) days written notice is first given to the Township.

- B. **Registration Required** - Before maintaining any dangerous, exotic or wild animal on any property within the Township, the property owner or person in charge of the property where such dangerous, exotic or wild animal is going to be kept shall submit to and register with the Township the following information:
1. The species name for each specific type of animal being maintained on the premises.
  2. A description of each animal being maintained on the premises.
  3. A copy of the bill of sale for the animal, indicating previous owner's name, where the animal was purchased and date of the sale.
  4. A notarized statement attesting to the fact that the animal is not an endangered or protected species of wildlife.
  5. A copy of the certificate of insurance for each animal as required in Section 5003(A.6)
  6. A copy of all federal, state and county licenses and/or permits required to keep dangerous, exotic or wild animals.
  7. The security provisions that will be maintained to ensure the animal does not constitute a danger to human life.
  8. The safeguards that will be maintained to prevent unauthorized access to the animal by the general public.

9. Plot plan showing the location each structure and/or building used to confine and/or house each animal.

**SECTION 5006 Review of Safeguards, Enclosure and Security Provisions**

In reviewing the proposed safeguards, enclosure and security provisions that will be used to ensure the animal will not constitute a danger to human life and to prohibit access by the general public, the Township may employ such technical expertise in the reviewing a zoning certificate application for an dangerous, exotic or wild animal as needed to ensure the adequacy of the safeguards, enclosure and security provisions. All costs incurred in the review process by outside consultants and/or experts will be passed through to the applicant.

**SECTION 5007 Exemptions and Special Provisions**

The provisions of this article shall not apply to the following:

- A. Dangerous, exotic or wild animals held by universities, research institutions or government agencies when such animals are used for research.
- B. Any agency or institution having legal authority to possess dangerous, exotic or wild animals, and/or endangered and protected species of wildlife.



# ARTICLE 51

## ADULT CARE AND HALFWAY HOUSE FACILITIES

### SECTION 5101 ADULT FAMILY HOMES AND LICENSED RESIDENTIAL FACILITY

- A. Any person may operate an adult family home licensed as an adult care facility as a permitted use in any residential district, including any single-family residential district. Such adult family homes are required to comply with area, height and yard requirements within said district.
- B. Any person may operate a licensed residential facility that provides room and board, personal care, habilitation services and supervision in a family setting for at least six but not more than eight persons with mental retardation or a developmental disability as a permitted use in any residential district, including single-family residential districts. These residential facilities are required to comply with area, height and yard requirements within said district.

### SECTION 5102 ADULT GROUP HOMES

- A. Any person may operate an adult group home licensed as an adult care facility as a conditional use in any multiple-family residential district as long as said home meets the requirements set forth below:
  - 1. Meet submission requirements of Section 5102.01
  - 2. The architectural design and site layout of the home and the location, nature and height of the any walls, screens and fences to be compatible with adjoining land uses and the residential character of the neighborhood.
  - 3. The site must meet all applicable zoning requirements for yard, parking and sign regulation of the zoning district which the home is located in.
- B. Any person may operate a licensed residential facility that provides room and board, personal care, habilitation services and supervision in a family setting for at least nine but not more than sixteen person with mental retardation or a

development disability as a conditional use in any multiple-family residential district as long as said home meets the requirements set forth below:

1. The architectural design and site layout of the home and the location, nature and height of the any walls, screens and fences to be compatible with adjoining land uses and the residential character of the neighborhood.
2. The site must meet all applicable zoning requirements for yard, parking and sign regulation of the zoning district which the home is located in.

**5102.01 SUBMISSION REQUIREMENTS**

The operator or agency applying for a conditional use permit to operate an Adult Group Home shall submit the following information to aid the Board of Zoning Appeals in its review of the requested facility.

- A. Identification of similar facilities presently existing within (local jurisdiction) and contiguous jurisdiction and confirmation that the sitting of the facility is not located within 2,500 feet of an existing Adult Group Home or Halfway House.
- B. A license or evidence of ability to obtain a license, if such is required, from the pertinent governmental unit prior to operation. Prior to the issuance of a final certificate of occupancy, the operator or agency shall provide evidence that a valid license has been issued or is obtainable for the proposed conditional use on the subject property. If licensing is not required, an affidavit from the applicant so stating shall be presented.
- C. A copy of the sponsoring agency's operational and occupancy standards and a detailed plan for services and programs.
- D. A site plan for the proposed home indicating home structured floor plan, off-street parking provisions, driveway access, landscaping and screening provisions,

recreational and open space facilities as well as other pertinent information which the Board may require. Such plan shall include sufficient information to indicate that the proposed use of the site will be compatible with the present character of the neighborhood.

**SECTION 5103 HALFWAY HOUSES**

Any person may operate a Halfway House as a conditional use in any single or multiple-family residential district as long as said house meets the requirements set forth below:

- A. Must meet the submission requirements set forth in Section 5103.01.
- B. Must meet Facility Requirements set forth in Section 5103.02.
- C. Must meet requirements of the Findings by the Board of Zoning Appeals as set forth in Section 5103.03.

**5103.01 SUBMISSION REQUIREMENTS**

The operator or agency applying for a conditional use permit to operate a Halfway House shall submit the following information to aid the Board of Zoning Appeals in its review of the requested facility.

- A. Identification of similar facilities presently existing within (local jurisdiction) and contiguous jurisdiction and confirmation that the sitting of the facility is compatible with the Residential Care Opportunities Guide for Montgomery County.
- B. A license or evidence of ability to obtain a license, if such is required, from the pertinent governmental unit prior to operation. Prior to the issuance of a final certificate of occupancy, the operator or agency shall provide evidence that a valid license has been issued or is obtainable for the proposed conditional use on the subject property. If licensing is not required, an

affidavit from the applicant so stating shall be presented.

- C. A copy of the sponsoring agency's operational and occupancy standards and a detailed plan for services and programs.
- D. A site plan for the proposed home indicating home structured floor plan, off-street parking provisions, driveway access, landscaping and screening provisions, recreational and open space facilities as well as other pertinent information which the Board may require. Such plan shall include sufficient information to indicate that the proposed use of the site will be compatible with the present character of the neighborhood.

**5103.02 FACILITY REQUIREMENTS**

- A. Every room occupied for sleeping purposes within the home shall contain a minimum of eighty (80) square feet of habitable room area for one occupant, and when occupied by more than one shall contain at least sixty (60) square feet of habitable room area for each occupant.
- B. Indoor and outdoor recreational space shall be provided for the clientele served, based upon standards specified by the licensing authority and/or the sponsoring agency. If no such standards exist, then the following minimum area shall apply:
  - 1. Common indoor area shall consist of at least 25 square feet per individual.
  - 2. Common outdoor area shall consist of at least 60 square feet per individual. If a public park or other common open space is available in the immediate vicinity of the facility, the Board may waive the outdoor space requirement.
- C. No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures proposed shall be compatible with the surrounding neighborhood.

- D. All exterior lighting shall be suitably directed and shaded to prevent any glare upon adjoining residential properties.
- E. Off-street parking requirements: one space for each 3 persons residing in a community based residential social service facility or halfway house except for facilities prohibiting ownership or operation of automobiles by occupants of such facilities. In any case, suitably screened off-street parking shall be provided on one-to-one ratio to the number of autos operated out of the facility. Within neighborhoods in which on street parking is accepted practice, on street space directly abutting the subject lot may be substituted for a portion of the required off-street spaces if approved by the Board of Appeals.
- F. No facility shall be permitted within two-thousand five hundred (2,500) feet of another Oriented Residential Social Service Facility or Halfway House and the siting of the facility complies with the Residential Care Opportunities Guided for Montgomery County.

The BZA may reduce this standard if the applicant can show that, unique conditions, a reduction of the separation requirement or deviation from the Residential Care Opportunities Guide will not contribute to the concentration of such facilities (e.g., the proposed site is located in a distinctly different neighborhood which is separated from an existing site by an interstate highway or the site is in an area that does not constitute a typical residential neighborhood due to a diversity of land uses).

- G. The facility must be reviewed by the Fire Department or a certified Fire Safety Inspector.

**5103.03 FINDINGS BY THE BOARD OF ZONING APPEALS**

In its review of each proposed facility, the Board of Zoning Appeals shall make specific findings of fact relative to the following criteria. Upon finding all such facts to be true the Board shall grant the Conditional Use. The proposed facility:

- A. Complies with all the applicable facilities requirements.

- B. Is in fact a community based halfway house licensed by an agency of the State of Ohio (and respective jurisdiction). If such licensing is not required, an affidavit so stating has been presented to document this statement.
- C. Is approved by the local agency responsible for providing support services and/or programs to the facility.
- D. Will be designed, constructed, and maintained so that such use will not change the general character of the area and operated in compliance with relevant licensing or certification standards.
- E. Will not be within two-thousand five hundred (2,500) feet of another Halfway House, unless this standard is varied by the Board of Zoning Appeals to a lesser distance.
- F. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the person or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- G. Will have vehicular approaches to the property which shall be designed to prevent any undue interference with traffic on surrounding public streets.