

TABLE OF CONTENTS

ARTICLES	1	INTENT AND INTERPRETATION
	2	DEFINITIONS
	3	ENFORCEMENT: PENALTIES AND FEES
	4	BOARD OF ZONING APPEALS
	5	ZONING DISTRICTS AND BOUNDARIES
	6	DISTRICT CHANGES AND RESOLUTION AMENDMENTS
	7	VALIDITY AND REPEAL
	8	“A” AGRICULTURAL DISTRICT
	9	“R-1” SINGLE FAMILY RESIDENTIAL DISTRICT
	10	“OR-1” OFFICE RESIDENTIAL DISTRICT
	11	“B-1” NEIGHBORHOOD BUSINESS DISTRICT
	12	“B-2” BUSINESS DISTRICT
	13	“B-3” BUSINESS DISTRICT
	14	“B-4” BUSINESS DISTRICT
	15	“I-1” LIGHT INDUSTRIAL
	16	“RFP” REGIONAL FLOOD PLAIN DISTRICT
	17	FOR FUTURE EXPANSION
	18	FOR FUTURE EXPANSION
	19	FOR FUTURE EXPANSION
	20	FOR FUTURE EXPANSION
	21	PLANNED DEVELOPMENT
	22	FOR FUTURE EXPANSION
	23	FOR FUTURE EXPANSION
	24	FOR FUTURE EXPANSION
	25	FOR FUTURE EXPANSION

TABLE OF CONTENTS (Cont'd.)

26 EXISTING AND NONCONFORMING USES

27 PROVISIONS AFFECTING AREA, YARDS AND COURTS

28 ACCESSORY USES

29 EXCEPTIONS, MODIFICATIONS AND INTERPRETATIONS

30 EXEMPTIONS FROM ZONING PROVISIONS

31 SIGN AND BILLBOARD REGULATIONS

32 OFF-STREET LOADING AREAS

33 OFF-STREET PARKING

34 NOISE

35 EXTRACTION OF MINERALS

36 PRIVATE NONCOMMERCIAL GOLF COURSES, SWIMMING
POOLS AND TENNIS COURTS

37 COMMUNITY ORIENTED RESIDENTIAL SOCIAL SERVICE
FACILITIES

38 ADULT ENTERTAINMENT FACILITIES

39 INDEPENDENT HOUSING ALTERNATIVES FOR THE
ELDERLY

40 WHEN EFFECTIVE; REPEAL OF CONFLICTING
RESOLUTION

41 TELECOMMUNICATIONS TOWERS

42 LAND APPLICATION OF SEWAGE SLUDGE
(As a Conditional Use within the Agricultural District)

ARTICLE I

INTENT AND INTERPRETATION

SECTION 101 TITLE

This resolution shall be known and may be cited and referred to as the “Jackson Township, Montgomery County, Ohio Zoning Resolution.

SECTION 102 PURPOSE

This Resolution is enacted for the purpose of promoting public health, safety and morals, all in accordance with a Comprehensive Plan and 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 or by other rules or regulations or resolutions, the provisions of this Zoning Resolution shall control. For the purpose of coordinating the activities and policies of the Jackson Township Zoning Commission and the Jackson Township Board of Zoning appeals; and to increase the understanding of each body of the guidelines being followed by the others, the members of the Boards of each body shall hold joint meeting not less than twice per year.

SECTION 104 EXTENSION OF ESSENTIAL SERVICES

It is recognized that essential services are not presently available to all parcels of and zoned for agricultural and/or residential use. Maintenance of viable zoning plans may require amendment from time to time, to reflect changes brought about by the extension of essential services into newly developing urban areas.

ARTICLE 2

DEFINITIONS

SECTION 200 DEFINITIONS; NUMBER; TENSES; BUILDING; USED; SHALL

Unless the content 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 and not directory.

SECTION 201 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 and purpose to the principal building, structure or use which it services.

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 located elsewhere than on the same zoning lot with the building or use served under Subsection 3303.01 E, of this Resolution.

201.02 ADULT ENTERTAINMENT FACILITY

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

A. Adult Book Store

An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” as herein defined or an establishment with a segment or section devoted to the sale or display of such material.

B. Adult Mini Motion Picture theater

A facility with a capacity of less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting,

describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas," for observation by patrons therein.

presenting

C. Adult Motion Picture Theater

A facility with a capacity of fifty (50) or more person's used for material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas," for observation by patrons therein.

D. Adult Entertainment Business

Any establishment involved in the sale of services or products characterized by the exposure or presentation of "Specified Anatomical Areas" or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

E. Massage Establishments

Any Establishment having a fixed place of business where massages are administered for pay. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the state of Ohio, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder.

F. Massage

A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching or vibrating with the hand or any instruments for pay.

G. Specified Sexual Activities

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio;
3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.

H. Specified Anatomical Areas

1. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breasts below a point immediately above the top of the areola.;
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

201.03 AGRICULTURAL SOILS, PRIME

Those soils that are best suited for the production of food, fiber and other crops. These soils have been determined by Montgomery County to be based upon average yields per acre of principal crops and the capability grouping of soil type. Prime soils fall within capability Class I and II as they are described in the Soil Survey of Montgomery County, Ohio published by the United States Department of Agriculture, Soil Conservation Service, issued June, 1976.

each

201.04 AGRICULTURE

The use of a tract of land for the planting, harvesting, and marketing of crops and produce; horticulture; floriculture; structures of necessary for performing these operations; and the residence of the owner or operator. Such agricultural use shall not include the following uses:

hydroponics

- A. The maintenance and operation of commercial greenhouses of 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 by this Resolution.
- C. The feeding or sheltering of animals or poultry in penned enclosures within one hundred (100) 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.

201.05 ALLEY

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

means

201.05 AUTOMOBILE OR TRAILER SALES AREA

An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition; and where no repair work is done.

2-3

201.07 AUTOMOBILE SERVICE STATION

A structure and surrounding land used for the storage and sale of petroleum fuel, primarily to passenger vehicles, and for accessory uses such as the sale and installation of lubricants, accessories or supplies; the incidental washing of motor vehicles and the performing of tune-ups, tire and brake changing and repair.

201.08 AUTOMOBILE WRECKING

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

SECTION 202 DEFINITIONS (beginning with letter “B”)

202.01 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.

202.02 BOARD

The Board of Zoning Appeals of Jackson Township.

202.03 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 ground by means of a footer and foundation as defined in the Montgomery County Building Code.

202.04 BUILDING HEIGHT

a The vertical distance from the average grade to the highest point of the coping of flat roof or to the deck line of a mansard roof; or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

202.05 BUILDING LINES

A line parallel to the street right-of-way line at any story level of a building and representing the distance which all or any part of the building is to be set back from side right-of-way, except as specified in Article 29.

SECTION 203 DEFINITIONS (beginning with letter “C”)

2-4

203.01 CAMPING AND RECREATIONAL EQUIPMENT

For the purpose of this Resolution, camping and recreational equipment shall include the following:

A. Boat and Boat Trailer

Boat and Boat trailer shall include boats, floats and rafts plus the normal equipment to transport the same on the highway.

B. Folding Tent Trailer

A canvas folding structure, mounted on wheels and designed for travel vacation uses.

C. Motorized Home

A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

D. Pickup Camper

A structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use for travel, recreational, or vacation uses.

E. Travel Trailer

A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified “travel trailer” by the manufacturer.

203.02. 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.

203.03 COMMISSION

and

The Jackson Township Zoning Commission.

203.04 COMMUNITY ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITIES

2-5

A dwelling unit in which personal care, supervision and accommodations are provide to a group of individuals of whom four or more are unrelated to the provider. These individuals have some condition which requires assisted living, such as being mentally ill, mentally retarded, handicapped, aged or disabled and are provided services to meet their needs. This category includes uses, licensed, supervised, or under contract by any federal, state, county, or other political subdivision. This definition shall not include Halfway Houses, Nursing Homes, Rest Homes and Convalescent Homes.

203.05 COMPREHENSIVE PLAN

A plan, or any portion thereof, adopted by the Planning Commission and the Board of County Commissioners of Montgomery County, Ohio showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, agricultural land, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of Montgomery County, Ohio and includes the Zoning Resolution.

SECTION 204 DEFINITIONS (beginning with letter "D")

204.01 DEVELOPMENT STANDARDS

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

204.02 DISTRICT

A portion of the unincorporated territory of Jackson township within which certain uniform regulations and requirements or various combinations thereof apply under the provision of this Zoning Resolution.

204.03 DWELLING

Any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a mobile home, tent, cabin, trailer or

trailer coach or other temporary or transient structure or facility.

2.6

A. Single Family

A building occupied or 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.

C. Multiple

A building or portion thereof occupied or constructed to be occupied by more than two (2) families.

204.04 DWELLING GROUPS

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.

204.05 DWELLING UNITS

One room, or a suite of two (2) or more rooms, designed for or used by one family for living and sleeping purposes and which includes permanently installed cooking and lawfully required sanitary facilities.

SECTION 205 DEFINITIONS (beginning with letter ("E"))

205.01 EATING PLACE NO. 1

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

205.02 EATING PLACE NO. 2

An establishment having the attributes of an Eating Place No. 1, and which also

provides live entertainment excluding adult entertainment activities as defined in Subsection 201.02.

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.

2.7

205.04 EATING PLACE - DRIVE-IN

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 served directly to persons while in motor vehicles, or where the food and beverages are dispensed at the counter for consumption on or off the premises.

205.05 EQUAL DEGREE OF ENCROACHMENT

A standard applied in determining the location of encroachment limits so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the effect of encroachment of the hydraulic efficiency of the floodplain along both sides of a stream for significant reach.

205.06 ESSENTIAL SERVICE

The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use of enlargement by public utilities, county, or other governmental agencies of underground or overhead gas, electrical, stream or water generation, transmission or distribution systems; including building, 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, county, or other governmental agencies or for the public health, safety and morals.

SECTION 206 DEFINITIONS (beginning with letter ("F"))

206.01 FAMILY

A group of persons related by blood, marriage or adoption, and/or no more than three (3) unrelated persons who are living together in a single dwelling unit and maintain a common household.

206.02 FARMLAND, PRIME

Land with soil characteristics that meet the definition of Prime Agricultural Soils, as defined by this Resolution.

206.03 FLOOD

A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

2-8

206.04 FLOOD, REGIONAL

A flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has a frequency of approximately 100 years as is determined by an analysis of floods in a particular stream and

other

streams in the same general region.

206.05 FLOOD FREQUENCY

The average frequency statistically determined, for which it is expected that a specific flood level or discharge may be equaled or exceeded.

206.06 FLOOD PROTECTION ELEVATION

The elevation to which uses regulated by this Resolution are required to be elevated or flood proofed.

206.07 FLOODPLAIN, REGIONAL

The area inundated by the regional flood (100 Year Frequency Flood). This is the floodplain area which shall be regulated by the standards and criteria in this Resolution.

206.08 FLOODWAY

The channel of the watercourse and those portions of the adjoining floodplains which are reasonable, required to carry and discharge the regional flood.

206.09 FLOODWAY FRINGE

The portion of the regional floodplain located outside of the floodway.

206.10 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 wall 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 (70 feet, six (6) inches.
- B. Uncovered steps.
- 2-9
- 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.

206.11 FLOOR AREA RATIO

The floor area ratio of the building or other structure on any lot is determined by dividing the gross floor area of such building or structure by the area of the lot on which the building or structure is located. When more than one building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structure by the area of the lot. The floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for buildings or other structures, in direct ratio to the gross area of the lot.

206.12 FOSTER CARE HOMES

An owner-occupied residence providing care and supervision for not more than two (2) adults, children or adolescents who are mentally ill, mentally retarded, developmentally disabled, physically handicapped or aged who are in need of assistance and supervision provided by a foster family in a home setting and for children or adolescents who for various reasons cannot reside with natural family.

206.13 FRONTAGE

See Lot Frontage Subsection 212.09.

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 not 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 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 excreta, sewage and other water carried wastes.

2-10

207.03 GARDEN CENTER - COMMERCIAL GREENHOUSE 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 an/or on pallets.

207.04 GRADE

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

207.05 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 plantings and no structures, parking areas or signs shall be permitted.

207.06 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 from the criminal justice system 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 carried on within a dwelling unit by members of the family residing therein and provided:

- A. Said occupation does not require a state or local license and/or inspection
- B. It does not occupy more than two hundred (200) square feet of floor area within the dwelling unit and does not require alteration of the structure.
- C. There are no signs or other announcements of such occupation.
- 2-11
- D. The only mechanical equipment installed or used is that which is normally used for domestic or household purposes.
- E. no home occupation shall be conducted in any accessory building.
- F. There shall be no sales on the premises.
- G. There shall be no inventory stored on the premises.

SECTION 209 DEFINITIONS (beginning with letter “I”)

209.01 INDEPENDENT HOUSING ALTERNATIVES FOR THE ELDERLY

Housing arrangements for elderly persons completely capable of independent living, who do not require protective supervision and are not mentally retarded, mentally ill or disabled, or require rehabilitation.

- A. Shared Housing
A housing arrangement for more than three independent elderly persons who pool their resources to maintain a single housekeeping unit.
- B. Congregate Housing

A housing arrangement for more than three elderly persons who are independent adults where at least meal services are provided. Other services provided to the residents from within the home may include transportation and housekeeping. personal assistance or care is not provided. this definition includes homes licensed by the Ohio Department of Human Services under the category of family Group Homes.

SECTION 210 DEFINITIONS (beginning with letter “J”)

210.01 JUNK

dismantled,

Old or scrap cooper, brass, rope, rags, batteries, paper, rubber; junked, or wrecked motor vehicles 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.

210.01 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 iron and steel or non ferrous scrap for sale for remelting purposes), which is maintained or operated for the purpose of storing, keeping, buying or selling junk;

2-12

or the maintenance or operation of any 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 result without alternation.

SECTION 211 DEFINITIONS (beginning with letter “K”)

211.01 KENNEL OR ANIMAL SHELTER

Any structure or runway in which dogs or other small animals are kept for compensation or sale.

SECTION 212 DEFINITIONS (beginning with letter “L”)

212.01 LANDSCAPING

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

212.02 LIFE CARE RETIREMENT CENTER

Nursing homes, rest homes, and convalescent homes which include individual dwelling units for the elderly as an integral part of the facility where the total area devoted to individual dwelling units does not exceed 70 percent of the total floor area of the entire facility.

floor

]

212.03 LIVABILITY SPACE

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

212.04 LIVE ENTERTAINMENT

Any entertainment, provided in eating places, other than music mechanically produced by juke boxes or other devices for the dissemination of recorded music.

212.05 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.

2-13

212.06 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 of two (2) nonintersecting streets, as distinguished from a corner lot.

C. Interior

A lot other than a corner lot.

D. Zoning

A parcel of land not separated by street or alley that is designed by its owner or developer at the time of applying for a zoning certificate, as a tract all of which is to be used, developed, or built upon as a unit under single ownership. As long as it satisfied the above requirements, such lot may consist of:

1. a single lot or record; or
2. a portion of lot of record; or

3. a combination of complete lots and portions of lots of record, or portions of lots of record.

212.07 LOT AREAS

The computed area contained within the lot lines.

212.08 LOT COVERAGE

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

2-14

212.09 LOT FRONTAGE

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

212.10 LOT LINES

A. Front

A street right-of-way line forming the boundary of a lot. On a corner lot, the street right-of-way lines with the least amount of street frontage shall be the front lot line.

B. Rear

The lot line that is most distance 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 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.

C. Side

A lot line which is neither a front lot line nor a rear lot line. On a corner lot, the street right-of-way line with the greatest amount of street frontage shall be a side lot line.

212.11 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 this Zoning Resolution.

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 - SEE TRAILER (house)

213.03 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.

SECTION 214 DEFINITIONS (beginning with letter “N”)

2-15

214.01 NONCONFORMING USE OF BUILDINGS AND LAND

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 with 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 303.01 to 303.25 inclusive, of the Revised Code of the State of Ohio.

214.02 NURSERY OR CHILD CARE CENTER

A building used for the commercial care of three (3) or more children, not members or wards of the family.

214.03 NURSING HOME, REST HOME OR CONVALESCENT HOME

A place, residence or home used for the boarding and care, for a consideration, of not less than three (3) persons, not members of the immediate family operating such facilities, who by reason of age or infirmity are dependent upon the services of others.

SECTION 215 DEFINITIONS (beginning with letter “O”)

215.01 OBSTRUCTION (RFP Regional Floodplain District)

Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regional flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or

collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

215.02 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 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.

2-16

215.03 OPEN STORAGE

Storing or keeping of chattels not enclosed in a building.

SECTION 216 DEFINITIONS (beginning with the letter “P”)

216.01 PLANNED DEVELOPMENT

Planned Development is:

- A. Land under unified control, planned and developed as a whole, and
- B. In a single development operation or 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 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, operations 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.

216.02 PLANNING COMMISSION

The planning Commission of Montgomery County, Ohio

216.03 PREMISES

Any lot or combination of contiguous lots held in single ownership, together with the development thereon; an condominium complex constitutes one premises.

SECTION 217 DEFINITIONS (beginning with letter “Q”)

SECTION 218 DEFINITIONS (beginning with letter “R”)

218.01 REACH

A hydraulic engineering term to describe longitudinal segments of stream or river. A reach will generally included the segment of the flood hazard are where flood heights are influenced by a man-made or natural obstruction. In an urban area,

the

segment of a stream or river between two consecutive bridge crossings would typically constitute a reach.

2-17

218.02 RECREATION SPACE (countable)

All area, 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.

218.03 REFUSE

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

218.04 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.

218.05 ROOM, HABITABLE

A room occupied or designed to be occupied by one or more persons for living, sleeping, eating or cooking, including kitchens serving a dwelling unit; but not including bathrooms, toilet compartments, laundries, pantries, cellars, attics for storage and other similar spaces.

218.06 ROOMING HOUSE

A building or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

SECTION 219 DEFINITIONS (beginning with letter “S”)

219.01 SERVICE CLUBS

fide An association organized and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association or conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or serviced to members and their guest, provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all applicable federal, state, state, county and local laws.

2-18

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 of a building and which directs attention to an object, product, place, activity, person, institution, organization, or business.

The following are types of signs”

- A. Advertising
- 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 name of architects, engineers, contractors and similar persons involved in the design and construction of a structure of project.

E. Directional

A sign directing vehicular or pedestrian movement onto or within a premises with no identification or advertising on the sign.

F. Flashing

Any illuminated sign on which the artificial light or any part thereof has conspicuous or intermittent variation in intensity or color.

2-19

G. Freestanding

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. Portable

A sign that is attached to wheels, skids, or other forms of mounting which is not permanently affixed in or to the ground.

N. Poster Panel

An advertising structure measuring not more than twelve (12) feet by twenty-five (25) feet overall on which posters are displayed.

O. Projecting

A sign suspended from or supported by a building, structure, or column and extending therefore, more than fifteen (15) special event.

2-20

P. Promotion

A temporary sign, the function of which is to announce a special event.

Q. Real Estate

A sign pertaining to the sale or lease of the lot or tract of land on which sign is located or to the sale or lease of one or more structure or a portion thereof located on such lot or tract of land.

R. 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.

S. Temporary

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, products, 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.

T. Wall

A sign which is affixed, painted on or attached to the wall of the building

the

or other structure and which extends not more than fifteen (15) inches from the face of the wall.

U. 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 materials 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 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.

2-21

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.

219.08 STABLE

A structure for the keeping of horses and ponies.

219.09 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 is no floor above it, then the space between the floor and the ceiling next above it.

219.10 STREET

a

An improved public right-of-way fifty (50) feet or more in width which provides public means of access to abutting property or any such right-of-way more than thirty (30) feet and less than fifty (50) feet in width provided it existed prior to the enactment of this Resolution and provided such street has been accepted by Montgomery County. The term “street” shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

219.11 STREET, MAJOR

A street with a right of way of seventy (70) feet or greater as shown on the Official Thoroughfare Plan for Montgomery County, Ohio.

219.12 STRUCTURAL ALTERATION

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

2-22

219.13 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 by means of a footer and foundation as defined in the Montgomery County Building Code.

219.14 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 TELECOMMUNICATION TOWER

Telecommunication tower means any free-standing structure, or any structure attached to a building or another structure, that meets all of the following criteria as contained in the ORC Section 519.21 (B)(1).

- A. The free-standing or attached structure is proposed to be constructed on or after the act’ effective date.
- B. The free-standing or attached structure is proposed to be owned or

principally used by a public utility engaged in the provision of telecommunications services;

- C. The free-standing or attached structure is proposed to be located in an unincorporated area of a township, in an area zoned for residential use:
- D.(1) The free-standing structures is proposed to top at a height that is greater than the maximum allowable height of residential structures within the zoned area as set forth in the applicable zoning regulations, or the maximum allowable height of such a free -standing structure as set forth

in

any applicable zoning regulations in effect immediately prior to the act's effective date or as those regulations subsequently are amended;

- D.(2) The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure as set forth in any applicable zoning regulations in effect immediately prior to the act's effective date or as those regulations subsequently are amended;
- E. The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

2-23

220.02 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 Montgomery County, on file in the Office of the Recorder, together with all amendments thereto subsequently adopted.

220.03 TRAILER

- A. House Trailer or Mobile Home

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation. House Trailers or Mobile Homes are permitted in Mobile Home Parks only. (See Section 2912)

- B. Travel Trailer

See Camping and Recreational Equipment.

- C. Mobile Home Park

An area of land for the parking of three (3) or more mobile homes.

D. Travel Trailer Park

An area of land for the parking of three (3) or more travel trailers.

220.04 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”)

SECTION 222 DEFINITIONS (beginning with letter “V”)

SECTION 223 DEFINITIONS (beginning with letter “W”)

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 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 an 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 YARD, REAR

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 (least depth)

The average distance measured horizontally between any part of a building, other than such parts hereinafter excepted in Article 29, 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 unobstructed from the ground upward except as hereinafter specified.

2-25

B. Side Yard (least width)

The shortest distance, measured horizontally, between any part of the building, other than such parts hereinafter excepted, 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 INSPECTOR

The Zoning Inspector (Administrative Officer) or his authorized representative, appointed by the Board of Trustees of Jackson Township.

226.02 ZONING MAP

The Zoning Map or Maps of a zoned township or portion thereof together with all

amendments thereto subsequently adopted.

ARTICLE 3

ENFORCEMENT: PENALTIES AND FEES

SECTION 301 ENFORCEMENT BY THE ZONING INSPECTOR

There is hereby established the office of the Township Zoning Inspector. It shall be the duty of the Zoning Inspector, as provided under Section 519.02 et seq. of the Revised Code of the State of Ohio, to enforce this Resolution in accordance with the administrative provisions of this Resolution. All departments, Officials, and public employees of Montgomery County 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, 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 ZONING CERTIFICATES

Until a zoning certificate has been obtained from the Zoning Inspector;

- A. The construction, building, moving, remodeling or reconstruction of any building or structure shall not be commenced.
- B. The improvement of land preliminary to any use of such land shall not be commenced.
- C. The use of land , buildings or structures for temporary and accessory and home occupations shall not be commenced.
- D. A certificate pertaining to the temporary or permanent use of land, buildings, or structures shall not be issued by any official, officer, employee, department, board or bureau of Montgomery County. Any permit or zoning certificate issued in conflict with the provisions of this Resolution shall be null and void.

302.01 APPLICATION FOR ZONING CERTIFICATE

Every application for a zoning certificate shall be deemed to be an application for an occupancy certificate and shall be accompanied by a site plan, in duplicate, drawn to such scale as to clearly show the following.

- A. The actual dimensions of the subject property according to the recorded plat of such property.

- B. The use, height, location, and ground area of all present and proposed buildings and structures, the location of all vehicular entrances to and exits from the property, the location of all off-street parking areas and number of spaces provided therein; the building lines in relation to lot lines; the number, type, size, and location of all present and proposed signs; and such other information as may be required by the Zoning Inspector for the proper enforcement of this resolution. One copy of the site plan shall be retained by the Zoning Inspector as a public record.

302.02 ISSUANCE OF ZONING CERTIFICATES

Zoning certificates shall be issued or refusal thereof given within ten (10) days after the date of application. Written notice of such refusal and reason thereof shall be given to the applicant.

302.03 PERIOD OF VALIDITY

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

SECTION 303 OCCUPANCY CERTIFICATES

No building, structure, or addition thereto constructed, built, moved, remodeled, or reconstructed after the effective date of this Resolution shall be occupied or used for any purpose; and no land vacant on that date shall be used for any purpose; and no use of any land, building, or structure shall thereafter be changed to be obtained from the Zoning Inspector certifying that the proposed use or occupancy complies with all the provisions of this Resolution.

303.01 APPLICATION FOR OCCUPANCY CERTIFICATE

Every application for a zoning certificate shall be deemed to be an application for an occupancy certificate also.

Every application for an occupancy certificate for a new or changed use of land, building, or structure where no zoning certificate is required shall be filed with

the

Zoning Inspector.

303.02 ISSUANCE OF OCCUPANCY CERTIFICATE

No occupancy certificate for a building or structure or addition thereto, constructed, built, moved, remodeled, or reconstructed after the effective date of this Resolution, shall be issued until such work has been completed and the

3-2

premises inspected and certified by the Zoning Inspector to be in full and complete compliance with the plans and specifications upon which the zoning certificate for the property was issued. No occupancy certificate for a new use of any building, structure or land shall be issued until the premises have been inspected and certified by the Zoning Inspector to be in full and complete compliance with all the applicable regulations for the zoning district in which it is located. However, the Zoning Inspector may issue a certificate of occupancy to an applicant who has not, or whose predecessor or predecessors in interest has not obtained a certificate of occupancy for a change in use of any land, building, or structure as required by law at the time such change in use occurred, provided the Zoning Inspector determines that such applicant, or his predecessor or predecessors in interest, would have been entitled to the issuance of a certificate of occupancy if the application then required by law would have been made.

Pending the issuance of a permanent occupancy certificate, a temporary occupancy certificate may be issued to be valid for a period not to exceed six (6) months from its date pending the completion of any addition or during partial occupancy of the premises. An occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, within fifteen (15) days after the receipt of an application therefore, or after the Zoning Inspector is notified in writing that the structure or premises are ready for inspection for an occupancy certificate.

SECTION 304

VIOLATION - 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 or any land is or is proposed to be used in violation of this Resolution or any amendments or supplements thereto; the Board of Township Trustees, the Zoning Inspector/County Building Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law; may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceedings, to prevent, enjoin, abate or remove such unlawful location, erection, construction, enlargement, change, maintenance or use.

SECTION 305

VIOLATION AND PENALTIES

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain and/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 Board of Township Trustees of Jackson Township under Section 519.02 et. seq. of the Revised Code of the State of Ohio. 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 (\$500.00) dollars. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, and/or maintenance of use continues, may be deemed a separate offense.

SECTION 306

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 Board of Township Trustees. There shall be no fee, however, in the case of applications filed by the Board of Township Trustees or the Zoning Commission.

The fees shall be in addition to the regular building permit fees and any other fees which may be imposed under applicable Resolution of Jackson Township. The fees imposed by this Resolution are only intended to defer in part, the costs involved in such applications such as publishing, and/or posting, and mailing the notices of the hearing or hearings. Such fees are not refundable regardless of the outcome of the application.

ARTICLE 4

BOARD OF ZONING APPEALS

SECTION 401 APPOINTMENT

(5)

There shall be a Jackson Township Board of Zoning Appeals consisting of five members appointed by the Jackson Township Trustees as provided by Section 519.13 of the Revised Code of the State of Ohio.

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 Township Trustees and shall be public record. A copy of the decision for each case shall be sent to the applicant by certified mail.

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, requirements, decision, or determination made by the Zoning Inspector 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 an existing building or structure 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 of 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 certificate for the use of land, building, or other structures, if such certificate for specific uses is provided for in the Zoning Resolution.

D. Nonconforming Uses

Nonconforming uses as provided in Article 26 of this Resolution.

SECTION 404 PROCEDURE FOR ADMINISTRATIVE APPEAL

404.01 AUTHORIZATION

An appeal from a decision of the Zoning Inspector with respect of 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 County affected by such decision of the Zoning Inspector.

404.02 NOTICE OF APPEAL

Appeals of the Board shall be filed within twenty (20) days after the decision of the Zoning Inspector by filing a written notice of appeal with the Zoning

Inspector and with the Board of Zoning Appeals.

Inspector

The notice of appeal shall specify the grounds for such appeal. Upon receipt of a notice of appeal, the Zoning Inspector 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 time and place for the hearing of an appeal and give at least ten (10) days written notice thereof to the owners of property within and contiguous to and directly across the street from the applicant’s property in an Administrative Appeal or a Variance, and to property owners within three hundred (300) feet of the applicant’s property for a Conditional Use, 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 Zoning Inspector 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 Zoning Inspector under this Resolution. The Board shall render a written decision on the application without unreasonable delay after close of a hearing, and in all cases, within thirty (30)

days

after the close of the hearing.

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 of the land itself, a literal enforcement of the conditions of 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 stated in Section 403 B, when the Board has made findings of fact, based upon the standards set out in subsection 405.04 of this Resolution.

405.02 APPEAL FOR VARIANCE

An application for a zoning certificate shall be filed with the Zoning Inspector, and if the application is rejected, a copy of the application and its written rejection shall be forwarded to the Secretary of the Board. The applicant may file an appeal for a variance, which 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 variance 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 appeal shall be accompanied by one copy 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 structures on adjacent property.

4-4

405.03 HEARING ON VARIANCE

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

405.04 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 persons 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 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.

405.05 CONDITIONS AND RESTRICTIONS

In granting a variance, the Board may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to comply with the standards set out in Subsection 405.04 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.

405.06 DECISION ON VARIANCE

The Board shall have all the powers of the Zoning Inspector 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 zoning Inspector under this

Resolution. The Board shall render a written decision on the applicant without unreasonable delay after the close of a hearing, and in all cases, within thirty (30) days after the close of the hearing.

4-5

405.07 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) month 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 regards 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 with the Secretary of the Board of Zoning Appeals.

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 of desirability of the proposed use to the neighborhood or community.
4. A statement of the compatibility of the proposed use to 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.

4-6

B. Plot Plan

The application shall be accompanied by two (2) 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 HEARING ON CONDITIONAL USE

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

406.04 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 conclusions 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.

4-7

district.

the

- 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
- F. The location and size of the conditional Use, the nature and intensity of 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 and 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 that 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. Conditional Uses in the A, Agricultural District will not compromise the preservation of prime farmland and will not adversely affect the adjacent farmlands including existing field drainage systems.

406.05 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 Subsection 406.04 to reduce or minimize potentially injurious affects of such Conditional Uses upon other property in the neighborhood, and to carry out the general purpose and intent of this Resolution.

406.06 PERIOD OF VALIDITY

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

ARTICLE 6

DISTRICT CHANGES AND RESOLUTION AMENDMENTS

SECTION 601 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 602 PROCEDURE FOR CHANGE

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

602.01 WRITTEN APPLICATION

Two (2) copies of a provided application form shall be filed with the 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 relationship of the proposed use to the neighborhood or community.
5. A statement of the relationship of the proposed use to the 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 or required for appropriate action by the Zoning Commission or Township Trustees.

B. Plot Plan

The application shall be accompanied by two (2) 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 this 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

This Resolution may be made inapplicable as to Jackson Township in accordance with Section 591.12 of the Revised Code of the State of Ohio.

ARTICLE 8

“A” AGRICULTURAL DISTRICT

PREAMBLE

This district has been established to provide for agricultural activities and related uses and is intended to protect and preserve areas of prime agricultural soils for continued agricultural and agriculturally related uses.

SECTION 801

PRINCIPAL PERMITTED USES

- A. Agriculture, including the principal dwelling unit.
- B. Single family dwelling located on a lot not less than twenty (20) acres in area.
- C. Animal Hospitals, Veterinary Clinics for the raising, treatment, breeding and boarding of dogs or other small animals, provided that all outside turns be at least two hundred (200) feet from any lot in any Residential District.
- D. Agricultural services (commercial activity that primarily serves the farming community and their needs) such as tractor and farm implement sales, welding repair shops, saw sharpening, farming machinery and repair including trucks related to Agricultural use.
- E. Agriculturally based meeting halls.
- F. Riding academies; provided that such building or stable shall be a distance of two hundred (200) feet from any lot in a Residential District.
- G. The following uses shall be located on a lot not less than three (3) acres in area.
 1. Churches, chapels, temples, synagogues or other buildings for religious worship, not including a rescue mission or temporary revival activity, provided that:

Such use shall have direct vehicular access to and from a collector street or arterial street and shall not be located so as to interfere with any proposed public right-of-way extension or realignment.
 2. Publicly owned and operated buildings and facilities.
 3. Schools, primary, intermediate, and secondary, both public and private.
 4. Public parks, playgrounds and community centers.

SECTION 802

ACCESSORY USES

- A. Farm markets provided that:
 - 1. Fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.
 - 2. The maximum area of the structure shall be two hundred (200) square feet.
 - 3. There shall not be more than one such stand per lot.
 - 4. The structure shall be located a minimum of fifty (50) feet from an adjacent property line.
 - 5. The minimum setback for such structure shall be fifty (50) feet from the right-of-way as shown on the Official Thoroughfare Plan for Montgomery County, Ohio.
 - 6. A minimum of one thousand (1,000) square feet shall be provided for off-street parking.
- B. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
- C. Private garage, parking space or stable.
- D. The keeping of animals and/or fowl as pets or for domestic use.
- E. Other Accessory Uses permitted for this District by Article 28.

SECTION 803

CONDITIONAL USES

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

- A. Single family residential lots less than twenty (20) acres which comply with at least one of the following standards:
 - 1. The parcel of land to be subdivided contained less than twenty (20) acres prior to adoption of this Resolution, and is not under common ownership with adjacent properties when added together total twenty (20) acres or more. The minimum lot area shall be one acre with a minimum road frontage of two hundred (200) feet, and a maximum lot depth of four hundred (400) feet from the centerline of the road, or

2. The parcel of land exceeds twenty (20) acres in size and is considered prime farmland as defined in this Resolution. The area subdivided lots less than twenty (20) acres shall not exceed 15 percent of the total land area recorded as a unit or contiguous unit prior to the adoption of this Resolution. Each lot shall have a minimum area of one acre and a minimum of two hundred (200) feet frontage on an existing public road. The lot depth does not exceed four hundred (400) feet from the centerline of the road, or
3. The land is not considered prime farmland as defined in this Resolution. Each lot shall have a minimum area of one acre and a minimum frontage of two hundred (200) feet, however, the Board may permit less frontage if the applicant can show that, due to special conditions of the land such as topography or the proximity of the land to the road, the property can be better developed using lesser frontage where front, side and rear yard requirements can be met.

In cases where the nonprime farmland does not front on an existing public road, the Board may permit development using a private drive with a minimum right-of-way width of fifty (50) feet and a minimum pavement width of twenty-two (22) feet. Dead-end private drives shall not exceed one thousand (1,000) feet in length and shall include a turnaround with a minimum radius of 38.5 feet.

- B. Airports and Landing Strips
- C. Cemeteries, including mausoleums and crematoria, provided that any mausoleum or crematorium shall be a distance of at least two (200) feet and burial sites at least one hundred (100) feet from adjacent property, street and highway lines, and provided further that any new cemetery shall
- D. Golf courses, swimming pools, tennis courts, gun clubs, playfields, 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 36.
- E. 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 charge with the responsibility for maintaining air safety and provided there is a yard area with a radius of half the height of the tower or mast.
- F. Extraction of sand, gravel and other minerals but not including concrete mixing plants, subject to the provisions of Article 35.
- G. Campgrounds, provided sanitary facilities have been approved by the State and/or local Board of Health. Accessory uses, including an office; a public facilities building where in the basic food needs of the transient guest can be purchased.

- H. Rodeos and accessory uses including retail and service uses, provided such retail and service uses are accessory to the principal use.
- I. Community Oriented Residential Social Service facilities as defined in Article 2, Subsection 203.04 and pursuant to the standards listed in Article 37.
- J. Share Housing and Congregate Housing as defined in Article 2, subsection 209.01 and subject to the conditions in Article 39.
- K. Bed and Breakfasts.
- L. Grain Elevators

SECTION 804 DEVELOPMENT STANDARDS

In addition to the provisions of Articles 26 thru 37 and 39, the following standards for arrangement and development of land and building are required in the A, Agricultural 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.

Lot Area - Twenty (20) acres except as otherwise regulated herein.

Lot Frontage - Frontage requirements shall vary with the lot size as follows:

Twenty (20) acres or more - 600 feet

More than three (3) acres but less than twenty (20) acres - 300 feet.

Less than three (3) acres - 200 feet unless lesser frontage as permitted by the Board.

Yards (minimum)

Front Yard Depth* - 50 feet

Side yard - 30 feet each side.

Rear Yard - 50 feet.

***The front yard depth shall be measured from the established right-of-way 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 of lot area per dwelling unit.

SECTION 901

PRINCIPAL PERMITTED USES

- A. Single family dwellings.
- B. Schools, primary, intermediate, and secondary, both public and private.
- C. Publicly owned and operated buildings and facilities
- D. Public parks, playgrounds, and community centers
- E. Agricultural activity as permitted in Section 801 A when located on ten (10) or more acres.

SECTION 902

ACCESSORY USES

- A. Accessory uses, buildings 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, Subsection 208.02.
- 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 29.

SECTION 903

CONDITIONAL USES

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, tennis

courts, and playfields, and accessory uses, subject to the requirements of Article 36.

- B. Community Oriented Residential Social Service Facilities as defined in Article 2, Section 203.04 and pursuant to the standards listed in Article 37.
- C. Churches, Chapels, Temples and Synagogues.
- D. Colleges and Universities.
- E. Shared housing and Congregate Housing as defined in Article 2, Subsection 209.01 and subject to the conditions in Article 39.

SECTION 904 DEVELOPMENT STANDARDS

In addition to the provisions of Articles 26 thru 37 and 39, 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.

Lot Area	Lot Frontage	Front Yard Depth*	Side Yard Least Width	Rear Yard Depth
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

“OR-1” OFFICE RESIDENTIAL DISTRICT

PREAMBLE
and
appearance

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

SECTION 1001

PRINCIPAL PERMITTED USES

- A. Any use permitted in Section 901. The requirements of Article 9 shall be applicable.
- B. Barber and beauty shops provided:
 - 1. It is a one chair operation located within the principal structure.
 - 2. The sole operator is the resident on the premises.
- C. Nursery or child care centers provided.
 - 1. There shall be an outdoor play area of one hundred and fifty (150) square feet or more per child.
 - 2. Such play area shall be located in the rear yard.
 - 3. Such play area shall be enclosed with a chain link fence or its equivalent in strength and protective character to a height of four (4) feet, but not more than six (6) feet.
- 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.
- E. Rooming houses.

SECTION 1002

ACCESSORY USES

- A. Accessory uses, buildings or other structures customarily incidental to any aforesaid use, including garages.
- B. Home Occupation as defined in Article 2, Subsection 208.02.

- 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 1003 CONDITIONAL USES

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

pursuant
Social

- A. Community Oriented Residential Social Service Facilities and halfway Houses as defined in Article 2, Subsection 203.04 and 208.01 and to the standards listed in Article 37 Community Oriented Residential Service Facilities.

SECTION 1004 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 street with a right-of-way of sixty (60) 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 order.
- 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 1005 DEVELOPMENT STANDARDS

In addition to the Articles 26 thru 37 and 39, the following standard for arrangement and development of land and building are required in the OR-1, Office Residential District.

1005.01 HEIGHT REGULATIONS

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

1005.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS

The following minimum requirements shall be observed.

Lot Area	Front Lot Frontage	Side Yard Depth*	Least Width	Rear Total Width	Yard Depth
75,000	60 ft.	25 ft.	8 ft.	20 ft.	40 ft.

Rooming house: Eight hundred (800) square feet per 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 11

“B-1” NEIGHBORHOOD BUSINESS DISTRICT

PREAMBLE

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

SECTION 1101

PRINCIPAL PERMITTED USES

- A. Any use permitted in Section 1001. The requirements of Article 10 shall be applicable.
- B. Bake 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 serve type.
- H. Grocery and delicatessen stores.

SECTION 1102

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 1103

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 driveway space on the premises for waiting vehicles.

performance

- 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
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 line fence. Such hedge shall not be less than three (3) feet in height.
 - 2. A solid fence of a nondeteriorating material.
 - 3. Masonry wall.
- H. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 34.
- 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 Combined General Health District. 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 1104 DEVELOPMENT STANDARDS

In addition to the provisions of Articles 26 thru 37 and 39, the following standard for arrangement and development of land and building are required in the B-1, Neighborhood Business District.

1104.01 HEIGHT REGULATIONS

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

1104.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS

The following minimum requirements shall be observed.

Lot Area	Lot Frontage	Front Yard Depth*	Side Yards Least Total Width	Rear Yard Depth
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.**

****Unless adjoining a Business District.**

1104.03 MAXIMUM LOT COVERAGE

Thirty (30) percent of lot area.

1104.04 MAXIMUM FLOOR AREA RATIO

0.35

ARTICLE 12

“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.

SECTION 1201

PRINCIPAL PERMITTED USES

- A. 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 or Conditional Use in Article 13 and 14 or any Industrial District.
1. Antiques.
 2. Appliance sales and service.
 3. Automobile accessories.
 4. Bakeries, retail.
 5. Barber and beauty shops.
 6. Book stores and card shops.
 7. Candy and confectionery.
 8. Carpet and floor covering.
 9. Cigarettes, cigars, tobacco.
 10. Clothing stores and shoes.
 11. Community centers.
 12. Dairy products - retail.
 13. Delicatessen.
 14. Department stores
 15. Drug stores
 16. Dry-cleaning and Laundromats (self service).

17. Dry cleaning and laundry pick up stations, including package dry Cleaning plants.
18. Eating places No. 1.
19. Eating places (carry out).
20. Equipment rental services (but not including automobiles, trucks and trailers).
21. Florists.
22. Food stores.
23. Frozen food lockers.
24. Furniture and upholstery repair.
25. Hardware.
26. Heating, air conditioning, electrical and plumbing sales.
27. Hobby shops.
28. Lawn mower sales.
29. Locksmiths.
30. Mail order catalogue stores.
31. Newspaper substations.
32. Optical goods.
33. Paint, glass and wallpaper.
34. Party supply.
35. Pet sales and supplies.
36. Photo studios.
37. Radio and television sales and service.
38. Service clubs.
39. Shoe repair.
40. Sporting goods.

SECTION 1202

ACCESSORY USES

- A. Accessory uses, buildings or other structures customarily incidental to any of the forgoing 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 1203

CONDITIONAL USE

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

- A. Automobile service stations in accordance with Section 1204. F.

SECTION 1204

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 1204. F.
- B. 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 driveway 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. 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.

- G. All premises shall be furnished with all-weather hard surface walks of a material such as bituminous or portland cement concrete, wood,

title, terrazzo or similar material, and, except for parking areas, the grounds shall be planted and landscaped.

shall

- 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 not be less than three (3) feet in height.
 - 2. A solid fence of a nondeteriorating material.
 - 3. Masonry wall.
- I. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provision of Article 34.
- 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 combined General Health District. 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 vibration which can be detected without the use of instruments at or beyond the lot lines.
- N. Package dry cleaning plants shall be designed to provide service to customers in the immediate neighborhood. The number of employees working within the plant at any one time shall not exceed a total of four (4).

Cleaning and pressing equipment permitted within the plant may include any or all of the following items but the quantity or rated capacity listed herein shall be maximum. (One boiler, 15 h.p; one cleaning machine, perchlorethylene - nonflammable, with air filter and dryer; two presses; one air compressor; and one spotting table.)

Failure to comply with any of the Required Conditions by property owners or users will be considered a zoning violation appropriate for prosecuting

under the terms of this resolution.

SECTION 1205 DEVELOPMENT STANDARDS

In addition to the provisions of Articles 26 thru 37 and 39, the following standard for arrangement and development of land and building are required in the B-2, Business District.

1205.01 HEIGHT REGULATIONS

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

1205.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS

The following minimum requirement shall be observed.

Lot Area	10,00 sq. ft.*
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 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.

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

***Or such lesser lot area and frontage as will permit compliance with the Side Yard and Off-Street Parking Requirements.**

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

1205.03 MAXIMUM LOT COVERAGE

Forty (40) percent of lot area.

1205.04 MAXIMUM FLOOR AREA RATIO

0.4

ARTICLE 13

“B-3” BUSINESS DISTRICT

PREAMBLE

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

SECTION 1301

PRINCIPAL PERMITTED USES

- A. Any use permitted Section 1201. The Required conditions of Section 1304 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 Article 4 or any Industrial District.
 - 1. Auction house.
 - 2. Automobile repair garages excluding body shops
 - 3. Automobile service stations and laundries.
 - 4. Data processing centers
 - 5. Eating places No. 2.
 - 6. Heating, air conditioning, electrical and plumbing service and repair.
 - 7. Hotels and motels.
 - 8. Indoor recreation (wholly enclosed places of recreation or amusement not heretofore appearing as Permitted Use) except for adult entertainment facilities.
 - 9. Lawn mower service and repair.

SECTION 1302

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 1303

CONDITIONAL USES

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

- A. Heliports or helistops.
- B. Adult entertainment facilities in accordance with Section 1304 and Article 38.

SECTION 1304

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, beverage 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 driveway 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 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 nondeteriorating material.
- 3. Masonry wall.
- H. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 34.
- 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 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 Combined General Health District. 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 orders 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 1305 DEVELOPMENT STANDARDS

In addition to the provisions of Articles 26 thru 39, the following standard for arrangement and development of land and building are required in the B-3, Business District.

1305.01 HEIGHT REGULATIONS

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

1305.02 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 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 feet deep.

(40)

Yard

*Or such lesser lot area and frontage as will permit compliance with the Side and Off-Street Parking Requirements.

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

1305.03 MAXIMUM LOT COVERAGE

Forty (40) percent of lot area.

1305.04 MAXIMUM FLOOR AREA RATIO

0.45

ARTICLE 14

“B-4” BUSINESS DISTRICT

PREAMBLE

This district has been established to provide for commercial and recreational activities which are conducted both inside and outside of a building.

SECTION 1401

PRINCIPAL PERMITTED USES

- A. Any use permitted Section 1301. The Required conditions of Section 1404 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. Animal hospitals, kennels or pounds, provided the kennel structure and runs are fifty (50) feet from any “R” District.
 - 3. Automobile and truck sales, new and used.
 - 4. Boat and Marine equipment sales, rental and service.
 - 5. Eating places (drive-in)
 - 6. Garden stores, garden centers, greenhouses and nurseries.
 - 7. Hay, grain and feed stores.
 - 8. Mobile home sales, rental and service.
 - 9. Motorcycle sales and service.
 - 10. Outdoor recreation (non-enclosed places of recreation or amusement not heretofore appearing as a permitted use).
 - 11. Utility trailer sales and rentals.

SECTION 1402

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 1403

CONDITIONAL USES

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

- A. Heliports or helistops.
- B. Adult entertainment facilities in accordance with Section 1404 and Article 38.

SECTION 1404 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 windows for pick up or delivery shall be issued for a “B-4” use, the applicant shall be provided with adequate driveway 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 to the public 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 Areas used for outdoor display of motor vehicles, farming equipment, recreational equipment, mobile homes and similar merchandise shall be furnished with an all weather hard surface of a material such as bituminous or portland cement concrete.
- 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 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 nondeteriorating material.
 3. Masonry wall.
- H. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 34.
- 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 Combined General Health District. 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 orders 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 1405 DEVELOPMENT STANDARDS

In addition to the provisions of Articles 26 thru 39, the following standard for arrangement and development of land and building are required in the B-4, Business District.

1405.01 HEIGHT REGULATIONS

No structure shall exceed (40) feet in height.

1405.02 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 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 feet deep.

(40)

Yard

*Or such lesser lot area and frontage as will permit compliance with the Side and Off-Street Parking Requirements.

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

1405.03 MAXIMUM LOT COVERAGE

Fifty (50) percent of lot area.

1405.04 MAXIMUM FLOOR AREA RATIO

0.5

ARTICLE 15

“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 1501

PRINCIPAL PERMITTED USES

- A. The manufacturing, compounding, assembling or treatment) or any combination of such processes) of articles or products from the following substance: bone, canvas, cellophane, clay, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious 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 as a Conditional Use in Section 1503.
 - 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 materials which decompose by detonation.
 - 6. Automobile service stations as regulated in Section 1204 F.
 - 7. Awning company.
 - 8. Bakeries, wholesale

9. Beverage distributors manufacturing, bottling plants.
10. Carpenter and cabinet shops.
11. Carpet and rug cleaning plants
12. Commercial radio and television transmitting stations, antenna towers and other electronic equipment requiring outdoor towers.
13. Eating places No. 1 and No. 2, drive-in and carry out.
14. Electric supply company.
15. Equipment rental, sales and service, including automobiles, trucks and trailers.
16. Fence company.
17. Glass distributors.
18. Labor union meeting halls.
19. Laundries, dry cleaning plants and linen supply.
20. Mail order houses.
21. Monument sales and finishing.
22. Offices.
23. Printing, publishing, binding and typesetting plants.
24. Research and engineering laboratories.
25. Sign painting and manufacturing.
26. Wholesale houses and storage facilities.
27. Warehouses which may have a maximum lot coverage of 75 percent and a maximum floor area ratio of 0.75.
28. Credit unions.
29. Service clubs.
30. Automobile repair garages.

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

SECTION 1503

CONDITIONAL USES

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

- A. Truck and motor freight terminals and hauling services.
- B. Heliports or helistops.
- C. Extraction of sand and gravel subject to the provisions of Article 35.
- D. Sanitary landfills and/or landfills used for disposing of building debris, refuse or junk.
- E. Any industrial use not listed as a permitted use in Section 1501.

SECTION 1504

REQUIRED CONDITIONS

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

- A. The industrial activity will be conducted wholly within a completely enclosed building, except for automobile service stations; drive-in restaurants; equipment rental, sales and service, including automobiles, trucks and trailers; truck and motor freight terminals and hauling services.
- B. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 34.
- 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 combined General Health District. 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.

shall

- 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 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 not be less than three (3) feet in height.
 - 2. A solid fence of a nondeteriorating 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 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 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

shall

devices standard to the industry involved.

- 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 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."

M. 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.

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 1505 DEVELOPMENT STANDARDS

In addition to provisions of Articles 26 thru 37 and 39, the following standards for arrangement and development of land and building are required in the "I-1", Light Industrial District.

1505.01 HEIGHT REGULATIONS

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

1505.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS

The 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 rear 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.

***Or such lesser frontage as will permit compliance with the Side Yard and Off-Street parking Requirements.**

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

1505.03 MAXIMUM LOT COVERAGE

Fifty (50) percent of lot area.

1505.04 MAXIMUM FLOOR AREA RATIO

0.5

ARTICLE 16

RFP - REGIONAL FLOODPLAIN DISTRICT

PREAMBLE

Certain areas within the unincorporated territory of Montgomery County, Ohio, are subject to periodic flooding and are not readily usable or suitable for residential, commercial or industrial uses.

SECTION 1601

PRINCIPLE PERMITTED USES

The following uses having low flood damage potential and not obstructing flood flows shall be permitted within the Regional Floodplain District provided they do not require structures, fill, or storage of materials or equipment. no use shall adversely affect the capacity of the channels or floodways of any tributary to the mainstream drainage ditch, or any other drainage facility or system.

- A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- B. Private and public recreational uses such as golf courses, tennis courts, driving ranges, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
- C. Uses such as lawns, gardens, parking areas and play areas when accessory to adjacent residential uses.

SECTION 1602

CONDITIONAL USES

It is recognized that there are areas within the Regional Floodplain District that are suitable for certain specific uses. These areas are generally located outside the floodway in areas known as the Flood Fringe.

The following Conditional Uses subject to approval in accordance with Article 4, Section 406 and subject to the provisions of Section 1603.

- A. Uses or structures accessory to open space or Conditional Uses.
- B. Circuses, carnivals, and similar transient amusement enterprises.
- C. Drive-in theaters, new and used car lots, roadside stands, signs, and billboards.
- D. Extraction of sand, gravel and other raw materials subject to the provisions of Article 35.

provisions

- E. Marinas, boat rentals, docks, piers, wharves.
- F. Railroads, streets, bridges, utility transmission lines and pipelines.
- G. Kennels and stables
- H. Other uses similar in nature to uses described in this Section and in Section 1601.
- I. Accessory uses for industrial or commercial uses such as loading area, and parking areas, where adjacent to Permitted Uses not in the floodplain.
- J. Airport landing strips.
- K. Uses that are compatible with contiguous uses in the same block frontage and are consistent with other development in the immediate area and adjacent zoning districts outside the RFP, Regional Floodplain District. All structures shall be constructed on fill so that the first floor and basement floor are above the regional flood protection elevation. The fill shall be at a point no lower than 1.5 feet above the regional flood protection elevation for the particular area and shall extend at such elevation at least fifteen (15) feet beyond the limits of any structure or building erected thereon. However, no use shall be constructed which will adversely affect the capacity of channels or flood ways of any tributary to the mainstream, drainage ditch or any other drainage facility or system, as determined by the Montgomery County Planning Commission in conjunction with a recognized water management and flood control authority.

SECTION 1603**REQUIRE CONDITIONS**

No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other use shall be allowed as a Conditional Use which, acting alone or in combination with existing or future uses, unduly affects the capacity of the floodway or unduly increases flood heights. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. In addition, all Conditional Uses shall be subject to the Flood Damage Prevention Regulations

for

Montgomery County, Ohio, the standards contained in Section 1605, and the following standards.

- A. Fill
 - 1. Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof not greater

than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.

2. Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover or bulkheading.

B. Structures (Temporary or Permanent) in the Floodway.

1. Structures designed for human habitation shall not be permitted in the floodway.
2. Structures shall have low flood damage potential.
3. The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstructions to the flow of floodwater.
 - a. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of floodflow, and
 - b. So far as practicable, structures shall be placed approximately on the same floodflow lines as those of adjoining structures.
4. Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river.
5. Service facilities such as electrical and heating equipment shall be constructed at or above the regional flood protection elevation for the particular area or floodproofed.

C. Storage of Materials and Equipment

1. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal, or plant life is prohibited.
2. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or readily removable from the area within the time available after a flood warning.

SECTION 1604**APPLICATION FOR A CONDITIONAL USE**

In addition to the requirements of Article 4, Subjection 406.02 the applicant shall furnish such of the following information as is deemed necessary by the Board for determining the suitability of the particular site for the proposed use.

- A. Plans in triplicate drawn to scale showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the channel.
- B. A typical valley cross-section showing the channel of the stream, of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
- C. Plan (surface view) showing elevations or contours of the ground; pertinent structures, fill, or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream, soil types and other pertinent information.
- D. Profile showing the slope of the bottom of the channel or flow line of the stream.
- E. Specifications of r building construction and materials, floodproofing, filling dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

The Board may transmit one copy of the information described in the Section to a designated Registered Engineer or other recognized water management and flood control authority for technical assistance in determining whether the proposed use is located in the Floodway or Floodway Fringe; in determining the regional flood protection elevation; and in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection and other technical matters.

SECTION 1605**FACTORS UPON WHICH THE DECISION OF THE BOARD SHALL BE BASED**

In acting upon such applications, the Board shall consider all relevant factors specified in other sections of this Article; and

- A. The danger to life and property due to increased flood heights or velocities

caused by encroachments.

16-4

- B. The danger that materials may be swept onto other lands or downstream to the injuring of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for the area.
- J. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- K. The expected heights, velocity, duration, rate of use and sediment transport of the floodwaters expected at the site.
- L. such other factors which are relevant to the purposes of this Article.

SECTION 1606

CONDITIONS ATTACHED TO CONDITIONAL USE PERMITS

Upon consideration of the factors listed above and the purposes of this Article, the Board may attached such conditions to the granting of a Conditional Use as it deems necessary to further the purposes of this Article. Among such conditions without the purposes of this Article. Among such conditions without limitation because of specific enumeration may be included.

- A. Modification of waste disposal and water supply facilities.
- B. Limitations on periods of use and operation.
- C. Imposition of operational controls, sureties and deed restrictions.

- D. Requirements for construction of channel modification, dikes, levees and other protective measures.

16-5

- E. Floodproofing measures. Floodproofing measures such as the following shall be designed consistent with the regional flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regional flood. The Board shall require that the applicant submit a plan or document certified by a Registered Professional Engineer that the floodproofing measures are consistent with the regional flood protection elevation and associated flood factors for the particular area. The following floodproofing measures may be required without limitation because of specific enumeration:
1. Anchorage to resist flotation and lateral movement.
 2. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction.
 3. Reinforcement of walls to resist water pressures.
 4. Use of paints, membranes, or mortar to reduce seepage of water through walls.
 5. Addition of mass or weight to structure to resist flotation.
 6. Installation of pumps to lower water levels in structures.
 7. Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters.
 8. Pumping facilities or comparable practices for subsurface drainage systems for building to relieve external foundation wall and basement flood pressures.
 9. Construction to resist rupture or collapse cause by water pressure or floating debris.
 10. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm water into the buildings or structures. Gravity drainage of basements may be eliminated by mechanical devices.
 11. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquid or other toxic materials which could be hazardous to public health, safety, and welfare in a matter which will assure that the facilities are situated

elevations above the height associated with the regional flood protection elevation.

ARTICLE 17
FOR FUTURE EXPANSION

ARTICLE 18
FOR FUTURE EXPANSION

ARTICLE 19
FOR FUTURE EXPANSION

ARTICLE 20
FOR FUTURE EXPANSION

ARTICLE 21

PLANNED DEVELOPMENT

SECTION 2101 PURPOSE

This Article is intended to permit the creation of a Planned Development District in accordance with Section 519.0.21 of the Revised Code of the State of Ohio. Such district is for the purpose of conserving land through more efficient allocation of private lots, multi-family dwelling units, common grounds, nonresidential uses, greater efficiency in providing public and utility services, and securing benefits from new techniques in community development and renewal. Such regulations need not be uniform, but may vary in order to promote public health, safety, and morals.

SECTION 2102 TYPES OF PLANNED DEVELOPMENT AND PERMITTED USES

Planned Developments may include a single land use or mixed land uses developed in a unified manner and will be identified on the zoning maps with the middle digits of the zoning case number preceded by the letters “PD” (e.g., PD-000).

SECTION 2103 DEVELOPMENT STANDARDS

In addition to the provisions of Articles 26 thru 33, the Development Plan must comply with the following requirements unless specifically waived by the Board of Township Trustees with the recommendation of the Zoning Commission.

2103.01 AREA REQUIREMENTS

No minimum land area shall be required.

2103.02 LAND COVERED BY BUILDINGS

The total ground floor area of all buildings for Office, Business and Industrial uses shall not exceed sixty (60) percent of the area of the tract, provided, however,
that underground parking structures, the highest portions of which are not more than thirty (30) inches above the level of the centerline of the nearest adjacent street, shall not be included in computing the area of land covered by buildings.

2103.03 PLANNING REQUIREMENTS

A. The physical character of the site shall be suitable for development in the manner proposed, without hazards to persons or property on or off the site from possible flooding erosion, subsidence, or other dangers, annoyances, or inconveniences.

- B. The site shall have direct access to a major street and not generate traffic on minor residential streets outside the district. This requirement does not apply to single family detached residential developments having an overall density of four (4) dwelling units per acre or less.
- C. Utilities and public facilities shall be developed at no cost to the public.
- D. The development shall provide for efficient, safe, convenient, and harmonious grouping of structures, uses, and facilities.
- E. There shall be an appropriate relationship of space inside and outside buildings to intended uses and structural features.
- F. Provision shall be made at points of ingress, egress and within the district to insure a free and safe flow of vehicular and pedestrian traffic.
- G. Common open space may be required.
- H. Off-street parking for more than three (3) cars, service areas for loading and unloading vehicles, and areas for storage and collection of trash and garbage shall be properly screened.

2103.04 PARKING AND LOADING

A. Residential and Office Uses

Off-street parking and loading spaces shall be required as set forth under Article 32 and Article 33 of this Resolution.

B. Business Uses

Off-street parking shall be provided at the minimum ratio of 5.5 spaces per one thousand (1,000) square feet of gross leasable area. In addition, two (2) off-street parking spaces shall be provided for each dwelling or

unit. "Gross leasable area" shall mean total floor area designed for tenant occupancy and use, including basements, expressed in square feet, measured from the centerline of joint partitions and from the outside wall faces; but shall exclude parking areas in structures reserved for tenant occupancy and use.

A minimum of two (2) percent of the area devoted to off-street parking shall be maintained in landscaping in such parking areas.

Off-street loading space shall be provided with area, location and design appropriate to the needs of the shopping center and specific uses within it, and no space designated for off-street parking shall be used as off-street loading space.

lodging

C. Industrial Uses

Off-street parking and loading spaces shall be required as set forth under Article 32 and Article 33 of this Resolution.

Off-street loading space shall be provided with area, location and design appropriate to the needs of the Industrial Park and specific uses with it, and no space designated for off-street parking shall be used as off-street loading space.

SECTION 2104 PROCEDURE

The following procedure shall be followed in placing land in a Planned Development District.

2104.01 SUBMISSION OF APPLICATION

- A. The owner (s) or lessee (s) of a tract of land may request that the Zoning District Maps be amended to a Planned Development District. Such amendment shall be processed noticed and heard in the manner prescribed in Article 6 and as described herein.
- B. The applicant is encouraged to engage in informal consultations with the staff of the Montgomery County Planning Commission and the Jackson Township Zoning Inspector prior to filing an application; however, no statement or representation by members of the staff shall be binding upon either the Commission or upon any zoning body.
- C. An application for a Planned Development may be processed, noticed, and heard by the Zoning Commission concurrently with an application for a proposed subdivision or re-subdivision of the same property pursuant to the Subdivision Regulations.
- D. The following options are available at the applicant's discretion:
 - 1. Submission of a Preliminary Development Plan, processed in the manner described in Article 6, and the subsequent submission of a Final Development Plan for any portion of the approved Preliminary Development Plan the applicant wishes to develop. The Final Development Plan submitted according to this option shall be processed in the manner described in Section 2106.
 - 2. Submission of a Final Development Plan without a Preliminary Development Plan, pursuant to Section 2107. A Final Development Plan so submitted shall be processed in the manner described in Article 6.
- E. No Zoning Certificate shall be issued for any property for which Planned

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

SECTION 2105 PRELIMINARY DEVELOPMENT PLAN

2105.01 SUBMISSION OF PRELIMINARY DEVELOPMENT PLAN

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

- A. A survey of the tract that is to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography and physical features.
- B. A preliminary site plan showing the approximate areas and arrangement of the proposed uses, the relationship of abutting land uses and zoning districts, proposed lots and blocks if any, proposed public or common open space, if any, including parks, playgrounds, school sites and recreational facilities, proposed access points, proposed parking and drives, and proposed buffers.
- C. Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed Development.
- D. In the case of a Residential Planned Development, the proposed density to which the Development shall be limited.
- E. In the case of Office, business, or Industrial, a statement identifying the principal types of office, business and/or industrial uses that are to be included in the proposed Development.

2105.02 ACTION BY THE ZONING COMMISSION

The Zoning Commission shall hold a public hearing on the Preliminary Development Plan as provided by Article 6 of this Resolution.

Such public hearing shall consider all aspects of the Preliminary Development Plan including all proposed stages and/or units of development. Within thirty (30) days after the last public hearing on such plan, the Zoning Commission shall prepare and transmit to the Board of Township Trustees and to the applicant recommendations with respect to the action to be taken on the Preliminary Development Plan. The Commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions. Copies of the findings and

interested persons.

2105.03 ACTION BY THE BOARD OF TOWNSHIP TRUSTEES

The Board of Township Trustees shall hold a public hearing on the Preliminary Development Plan as provided by Article 6 of this Resolution.

If the application is granted, the area of land involved shall be redesigned as a "PD" District by Resolution and such Resolution shall incorporate the Plan, including any condition or restriction that may be imposed by the Board of Township Trustees.

SECTION 2106 SUBMISSION OF FINAL DEVELOPMENT PLAN IN ACCORDANCE WITH AN APPROVED PRELIMINARY DEVELOPMENT PLAN

A Final Development Plan may be filed 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. Two (2) copies of the Final Development Plan and one (1) 8 1/3" x 11" Photostat of the Final Development Plan shall be submitted and shall included in test and map form:

- A. Any changes necessary to the survey described in Section 2105.01A.
- B. A site plan showing the exact location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the development, the areas to be developed for parking, the points of ingress and egress developed for parking, the points of ingress and egress including access streets where required, the relationship of abutting land uses and zoning district, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, sites and recreational facilities.
- C. A statement of the proposed total gross floor area, and the percentage of the site which is to be occupied by structures.
- D. Sketches of the proposed structures and landscaping.
- E. When a Planned Development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. No such stage or unit shall exceed by more than twenty (20) percent the proposed density of the entire Planned Development. When Planned Development 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 the entire

school

development bear to the entire Planned Development.

- F. Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all the ownership and beneficial interest in the tract of land and the proposed development.
- G. In the case of Office, Business, or Industrial Planned Development a statement identifying the principal types of office, business and/or industrial uses that are to be included in the proposed development.
- H. When a Planned Development includes provisions for common open space or recreation facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority. Copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.
- I. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development District.

2106.01 ACTION BY THE JACKSON TOWNSHIP BOARD ZONING COMMISSION

The Jackson Township Zoning Commission shall evaluate and take action on the Final Development Plan at a regular public meeting. The applicant shall submit the Final Development Plan at least twenty (20) days prior to the Zoning Commission meeting and at the same time submit the names and addresses of property owners with lot lines common to the area within such Plan. The Zoning Commission shall hold a public meeting on the Final Development Plan, considering all aspects of the Final Development Plan. Property owners with lot lines common to the area within the Final Development Plan shall be given seven (7) days advance written notice of the public meeting, said notice being given by regular mail. The Commission shall make specific findings of fact with respect to the extent to which the Final Development Plan complies with the standards set out in Section 2103 and 2109. The Zoning Commission shall disapprove, approve, or approve the Final Development Plan with amendments, conditions or restrictions. If the Zoning Resolution and that "PD" Zoning District for which the Plan is proposed, including any condition or restriction that may be imposed by the Zoning Commission. Upon approval by the Zoning Commission, the Final Development Plan will go into immediate effect.

Such approval does not, however, 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 required zoning certificates shall be dependent upon approval of the subdivision plat as set forth in Section 2110 when applicable.

PRELIMINARY DEVELOPMENT PLAN

The applicant need not file a Preliminary Development Plan if he files a Final Development Plan for his entire site, incorporating all requirements of both the Preliminary and Final Development Plans as describe in this Section. The Final Development Plan shall be processed, noticed and heard in the manner prescribed in Article 6. Two (2) 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 included in test and map form:

- A. A survey of the tract that is to be developed showing existing features of the property, including streets, alleys, easements, utility lines, existing land use, general topography and physical features.
- B. A site plan showing the location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the development, the areas to be developed for parking, the points of ingress and egress including access streets where required, the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites and recreational facilities.
- C. A statement of the proposed total gross floor area, and the percentage of the development which is to be occupied by structures.
- D. Sketches of the proposed structures and landscaping.
- E. When a Planned Development is to be constructed in stages, or units, a schedule for the development of such stages or units shall be submitted. No such stage or unit shall exceed by more than twenty (20) percent the proposed density of the entire Planned Development. When a Planned Development 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 Planned Development as the stages or units completed or under development bear to the entire Planned Development.
- F. Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development.
- G. In the case of Office, Business, or Industrial development a statement identifying the principal types of office, business and/or industrial uses that are to be included in the proposed development.
- H. When a Planned Development includes provisions for common open space or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is

and by-laws of such entity shall be submitted.

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

2107.01 ACTION BY THE ZONING COMMISSION

The Zoning Commission shall hold a public hearing on the Final Development Plan as provided by Article 6 of this Resolution. Such public hearing shall consider all aspects of the Final Development Plan including any proposed stages and/or units of development. Within thirty (30) days after the last public hearing on such plan the Commission shall prepare and transmit to the Board of Township Trustees and to the applicant specific findings of fact with respect to the extent to which the Final Development Plan complies with the standards set out in Section 2103 and 2109, and with respect to the action to be taken on the Final Development Plan. The Commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions. Copies of the

findings

and recommendations of the Commission shall be made available to any other interested persons.

2107.02 ACTION BY THE BOARD OF TOWNSHIP TRUSTEES

The Board of Township Trustees shall hold a public hearing on the Final Development Plan as provided by Article 6 of this Resolution. If the application is granted, the area of land involved shall be redesignated as a "PD" District by Resolution and such Resolution shall incorporate the Development Plan, including any condition or restriction that may be imposed by the Board of Township Trustees.

Such approval does not, however, 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 required zoning certificates shall be dependent upon approval of the Subdivision Plan as set forth in Section 2110 when applicable.

SECTION 2108 MODIFICATION OF FINAL DEVELOPMENT PLAN

Because of the difficulty in being able to supply precise data at the time of approval of the Final Development Plan, it may be necessary to make certain modifications to the Final Development Plan at a later date. Such modification shall have the approval of the Zoning Commission without additional public hearings. Adjacent property owners will be mailed notice of the time at which the Zoning Commission will review the request for modification. Such notice will be mailed at least seven (7) days prior to such review by the Zoning Commission.

Modification to the Final Development Plan shall not deter from the general intent and purpose as originally approved by the Board of Township Trustees. No modification shall be approved that will increase density or intensity, decrease parking and loading areas, reduce useable open space or reduce distance between structures and the perimeter

property line. If the modification is approved, the Final Development Plan will be changed to reflect the modification and notice will be sent to the Building Inspection

Department and Zoning Inspector.

SECTION 2109 STANDARDS FOR PLANNED DEVELOPMENTS

- A. The Planned Development can be substantially completed within the period of time specified in the schedule of development submitted by the developer.
- B. The Planned Development will not jeopardize public health, safety, and morals.
- C. The streets and driveways on the site will be adequate to serve the residents or occupants of the proposed development. Traffic control signals/signs will be provided without expense to Montgomery County when the County Engineer determines that such signals/signs are needed on or off site to prevent traffic hazards or congestion generated by the development.
- D. The development will not impose an undue burden on public services and facilities, such as fire and police protection.
- E. The Development Plan contained such proposed covenants, easements and other provisions relating to the proposed development standards, as reasonably are required for public health, safety and morals.
- F. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of the Planned Development not used for structures, parking and loading areas, or accessways, shall be landscaped or otherwise improved.

SECTION 2110 SUBDIVISION PLAT REQUIRED

No zoning certificate shall be issued for any structure in any portion of a Planned Development unless and until the final subdivision plat for that portion has been approved by the proper planning authority and recorded in the public records of the County.

This requirement may be waived by the Planning Commission when it is deemed that a subdivision plat is not required.

ARTICLE 22
FOR FUTURE EXPANSION

ARTICLE 23
FOR FUTURE EXPANSION

ARTICLE 24
FOR FUTURE EXPANSION

ARTICLE 25
FOR FUTURE EXPANSION

ARTICLE 26

EXISTING AND NONCONFORMING USE

SECTION 2601 CONFORMANCE REQUIRED

2601.01 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.

2602 INTENT

2602.01 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 2603 NONCONFORMING VACANT LOTS

2603.01 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 Jackson 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.

26-1

B. 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.

2603.02 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 2604 NONCONFORMING STRUCTURES

2604.01 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 2604.02 through 2604.04

2604.02 ENLARGEMENT, REPAIR, ALTERATIONS

Any such structure described in Subsection 2603.01 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 2603.01 or 2603.02, whichever is applicable.

2604.03 DAMAGE OR DESTRUCTION

In the event that any such structure described in Subsection 2604.01 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 2602.01 or 2602.02, 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.

2604.04 MOVING

No structure described in Subsection 2604.01 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 2605 NONCONFORMING USES

2605.01 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 2605.02 through 2605.09.

2605.02 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 2605.03 through 2605.09.
- 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 2605.05 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 804.02; 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.

2605.03 STRUCTURAL ALTERATION

Structural alterations to nonconforming single family residences within any zoning district shall be permitted in accordance with the development standards of Section 804.02, provided, however, that no increase in the number of dwelling units shall be permitted.

2605.04 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.
- G. 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.
- H. 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.

2605.05 DAMAGE OR DESTRUCTION

- A. Nothing in this Resolution shall be deemed to prevent the total restoration of any legal nonconforming single family

26-5

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.

2605.06 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.

2605.07 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.

- D. The proposed use shall be of no greater intensity and shall be more compatible with the surrounding neighborhood than the existing nonconforming use.
- E. 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 utilities, 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.
- F. 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.

- 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.
- C. 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.

2605.09 NONCONFORMING ACCESSORY USES

No nonconforming accessory use shall continue after the principal use to which it is accessory has been discontinued.

AMENDMENT TO:
JACKSON TOWNSHIP
ZONING RESOLUTION
APPROVE COMMISSION PUBLIC HEARING
01/08/2002
APPROVED TRUSTEE PUBLIC HEARING
02/05/2002
EFFECTIVE 2/5/2002

ARTICLE 27

PROVISIONS AFFECTING AREA, YARDS AND COURTS

SECTION 2701 MINIMUM FLOOR AREA FOR DWELLINGS

The minimum total livable floor area for single-family detached dwellings shall be one thousand and two hundred (1200) square feet, exclusive of basements, open porches, garages, or steps.

SECTION 2702 STREET FRONTAGE REQUIRED

Except as permitted by other provisions of the Zoning Resolution, no lot or parcel shall contain any building used in whole or in part of residential purpose unless the front lot line of such lot abuts fully on a dedicated street. There shall be not more than one principal building for each lot. Each lot shall meet the frontage requirements of the zoning district in which it is located.

SECTION 2703 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 right-of-way line if it interferes with traffic visibility across the corner.

SECTION 2704 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 2705 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 Articles 32 and 33.

ARTICLE 28

ACCESSORY USES

SECTION 2801 PERMITTED ACCESSORY USES - RESIDENTIAL AND OFFICE

The following accessory uses are permitted in each Residential District, and the Office Residential District.

- A. Private garages or carports.
- B. A structure for storage incidental to a permitted use.
- C. A guest house (without kitchen facilities) or rooms for guests in an accessory building, provided such facilities are used for the occasional housing of guest of the occupants of the principal building, and not as rental units or for permanent occupancy.
- D. A swimming pool, bathhouse, tennis court, and other recreational facilities designed for the use of the occupants of the single family dwelling and their guests. Such facilities shall occupy with the following conditions and requirements:
 - 1. The facilities shall not be located in any yard except the rear yard and shall be no closed to the side lot line than the side yard requirement for the district in which it is located.
 - 2. The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than five (5) feet in height and maintained in good condition with a gate and lock. Such five (5) foot fence or wall may be the extension of the side walls of the swimming pool.
 - 3. The facilities shall be located on the same zoning lot as the principal building, structure or use.
- E. A child's playhouse, tree house, birdhouse.
- F. Statuary, arbors, trellises, barbecue equipment, flag poles, fences, play equipment, non-mechanical laundry drying equipment, walls and hedges.
- G. Fallout shelters.
- H. Any other structure or use customarily found in conjunction with an required for full utilization and enjoyment of the principal use; and which meets the definition of accessory use in Subsection 201.01.

I. Recreational equipment subject to the following conditions:

1. Parked or stored camping and recreational 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. If the camping and recreational equipment is parked or stored outside a garage, it shall be parked or stored to the rear of the house.
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.

J. Garage Sales

(Including patio, basement, yard or block sales) may be held from 8:00 A.M. to sundown.

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 such zoning lot in any calendar year.
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 Board of Health.
4. No fee or other charge shall be imposed upon members of the public attending any such sale.
5. One non-illuminated sign not exceeding four (4) square feet in size, nor more than three (3) feet in height above grade may be displayed on the property where the sale is being held.
6. Off-premises direction-type signs (a maximum of two signs) may be used in conjunction with such garage sale providing they do not exceed four (4) square feet per sign, are not more than three (3) feet in height, and are limited in number to not more than one (1) such directional sign per collector or arterial type roadway. All signs shall be removed within twenty-four (24) hours following the conclusion of the garage sale.

7. 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.

- K. Estate auctions and moving sales shall be permitted not more than one (1) week per calendar year, provided that such estate auction is made necessary for settling the estate of the resident, or provided that such moving sale is made necessary when a residents is moving away from the lot to another dwelling.
- L. Radio, television, wind generating, or other similar dish, antennae, or structure provided such items are not located closer to the street than the front line of the house.
- M. Foster Care Homes as defined in Section 206.12 subject to the following conditions:
 - 1. 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.
 - 2. The Home is approved by the local agency responsible for providing support services and/or programs to the facility.
 - 2. Evidence that licensure or certification proceedings have been initiated and that a valid license or certificate is obtainable from the appropriate governmental agency.

SECTION 2802

PERMITTED ACCESSORY USES - BUSINESS AND INDUSTRIAL DISTRICTS

In a Business or Industrial District, any use which is customarily found in conjunction with an required for the full utilization and economic viability of the principal use which meets the definition of accessory use in Subsection 201.01, and which compiles to the applicable standards of the district in which it is located is permitted.

SECTION 2803

ACCESSORY USES NOT PERMITTED - AGRICULTURAL, RESIDENTIAL, OFFICE AND BUSINESS DISTRICTS

- A. Overnight parking or outdoor storage of trucks over one-half (1/2) ton rates capacity, business, or mobile homes shall not be permitted as an Accessory Use in an Agricultural, Residential or Office District.
- B. Outdoor storage, such as but not limited to: junk, wood, lumber, building materials, parking of inoperative or unlicensed motor vehicles or similar items of property, unless specifically permitted by the specific zoning

district regulations shall not be permitted as an Accessory Use in Agricultural, Residential, Office or business Districts.

SECTION 2804

STANDARDS

yard,

- A. An accessory building may be erected as an integral part of a principal building or it may be connected thereto by a breezeway or other similar structure.
- B. An accessory building may be erected, detached from the principal building. Except as provided in Article 29, Section 2905 B, no detached accessory building shall be erected in any yard or court, except a rear yard, and shall not occupy more than thirty-five (35) percent of the area of the required rear yard but in no case shall an accessory building be larger than the principal structure in a Residential Zoning District.
- C. For computing the percentage of occupancy of a rear yard, as required in Paragraph B hereof, if a detached accessory building is connected to the principal building by a breezeway, the ground area of such breezeway shall be considered as a part of the accessory building and be included in the computation.
- D. A detached accessory building shall not exceed twenty-five (25) feet in height or the height of the principal structure, whichever is the lesser.
- E. A detached accessory building shall be at least three (3) feet from the side and rear lot lines.
- F. On a corner lot abutting in the rear the side lot lines of a lot in a Residential District, any accessory building or part thereof within twenty-five (25) feet of the common lot line shall not be closer to the side street lot line than the least depth of the front yard required on such other lot fronting the side street; and in no case shall any part of such accessory building be closer to the side street lot line than the least width of the side yard required for the principal building to which it is accessory.
- G. On a corner lot abutting in the rear the rear lot line of a lot in a Residential District any accessory building or part thereof shall not be closer to the side street lot line than fifteen (15) feet.
- H. Except as provided in Article 29, Section 2805 B, any accessory building or structure, if not located in the rear yard, shall be an integral part of, or connected with, the principal building to which it is accessory; and shall be so placed as to meet all yard and court requirements for the principal building.

ARTICLE 29

EXCEPTIONS, MODIFICATION AND INTERPRETATIONS

SECTION 2901 APPLICATION

The requirements and regulations specified hereinbefore in this Zoning Resolution shall be subject to the following exceptions, modifications and interpretations.

SECTION 2902 HEIGHT LIMITS

Height limitations stipulated elsewhere in this Zoning Resolution shall not apply:

- A. To barns, silos or other farm related structures on farms, provided these are not less than fifty (50) feet from every lot line; to church spires, belfries, cupolas and domes, bulkheads and elevator penthouses; to parapet walls extending not more than four (4) feet above the limiting height of the building.
- B. To fire 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 2903 AREA REQUIREMENTS WITHOUT UTILITIES

In a Residential District where plumbing facilities will not be connected to public sewer and water, each lot shall contain a minimum area of forty thousand (40,000) square feet and shall have at least two hundred (200) feet of lot frontage along a public street or road.

SECTION 2904 RESIDENTIAL 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.
- C. On all corner lots the principal building shall be set back a minimum of twenty-five (25) feet on each street from the established right-of-way line as shown on the Official Thoroughfare Plan for Montgomery County, Ohio.

SECTION 2905 FRONT YARD EXCEPTIONS, AND MODIFICATIONS

- (2)
- A. In any Zoning 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 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 Zoning 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 of 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 any Zoning 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 2906 DOUBLE FRONTAGE LOTS

Building on lots having frontage on two (2) nonintersecting streets need not have a rear yard if an 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 2907 SIDE AND REAR 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. Rear yard depths may be varied where the rear wall of a building is not parallel with the rear lot line or is broken or otherwise irregular. In such cases the average depth of the rear yard shall not be less than the otherwise required least depth, provided, however, that such rear yard shall not be narrower at any point than one-half (1/2) the otherwise required least depth, or narrower than twenty (20) feet in any case.

SECTION 2908 PROJECTIONS 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 paragraphs, the above named features project into any required side yard adjoining an interior side lot line, a distance
not
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 Paragraph A, the features named therein may project
are
any required rear yards or into any required outer court the same distance they permitted to project into a front yard.

SECTION 2909 FENCES, WALLS AND HEDGES

A fence, wall, hedge, or shrubbery may be erected, placed, maintained, or grown along a line in a Residential District or adjacent thereto to a height not exceeding eight (8) feet above ground level, except that no such fence, wall, hedge, or shrubbery which is located a required front yard or the required building setback on a corner side yard shall exceed a height of three and one-half (3 1/2) feet and shall be subject to the traffic visibility requirements of Section 2703 for a corner lot.

Electrified fences shall be prohibited in all Zoning Districts except the "A" District
unless
specifically permitted by the Board of Zoning Appeals pursuant to Article 4, Section 406.

SECTION 2910 FILLING STATIONS, PUBLIC GARAGES AND PARKING LOTS

- A. No gasoline filling station or public garage shall be permitted where any dispensing

pumps any oil drainage pit or visible appliance for any such purpose other than filling caps, is located within twelve (12) feet of the established right-of-way line as shown on Official Thoroughfare Plan for Montgomery County or within twenty-five (25) feet of any "R" District, except where such appliance or pit is within a building.

- B. Canopies may be erected over service station pump islands provided that no canopy shall be closer than five (5) feet to the right-of-way and provided that the vertical supports for the canopy shall not be closer than 12 feet to the right-of-way. Such canopy shall not exceed eighteen (18) feet above the ground level and shall be at least fourteen (14) feet above the ground level. On corner lots, no canopy shall be closer than ten (10) feet to the right-of-way as shown on the Official Thoroughfare Plan for Montgomery County, Ohio.
- C. On all corner lots, all vehicular entrances to, or exits from, and curb openings, shall be set back a minimum of twenty-five (25) feet from the corner property lines extended or from the established right-of-way lines as shown on the Official Thoroughfare Plan for Montgomery County, Ohio. All curb opening whether on
 - a. corner lot or not, shall not exceed forty (40) feet in width at the curb line, and thirty (30) feet at the property line. There shall be a minimum of twenty (20) feet measured along the property line, between any series of driveways.

SECTION 2911 EXOTIC ANIMALS

- A. No person shall own, harbor, keep, breed, sell or import any exotic animals or reptiles. The term "exotic animal or reptiles" shall mean other wild animals/reptiles not indigenous to Ohio. Example: lions, tigers, elephants, alligators, crocodiles, etc.
- B. Exemptions and special provisions:
 - 1. Exotic animals purchased or adopted and housed on the subject property prior to the adoption of this amendment providing:
 - a. That a bill of sale or notarized statement which verifies this date is provided.
 - b. That such exotic animal be confined in a house, building, or other enclosure in such a way that human contact, other than the owner (s) cannot occur.
 - 2. Wild animals held for exhibit or use by research institutions and other governmental agencies having legal authority to possess wild animals, publicly supported zoos, circuses, or extensions thereof.
 - 3. Any animal which is commonly sold by a bona fide commercial pet shop.

SECTION 2912 MOBILE HOMES OR HOUSE TRAILERS - PERMITTED LOCATION

Mobile Homes or House Trailers must be located in Mobile Home Parks.

ARTICLE 30

EXEMPTIONS FROM ZONING PROVISIONS

SECTION 3001 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and other Resolutions of the County, it being the intention hereof to exempt such essential services from the application of this Zoning Resolutions.

SECTION 3002 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 3003 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.

ARTICLE 31

SIGN AND BILLBOARD REGULATIONS

SECTION 3101 GENERAL PROVISIONS

The following general provisions are applicable to all signs unless modified by the general requirements or standards of a specific zoning district:

- A. All freestanding and projecting signs shall be set back twenty-five (25) feet from the right-of way as shown on the Official Thoroughfare Plan for Montgomery County and shall meet the side and rear yard requirements for the district in which they are located unless otherwise specified in this Article.

3101.01 ADVERTISING SIGNS

Advertising signs, where permitted, shall comply with the following:

- A. Only one (1) sign per premise in individual ownership.
- B. Freestanding advertising signs, including extension, are not permitted on premises which have a freestanding identification sign.
- C. Freestanding advertising signs shall not exceed thirty (30) feet in height.
- D. Signs other than paint bulletins and poster panels shall not exceed one hundred twenty-eight (128) square feet of total sign area.
- E. Paint Bulletins and Poster Panels:
 - 1. Such structure may contain:
 - a. Two (2) paint bulletins back to back or;
 - b. One (1) paint bulletin backed with one (1) poster panel or;
 - c. Two (2) poster panels back to back or;
 - d. One (1) paint bulletin or one (1) poster panel.
 - 2. The face of any paint bulletin or poster panel shall not be greater than twelve (12) feet in vertical dimension or greater than twenty-five (25) in horizontal dimension.
 - 3. Structures containing paint bulletins and/or poster panels shall be located so as to be spaced not closer than one thousand (1,000) lineal feet between such structures and shall be at least two hundred (200) feet from any R, OR-1, or Residential Planned Development Zoning District.

Signs located on an awning or canopy shall:

- A. Be affixed flat to the surface thereof.
- B. Not extend vertically or horizontally beyond the limits of the awning or canopy.
- C. Be non-illuminated and indicate only the name and address of the occupant.

3101.03 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, warning signs, railroad crossing signs, and signs of public service companies for the purpose of safety.
- B. Flags, emblems and insignia of any governmental agency, subdivision and temporary displays of patriotic, religious, charitable or civic character.
- C. Commemorative plaques placed by recognized historical agencies.
- D. Signs within a stadium, open-air theater, shopping center, area or other use which signs can be viewed only by persons within such stadium, open-air theater, shopping center, area or other use.

The following signs are not subject to the setback provisions of this Resolution.

- A. Directional Signs.

3101.04 MAINTENANCE AND REMOVAL OF SIGNS

- A. All signs and sign structures shall be kept in repair and in a property state of preservation.
- B. Signs which are no longer functional, or are abandoned, shall be removed or relocated in compliance with the provisions of this Resolution, within thirty (30) days following such malfunction.

3101.05 MARQUEE SIGNS

Signs or sign structures located on a marquee shall:

- A. Be affixed to the face or top thereof.
- B. No be greater than four (4) feet in vertical measurement above the marquee.

- C. Not extend vertically below the marquee.

- D. Not extend horizontally more than eighteen (18) inches beyond the marquee limit.

3101.06 NONCONFORMING SIGNS

shall

- 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 not prohibit the posting or maintaining in a safe condition any sign which is nonconforming, but if the signs is damaged to more than one-half (1/2) of its replacement value 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.

3101.07 PAINTED WALL SIGNS

- A. 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.
- B. A painted wall sign shall not be used as an advertising sign.

3101.08 PERMITS

Permits shall be obtained for erection, construction or modifying of any sign, as regulated by the Building Inspection Department of Montgomery County.

3101.09 POLITICAL SIGNS

Political signs shall be allowed within any Zoning District within the time period from sixty (60) days before the election to fourteen (14) days after the election. Permits shall not be required for political signs.

3101.10 PORTABLE SIGNS

- A. Shall not be located on the property more than thirty (30) days in any one hundred eighty (180) day period.
- B. Shall not exceed thirty-two (32) square feet per face.
- C. All electrical work and equipment involved shall conform to the National Electric Code (NEC).

3101.11 PROHIBITED SIGNS

- A. No signs shall be attached or otherwise applied to trees, bus shelters, utility poles,

- B. Pennants, banners, streamers, and similar type of 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 projection 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.
- G. All advertising signs, painted bulletins, and poster-panels within six hundred and sixty (660) feet from the nearest edge of the right-of-way of all interstate highways and freeways carrying a state route designation wherein the sign message is in any way visible from the traveled roadway.
- H. Roof signs.

3101.12 PROJECTING SIGNS

- A. The bottom of a projecting sign may not be less than ten (10) feet above grade.
- B. Shall be erected in such a manner that it forms an angle of ninety (90) degrees with the wall to which it is attached or with the property line where the detached sign is erected.
- C. Projecting signs erected at the corners of buildings or properties may be set so as to direct the angle between the intersecting walls or property line.
- D. 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.

3101.13 SIGN RESPONSIBILITY

- A. The building or property owner shall be held responsible for the removal and disposal of all abandoned signs including the complete blocking out of painted wall signs.
- B. The owner of the sign shall be held responsible for the maintenance, repair and upkeep of his signs.

- C. If any sign reaches a state of disrepair and is deemed unsightly or unsafe by the Montgomery County Building Inspector, and is not properly renovated, it shall

be condemned and an order issued for removal immediately at the expense of the sign owner or building owner.

3101.14 SIGNS NEAR “R” AND RESIDENTIAL “PLANNED DEVELOPMENT” DISTRICT

“Planned

- A. No sign shall be located in an “A,” “B,” “I,” or Commercial or Industrial Development” District within one hundred (100) feet of any “R” or Residential “Planned Development” District in such a manner as to be primarily viewed from an “R” or Residential “Planned Development” zoned property or from any street or alley within such district.
- B. Any sign, the face of which is parallel to a street property line and lies for its entire width opposite a “B,” “I” or Commercial or Industrial "Planned Development" District shall be deemed prima facie, not be primarily viewed from an “R” or Residential “Planned Development” District.

3101.15 TEMPORARY SIGNS

- A. Shall be located on the premises to which they refer.
- B. Shall be removed within fourteen (14) days from the beginning of the intended use, sale, rental or lease of the premises.
- C. Shall not be illuminated.

3101.16 TRAFFIC HAZARDS

manner

- A. No sign shall be erected at or near any intersection of any streets, 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 word, phrase symbol in such manner as to interfered 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.

3101.17 WALL SIGNS

- A. Shall not extend more than fifteen (15) inches from the wall of the structure upon which it is mounted.
- B. 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.

- C. Shall not extend above the top of the wall, nor extend beyond the ends of the wall to which they are attached.

SECTION 3102 SIGNS IN RESIDENTIAL DISTRICT “R-1”, “OR-1” AND RESIDENTIAL “PLANNED DEVELOPMENTS”

3102.01 GENERAL REQUIREMENTS

- A. The following functional types of signs are permitted in Residential Districts:
 - 1. Bulletin boards.
 - 2. Construction signs.
 - 3. Directional signs
 - 4. Identification signs.
 - 5. Real estate signs.
 - 6. Temporary signs.
 - 7. Warning signs.
- B. The following structural types of signs are permitted in Residential Districts:
 - 1. Freestanding signs.
 - 2. Projecting signs.
 - 3. Wall signs.
- C. On interior lots one identification, real estate, bulletin board, temporary and/or construction signs is permitted.
- D. On corner and through lots, one identification, real estate, bulletin board, temporary and/or construction sign is permitted to face each street upon which the property abuts.
- E. No sign shall project beyond the limits of the setback line.
- F. Directional signs are permitted as needed, provided that they do not exceed one square foot in sign area per face.

- G. Construction signs:

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.

H. Real estate signs:

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.

I. All signs may be illuminated except where illumination is specifically prohibited.

J. Warning signs:

1. Shall not exceed twelve (12) square feet in sign area.
2. Shall be permitted as needed.

K. Sign heights:

1. Freestanding signs shall not exceed forty (40) feet in height.
2. Signs mounted on or attached to the wall of a building shall not exceed the height of the building.

3102.02 STANDARDS

A. Identification signs for the following uses shall not exceed one square foot in sign area per face with total sign area limited to two (2) square feet per sign:

1. Single family dwellings.
2. Two family dwellings.
3. Accessory uses, home occupations and temporary buildings.

B. Identification signs and bulletin boards for the following uses shall not exceed thirty-two (32) square feet per face with total sign area limited to sixty-four (64) square feet per sign.

1. Cemeteries.
 2. Places of worship.
 3. Public parks, playgrounds and community centers.
 4. Publicly owned and operated buildings and facilities.
 5. Schools and colleges for academic instruction.
 6. Private noncommercial golf courses (not including driving ranges, miniature golf courses, and pitch-and-putt courses), swimming pools and tennis courts, and accessory uses.
 7. Mobile home parks.
- C. Identification signs for the following uses shall not exceed four (4) square feet of sign area per face with the total sign area limited to eight (8) square feet per sign.
1. Barber and beauty shops
 2. Nursery or child care centers.
 3. Offices.
 4. All other permitted and conditional uses if not listed above.
- D. Identification sign area for single or multiple family development.
1. Shall be computed on the basis of one (1) square feet per face for each dwelling unit.
 2. No sign shall exceed thirty-two (32) square feet per face with total sign area limited to sixty-four (64) square feet.
 3. No sign shall exceed ten (10) feet in height and shall not obstruct traffic visibility.
- E. Real estate signs for single family subdivisions and for multiple family developments or grouping under one ownership containing twelve (12) or more dwelling units:

31-8

1. Shall be located on the premises to which the sign pertains.
2. Shall not exceed thirty-two (32) square feet of sign area per sign face.

3. Shall not be illuminated.
4. Shall be considered temporary signs.

SECTION 3103 SIGNS IN “O-2” AND OFFICE “PLANNED DEVELOPMENT” DISTRICT

3103.01 GENERAL REQUIREMENTS

- A. The following functional types of signs are permitted in the O-2, Office District and Office Planning Development District:
 1. Bulletin boards.
 2. Construction signs.
 3. Directional signs.
 4. Identification signs.
 5. Real estate signs.
 6. Temporary signs.
 7. Warning signs.
- B. The following structural types of signs are permitted in the Office District:
 1. Wall signs.
 2. Projection signs.
 3. Freestanding signs.
- C. On interior lots one (1) identification, real estate, bulletin board, and/or construction sign is permitted.
- C. On corner and through lots one (1) identification, real estate, bulletin board, and/or construction sign is permitted to face each street upon which the property abuts.
- E. No sign shall project beyond the limits of the setback lines.
- F. Directional signs are permitted as needed, provided they do not exceed one square foot in sign area per face.
- G. Construction signs shall not exceed twelve (12) square feet in total area.
- H. Real estate signs:
 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.
- I. All signs may be illuminated except where illumination is specifically prohibited.
- J. Warning signs:
1. Shall not exceed twelve (12) square feet in are per sign.
 2. Shall be permitted as needed.
- K. Sign height:
1. Freestanding 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.

3103.02 STANDARDS

- A. Identification signs for the following uses shall not exceed thirty-two (32) square feet in sign area per face with the total sign area limited to sixty-four (64) square feet.
1. Nursing, rest, or convalescent homes.
 2. Nursery and child care centers.
 3. Accessory uses and conditional uses.
- B. Total are for all identification signs for the following uses shall not exceed four (4) square feet of sign area per lineal foot of frontage. Freestanding signs shall not exceed eighty (80) square feet of sign area per face.

31-10

1. Banks and financial institutions.
2. Hospitals.
3. Offices.

4. Medical and dental clinics, medical and research facilities.

SECTION 3104 SIGNS IN AGRICULTURAL, BUSINESS, INDUSTRIAL AND COMMERCIAL AND INDUSTRIAL “PLANNED DEVELOPMENT” DISTRICTS.

3104.01 GENERAL REQUIREMENTS

Business

- A. The following functional types of signs are permitted in the Agricultural, and Industrial Districts and Business and Industrial Planned Development District:

1. Advertising signs.
2. Construction signs.
3. Directional signs.
4. Identification signs.
5. Real estate signs.
6. Promotional signs.

- B. Identification signs may be any of the following structural types of signs:

1. Awning signs.
2. Canopy signs.
3. Freestanding signs.
4. Marquee signs.
5. Painted wall signs.
6. Projection signs.
7. Wall signs.

31-11

- C. Advertising, real estate, directional, and construction signs may be any of the following structural types of signs:

1. Freestanding signs.

2. Wall signs.
- D. Promotional signs may be any of the following structural types if signs:
1. Freestanding signs.
 2. Wall signs.
 3. Portable signs.

SECTION 3104.02 STANDARDS, GENERAL

- A. All signs may be illuminated unless otherwise specified.
- B. Sign height:
1. Signs mounted on or attached to the wall of a building shall not exceed the height of the building.
 2. Unless otherwise specified in this Section or in Section 3104.03, freestanding signs shall not exceed thirty-five (35) feet in height.
 3. Freestanding identification signs for automobile service stations, motels/motels and eating places oriented towards a state or federal highway, which is higher in elevation than the base of the sign, shall observe the following height limitations:
 - a. The sign height may exceed the height of the elevated highway to which it is oriented by twenty (20) feet, but in no case shall the sign exceed sixty (60) feet in height measured from the base.
 - b. To be considered oriented towards an elevated highway frontage, a sign must be within one hundred fifty (150) feet of said elevated street.

SECTION 3104.03 STANDARDS FOR SPECIFIC TYPES OF SIGNS.

- A. Advertising Signs.

Advertising Signs are regulated by Section 3101.01.

31-12

- B. Construction Signs
1. One (1) sign per frontage.
 2. Shall be limited to four (4) square feet in area per contractor.

3. Shall not exceed thirty-two (32) square feet per face.
4. Shall not exceed ten (10) feet in height.
5. Shall be considered temporary signs.
6. Shall not be illuminated.

C. Directional Signs

1. Shall be permitted as required.
2. Shall be limited to four (4) square feet of sign area per face.
3. Freestanding signs shall not exceed thirty (30) inches in height.
4. Shall not obstruct traffic visibility.

D. Identification Signs.

1. Total sign area permitted shall not exceed four (4) square feet of sign area per lineal foot of frontage.
2. Wall or painted wall signs:
 - a. One (1) sign per frontage.
 - b. The total sign area shall not exceed one hundred fifty (150) square feet.
3. Projecting, freestanding, marquee, awning, or canopy identifications:
 - a. One (1) sign per lot frontage.
 - b. Total sign area shall be determined by using the distance from the nearest part of the sign to the nearest common wall with an adjoining use or the nearest property line (whichever is closer), multiplying the first fifteen (15) feet or portion thereof by five (5), the next ten (10) feet or portion thereof by four (4) and the remainder times three (3).

31-13

- c. No sign shall be restricted to less than thirty-two (32) square feet per face.
- d. No sign shall be greater than one hundred (100) square feet per face.
- e. Freestanding identification signs are not permitted on premises

which have a freestanding advertising sign.

E. Real Estate Signs

1. One (1) sign per frontage.
2. Shall not exceed thirty-two (32) square feet per face.
3. Shall not exceed ten (10) feet in height.
4. Shall not be illuminated.

F. Promotional Signs

1. One (1) sign per frontage.
2. Shall not exceed thirty-two (32) square feet per face.
3. Shall not exceed ten (10) feet in height.
4. Portable signs are also subject to the regulations in Section 3101.10.

ARTICLE 32

OFF-STREET LOADING AREAS

SECTION 3201 OFF-STREET LOADING SPACES REQUIRED

In connection with every building or part thereof hereafter erected, except dwellings, there shall be provided, on the same lot with such buildings, off-street loading spaces or berths, for uses which customarily receive or distribute material or merchandise by vehicle, in accordance with the requirements of Section 3202 of this Article.

SECTION 3201 OFF-STREET LOADING REQUIREMENTS

Off-street loading requirements shall be as follows:

BUILDING AREA	NUMBER OF SPACES REQUIRED
Less than 1,000 sq. ft.	Non required.
More than 1,000 sq. ft. but less than 10,000 sq. ft.	One space.
More than 10,000 sq. ft. but less than 40,000 sq. ft.	Two spaces.
40,000 sq. ft or more	Three spaces, plus one space for each sq. ft. over 40,000 sq. ft. of building area.

30,000

SECTION 3203 OFF-STREET LOADING STANDARDS

- A. Dimension: Each off-street loading space shall be at least ten (10) feet in width by twenty-five (25) feet in length having vertical clearance of fifteen (15) feet or more, plus adequate area for ingress or egress.
- B. Surfacing: All open loading spaces shall be graded and improved with bituminous concrete or Portland cement concrete.
- C. Drainage: All loading spaces shall be provided with adequate drainage facilities as approved by the County Engineer.
- D. Location: All required loading spaces shall be off-street and shall be located on the same lot as the specific use to be served. No loading space shall be located within a required front or side yard when adjacent to a Residential District. No permitted or required loading space shall be located within fifty (50) feet of the nearest point of intersection of any two (2) streets or highways.

ARTICLE 33

OFF-STREET PARKING

SECTION 3301 OFF-STREET PARKING REQUIRED

structure
In connection with every use, there shall be provided, at the time any building or structure is erected, or at the time any use of land is extended, off-street parking as provided in Section 3302 of this Article, except that no off-street parking space shall be required for uses in existence as of the effective date of this Zoning Resolution.

SECTION 3302 OFF-STREET PARKING REQUIREMENTS

Off-street parking requirements shall be as follows:

USE	NUMBER OF SPACES REQUIRED
Group No. 1 Dwelling and Lodging Uses:	
One and Two Family Dwellings.	One space for each dwelling unit.
Three Family Dwellings and Mobile Home Parks.	One and one-half spaces for each dwelling unit.
Four or more dwellings units.	Two spaces for each dwelling unit.
University owned or leased housing, fraternities and sororities.	One space for each three occupants calculated on the designed capacity of the building.
Hotels and Motels.	One space for each rental unit plus one space for each employee on the maximum work shift plus such spaces as required by this Resolution for restaurants, assembly rooms and affiliated facilities.
Housing for the Elderly.	One space for each two dwelling units.

Rooming Houses. One space for each two roomers or boarders based on the designed capacity of the building plus two spaces for a resident owner or resident manager.

Group No. 2 Business and Commercial:

All business and commercial establishments, except those specified hereafter. One space for each 300 sq. ft. of floor area.

Retail Stores. One space for each 250 sq. ft. of floor area.

Barber shops, beauty parlors, or similar personal service. Four spaces per chair.

Eating Places. One space for each 100 sq. ft. of floor area with a minimum of fifteen spaces for Eating Places-Drive-In and ten spaces for Eating Places – Carry-Out.

Automobile service stations. Six spaces, plus one for each employee on the largest shift, except that stations which primarily dispense only petroleum products and have no under-roof facilities for the repair and servicing of motor vehicles will require only two spaces, plus one for each employee on the largest shift.

Furniture stores, appliance stores, automobile sales rooms and new and used car lots. One space for each 1,000 sq. ft. of enclosed floor area and one space for each 3,000 sq. ft. of open lot area devoted to the sale and display of motor vehicles.

Laundromats. One space for each two washing or cleaning machines.

Private clubs and lodges. One space for each member of the staff, plus one space for each three club members, plus one space for each room which can be used to provide lodging accommodations for members or their guests.

Group No. 3 Office:

Administrative or business office. One space for each 300 sq. ft. of floor area.

Group No. 4 Medical and Health:

Dental clinics and offices. Two spaces for each examination or treatment room, plus one space for each dentist and other employees.

Medical clinics and offices. Three spaces for each examination or treatment room, plus one space for each doctor and other employees.

Hospital or similar medical facility. One space for each hospital bed, plus one space for each two employees and staff on the combined major work shifts.

Nursing home, rest home and convalescent homes. One space for each two beds.

Funeral Homes. One space for each 50 sq. ft. of floor area in public rooms, plus one space for each vehicle maintained on the premises, plus one space for each employee.

Life Care Retirement Center. One space for each two beds plus one space for each two individual dwelling units.

Group No. 5 Education:

Elementary Schools, Junior High Schools public or private. One space for every 30 classroom seats, plus one for each teacher or other employee.

High Schools, public or private. One space for each 6 students based

	on the design capacity of the building, plus one space for each teacher or other employee.
Nursery or child care centers.	Two spaces, plus one space for each staff member.
Colleges and Universities.	One space for each 5 classroom seats plus one space for each 3 seats in an auditorium.
Trade of commercials.	One space for each student, based on the design capacity of the building, plus one space for each teacher or other employee.
Libraries, museums, art galleries, and other buildings.	One space for each 300 sq. ft. of floor area.
Group No. 6 Recreation and Religion:	
Churches, chapels, temples, synagogues, auditoriums, gymnasiums, stadiums, and other places of public assembly.	One space for each three seats or bench seating spaces.
Theaters.	One space for each two seats.
Assembly halls, dance halls, exhibition halls, or rooms without seats.	One space for each 50 sq. ft. of floor area.
Golf courses, swimming pools or similar places.	One space for each three patrons the establishment is designed to service.
Enclosed place of amusement or recreation or similar place of assembly.	One space for each 100 sq. ft. of floor area devoted to assembly.
Bowling establishments.	Five spaces for each bowling lane, plus such additional space as may be required for affiliated uses.
Health Spa.	One space for each 50 sq. ft. of floor area.

	Manufacturing, warehousing, wholesaling or similar establishments.	One space for each two employee on the combined work shift, plus one space for each 10,000 sq. ft. of floor area, plus one space for each vehicle maintained on the premises.
employees on	Cartage, express, parcel delivery, and freight terminals.	One space for each 2 the combined work shifts plus one space for each motor vehicle maintained on the premises.

SECTION 3303 OFF-STREET PARKING STANDARDS.

3303.01 GENERAL

A. Utilization

Required off-street parking facilities as listed in Section 3302 shall be solely for the parking of motor vehicles in operating condition, of patrons, occupants or employees of such uses.

B. Size

A required off-street parking space shall be at least ten (10) feet in width and at least twenty (20) feet in length exclusive of access drives or aisles, ramps, columns, office or work areas.

C. Access

Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space, and which except for single and two family residences, does not require a vehicle to back into a public street or highway. Such aisle or driveway shall not be used for the parking of other vehicles, except that the driveway of single family residence may be counted as one parking space.

D. Required Yards

Structures and buildings containing off-street parking shall be subject to the yard requirements applicable in the district in which located. Off-street parking areas open to the sky may be located on any yard, except that:

1. In any "A," "R," or "OR-1," District, off-street parking shall not be located in any required front yard except that hard surfaced driveways in

the “A” and “R-1” Districts may be used for off-street parking of passenger cars only.

2. In any “A,” “R,” “OR-1” or “B-1” District on a corner lot devoted to a residential use, the off-street parking shall not be located closer to the side lot line bounding a street than the minimum side yard width prescribed by the development standards for the district.
3. If a lot is devoted to a nonresidential use and if its front lot line, side lot line or rear lot line separates the lot from a lot in a Residential District, the off-street parking facilities located thereon shall not be closer to such lot line than the minimum front yard depth, side yard width, or rear yard prescribed by the development standard for the district.

depth

E. Location

All required parking spaces shall be located as follows:

1. In any “A,” “R,” or “OR-1” or “B-1” District on the same lot as the building or use served.
2. Noncontiguous parking lots shall not be separated from the building or use by a major street unless a signalized crosswalk is available within one hundred (100) feet.
3. In any Industrial District on the same lot as the building or use served, or a contiguous parcel or within one thousand (1,000) feet of the nearest point of the principal structures; provided, however, that no off-street parking facilities for a business or industrial use shall be located in a Residential District.

F. Restricted Parking Lots - Conditional Use

Notwithstanding the provisions of Subsection 3303.01 E, the Board of Zoning Appeals may permit the use of land lying in a zoning district in which parking

lots

otherwise are not a permissible use as restricted parking lots.

1. The Board’s approval of a restricted parking lot must be based on a that:
 - a. The parcel to be used is located not more than fifty (50) feet from the parcel on which is located the land use requiring such parking facilities.

finding

- b. The parking lot or parking lots shall be fore use in connection with a permissible use in an adjacent zoning district (whether such adjacent district is within the territory subject to this Resolution or is within a territory subject to the zoning restrictions of another zoning authority). Such parking lot shall be used solely for the parking of private passenger vehicles.
 - c. The parking lot shall not be used for repair work or vehicle servicing or loading of any kind, and no advertising signs of any kind shall be erected on the lot.
 - d. The parking lot shall be closed between 11 P.M. and 7 A.M.; except as may be otherwise permitted by the Board of Zoning Appeals.
- 2. Application for a conditional use certificate shall be treated, processed, noticed and heard in the manner prescribed for in Section 406 hereof.
 - 3. The Board shall impose further conditions, such as screening and landscaping, as may be necessary and appropriate, in order to reduce the adverse effect of a parking lot upon the preservation of the residential character and development of the Residential District in which the parking lot is proposed to be located.

3303.02 MAINTENANCE

A. Surfacing

All open off-street parking area (except a required parking space accessory to a single family dwelling on a lot exceeding 40,000 sq. ft. in land area) shall be graded and provided with a hard surface of bituminous or portland cement concrete.

B. Separation

All open off-street parking areas shall be separated from public sidewalks and/or the street right-of-way as shown on the Official Thoroughfare Plan or the existing right-of-way, whichever is greater, by a space at least four (4) feet in width, and a six (6) inch high barrier (curb) shall be provided on the parking lot side of the

four

(4) foot width.

C. Screening

When any open off-street parking area containing more than five (5) parking spaces is adjacent to the Residential District, an effective buffer or screen, consisting of a solid wall, fence, or dense living hedge, shall be provided at the lot line to protect the privacy of the adjoining residential uses. such wall, fence, or hedge shall be not less than six (6) feet in height.

D. Lighting

Any lighting used to illuminate off-street parking areas shall be equipped with suitable shielding or be so designed as to prevent a glare at eye level on surrounding public or private property.

E. Repair and Service

No motor vehicle repair work or service of any kind, except that emergency repairs shall be permitted in or in association with any off-street parking area.

F. Drainage

All open off-street parking areas shall be provided with adequate drainage facilities as approved by the County Engineer. Said approval will not be required for off-street parking in district "A" and "R-1."

G. Interior Design

All parts of open off-street parking areas which are unusable, either for parking or for traffic, shall be paved or landscaped with plantings of grass, flowers, shrubs and/or trees, which shall be continuously maintained.

H. Marking

Designated parking spaces shall be marked on the surface of the parking area with paint or permanent marking materials and maintained in clearly visible condition.

3303.03 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 centerline of walls separating two (2) buildings.

B. Hospital Bassinets

In hospitals, bassinets shall not be counted as beds.

C. Places of Public 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 of this Zoning Resolution.

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 result in requirement of a fractional space, any fraction up to one-half (1/2) shall be disregarded and fractions of over and including one-half (1/2) shall require one parking space.

3303.04 ADDITIONS AND EXTENSIONS

Whenever any addition to a building or extension of land use results in an increase in the number of units used to measure required off-street parking spaces, and such addition or extension creates a need for an increase of more than ten (10) percent in the number of 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.

A. Exception

In the case of additional dwelling units created by conversion of an existing dwelling, one off-street parking space shall be required for each additional dwelling unit so created.

3303.05 MIXED OCCUPANCIES AND USES NOT SPECIFIED

In the case of mixed uses, the total requirements of for off-street parking facilities shall

be

the sum of the requirements for the various uses computed separately. Where a use is not specifically mentioned in Section 3302, the requirements for a use which is so mentioned and to which said use is similar shall apply. Off-street parking facilities for one use shall not be considered as providing requirements for any other use, except as specified for joint use.

3303.06 COLLECTIVE PROVISION

off-

Nothing in this Article shall be construed to prevent collective provision of off-street parking facilities for two (2) or more buildings or uses, provided that the total of such

parking

street parking spaces supplied collectively shall be not less than the sum of the requirements for the various uses computed separately; provided, however, that the requirements set forth in Subsection 3303.01 E as to maximum distances between

areas and establishments served shall apply to each establishment participating in the collective provisions of parking.

ARTICLE 34

NOISE

SECTION 3401 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” weighing 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 3402 EXEMPTIONS

- A. The following shall be exempt from the provision of Section 3403, Table 1, 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 3403, Table I and II, at all times.
 - 1. Sounds created by motor vehicles operated on public roads and highways.

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 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.

the

SECTION 3403 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.

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**

Noise Source	Residential	Receiving Property	
		Business	Industrial
Business	60 dBA	60 dBA	65 dBA
Industrial	60 dBA	65 dBA	70 dBA

2. **Table II - Nighttime Noise Limits**

Noise Source	Residential	Receiving Property	
		Business	Industrial
Business	50 dBA	60 dBA	65 dBA
Industrial	50 dBA	65 dBA	70 dBA

SECTION 3404 DEFINITIONS APPLICABLE TO TABLES I AND II

and

- A. **Residential.** Shall include all residential zoning districts comprising A, R-1, Residential Planning Development District, and OR-1.
- B. **Business.** Shall include all business zoning districts comprising Office and Business Planned Development Districts, B-1, B-1A, B-2, B-3, and B-4.
- C. **Industrial.** Shall include all industrial zoning districts comprising I-1 and Industrial Planned Development District.

ARTICLE 35

EXTRACTION OF MINERALS

SECTION 3501 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 3502 DEVELOPMENT STANDARDS

- A. No mining of sand and gravel shall be carried on, or any stockpile placed closed 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 line 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 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.
- E. 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 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 3503 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 nonflammable 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 so 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 operations, 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 36

PRIVATE NONCOMMERCIAL GOLF COURSES, SWIMMING POOLS AND TENNIS COURTS

SECTION 3601 REQUIRED CONDITIONS

- A. Swimming pools, except for a pool for the occupants of a single family dwelling shall comply with the following conditions and requirements.
 - 1. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line.
 - 2. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.
- 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 lines.

ARTICLE 37

COMMUNITY ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITIES AND HALFWAY HOUSES

SECTION 3701 SUBMISSION REQUIREMENTS

The operator or agency applying for a conditional use permit to operate a Community Oriented Residential Social Service Facility or Halfway House shall submit the following information to aid the Board of Zoning Appeals in their review of the requested facility:

- A. Identification of similar facilities presently existing within (local jurisdiction) and contiguous jurisdiction and confirmation the siting 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 structure outline and 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 3702 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 not such standards exist, then the following minimum area shall apply:

- 1 Common indoor area shall consist of at least 25 square feet per individuals.

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 requirements.
- 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 a 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 substituted for a portion of the required off-street spaces if approved by the Board of Zoning Appeals.
- F. No facility shall be permitted within 1,500 feet of another Community Oriented Residential Social Service Facility or Halfway House and the siting of the facility complies with the Residential Care Opportunities Guide for Montgomery County.

can

The Board of Zoning Appeals may reduce this standard if the applicant show that, due to 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.

SECTION 3703

FINDING 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 relative to the following criteria. Upon findings 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 residential social service facility or 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 500 feet of another CORSSF or 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 persons 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.

ARTICLE 38

ADULT ENTERTAINMENT FACILITIES

SECTION 3801 REQUIRED CONDITIONS

- A. No adult entertainment facility shall be established within five hundred (500) feet of any area zoned for residential use.
- B. (1,000) feet of any school, library, or teaching facility, whether public or private, governmental or commercial, which school, library, or teaching facility is attended by persons under eighteen (18) years of age.
- C. No adult entertainment facility shall be established within a radius of one thousand (1,000) feet of any park or recreational facility attended by persons under eighteen (18) years of age.
- D. No adult entertainment facility shall be established within a radius of one thousand (1,000) feet of any other adult entertainment facility or within a radius of two thousand (2,000) feet of any two (2) of the following establishments:
 - 1. Cabarets, clubs, or other establishments, which feature topless or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
 - 2. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
 - 3. Pawn shops.
 - 4. Pool or billiard halls.
 - 5. Pinball palaces, halls, or arcades.
 - 6. Dance halls or discotheques.
- E. No adult entertainment facility shall be established within a radius of one thousand (1,000) feet of any church, synagogue, or permanently established place of religious services which is attended by persons under eighteen (18) years of age.
- F. Divisions (A) through (E) above, may be waived by the Board of Zoning Appeals provided that the applicant provides affidavits of fifty-one (51) percent of the property owners and resident freeholders within the above described radius giving their consent to the establishment of an adult entertainment facility and if the Board determines:

injurious
will be

1. That the proposed use will not be contrary to the public interest or to nearby properties, and that the spirit and intent of this Section observed.
2. That the proposed use will not enlarge or encourage the development of skid row or similar depressed area.
3. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal, residential or commercial reinvestment, or renovation of a historical area.
4. That all applicable regulations of this Section will be observed.

ARTICLE 39

INDEPENDENT HOUSING ALTERNATIVES FOR THE ELDERLY

SECTION 3901 REQUIRED CONDITIONS

- A. Licensing or approval of facility by the central licensing body.
- B. The facility shall not be used to house more residents, than can be housed therein consistent with the health, safety and welfare of residents as determined by the central licensing body.
- C. The facility shall comply with applicable building, zoning and health codes.
- D. The facility shall not generate traffic unreasonably greater in volume than would otherwise normally occur in the neighborhood in which it is located.
- E. The facility shall not require special off-street parking.
- F. The facility shall not erect identification signs other than house numbers.
- G. The facility shall not require extensive modification that is not in character with the adjacent neighborhood.
- H. Zoning approval shall be limited to the operator to whom it was originally issued and is not transferable to a subsequent operator.

ARTICLE 40

WHEN EFFECTIVE; REPEAL OF CONFLICTING RESOLUTION

SECTION 4001 WHEN EFFECTIVE

This Revised Zoning Resolution shall be in full force and effect, in all portions of Jackson Township, Montgomery County, Ohio.

SECTION 4002 REPEAL OF CONFLICTING RESOLUTION

The Jackson Township Zoning Resolution now in effect in Jackson Township, 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 Resolution, 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 41

TELECOMMUNICATION TOWERS

SECTION 4101 INFORMATION REQUIRED

Each applicant requesting a conditional use permit under this resolution shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this resolution.

SECTION 4102 FACTORS CONSIDERED IN GRANTING CONDITIONAL USE PERMITS

The township shall consider the following factors in determining whether to issue a conditional use permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority, concludes that the goals of this resolution are better served thereby.

- A. Height of tower;
- B. Proximity of the tower to residential structures and residential district boundaries;
- C. Nature of uses on adjacent and nearby properties;
- D. Surrounding topography;
- E. Surrounding tree coverage and foliage;
- F. Design of tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- G. Proposed ingress and egress;
- H. Availability of suitable existing towers and other structures as discussed in Section 4104.01,3 below of this Resolution.

SECTION 4102 AVAILABILITY OF SUITABLE EXISTING TOWERS OR OTHER STRUCTURES

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- A. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements
- B. Existing towers or structures are not of sufficient height to meet applicants engineering requirements.
- C. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- D. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- E. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- F. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

SECTION 4104 DEVELOPMENT STANDARDS-FREE STANDING

4104.01 SETBACKS AND SEPARATION

The following setbacks and separation requirements shall apply to all towers and antennas for which a conditional use permit is required; provided, however, that the township may reduce the standard setbacks and separation requirements if the goals of this Resolution would be better served thereby:

- 1. Towers shall be located at least 200 feet or a distance equal to the height of the tower, whichever is greater, from any residential structure or adjacent property in a residential zoning district.
- 2. Towers shall be set back at least a distance equal to the height of the tower from adjacent thoroughfare (s) rights-of-way as specified by the Montgomery County Thoroughfare Plan.
- 3. Minimum spacing between tower locations shall be one mile in order to prevent a concentration of towers in one area.

4104.02 LOT AREA REQUIREMENT

The minimum required lot area for towers shall be one acre with 150 feet of road frontage.

4104.03 SECURITY FENCING

Towers shall be enclosed by security fencing not less than six feet in height and shall also

be equipped with an appropriate anti-climbing device; provided, however, that the governing authority may waive such requirements, as it deems appropriate

4104.04 LANDSCAPING

The following requirements shall govern the landscaping surrounding towers for which a conditional use permit is required; provided, however, that the governing authority may waive such requirements if the goals of this resolution would be better served thereby.

- A. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four feet wide and six feet high on the perimeter of the compound.
- B. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
- C. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.

4104.05 HEIGHT

- A. For a single user, up to 90 feet in height;
- B. For two users, up to 120 feet in height; and
- C. For three or more users, up to 150 feet in height.
- D. Communication towers in excess for 100 feet in height above grade level shall be prohibited within a two-mile radius of a public airport.

4104.06 AESTHETICS

- A. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
- B. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
- C. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the B.Z.A. may review the available lighting alternatives and approve the design that would cause the least disturbance

white strobe lights.)

4104.07 ENCOURAGEMENT OF TOWER USE BY MULTIPLE PROVIDERS

The applicant shall agree to permit use of the Telephone Tower by other communication service providers, on reasonable terms, so long as such use does not conflict with the Applicants and/or any other pre-existing user's use of the telephone tower and does not violate the structural integrity of the telephone tower.

SECTION 4105 DEVELOPMENT STANDARDS-EXISTING TOWERS AND STRUCTURES

- A. Antennas and equipment may be located in the public right-of-way on existing utility poles with the permission of the utility provider and Montgomery County or township having jurisdiction of respective right-of-way.
- B. Public structures such as water towers may also be used for mounting of utilities dependent upon approval of pertinent public jurisdiction.
- C. Antennas and equipment boxes shall be designed to match the color of the pole or building on which they are mounted.
- D. Antennas and Equipment of Existing Structures shall not exceed the height of the existing pole upon which it is located plus 20 feet.
- E. Antennas and Equipment on Existing Structures, including and associated with the installation, must be integrated into the design of the structure upon which it is located and shall be aesthetically and architecturally compatible with the structure upon which it is located and the surrounding environment.
- F. An existing pole may be replaced, if not structurally suitable to hold the antennas and equipment related to a Communication system, but in no case shall the new pole exceeds the height of the existing pole plus 20 feet.

SECTION 4016 GENERAL REQUIREMENTS - BUILDING CODE AND SAFETY STANDARDS

- A. Proof shall be provided by the applicant in a form satisfactory to the Zoning Administrator that the proposal has been approved by all agencies and governmental entities with jurisdiction, including but not limited to, the Ohio Department of Transportation, the Federal Aviation Administration, the Federal Communications Commission or the successors to their respective functions. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Resolution shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date.
of such standards.
- B. To ensure the structural integrity of towers, the owner shall ensure that it is maintained in compliance with standards contained in the Montgomery County

inspection, the township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower in compliance within said 30 days, the governing authority may remove such tower at the owner's expense.

- C. All equipment associated with a Telephone Communication System, except antennas, shall be located underground, attached to the structure or inside the building upon which they are mounted. Accessory structures shall not exceed square feet of building area.
- D. The use of guyed wires is strictly prohibited within Residential Districts.
- E. All parking and drive areas must be paved as provided in the Resolution.

600

SECTION 4107 REMOVAL OF ABANDONED ANTENNAS AND TOWERS

Any antennas or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the township notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the township may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

ARTICLE 42
LAND APPLICATION OF SEWAGE SLUDGE
(As a conditional Use within the Agricultural District)

SECTION 4201 APPLICATION REQUIREMENTS

- A. Application for all sludge disposal sites shall be accompanied by all comments and recommendations concerning the submitted Site Plan and Management Plan for the proposed site by the local office of the OEPA with reference to compliance with all requirements of Part 503 of Chapter 40 of the Code of federal Regulations, as amended - “Standards for the Use and Disposal of Sewage Sludge”.

In this regard, Chapter 3745-31 of the Ohio Revised Code states that “any person that causes, permits or allows land application of sludge must submit and obtain approval (from the Ohio EPA of detail plans.) It also requires that the approval must describe the type, character and composition of such sludge and specifically designate the method, terms and conditions of its application. Ohio EPA’s Land Application of Sludge Manual is used as a guide for development, review and approval of such plans.

- B. Such information shall also be submitted to the Montgomery County Engineer, the Soil and Water Conservation District and Combined Health and Environmental Services of Montgomery County with respective comments and recommendations included within the submission.
- C. The application shall also include a map depicting the site itself, as well as the roads within Jackson Township, which the sludge trucks would use to and from the site, Days of delivery, and times of delivery. Such routes should be submitted to the Montgomery County Traffic Engineer for review and comments.

SECTION 4202 SITE LOCATION CRITERIA

- A. In addition to meeting all site requirements as contained in Ohio EPA’s Land Application of Sludge Manual”, proposed application area shall be located a minimum of 500 feet from residentially zoned land and/or existing residence unless a notarized waiver is signed by the affected party or parties.

SECTION 4203 OPERATIONAL CRITERIA

- A. Performance of the sludge application activity shall be done in strict compliance with the Operational Plan as approved by OEPA. Failure to do so will result in a notice of violation of the conditions stipulated for Conditional Use approval by Jackson Township.
- B. Storage and Stockpiling at site/field with concern for one of the most potentially troublesome aspects of sludge application, the following citations from OEPA’s “Land Application of Storage Manual” are provided as reference for the expected operational compliance with Conditional Approval:

42-1

1. Sludge should not be stockpiled at the application site for more

than 30 days. Alternatively, up to 90 days may be permitted if the generator or preparer can demonstrate that due to stability and treatment, no nuisance odors will occur, and appropriate measures will be taken to ensure that no leachate will be generated. The District Office of Ohio EPA may impose a “No Stockpiling” requirement, or a lesser time for stockpiling, if deemed necessary to minimize the chance for nuisance conditions to develop.

2. Stockpiles should not be located in areas such a low-lying wet areas, swales, or drainage ways. Runoff should be diverted around the stockpile area. Stockpiles should be situated where runoff may not enter adjacent properties.
3. Stockpiles should be located at least:
 - a.) 500 ft. from neighbor-occupied buildings
 - b.) 500 ft. from wells and ponds used for drinking water or watering livestock
 - c.) 100 ft. from surface waters of the State
4. Plans for sludge which may generate nuisance (including odor) complaints when stockpiling should include the following provisions:
 - a.) If nuisance conditions develop, the Ohio EPA will ask the supplier to abate the problem within 30 days or less, and/or to immediately cease application, or distribution to the applier. Application, or distribution to the applier, may resume upon notice to and acceptance by Ohio EPA that sufficient steps have been taken to prevent a recurrence of the problem.
 - b.) Stockpiles should be protected from erosion and ponding. Soil conditions, slope and ground cover should be reviewed to assure proper drainage.
 - c.) Areas where stockpiles were located should be properly cleaned/tilled to assure that no residual odor problems or ponding occurs.