Harrison Township

Zoning Resolution

Revised: October 6, 2025

Table of Contents

ARTICLE 1. INTENT AND INTERPRETATION 1-1

Section 1.1 Title 1-1

Section 1.2 Purpose 1-1

Section 1.3 Interpretation and Correlation of Standards 1-1

Section 1.4 Extension of Essential Services 1-1

ARTICLE 2. DEFINITIONS 2-2

Section 2.1 Definitions 2-2

ARTICLE 3. ENFORCEMENT, INTERPRETATION, PENALTIES, AND FEES 3-1

Section 3.1 Enforcement 3-1

Section 3.2 Interpretation 3-1

Section 3.3 Zoning Certificates 3-1

Section 3.4 Violations – Remedies 3-3

Section 3.5 Violations and Penalties 3-3

Section 3.6 Stop Work Order 3-3

Section 3.7 Fees 3-3

ARTICLE 4. Board of Zoning Appeals 4-1

Section 4.1 Appointment 4-1

Section 4.2 Organization. 4-1

Section 4.3 Jurisdiction. 4-2

Section 4.4 Procedure for Administrative Appeal. 4-3

Section 4.5 Procedure for Obtaining a Variance. 4-3

Section 4.6 Procedure for Obtaining a Conditional Use. 4-6

Section 4.7 Revocation of Conditional Use Permit. 4-10

ARTICLE 5. Zoning Districts and Boundaries 5-1

Section 5.1 Districts. 5-1

Section 5.2 Boundaries. 5-2

ARTICLE 6. District Changes and Resolution Amendments 6-1

Section 6.1 Township Zoning Commission 6-1

Section 6.2 General 6-1

Section 6.3 Procedure for Change 6-1

ARTICLE 7. Validity and Repeal 7-1
Section 7.1 Validity 7-1
Section 7.2 Repeal 7-1
ARTICLE 8. "A" Agricultural Residential District 8-1
Section 8.1 Principal Permitted Uses. 8-1
Section 8.2 Accessory Uses. 8-1
Section 8.3 Conditional Uses. 8-1
Section 8.4 Development Standards. 8-1
ARTICLE 9. "R-1" Single Family Residential District 9-1
Section 9.1 Principal Permitted Uses. 9-1
Section 9.2 Accessory Uses. 9-1
Section 9.3 Conditional Uses. 9-1
Section 9.4 Development Standards. 9-1
ARTICLE 10. "R-2" Single Family Residential District 10-1
Section 10.1 Principal Permitted Uses. 10-1
Section 10.2 Accessory Uses. 10-1
Section 10.3 Conditional Uses. 10-1
Section 10.4 Development Standards. 10-1
ARTICLE 11. "R-3" Single Family Residential District 11-1
Section 11.1 Principal Permitted Uses. 11-1
Section 11.2 Accessory Uses. 11-1
Section 11.3 Conditional Uses. 11-1
Section 11.4 Development Standards. 11-1
ARTICLE 12. "R-4" Single Family Residential District 12-1
Section 12.1 Principal Permitted Uses. 12-1
Section 12.2 Accessory Uses. 12-1
Section 12.3 Conditional Uses. 12-1
Section 12.4 Development Standards. 12-1

ARTICLE 13. "R-5" Two Family Residential District 13-1
Section 13.1 Principal Permitted Uses. 13-1
Section 13.2 Accessory Uses. 13-1
Section 13.3 Conditional Uses. 13-1
Section 13.4 Development Standards. 13-1
ARTICLE 14. "R-6" Multiple Family Residential District 14-1
Section 14.1 Principal Permitted Uses. 14-1
Section 14.2 Accessory Uses. 14-1
Section 14.3 Conditional Uses. 14-1
Section 14.4 Development Standards. 14-1
ARTICLE 15. "R-7" Multiple Family Residential District 15-1
Section 15.1 Principal Permitted Uses. 15-1
Section 15.2 Accessory Uses. 15-1
Section 15.3 Conditional Uses. 15-1
Section 15.4 Development Standards. 15-1
ARTICLE 16. "R-8" Mobile Home Residential District 16-1
Section 16.1 Principal Permitted Uses. 16-1
Section 16.2 Accessory Uses. 16-1
Section 16.3 Conditional Uses. 16-1
Section 16.4 Development Standards. 16-1
ARTICLE 17. "OR-1" Office Residential District 17-1
Section 17.1 Principal Permitted Uses. 17-1
Section 17.2 Accessory Uses. 17-1
Section 17.3 Conditional Uses. 17-1
Section 17.4 Required Conditions. 17-1
Section 17.5 Development Standards. 17-2
ARTICLE 18. "O-2" Office District 18-1
Section 18.1 Principal Permitted Uses. 18-1
Section 18.2 Accessory Uses. 18-1
Section 18.3 Conditional Uses. 18-1
Section 18.4 Development Standards. 18-1

ARTICLE 19. "B-1" Neighborhood Business District 19-1
Section 19.1 Principal Permitted Uses. 19-1
Section 19.2 Accessory Uses. 19-1
Section 19.3 Conditional Use. 19-1
Section 19.4 Required Conditions. 19-1
Section 19.5 Development Standards. 19-2
ARTICLE 20. "B-2" Business District 20-1
Section 20.1 Principal Permitted Uses. 20-1
Section 20.2 Accessory Uses. 20-1
Section 20.3 Conditional Use. 20-1
Section 20.4 Required Conditions. 20-1
Section 20.5 Development Standards. 20-3
ARTICLE 21. "B-3" Business District 21-1
Section 21.1 Principal Permitted Uses. 21-1
Section 21.2 Accessory Uses. 21-1
Section 21.3 Conditional Use. 21-1
Section 21.4 Required Conditions. 21-1
Section 21.5 Development Standards. 21-4
ARTICLE 22. "B-4" Business District 22-1
Section 22.1 Principal Permitted Uses. 22-1
Section 22.2 Accessory Uses. 22-1
Section 22.3 Conditional Use. 22-1
Section 22.4 Required Conditions. 22-1
Section 22.5 Development Standards 22-5
ARTICLE 23. "I-1" Light Industrial District 23-1
Section 23.1 Principal Permitted Uses. 23-1
Section 23.2 Accessory Uses. 23-1
Section 23.3 Conditional Use. 23-1
Section 23.4 Minimum Performance Standards. 23-1
Section 23.5 Development Standards. 23-4

ARTICLE 24. "I-2" General Industrial District 24-1
Section 24.1 Principal Permitted Uses. 24-1
Section 24.2 Accessory Uses. 24-1
Section 24.3 Conditional Uses. 24-1
Section 24.4 Required Conditions. 24-1
Section 24.5 Development Standards 24-3
ARTICLE 25. "I-3" Heavy Industrial District 25-1
Section 25.1 Principal Permitted Uses. 25-1
Section 25.2 Accessory Uses. 25-1
Section 25.3 Conditional Use. 25-1
Section 25.4 Conditions for Conditional Uses. 25-1
Section 25.5 Required Conditions. 25-1
Section 25.6 Development Standards 25-4
ARTICLE 26. "F" Flood plain District 26-1
Section 26.1 Principal Permitted Uses. 26-1
Section 26.2 Conditional Use. 26-1
ARTICLE 27. "WP" Well Field Protection Overlay District 27-1
Section 27.1 Applicability of Well Field Protection Overlay District. 27-1
Section 27.2 Determination of Applicability. 27-1
Section 27.3 Definitions. 27-1
Section 27.4 Principal Permitted Uses. 27-3
Section 27.5 Accessory Uses. 27-3
Section 27.6 Conditional Uses. 27-3
Section 27.7 Specific Prohibited Uses. 27-4
Section 27.8 Groundwater Protection Standards. 27-5
Section 27.9 Reporting Requirements. 27-8
Section 27.10 Underground Storage Tanks. 27-11
Section 27.11 Falsifying Information. 27-11
Section 27.12 Retention of Records. 27-12
Section 27.13 Enforcement. 27-12
Section 27.14 Hazard Potential Ranking System. 27-12

ARTICLE 28. "OSI-1" Office / Service / Industrial Park District 28-1
Section 28.1 OSI-1 was removed through Resolution 057-2025 28-1
ARTICLE 29. "OSI-2" Office/Service/industrial Park District 29-1
Section 29.1 Principal Permitted Uses. 29-1
Section 29.2 Accessory Uses. 29-1
Section 29.3 Conditional Uses. 29-1
Section 29.4 Minimum Performance Standards 29-1
Section 29.5 Development Standards 29-3
ARTICLE 30. Planned Unit Development District (P.U.D.) 30-1
Section 30.1 Types of Planned Unit Development Districts . 30-1
Section 30.2 Fees for Planned Unit Development. 30-1
Section 30.3 Administrative Review. 30-1
Section 30.4 Conditional Uses. 30-2
Section 30.5 Area Requirements. 30-2
Section 30.6 Pre-Application Consultation. 30-2
Section 30.7 Issuance of Permits. 30-2
Section 30.8 Developers plan Submission Options 30-2
Section 30.9 Concept Plan 30-3
Section 30.10 Preliminary Development Plan 30-4
Section 30.11 Submission of Final Development Plan 30-6
Section 30.12 Submission of Final Development Plan Without an Approved Prelim Dev Plan. 30-8
Section 30.13 Minor and Major Modifications. 30-11
Section 30.14 Subdivision Plat Required. 30-11
ARTICLE 31. "C/S-1" Commercial/Service District 31-1
Section 31.1 Principal Permitted Uses. 31-1
Section 31.2 Accessory Uses. 31-1
Section 31.3 Conditional Uses. 31-1
Section 31.4 Minimum Performance Standards. 31-1
Section 31.5 Development Standards. 31-4
Section 31.6 Minor Modifications. 31-4

ARTICLE 32. "C/S-2" Commercial/Service District 32-1
Section 32.1 Principal Permitted Uses. 32-1
Section 32.2 Accessory Uses. 32-1
Section 32.3 Conditional Uses. 32-1
Section 32.4 Minimum Performance Standards. 32-1
Section 32.5 Development Standards. 32-5
Section 32.6 Minor Modifications. 32-5
ARTICLE 33. Existing and Nonconforming Use 33-1
Section 33.1 Conformance Required. 33-1
Section 33.2 Intent 33-1
Section 33.3 Nonconforming Vacant Lots. 33-1
Section 33.4 Nonconforming Structures 33-2
Section 33.5 Nonconforming Uses 33-3
ARTICLE 34. Provisions Affecting Area, Yards, and Courts 34-7
Section 34.1 Minimum Floor Area for Dwellings. 34-7
Section 34.2 Street Frontage Requirement. 34-7
Section 34.3 Traffic visibility Across Corner Lots. 34-7
Section 34.4 Reduction of Area or Space. 34-7
Section 34.5 Off-Street Parking and Loading. 34-7
Section 34.6 Buildings Per Lot. 34-7
ARTICLE 35. Accessory Uses 35-1
Section 35.1 Permitted Accessory Uses – Residential, Office/Residential and Office. 35-1
Section 35.2 Accessory Uses Not Permitted Residential, Office/Residential and Office. 35-3
Section 35.3 Standards – Residential and Office/Residential Land Office Districts. 35-3
Section 35.4 Accessory Uses – Business and Industrial Districts. 35-4
Section 35.5 Home Occupations. 35-4
Section 35.6 Permitted Home Occupations. 35-5

ARTICLE 36. Exceptions, MODIFICATIONS, and Interpretations 36-1
Section 36.1 Application. 36-1
Section 36.2 Height Limits. 36-1
Section 36.3 Area Requirement Without Utilities. 36-1
Section 36.4 Corner Lots. 36-2
Section 36.5 Front Yard Exceptions, and Modifications. 36-2
Section 36.6 Double Frontage Lots. 36-2
Section 36.7 Side Yard Exceptions or Modifications. 36-3
Section 36.8 Projection into Required Yards. 36-3
Section 36.9 Fences, Walls, and Hedges 36-4
ARTICLE 37. Exemptions From Zoning Provisions 37-1
Section 37.1 Essential Services 37-1
Section 37.2 Unsafe Buildings 37-1
Section 37.3 Existing Building Permits 37-1
Section 37.4 Exemption For Political Subdivisions 37-1
ARTICLE 38. Sign Regulations 38-1
Section 38.1 General Provisions 38-1
Section 38.2 Exempted Signs. 38-7
Section 38.3 Prohibited Signs 38-7
Section 38.4 Signs in Residential Districts “R-1”, Thru “R-8”, “OR-1” and PD Residential 38-8
Section 38.5 Signs in Agricultural, Business, Industrial, and Other Non-Res 38-11
ARTICLE 39. Off-Street Loading Regulations 39-1
Section 39.1 General Provisions. 39-1
Section 39.2 Number of Loading Spaces Required. 39-2
ARTICLE 40. Off-Street Parking Requirements 40-1
Section 40.1 General Provisions. 40-1
Section 40.2 Screening. 40-5
Section 40.3 Landscaping Requirements. 40-6
Section 40.4 Number of Parking Spaces Required. 40-8
Section 40.5 Uses Not Specifically Mentioned. 40-8
Section 40.6 Restricted Accessory Parking Areas. 40-9
Section 40.7 Units of Measurement 40-10

ARTICLE 41. Noise 41-1
Section 41.1 Method of Measurement. 41-1
Section 41.2 Exemptions. 41-1
Section 41.3 Maximum Permissible Noise Levels. 41-2
Section 41.4 Definitions Applicable to Tables I and II. 41-3
ARTICLE 42. Extraction of Minerals 42-1
Section 42.1 Submission of Additional Information. 42-1
Section 42.2 Development Standards. 42-1
Section 42.3 Rehabilitation Requirements. 42-2
ARTICLE 43. Private NonCommercial Golf Courses, Swimming Pools and Tennis Courts 43-1
Section 43.1 Required Conditions. 43-1
ARTICLE 44. When Effective 44-1
Section 44.1 When Effective. 44-1
Section 44.2 Repeal of Conflicting Resolution. 44-2
ARTICLE 45. Temporary Businesses 45-1
Section 45.1 Temporary Sales. 45-1
Section 45.2 Seasonal Temporary Sales. 45-2
ARTICLE 46. Dangerous, Exotic and Wild Animals 46-1
Section 46.1 Definitions. 46-1
Section 46.2 Permit Required. 46-1
Section 46.3 Endangered and Protected Wildlife. 46-1
Section 46.4 Where Prohibited. 46-1
Section 46.5 Where Permitted. 46-2
Section 46.6 Review of Safeguards, Enclosure and Security Provisions. 46-3
Section 46.7 Exemptions and Special Provisions. 46-3
ARTICLE 47. Adult Care and Halfway House Facilities 47-1
Section 47.1 Adult Family Homes and Licensed Residential Facility. 47-1
Section 47.2 Adult Group Homes. 47-1
Section 47.3 Halfway Houses. 47-2

ARTICLE 48. Mobile Food Vendors 48-1
Section 48.1 Exemptions. 48-1
Section 48.2 Permitted Uses. 48-1
Section 48.3 General Requirements. 48-1
Section 48.4 Location Specific Requirements. 48-2
Section 48.5 Designated Mobile Food Vendor Area Requirements. 48-3
ARTICLE 49. Dumpster Enclosures 49-1
Section 49.1 Trash and Recycling Containers. 49-1
ARTICLE 50. Gas Stations/ Fuel centers 50-1
Section 50.1 Purpose and Intent 50-1
Section 50.2 Definition of Gas Station/ Fuel Center 50-1
Section 50.3 Site Design Requirements 50-1
Section 50.4 Landscaping Requirements 50-2
Section 50.5 Lot Coverage and Impervious Surface Limitations 50-2
Section 50.6 Parking Requirements 50-2
Section 50.7 Access Management 50-3
Section 50.8 Access Permits and Compliance 50-4
Section 50.9 Internal Circulation 50-4
Section 50.10 Pedestrian Access 50-5
Section 50.11 Shared Access and Traffic Impact Management 50-5
Section 50.12 Conditional Use Approval Standards 50-6
Section 50.13 Staking Spaces and Drive-Through Configuration and Design 50-6
Section 50.14 Drive-Through Configuration and Design 50-7
Section 50.15 Car Wash Specific Design Requirements 50-7
Section 50.16 Management of Non-Conforming Gas Stations 50-8
Section 50.17 Sign Regulations for Gas Stations 50-10

Appendices & Tables

Appendix A.: Use Matrix Table

Permitted, Conditional Permitted, and Non-permitted Principle Uses.

Appendix B: Base Development Standards Table

Lot Area, Frontage, Setbacks, Height, Lot Coverage, Floor Area.

Appendix C: Required Parking Standards Table

Number of Parking Spaces by Use

List of Revisions

Resolution #	Date Passed	Revision
065-2023	March 6, 2023	Updating Permitted and Conditional Uses
066-2023	March 6, 2023	Updating Articles 35 and 36
165-2023	Sept. 21, 2023	Create Article 49 “Dumpster Enclosures”
003-2025	January 8, 2025	Amending Article 50, Gas Stations/Fuel Center Standards
040-2025	March 20, 2025	Amended Article 2, Definitions
057-2025	June 2, 2025	Removing Article 28, OSI-1 District
114-2025	October 6, 2025	Zoning Amendments ZC-05-25

ARTICLE 1. INTENT AND INTERPRETATION

Section 1.1 Title

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

Section 1.2 Purpose

This Resolution is enacted for the purpose of promoting public health, safety, morals, and general welfare as permitted by the provisions of Section 519 et. seq. of the Revised Code of the State of Ohio.

Section 1.3 Interpretation and Correlation of Standards

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

Section 1.4 Extension of Essential Services

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

ARTICLE 2. DEFINITIONS

Section 2.1 Definitions

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

A

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

A. Is customarily incidental and subordinate in area, extent or purpose to the principal building, structure, or use which it serves. Shall not include mobile storage units.

B. Is located on the same zoning lot as the principal building, structure, or use.

Adjacent. Bordering, touching, contiguous, or adjoining.

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

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

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

A. Adult Arcade. An establishment where the public is invited or permitted in which, for any form of consideration, one or more coin-operated, slug-operated, or electronically, electrically or mechanically controlled still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, or other visual representations, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are distinguished or characterized by their emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

B. Adult Bookstore, Adult Novelty Store or Adult Video Store. A commercial establishment which has as a significant or substantial (i.e., 25% or more) portion of its stock-in-trade or derives a significant or substantial (i.e., 25% or more) portion of revenues or devotes a significant or substantial (i.e., 25% or more) portion of either its interior business or advertising budget to the sale or rental for any form of consideration, of any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, compact discs, digital video discs, or other visual representations which are distinguished or characterized by their emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas;"

2. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.

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

C. Adult Cabaret. A nightclub, bar, restaurant, private club, bottle club, juice bar or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features any of the following:

1. Person(s)who appear nude or semi-nude or in a state of nudity or semi-nudity.

2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

3. Films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other photographic reproductions which are distinguished or characterized by their emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas." "Private Club" shall mean an establishment where patrons may bring in their own bottle or other container of alcohol (including beer, wine, or liquor) and, in some manner compensate the establishment for the privilege of consuming the beverage through means such as a fee for refrigeration or storage, purchase of a mixture for the same or use of a glass from the club or business or other similar method.

"Private Club" shall mean an establishment where patrons may bring in their own bottle or other container of alcohol (including beer, wine or liquor) and, in some manner compensate the establishment for the privilege of consuming the beverage through means such as a fee for refrigeration or storage, purchase of a mixture for the same or use of a glass from the club or business or other similar method.

D. Adult Motel. A motel, hotel or similar commercial establishment which offers public accommodation, for any form of consideration, and which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, compact discs, digital video discs, slides or other photographic reproductions which are distinguished or characterized by their emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas" and which establishment advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, billboards, newspapers, magazines, pamphlets or leaflets, radio or television.

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

F. Adult Motion Picture Drive-In Theater. An open-air drive-in theater where films, motion pictures, video cassettes, digital video discs, slides or similar photographic reproductions which are distinguished or characterized by their emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas” are regularly shown for any form of consideration.

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

H. Escort Agency. A person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. "Escort" means a person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person or to privately appear in the state of nudity or semi-nudity for another person.

I. Semi-Nude Model Studio. Any place where a person regularly appears in a state of nudity or semi-nudity or displays "specified anatomical areas" for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

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

1. By a college or university supported entirely or partly by taxation.

2. By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation.

3. In a structure to which all of the following apply:

a. It has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or semi-nudity is available for viewing.

b. In order to participate in a class in the structure, a student must enroll at least three days in advance of the class.

c. Not more than two nude or seminude models are on the premises at any one time.

J. Sexual Encounter Establishment. A business or commercial establishment, including, but not limited to, establishments categorized as a “private club” or a “swingers’ club” by their owners, that as one of its principal business purposes, offers for any form of consideration.

1. A place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas;” or

2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-¬nudity.

The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of Ohio engages in medically approved and recognized sexual therapy.

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

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

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

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

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

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

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

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

1. Less than completely and opaquely covered human genitals, pubic region, anus, perineum, or areolas or nipple of female breasts.

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

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

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

2. Sex acts, normal or perverted, actual, or simulated, including intercourse, oral copulation, or sodomy.

3. Masturbation, actual or simulated.

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

5. Excretory functions as part of or in connection with any of the activities set forth in subdivisions one through four of this subsection.

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

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

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

“School” means any public or private educational facility licenses by the State of Ohio including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, colleges and universities. School includes the school grounds but does not include the facilities used primarily for any purpose and only incidentally as a school.

“Simulated” means to assume the mere appearance of something, without the reality; to imitate or pretend.

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

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

Agriculture, Small Scale. Farming, including dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, forestry and animal and poultry husbandry, and the necessary incidental uses, all of which are directly related to the production of food. The operation of any incidental uses shall be secondary to that of normal agricultural activities. This definition applies to any property under 5 acres in size. Such agriculture use shall not include the following uses:

A. The maintenance and operation of commercial greenhouses or hydroponic farms, except in zoning districts in which such uses are expressly permitted.

B. Wholesale or retail sales as accessory use, unless the same are specifically permitted in this Resolution.

C. The feeding or sheltering of animals or poultry in penned enclosures within 200 feet of any Residential Zoning District. Agriculture does not include the feeding of garbage to animals, or the operation or maintenance of a commercial stockyard or feed yard.

Agriculture, Large Scale. Farming, including dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, forestry and animal and poultry husbandry, and the necessary incidental uses, all of which are directly related to the production of food. The operation of any incidental uses shall be secondary to that of normal agricultural activities. This definition applies to any property 5 acres or above. A zoning permit is not required for this use.

Agri-Tourism Facility. A facility that provides entertainment, education, and/or recreation for the public. An agri-tourism facility shall involve primarily those events and activities that directly relate to the on-site agricultural operations. Examples of agri-tourism facilities include a crop maze, farm tours, a petting zoo of farm animals, hayrides, horseback riding, etc. In no instance shall an agri-tourism facility be interpreted as including camping, ATV or dirt bike facilities, archery or gun clubs, or any other facilities that make commercial use of rural property that is unrelated to the on-site agriculture use.

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

Auto Oriented Use, Light. Auto-oriented uses that are generally located within commercial areas and where there is a high turnover of customer traffic. Uses within this category shall not have any outdoor storage of vehicles or equipment, any outdoor work of vehicles, and shall not require any customer cars to be stored outdoors overnight. Examples include gas stations, car washes, tire stores, and oil-change shops.

Auto Oriented Use, Heavy. Auto-oriented uses that are generally located within industrial areas and where there is a low to medium turnover of customer traffic. Uses within this category typically require a customer to leave their vehicle for multiple days and may include outdoor storage or customer cars to be stored outdoors overnight, but outdoor work shall not occur. Examples include, but are not limited to, automobile repair including muffler shops, auto repair garages, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage

Auto Sales, New. Any property used for the display and sale of new consumer motor vehicles in operable condition.

Auto Sales, Used. Any property used for the display and sale of used consumer motor vehicles in operable condition.

Auto Rental. Any property used for the display and rental of motor vehicles, motorcycles, recreational vehicles, and/or trucks in operable condition. Vehicle rental is the use of a motor vehicle for a temporary period of time at an agreed upon amount of money for the rental. This definition does not include the leasing of a vehicle.

B

Bar / Lounge. Bars, nightclubs, lounges or dance halls that serve beverages for consumption on the premises as a primary use and include on-site service of alcohol, including beer, wine and mixed drinks.

Banquet Hall. An establishment providing a meeting space for social gatherings, including but not limited to wedding receptions, graduations parties and business or retirement functions. These gatherings should be one day events and should not be open to the general public but rather a group that has booked in advance; in no instance shall this definition be used to allow a bar / lounge.

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

Bed & Breakfast. A private owner-occupied residence with one to three guest rooms contained within that structure and operate so that guests reside at the home for a finite and temporary basis. No kitchen facilities may be provided for use by guests.

Board. The Harrison Township Board of Zoning Appeals.

Boat / RV Sales & Service. Any establishment that sells and / or services recreational vehicles such as campers, boats, or similar vehicles.

Boat / RV Storage (Outdoors). An outdoor structure or area designed for the storage of unoccupied boats or recreation vehicles (RV). This definition shall not include junk yards or storage of inoperable vehicles.

Brewery. A facility for the production and packaging of malt beverages for distribution, retail, or wholesale, on or off-premise, with a production capacity of more than 15,000 barrels of malt beverage per calendar year. The facility may include tastings, a restaurant, a bar, and/or event space. A brewery shall hold a Type A-1 Ohio liquor permit.

Brewpub. A restaurant-brewery with a production capacity of not more than 15,000 barrels (~465,000 gallons) of malt beverages per calendar year that brews primarily for sale in the restaurant, with 25% or more of malt beverages produced on site also sold on-site. A brewpub shall hold a class A-1C liquor permit and may also hold any of the following: A-1A, A-2, A-4, D-6 [Ohio Revised Code Title 43 Chapter 4303]

Builder's Supply Store. A facility where building materials, including electrical and plumbing supplies, paint, hardware, lumber, and similar items are provided to construction professionals on either a retail or wholesale basis. Such facilities are generally not designed for the supply of such items to the general public; however, this may occur as a secondary aspect of the business operation.

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

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

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

C. **Building Detached.** A building surrounded by an open space on the same lot.

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

E. **Building, Temporary Construction.** Structures of a temporary nature erected for a period not to exceed 12 months for such uses as construction offices or storage buildings at a construction site with a floor area not to exceed 15 feet by 20 feet.

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

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

Building Line. A line parallel to the street right-of-way line at any story level of a building and representing the building is to be set back from said right-of-way, except as specified in Article 36.

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

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

C

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

Cemetery. Land used or dedicated to the permanent interment, entombment, inurnment of human and, or domestic animal remains, possibly including crematoriums and mausoleums.

Clinic. A facility in which human patients are admitted for medical or dental study or treatment on an outpatient only basis.

Code Enforcement Officer. The Development Director, his/her assistants, or any other person designated by the Board of Trustees to perform the statutory duties of Code Enforcement Officer. This position may also be referred to as “Zoning Inspector”.

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

Commission. The Harrison Township Zoning Commission.

Community Center. A building or group of buildings operated by a public or nonprofit group or agency and used for recreational, social, educational, or cultural activities.

Community Garden. A location where a government agency, neighborhood association, church group, or other entity offers seasonal garden plots or a common garden area for use by the public to grow fruits and vegetables for their individual household and/or community use. The term community garden includes associated parking areas, tool sheds, and water supplies, but not the sale of the items grown on site.

Concrete / Asphalt Production Facility. A facility where raw materials are processed into concrete or asphalt for sale and/or immediate use. Facilities typically include all necessary equipment for both transport and application of the finished product.

Conditional Use. A use permitted within a district other than a permitted use, requiring a Conditional Use Certificate and approval of the Board of Zoning Appeals, provided that, prior to approval, conditions required by the Board have been met.

Contractor's Office. A location at which a construction contractor maintains an office, a workshop, and/or a facility for the storage of construction equipment and other materials customarily used in the trade carried on by the contractor. No outdoor storage is permitted, and all business activities are required to be conducted within a structure.

Contractor's Yard. A location at which a construction contractor maintains an office, a workshop, and/or a facility for the storage of construction equipment and other materials customarily used in the trade carried on by the contractor. Outdoor storage of materials are permitted, and business activity is permitted to be conducted outside a structure.

Convenience Store. A small retail establishment that offers for sale a limited line of groceries, convenience goods, tobacco products, alcohol, and other household products. A convenience store may hold up to a Class C-1 Ohio liquor permit.

Correctional Facility. A publicly or privately operated facility housing persons awaiting trial and/or persons serving a sentence after being found guilty of a criminal offense. A correctional institution would include a jail, a prison, a work-release center, and any other similar facility. A correctional institution may also include the offices of a sheriff's department and other similar uses.

D

Daycare Center, Adult or Child. A business operated by a person, society, agency, corporation, institution, or any other group for the purpose of providing care, protection, and guidance for adults or children during only part of a 24-hour day.

Daycare Home, Adult or Child. A business operated by a person from their primary residence for the purpose of providing care, protection, and guidance for adults or children during only part of a 24-hour day. Any employees must reside within the residence.

Debris. See "rubbish".

Development Department. The Harrison Township Development Department.

Development Standards. Standards controlling the size of structures and the relationships of structures and uses to each other and to pen areas and lot lines. Development standards include regulations controlling maximum height, minimum lot area, minimum lot frontage, minimum size of yards and setbacks, maximum lot coverage and maximum floor area ratio.

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

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

Distribution Facility. A use where goods are received and/or stored for delivery to the final consumer at off-site locations.

Dry Cleaning & Laundromat. An establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation in volatile solvents, and all related processes. Retail cleaners serve individuals on a walk-in basis, generally with patrons dropping off, and picking up their clothing.

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

A. **Single Family.** A structure designed for an occupied by 1 family, and therefore including no more than 1 dwelling unit.

B. **Two Family.** A structure designed for occupancy by 2 families and therefore including no more than 2 dwelling units. The term dwelling, two-family may also include two single-family dwellings located on a single lot.

C. **Multi Family.** A structure designed for and occupied by 3 or more families, with the number of families in residence not exceeding the number of dwelling units provided. The term dwelling, multi-family also includes multiple single, two, and multi-family dwelling units located on a single lot, possibly organized as an apartment complex or under condominium ownership.

D. **Secondary, Upper Floor.** A dwelling or dwellings located on the upper floors of structures housing another use as the primary use on the ground floor. Examples would include apartments or condominiums located above commercial businesses.

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

E

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

Equipment Rental. Establishments primarily engaged in the rental of tools, trucks, construction equipment, agricultural implements, and similar industrial equipment.

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

Event / Conference Center. A facility that is operated and staffed by a permanent business that holds scheduled events such as conferences, performances, guest speakers, or similar events. Such a venue shall be staffed by the permanent business during any events.

F

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

Family Child-Care Home. A private home that provides full-time supervised care for six or fewer children who are not the children, siblings, stepchildren, grandchildren, nieces, nephews, or children in legal custody of the provider.

Farmer's Market. A commercial operation and/or facility through which one or more farms offer seasonal products for sale. A farmers' market includes only those sales operations which occur in a pre-designated location and in which the vendors are the same entities which have raised the products for sale. A farmers' market occurs off-site from the location where the products have been raised. A farmers' market may include products in which items raised on the farm are the primary ingredients (such as pies, jams, jellies, etc.)

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

Financial Institution. Any establishment wherein the primary use is concerned with such federal or state-regulated business as banking, savings and loans, loan companies, and investment companies.

Fitness Center. A place or building where passive or active exercises and related activates are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control.

Floor Area (Gross). The sum of the gross horizontal area of all the floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two 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 feet, six inches.

B. Uncovered steps.

C. Terraces, breezeways, and open porches.

D. Automobile parking space in a basement or private garage.

E. Accessory off-street loading berths, but not to exceed twice the space required by the provisions of this Resolution.

Food & Beverage Production. The large-scale processing of raw ingredients and materials to create finished or unfinished food and beverages. In no instance shall this term be interpreted as including any type of Brewpub or Microbrewery / Artisan Distillery.

Frontage. See “Lot Frontage”.

Fuel Center. See Gas Station

Funeral Home. A facility used for the preparation or cremation of the deceased for display and burial and the conducting of rituals and rites associated with burial or cremation.

G

Gas Station. Gas Station/Fuel Center is a facility designed for the sale of motor vehicle fuel (gasoline, diesel, electric vehicle charging, etc.), which may also include accessory uses such as a convenience store, car wash, vehicle service, and minor repairs. This definition includes standalone fuel stations as well as those integrated with other retail operations.

Garage, Private. A garage intended for and used by the private motor vehicles of the family's residents upon the premises, provided that no more than one half of the space may be rented for the private vehicles of persons not resident on the premises.

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

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

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

General Industrial Production. Industrial production involving manufacturing, fabrication, and related processes.

Government Facility, Non-Office. A building, group of buildings, and/or piece of property operated or occupied by a governmental agency to provide a governmental service to the public. Government facility, non-office includes the storage and servicing of vehicles and equipment, the storage of bulk supplies and materials, and specialized training facilities (such as a fire training facility).

Government Facility, Office. An office space or facility is occupied by a government agency that provides governmental service to the public.

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

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

Grocery Store. A facility specializing in the retail sales of food, typically specializing in fresh produce and / or meat products.

H

Halfway Houses. A facility owned and/or operated by an agency or an individual authorized to provide housing, food, treatment, or supportive services for individuals on supervised release, and who have been assigned by a court to a residential home in lieu of placement in a correctional institution; or for individuals who have been institutionalized and released from the criminal justice system.

Hazardous Materials Production & Storage. All structures, other appurtenances, and any improvement to the land used for treating, storing, processing, or disposing of hazardous materials.

Home Occupation. A home occupation shall be an occupation that is clearly incidental and subordinate to the use of the dwelling for living purposes and meets the requirements specified in Section 35.6.

Hookah Bar. A smoking establishment whose business operation, whether as its primary use or as an ancillary use, is devoted to the on-premises use of hookahs. The term "hookah bar" includes but is not limited to establishments variously known as hookah parlors, hookah cafes, and hookah lounges.

Hospital. An institution where sick or injured persons are given medical care and, during the course of that treatment, are housed overnight, fed, and provided nursing and related services. Related services include diagnostic facilities, laboratories, hospices, outpatient facilities, treatment facilities, and training facilities. Hospital does not include nursing homes, retirement facilities, shelters, or institutions for developmentally disabled/mentally ill.

Hotel. A building in which lodging is provided and offered to the public for compensation, and in which egress and ingress from all rooms is made through an inside lobby or office.

I

Inoperative Motor Vehicle. Shall be any motor vehicle subject to any of the following conditions:

A. Unlicensed or not displaying a current license plate.

B. Vehicle engine will not run.

C. Wrecked vehicles stored for repairs.

D. Selling parts off of a vehicle or using it for parts.

Instructional Center. A business facility where patrons receive education and/or instruction on a topic or topics in either group or individual settings. An instructional center includes facilities for tutoring of students of all ages, martial arts instruction, gymnastics, and other similar facilities. An instructional center excludes K-12 schools, business and trade schools, colleges, and other similar educational institutions.

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

J

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

Junk Yard. An establishment or place of business (other than an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap for remelting process), which is maintained or operated for the purpose of storing, keeping, buying, or selling junk; or for the maintenance or operation of an automobile graveyard, except an establishment or place where automobiles, wrecked or otherwise, are held or impounded for a period not to exceed 90 days exclusively for storage, repair, or resale without alteration.

Juvenile Group Home. A residence or facility that provides accommodation and supervision to six to sixteen unrelated juveniles, at least three of which require personal care services.

K

Kennel. Any building, structure, or premises which are used, arranged, intended or designed to be used for the boarding and/or breeding of animals for more than a consecutive 24-hour period and not located or operated in conjunction with the practice of a licensed veterinarian on the same parcel. Pet day care, pet grooming facilities, pet stores and pet supply stores with no outside runs, shall not be considered an animal kennel.

L

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

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

Library. A public facility in which literary, musical, artistic, or reference materials are kept for use or loaning to patrons of the facility but are not normally offered for sale.

Light Industrial Assembly & Distribution. Assembly and distribution of materials and products from processed or previously manufactured materials. Light industry is capable of operating in such a manner as to control the external effect of processing such as smoke, noise, odor, etc.

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

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

Liquor Store. A store that offers retail and/or wholesale liquor, including wine and beer and where the consumption of those items does not occur on-site.

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.

Long-Term Care Facility. A facility that meets the state definition of a nursing home or a facility or part of a facility that is certified as a skilled nursing facility or a nursing facility under *Title XVIII or XIX of the "Social Security Act" ORC Section 3721.01(A)(6)*

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 Lot.** A lot abutting upon two or more streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of 135 degrees or less.

B. **Double Frontage Lot.** A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

C. **Double Lot.** Two original abutting lots which have been re-platted and recorded as one single lot.

D. **Interior or Through Lot.** A lot other than a corner lot.

E. **Panhandle or Flag Lot.** A lot whose only frontage on a public right-of-way is a narrow strip of land which is wide enough to accommodate a driveway where the body of the lot widens.

Lot Area. The computed area contained within the lot lines.

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

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

Lot Lines.

A. **Front.** A street right-of-way line forming the boundary of a lot. On a corner lot, both street right-of-way lines shall be the front line.

B. **Rear.** The lot line that is most distant from, and is, or is nearly parallel to, the front lot line. If a rear lot line is less than 15 feet long, or if the lot line comes to a point at the rear, the rear lot line shall be a line at least 15 feet long, lying wholly within the lot, parallel to the front lot line, except in the case of a corner lot, where the rear lot line may be a point most distant from the front lot lines at the point which the two front lot lines intersect.

C. **Side.** A lot line which is neither a front lot line nor a rear lot line.

D. **Lot Width.** The width of the lot measured at the building setback line.

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

M

Manufactured Home Sales. The sale and incidental storage of single-family detached housing that includes mobile homes and manufactured homes.

Massage. Any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft tissue of the body either manually or with the aid of any mechanical or electrical apparatus or appliance.

Massage Services, Non-Therapeutic. Any massage service provided by a practitioner not licensed with the State of Ohio Medical Board. This may include but is not limited to massages of hands, arms, legs, feet, and scalps during cosmetic or aesthetic procedures as part of spa treatments, or in conjunction with other services provided by licensed professionals in the State of Ohio which are regulated by other state boards and agencies with ethics and practices standards.

Massage Services, Therapeutic. Any fixed place of business where only persons with valid license from the Ohio State Medical Board (Section 4731.15 of the Ohio Revised Code) offer therapeutic massage services as the primary service of the business or in conjunction with other licensed professional services such as aesthetic or cosmetologically or physical therapy services. This includes but is not limited to spas.

Microbrewery / Artisan Distillery. A facility for the production and packaging of malt beverages and/or distilled spirits for distribution, retail, or wholesale, on or off-premise, with a production capacity of not more than 15,000 barrels of malt beverage or 10,000 gallons of distilled spirits per calendar year, and less than 25% of its products sold on-site. The facility may include tastings, a restaurant, a bar, and/or event space. A microbrewery / artisan distillery shall hold at least one of the following liquor permits: A-1C, A-2, or A-3

Mineral Extraction. Any operation where soil, topsoil, water, loam, sand, gravel, clay, rock, peat, or other mined material is removed from its natural location or where it is handled for use off-site, including incidental uses and activities such as processing facilities, access roads, structures, offices, parking areas, and stockpiles.

Mini Self-Storage Facility. A storage structure containing separate storage spaces of varying sizes, each for individual purchase or rental for the storage of goods.

Mobile Home/Manufactured Home Park. A parcel of land containing 2 or more dwelling sites, with required improvements and utilities, that are leased for long term placement of Mobile Home Dwellings and/or Manufactured Home Dwellings. A Manufactured Home Park does not involve sales of Mobile Home Dwellings or Manufactured Dwellings or storage areas in which unoccupied units are parked for inspection or sale. Mobile Home does not meet the standards and specifications as provided for by the Ohio Basic Building Code, authorized by the board of Building Standards, State of Ohio.

Mobile Storage Unit. A container designed, constructed, and commonly used for non-permanent placement on property for the purpose of temporary storage of personal property. This includes shipping containers.

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

Motel. An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space but not including an oven, located on a single lot, and designed for use by transient automobile tourists for the purpose of temporary lodging. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture.

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

Museum. A building having public significance by reason of its architecture or former use or occupancy, or a building housing a specific collection of natural, scientific, or literary materials, objects of interest, or works of art, and designed to be observed by the public with or without an admission charge. It may include as an accessory use the sale of goods to the public.

N

Nature Preserve. An area in which plants, animals, and topographic features are protected in their current, natural condition.

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

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

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

O

Office. Administrative, executive, professional, research, or similar organizations, as well as laboratories having only limited contact with the public, with no merchandise or merchandising services sold on the premises. Outdoor storage is not permitted in association with any use defined as an office.

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

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

P

Park / Playground. Any public or private land and related structures, including athletic facilities, shelter houses, and maintenance facilities that are designed to provide recreational, educational, cultural, or aesthetic use to the community.

Public Parking Lot / Garage (as a primary use). An open off-street area to be used for the storage of motor vehicles for limited periods of time and open to the general public. A parking lot includes all parking spaces, interior drives, and maneuvering areas.

Personal Care Services. An establishment or place of business primarily engaged in the provision of frequent and recurrent services of a personal nature, such as a beauty or barber shop, or tanning salon.

Place of Worship. The use of a building and/or property by a non-profit group for the purpose of religious worship together with all incidental uses commonly associated with such a facility, such as day-care center or school. Worship facility includes synagogue, temple, mosque or any other like facility used primarily for worship and religious activities.

Planned Development. Planned Development is:

A. Land under unified control, planned and developed as a whole, and

B. In a single development operation or a definitely programmed series of development operations including all lands and buildings, and

C. According to comprehensive and detailed plans which include not only streets, utilities, lots, or building sites and the like, but also site plans and design principles for all buildings as intended to be located, constructed, used, and related to each other; and detailed plans for other uses and improvements on the land as related to buildings, and

D. With a program for provisions, operation, and maintenance of such areas, improvements, and facilities necessary for common use by some or all of the occupants of the development, but which will not be provided, operated, or maintained at general public expense.

Power Generation Facility. A commercial facility that produces usable electricity by harnessing any array of resources including fossil fuels, water, wind, and solar sources.

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

Q

None.

R

Recreation, Indoors. Recreational uses that tend to serve a community-wide area and where the activities are completed entirely indoors. Examples of indoor recreational uses include but are not limited to arcades, bowling alleys, skating rinks, and indoor athletic facilities. In no instance shall this definition be used for bars, brewpubs, or microbreweries / artisan distilleries.

Recreation, Outdoors. Recreational uses that tend to serve a community-wide area where the activities are completed primarily outdoors but may have indoor components that are accessory to the outdoor activity. Examples of outdoor recreational uses include but are not limited to golf courses, driving ranges, outdoor swimming pools, tennis courts, baseball fields, and outdoor athletic facilities.

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

Recycling Center. A facility where recyclable materials are sorted and temporarily stored prior to shipment for remanufacturing into new materials. All activities related to this facility shall take place in principal or accessory buildings. This definition shall not include junk yards or waste disposal facilities.

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

Residential Care Facility. Residential Care Facilities: A facility that is licensed to provide either: 1. Accommodations for seventeen or more unrelated individuals and supervision and personal care services for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment and/or 2. Accommodations for three or more unrelated individuals, supervision and personal care services for at least three of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and provide to at least one of those individuals, any of the skilled nursing care authorized by law. *ORC 3721.01(A)(7)*

Research & Development. A structure or group of structures used primarily for applied and developmental research where product testing is an integral part of the operation, and goods or products used in the testing may be manufactured and stored.

Restaurant. A structure in which the principal use is the preparation and sale of food and non-alcoholic beverages, with alcohol sales being incidental to the sale of food. A restaurant may hold a class D-1, D-2, and/or D-3 liquor permit but shall not hold a D-3A, D-4, or D-5 permit.

Retail, General. Commercial enterprises that provide goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the business. These businesses typically serve a community-wide area.

Retail, Small-Scale. Retail uses that tend to serve a local area and include establishments such as delicatessens, bakeries, gift shops, and ice cream shops.

Retail, Wholesale. An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers.

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.

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

S

School, Grades Pre-School through 12. A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Ohio School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.

Setback. See "building line".

Shooting Range. Any non-residential or commercial establishment at which firearms are discharged for the purpose of recreation and/or entertainment.

Sign. A name, identification, description, display, or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure, or piece of land; or affixed to the glass on the outside or inside of a window so as to be seen from the outside or a building and which directs attention to an object, product, place, activity, person, institution, organization, or business.

A. **Advertising.** A sign, including billboards, which directs attention to a use, commodity or service not related to the premises on which the sign is located.

B. **Awning, Canopy, or Marquee.** A sign that is mounted on or painted on or attached to an awning, canopy, or marquee.

C. **Bulletin Board.** A structure containing a surface upon which is displayed the name of a religious institution, school or library, auditorium, stadium, athletic field, or area of similar use for the announcement of services or activities to be held therein.

D. **Construction.** A sign indicating the names of architects, engineers, contractors, and similar persons involved in the design and construction of a structure or project.

E. **Directional.** A sign directing vehicular or pedestrian movement onto a premises or within a premises.

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

G. **Free Standing.** A sign suspended or supported by one or more uprights or braces in or upon the ground surface.

H. **Identification.** A sign which displays only the same address and/or use of the premises upon which the sign is located or to which it is affixed, or the product or service offered therein.

I. **Illuminated.** A sign that is lighted by an artificial light source.

J. Moving. Any sign which in part or total rotates, revolves or otherwise is in motion.

K. Name Plate. A sign designating only the name and address or the name and professional occupation and address of a person or persons residing in or occupying space in such building or premises.

L. Painted Bulletin. An advertising structure on which advertising design is painted or painted and posted, and which may incorporate the use of cutouts and/or other embellishments.

M. Permanent Sign. A sign that is originally manufactured and designed to be structurally fixed in place, and is intended to remain unchanged in status, condition, or placement over an extended period of time. In no case shall a temporary sign be considered a permanent sign.

N. Political Sign. A sign calling attention to a candidate or issue to be the subject of a public election.

O. Portable/Promotional. Any sign, excluding real estate signs, that is designed to be transported, including but not limited to signs: with wheels attached or removed; with a chassis or support and constructed without wheels, designed to be transported by trailer or wheels; converted to an "A" or "T" frame sign; attached temporarily or permanently to the ground, structure, other sign, or sign structure. A portable/promotional sign is not generally but may be owned by the user and is displayed to promote a specific event or activity such as civic or charitable projects, commercial sales, business openings and closings and seasonal merchandise, and which is brought to the premises ready to use except for the application of changeable copy, extension of braces or other means to temporarily mount the sign and connection to electrical outlets.

P. Poster Panel. An advertising structure measuring not more than 12 feet by 25 feet overall on which posters are displayed.

Q. Projecting. A sign suspended from or supported by a building, structure, or column and extending there from more than 15 inches.

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

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

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

1. Real Estate Signs.

2. Signs on wheels or frames.

3. A frame Signs.

4. T frame Signs.

5. Signs attached to cars, trucks, or other vehicles parked on a premises to advertise any business address, sale, or information pertaining to the premises.

6. Any sign not permanently attached to the premises.

7. Pennants, Banners, or Streamers.

8. Portable/Promotional Signs.

9. Political Signs.

10. Vehicles on which identification of a business, service or other advertising is displayed, consistently parked, or used on the premises in such a manner and for such duration that they constitute a sign.

U. Wall. A sign which is affixed, painted on, or attached to the wall of the building or other structure, and which extends not more than 15 inches from the face of the wall.

V. Warning. Any sign indicating danger or a situation which is potentially dangerous.

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

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

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.

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

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

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

Social Club. A facility owned and/or operated by a 501(C)3 non-profit group for the purposes of social engagement and for which membership is required for participation.

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

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

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

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

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.

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

T

Theater. A facility for audio and visual productions and performing arts.

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

Temporary Business.

A. Temporary Sales. Shall mean a business activity not intended to be of permanent duration, which sells or offers to sell any goods, product, ware, or other item from an enclosure not permanently affixed to a zoning lot. Temporary Businesses shall be regulated by Section 45.1.

B. Temporary Sales, Seasonal (Seasonal Temporary Sales). Shall mean a business activity not intended to be of permanent duration, which sells only seasonal, non-manufactured items from an enclosure not permanently affixed to a zoning lot. Seasonal Temporary Sales shall be regulated by Section 45.2 of this Zoning Resolution.

Trade or Business School. A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. Includes vocational schools and career centers.

Trailer.

A. House Trailer or Mobile Home. Any self-propelled or non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation; whether resting on wheels, jacks, or other temporary foundation and used or so constructed as to permit its use as a conveyance upon the public streets or highways. Which does not meet the standards and specifications for Industrial Units of Closed Construction, as provided for by the Ohio Basic Building Code, authorized by the board of Building Standards, State of Ohio.

B. Flat Bed Trailer. An open truck bed or trailer with no sides; used to carry large heavy objects.

C. Utility Trailer. A platform or container on wheels, towed or hauled by another vehicle and used for transporting materials, goods, or object.

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

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

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

Truck Shipping Facility. A facility or business which specializes in the transportation of goods via semi-truck trailers. Such a facility must include an office associated with the logistics of the business. Outdoor storage and incidental repair of semi-truck trailers shall be permitted.

Truck Stop / Travel Center. A facility designed and used to provide services to the trucking industry including, but not limited to, fuel stations, repair shops, truck washes, restaurants, convenience stores, weight scales, and shower facilities, all as part of a unified facility. To be considered a truck stop / travel center, a facility shall include at least four of the components listed above.

Truck Parking / Storage. An area and/or building where semi-trucks trailers are parked or stored on an overnight basis. This may include the incidental repair of semi-truck trailers.

Truck / Trailer Sales & Service. Any establishment that sells and / or services semi-tractor trailers, grain trucks, consumer trailers, and other vehicles similar in size. Inoperable trucks may be stored on a temporary basis, and only if they are to be serviced.

U

University / College. An institution for post-secondary education, public or private, offering courses in general, technical, or religious education. It operates in buildings owned or leased by the institution for administrative and faculty offices, student and faculty housing, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, community rooms and facilities, athletic facilities, fraternities, and sororities. A university may include for-profit businesses and facilities that are incidental to the educational, cultural, and athletic functions and which lease space from the institution. A university shall not include trade schools operated for profit.

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

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

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

V

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

Veterinarian Office. An establishment for the care, observation, or treatment of domestic animals. A veterinarian's office can include, as an accessory use, the boarding, training, or grooming of animals provided that no outdoor runs or kennels are present, and all business activity is conducted indoors.

W

Wall. A boundary enclosure or separating barrier which is usually opaque.

Warehouse. A building where raw materials or manufactured goods may be stored before their export or distribution of sale.

Waste Disposal Facility. Any facility that functions to store or dispose of waste including incinerators, junk metal yard, sanitary landfills, refuse dumps, and inoperable vehicle storage.

Wastewater Treatment Facility. Any facility designed for the treatment of wastewater that serves an entire community, region, or specific geographic area.

X

None.

Y

Yard, Front.

A. **Front Yard.** An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.

B. **Front Yard (Least Depth).** The shortest distance, measured horizontally, between any part of the building, and the front lot line.

C. **Front Yard (Least Depth, How Measured).** Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts; provided, however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on said Thoroughfare Plan.

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.** The average distance measured horizontally between any part of a building, other than such parts herein after accepted in Article 36, and the nearest rear lot line.

Yard, Side.

A. **Side Yard.** An open space extending from the front yard to the rear yard between a building and the nearest side lot line unoccupied and obstructed from the ground upward except as hereinafter accepted, and the nearest side lot line.

B. **Side Yard (Least Width).** The shortest distance, measured horizontally, between any part of a building, other than such parts hereinafter accepted, and the nearest side lot line.

C. **Side Yard (Least Width, How Measured).** Such width shall be measured from the nearest side lot line. On a corner lot when the side lot line is a side street lot line, the required side yard shall be the same as the required front yard of the lot adjacent thereto.

Z

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

Zoning Inspector. See “Code Enforcement Officer”.

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

ARTICLE 3. ENFORCEMENT, INTERPRETATION, PENALTIES, AND FEES

Section 3.1 Enforcement

It shall be the duty of the Harrison Township Administrator or their designee to enforce this Resolution.

Section 3.2 Interpretation

The Harrison Township Development Director or their designee shall interpret the provision of this Resolution, including text and map. The Director of the Development Department is authorized to issue Zoning Certificates, and the Director may authorize other employees to issue Zoning Certificates. Any Zoning Certificate issued by the Director, or their designated subordinate, shall conform to the provisions of this Resolution, and no Zoning Certificate for a use or building which is in conflict with the provisions of this Resolution shall be issued. Any Zoning Certificate issued in conflict with this Resolution shall be null and void. Where the Development Director or their designee provides an interpretation of the text and/or map, and the applicant disagrees with the interpretation an administrative appeal may be made to the Board of Zoning Appeals. In their interpretation and application, the provisions of this Resolution the provisions shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and general welfare.

Section 3.3 Zoning Certificates

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

1. **Zoning Permit**. Prior to the beginning of any construction, reconstruction, erection, moving, alteration, remodeling, or addition to any building or structure, a zoning permit shall be obtained from the zoning enforcement official by the owner of the owner's agent.

2. **Sign Permit**. Prior to the beginning of any construction, reconstruction, erection, moving, alteration, or placement of any sign, either permanently or temporarily, a sign permit shall be obtained from the zoning enforcement official by the owner or the owner's agent.

3. **Certificate of Zoning Compliance Permit**. Prior to the use or occupancy of any building or structure intended to be used for office, business/ commercial or industrial purposes where new construction or reconstruction has been completed, and prerequisite to the occupancy, use or reuse of any existing building, structure, or property for office, business/commercial or industrial purposes, a Certificate of Zoning Compliance permit shall be obtained from the zoning enforcement official by the owner or the owner's agent. The Certificate of Zoning Compliance permit shall state that the completed construction or reoccupation has been inspected by the zoning enforcement officer and has been found to be in conformance with the plans submitted as part of the permit application and all other requirements and regulations contained in this zoning resolution. No Certificate of Zoning Compliance shall be issued prior to compliance with the Harrison Township fire regulations (*2005 Ohio Fire Code and Ohio Building Code*).

4. **Conditional Use Permit**. Prior to the beginning of any construction, reconstruction, erection, moving, alteration, remodeling, addition or use of any building, structure, or land for which a conditional use permit is required, the owner or owner's agent shall make application to the Board of Zoning Appeals requesting the Board authorize the granting of a conditional use permit. Upon the Board authorizing the granting of a conditional use permit, the owner or owner's agent shall make an application for a zoning certificate.

B. Application Forms. The Development Director is hereby authorized to develop and amend as needed; a system of application forms necessary to implement the system of zoning certificates contained herein.

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

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

D. Issuance of Zoning Certificate. Zoning Certificates shall normally be issued, or refusal thereof given within 20 working days after the date of application. Written notice of such refusal and reason thereof shall be given to the applicant.

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

Section 3.4 Violations – Remedies

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Resolution or any amendments or supplements thereto; the Board of Harrison Township Trustees, the Township Development Director or designee, Township Fire Department or designee, or Building Inspector, Sheriff's/ Police Department or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The board of township trustees may employ special counsel to represent it in any proceeding or to prosecute any actions.

Section 3.5 Violations and Penalties

Violation of this Resolution or any amendments or supplements thereto will be enforced with all available enforcement actions and penalties as stated under Ohio Revised Code Section 519.99. The complaint may combine a cause of action for collection of civil fines under this section with a cause of action for injunction, abatement, mandamus, or other appropriate relief under the Ohio Revised Code. Each day the violation continues from the date of a judgment granting relief under this section shall constitute a separate offense.

Section 3.6 Stop Work Order

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

Section 3.7 Fees

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

ARTICLE 4. BOARD OF ZONING APPEALS

Section 4.1 Appointment

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

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

Section 4.2 Organization.

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

The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Board of Trustees and shall be a public record. A copy of the decision for each case shall be given to the applicant, and the Harrison Township Zoning Commission.

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

Section 4.3 Jurisdiction.

The Board of Zoning Appeals shall have the following jurisdiction:

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

B. Variances.

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

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

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

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

D. Nonconforming Uses. Nonconforming uses as provided in Article 36 of this Resolution.

Section 4.4 Procedure for Administrative Appeal.

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

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

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

C. Hearing on Appeal. The Board shall select a reasonable time and place for the hearing of an appeal, which shall be held not less than 15 nor more than 70 days after receipt of the application; give at least ten days written notice thereof to the owners of property within 300 feet of the applicant's property, as they shall appear on the notice of appeal. In addition, public notice of such hearings as to the time, place, date, and subject of the hearing, shall be published in a newspaper of general circulation at least ten 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.

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

Section 4.5 Procedure for Obtaining a Variance.

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

B. Authorization. The Board of Zoning Appeals may authorize variances from the terms of this Resolution as stated in Section 4.3, when the Board has made findings of fact, based upon the standards set out in Section 4.5(E) of this Resolution.

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

1. Description of Property and Nature of Variance.

a. The nature of the variance, i.e., including the specific provisions of the Zoning Resolution from which the variance is requested.

b. A description sufficient to identify the property, including a reference of the volume and page of the last recorded deed.

c. A statement of the special circumstances or conditions applying to the land or structure and not applying generally throughout the Zoning District.

d. A statement showing that the special conditions and circumstances do not result from the actions of the applicant.

e. A statement showing that the granting of the application is necessary to the preservation and enjoyment of substantial property rights.

f. Such other information regarding the appeal as may be pertinent or required for appropriate action by the Board of Zoning Appeals.

2. Plot Plan. The application shall be accompanied by six copies of a plot plan drawn to an appropriate scale showing the following:

a. The boundaries and dimensions of the lot.

b. The size and location of existing and proposed structures.

c. The proposed use of all parts of the lot and structures, including access ways, walks, off-street parking and loading spaces and landscaping.

d. The relationship of the requested variance to the standards set by the Zoning Resolution.

e. The use of land and location of structure on adjacent property.

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

E. Hearing on Variance. A hearing on the application shall be held by the Board and notice thereof given, as specified under Section 4.4(C) of this Resolution.

F. 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 evidence presented to it, that support conclusions that:

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

2. The strict application of the provisions of this Resolution from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

3. The variance desired will not adversely affect the public health, safety, and morals.

4. The variance desired will not compromise the general spirit and intent of this Resolution.

G. Conditions and Restrictions. In granting a variance, the Board may impose such conditions, safeguards and restrictions upon the premise benefited by the variance as may be necessary to comply with the standards set out in Section 4.5(E) of this Resolution to reduce or minimize potentially injurious effects of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this Resolution.

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

I. Period of Validity. A variance granted by the Board shall terminate at the end of six months from the date on which the Board grants the variance, unless within such six-month period, a zoning certificate is obtained.

Section 4.6 Procedure for Obtaining a Conditional Use.

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

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

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

The application for a Conditional Use shall contain the following:

1. Description of Property and Intended Use.

a. A description sufficient to identify the property including a reference of the volume and page of the last recorded deed.

b. The proposed use of the property.

c. A statement of the necessity or desirability of the proposed use to the neighborhood or community.

d. A statement of the compatibility of the proposed use of adjacent property and land use.

e. 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.

2. Plot Plan. The application shall be accompanied by six copies of the plot plan, drawn to an appropriate scale, clearly showing the following:

a. The boundaries and dimensions of the lot.

b. The size and location of existing and proposed structures.

c. The proposed use of all parts of the lot and structures, including access ways, walks, off-street parking, loading spaces, and landscaping.

d. The relationship of the proposed development to the development standards in the existing Zoning District.

e. The use of land and location of structures on adjacent property.

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

D. Hearing on Conditional Use. A hearing on the application shall be held by the Board and notice thereof given, as specified under Section 4.4(C) of this Resolution.

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

1. The proposed Conditional Use will comply with all applicable regulations of this Resolution, including lot size requirements, development standards and use limitations.

2. Adequate utility, drainage and other such necessary facilities have been or will be provided.

3. 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.

4. 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.

5. All exterior lights for artificial open-air illumination are so shaded as to avoid casting direct light upon any property located in a Residential District.

6. The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

7. The location, nature, and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings, and structures.

8. The Conditional Use desired will not adversely affect the public health, safety, and morals.

9. Places of Worship.

a. The site contains a minimum one acre of land area and has a minimum of one hundred and 150 feet of lot frontage.

b. Minimum setbacks are:

Front - 25 feet

Side - 40 feet

Rear - 40 feet

c. Site is located along a thoroughfare, having an existing right-of-way of 70 feet or greater.

The Board may waive the 70-foot right-of-way requirement, if a specific finding is made that the existing thoroughfare is adequate to handle the additional traffic generated and/or the site is located so as not to cause increased traffic congestion on residential streets.

d. There are a maximum of two curb cuts onto the major thoroughfare.

e. Screening between off-street parking areas and adjacent residential uses are in accordance with Section 40.2.

10. Rooming House.

a. All rental units shall have a minimum of 400 square feet of living area per unit.

b. Submission of a floor plan of the proposed rooming house.

c. Evidence of a license or ability to obtain a license from the Montgomery County Combined Health District for the operation of a rooming house.

d. There is adequate off-street parking area to accommodate the number of rooms being proposed.

e. All rental units are located within the principal structure.

11. Cemeteries.

a. Area Requirements. New cemeteries shall be a minimum of 20 acres. There shall be no minimum area requirement for the expansion of existing cemeteries.

b. Setback Requirements. There shall be a minimum setback of 200 feet from any burial site (including mausoleums) to any existing right-of-way line, and 100 feet to any adjacent property line.

12. Automotive Sales.

a. Lot Requirements.

i. The minimum lot area required for new automotive sales is 80,000 square feet.

ii. The minimum lot area required for used automotive sales is 20,000 square feet.

iii. Any lot/parcel of land to be used for automotive sales shall have a minimum depth of 200 feet.

iv. If multiple lots must be used to meet these requirements for a single business or operation, all lots shall be consolidated before an application for a conditional use can be considered.

b. Off-Street Loading.

i. No loading or unloading of car haulers or trailers shall be permitted on public rights-of-way.

ii. Car haulers/trailers must be able to access the site and have adequate room to maneuver on site for loading and unloading without backing onto a public right-of-way.

c. Required Office/Sales Display Room. All automotive sales businesses shall have an on-site permanent sales building or office with ADA accessible bathrooms for employees and customers. The building shall meet all dimensional and construction standards of the district in which it is located.

d. No Outdoor Storage or Display of Junk or Inoperable Vehicles. No junk or inoperative vehicle shall be permitted to remain outdoors on the property for a period exceeding 72 hours.

e. Maximum Impervious Surface. The maximum impervious surface for a lot used for automotive sales shall be 80%, inclusive of any building footprints, parking and drive aisles, or other paved areas. Pervious pavement may be used in areas where vehicles are not stored or displayed.

F. Conditions and Restrictions. In granting a Conditional Use Certificate, the Board may impose such conditions, safeguards and restrictions upon the premises benefited by the Conditional Use as may be necessary to comply with the standards set out in Section 4.6(E) to reduce or minimize potentially injurious effects of such Conditional Uses upon other property in the neighborhood, and to carry out the general purpose and intent of this Resolution.

G. 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.

Section 4.7 Revocation of Conditional Use Permit.

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

A. Determination by Code Enforcement Officer. Upon the township's own initiation or after receipt of a complaint that a conditional use is being operated in violation of any provision of this zoning resolution or contrary to any condition upon which the conditional use permit was granted, the enforcement official shall conduct an investigation into the alleged violation. Upon the Code Enforcement Officer making a determination that the conditional use is being operated in violation of any provision of this zoning resolution or any of the conditions upon which the conditional use permit was granted, the enforcement official, in addition to other remedies contained in this resolution, may initiate the process contained herein to revoke the conditional use permit.

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

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

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

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

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

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

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

F. Standards for revoking a Conditional Use Permit. Prior to the Board revoking any conditional use permit, in each specific case, the Board shall make the following findings:

1. The Board of Zoning Appeals authorized the granting of a conditional use permit to operate the use as described in the Notice of Violation.

2. The holder of the conditional use permit was served with a Notice of Violation as provided for in Section 4.7(C).

3. The Notice of Violation that was served upon the holder of the conditional use permit stated the specific nature of the violation; corrective action needed to be taken to abate the violation; specific time period for abatement of the violation; and a statement that failure to comply with the Notice of Violation may be cause for revocation of the conditional use permit.

4. Within the time period stipulated in the Notice of Violation, the holder of the conditional use permit failed to comply with the Notice of Violation by not abating the violation, and/or by not bringing the use into compliance with the conditions upon which the conditional use permit was issued.

5. An administrative appeal was not filed with the Board of Zoning Appeals as provided for in this resolution, alleging an error in any order, requirement, decision, or determination made by the Code Enforcement Officer relative to this case.

6. Upon expiration of the date indicated for compliance in the Notice of Violation, the use was being operated in violation of specific provisions of the Zoning Resolution and/or conditions imposed by the Board as a prerequisite to authorizing the granting of the conditional use permit.

G. Authority of the Board. The concurring vote of a majority of the Board of Zoning Appeals members present at the public hearing shall be necessary to render a decision. The Board shall have the power to reverse or affirm, wholly or partly, or may modify orders contained in the Notice of Violation. Upon affirming, wholly or partly the Notice of Violation, the Board shall have the power to revoke the conditional use permit. The Board shall not have the power to delete, change or modify the conditions upon which the conditional use permit was issued, unless the procedure contained in this resolution for the granting of a conditional use permit are complied with.

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

ARTICLE 5. ZONING DISTRICTS AND BOUNDARIES

Section 5.1 Districts.

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

Table 5.1-1: **Zoning Districts**

Abbreviation	District Name	Page Number/Link
A	Agricultural Residential District	**8-1**
R-1	Single Family Residential District	**9-1**
R-2	Single Family Residential District	**10-1**
R-3	Single Family Residential District	**11-1**
R-4	Single Family Residential District	**12-1**
R-5	Two Family Residential District	**13-1**
R-6	Multiple Family Residential District	**14-1**
R-7	Multiple Family Residential District	**15-1**
R-8	Mobile Home Residential District	**16-1**
OR-1	Office Residential District	**17-1**
O-2	Office District	**18-1**
B-1	Neighborhood Business District	**19-1**
B-2	Business District	**20-1**
B-3	Business District	**21-1**
B-4	Business District	**22-1**
I-1	Light Industrial District	**23-1**
I-2	General Industrial District	**24-1**
I-3	Heavy Industrial District	**25-1**
F	Flood Plain District	**26-1**
WP	Wellfield Protection Overlay District	**27-1**
OSI-2	Office/Service Industrial District	**29-1**
PUD	Planned Unit Development District	**30-1**
C/S-1	Commercial/Service District - 1	**31-1**
C/S-2	Commercial/Service District – 2	**32-1**

Section 5.2 Boundaries.

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

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

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

1. Where the designation of a boundary line on the Zoning Maps coincides with the location of a street or alley, the centerline of such street or alley shall be construed to be the boundary of such district.

2. Where the district boundaries do not coincide with the location of streets, alleys, but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.

3. Where the district boundaries do not coincide with the location of streets, alley or lot lines, the district boundaries shall be determined by the use of the scale shown on the Zoning Maps.

4. All street, alleys, public ways, waterways, and railroad rights of way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, public ways, waterways, and railroad rights of way.

5. Where the centerline of a street, alley, public way, waterway, or railroad right-of-way, serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to the centerline.

ARTICLE 6. DISTRICT CHANGES AND RESOLUTION AMENDMENTS

Section 6.1 Township Zoning Commission

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

B. Removal. Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission shall be removable in accordance with Section 519.04 Ohio Revised Code (see Section 4.1 of this Resolution).

Section 6.2 General

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

Section 6.3 Procedure for Change

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

A. Written Application. Six copies of a provided application form shall be filed with the Harrison Township Zoning Commission at their public office. Contact the Development Department prior to submitting paper copies.

1. Description of Change. The application shall include the following statements:

a. 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.

b. A description sufficient to identify the property including a reference of the volume and page of the last recorded deed.

c. The proposed use of the property.

d. A statement of the necessity or desirability of the proposed use to the neighborhood or community.

e. A statement of the relationship of proposed use to adjacent property and land use.

f. A list of owners of property within 300 feet from such area to be rezoned. Such list to be in accordance with the Montgomery County Auditor's current tax list.

g. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application by the Harrison Township Zoning Commission.

2. **Plot Plan.** The application shall be accompanied by six 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:

a. The boundaries and dimensions of the lot.

b. The approximate size and location of existing and proposed structures on the land to be rezoned if desired by applicant.

c. 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 7.1 Validity

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

Section 7.2 Repeal

The Resolution may be made inapplicable as to the Township in accordance with Chapter 519 of the Ohio Revised Code

ARTICLE 8. "A" AGRICULTURAL RESIDENTIAL DISTRICT

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

Section 8.1 Principal Permitted Uses.

A. See the Use Matrix Table, Appendix A

Section 8.2 Accessory Uses.

A. Living quarters of person employed on the premises and not rented or otherwise used as a separate dwelling.

B. A private garage, parking space or stable.

C. Roadside stands, offering for sale only agricultural products grown on the premises.

D. The keeping of animals and/or fowl as pets or for domestic use.

E. Home Occupation as defined in Article 2.

F. Other accessory uses permitted for this District by Article 35.

Section 8.3 Conditional Uses.

The following Conditional Uses are subject to approval in accordance with Section 4.6.

A. See the Use Matrix Table, Appendix A

Section 8.4 Development Standards.

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

A. See the Base Development Standards Table, Appendix

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 20,000 square feet per lot.

Section 9.1 Principal Permitted Uses.

A. See the Use Matrix Table, Appendix A

Section 9.2 Accessory Uses.

A. Accessory uses, building or other structures customarily incidental to any aforesaid permitted use, including private garages and stables; provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity. Stables shall be a distance of 200 feet from any lot in a Residential District.

B. Home Occupation as defined in Article 2.

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 35.

Section 9.3 Conditional Uses.

The following Conditional Uses are subject to approval in accordance with Section 4.6.

A. See the Use Matrix Table, Appendix A

Section 9.4 Development Standards.

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

A. See the Base Development Standards Table, Appendix B

ARTICLE 10. "R-2" SINGLE FAMILY RESIDENTIAL DISTRICT

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

Section 10.1 Principal Permitted Uses.

A. See the Use Matrix Table, Appendix A

Section 10.2 Accessory Uses.

A. Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity.

B. Home Occupation as defined in Article 2.

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 35.

Section 10.3 Conditional Uses.

The following Conditional Uses are subject to approval in accordance with Section 4.6.

A. See the Use Matrix Table, Appendix A

Section 10.4 Development Standards.

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

A. See the Base Development Table, Appendix B

ARTICLE 11. "R-3" SINGLE FAMILY RESIDENTIAL DISTRICT

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

Section 11.1 Principal Permitted Uses.

A. See the Use Matrix Table, Appendix A

Section 11.2 Accessory Uses.

A. Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity.

B. Home Occupation as defined in Article 2.

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 35.

Section 11.3 Conditional Uses.

The following Conditional Uses are subject to approval in accordance with Section 4.6.

A. See the Use Matrix Table, Appendix A

Section 11.4 Development Standards.

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

A. See the Base Development Standards Table, Appendix B

ARTICLE 12. "R-4" SINGLE FAMILY RESIDENTIAL DISTRICT

Preamble. This district has been established to provide for single family dwellings with a minimum of 7,500 square feet per lot.

Section 12.1 Principal Permitted Uses.

A. See the Use Matrix Table, Appendix A

Section 12.2 Accessory Uses.

A. Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use, including private garages, provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity.

B. Home Occupation as defined in Article 2.

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

D. Other accessory uses permitted for this District by Article 35.

Section 12.3 Conditional Uses.

The following Conditional Uses are subject to approval in accordance with Section 4.6.

A. See the Use Matrix Table, Appendix A

Section 12.4 Development Standards.

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

A. See the Base Development Standards Table, Appendix B

ARTICLE 13. “R-5” TWO FAMILY RESIDENTIAL DISTRICT

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

Section 13.1 Principal Permitted Uses.

A. See the Use Matrix Table, Appendix A

Section 13.2 Accessory Uses.

A. Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use, including private garages, provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity.

B. Home Occupation as defined in Article 2.

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

Section 13.3 Conditional Uses.

The following Conditional Uses are subject to approval in accordance with Section 4.6.

A. See the Use Matrix Table, Appendix A

1.

Section 13.4 Development Standards.

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

A. See the Base Development Standards Table, Appendix B.

ARTICLE 14. “R-6” MULTIPLE FAMILY RESIDENTIAL DISTRICT

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

Section 14.1 Principal Permitted Uses.

A. See the Use Matrix Table, Appendix A

Section 14.2 Accessory Uses.

A. Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry or any private way or walk giving access to such activity.

B. Home Occupation as defined in Article 2.

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

Section 14.3 Conditional Uses.

The following Conditional Uses are subject to approval in accordance with Section 4.6.

A. See the Use Matrix Table, Appendix A

Section 14.4 Development Standards.

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

A. See the Base Development Standards Table, Appendix B

ARTICLE 15. "R-7" MULTIPLE FAMILY RESIDENTIAL DISTRICT

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

Section 15.1 Principal Permitted Uses.

A. See the Use Matrix Table, Appendix A

Section 15.2 Accessory Uses.

A. Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry or any private way or walk giving access to such activity.

B. Home Occupation as defined in Article 2.

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

Section 15.3 Conditional Uses.

The following Conditional Uses are subject to approval in accordance with Section 4.6.

A. See the Use Matrix Table, Appendix A

Section 15.4 Development Standards.

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

A. See the Base Development Standards Table, Appendix B

ARTICLE 16. "R-8" MOBILE HOME RESIDENTIAL DISTRICT

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

Section 16.1 Principal Permitted Uses.

A. See the Use Matrix Table, Appendix A

Section 16.2 Accessory Uses.

A. Coin-operated laundry, laundry, and dry-cleaning pick-up stations for use of tenants only. No external signs of any nature whatsoever shall be permitted.

B. Other accessory uses, buildings, or structures customarily incidental to the aforesaid use.

Section 16.3 Conditional Uses.

The following Conditional Uses are subject to approval in accordance with Section 4.6.

A. See the Use Matrix Table, Appendix A

Section 16.4 Development Standards.

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

A. Required Conditions.

1. Each lot in a Mobile Home Park shall be served with sanitary sewer and water.

2. The minimum area of a Mobile Home Park shall be ten acres.

3. A 20-foot greenbelt shall be located and effectively maintained at all times along all park boundary lines except at established entrances and exits serving the park.

4. Each park shall provide a recreational area, or areas, equal in size to at least eight percent of the gross area of the park. Streets, parking areas, park service facility areas and greenbelt shall not be considered as parts of the required recreational area.

5. All exterior park lights shall be so located and shielded as to prevent direct illumination or any areas outside the park.

6. Mobile home sites shall be a minimum of 3,600 square feet in area.

7. Each mobile home site shall have a minimum width of 40 feet.

8. The minimum distance between a mobile home and another mobile home or structure shall be 16 feet.

9. Each mobile home shall be located at least ten feet from the greenbelt.

10. Each mobile home site shall be provided with a stand consisting of a solid concrete slab or two concrete ribbons of a thickness and size adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are used, the area between the ribbons shall be filled with a layer of crushed rock.

11. Accessory uses shall be located at least 100 feet from the greenbelt.

B. Required Conditions for Existing Mobile Home Parks. No enlargements or extensions to any mobile home park shall be permitted unless the existing park is made to conform substantially with all the requirements for new parks.

See the Base Development Standards Table, Appendix B

ARTICLE 17. “OR-1” OFFICE RESIDENTIAL DISTRICT

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

Section 17.1 Principal Permitted Uses.

A. See the Use Matrix Table, Appendix A

Section 17.2 Accessory Uses.

A. Accessory uses, buildings, or other structures customarily incidental to any aforesaid use, including private garages.

B. Home Occupation is defined in Article 2.

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 17.3 Conditional Uses.

The following Conditional Uses subject to approval in accordance with Section 4.6:

A. See the Use Matrix Table, Appendix A

Section 17.4 Required Conditions.

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

A. Such buildings shall front onto a collector or arterial with a right-of-way of 62 feet or more as established on the Official Thoroughfare Plan for Montgomery County.

B. The office establishment shall be conducted principally in daylight hours and shall not create a nuisance from noise, smoke, or odor.

C. No alteration of the principal residential structure shall be made which changes the essential appearance thereof as a dwelling.

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

Section 17.5 Development Standards.

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

A. See the Base Development Standards Table, Appendix B

B. Rooming House: Lot area requirements of 800 square feet per rental unit for a rooming unit.

ARTICLE 18. “O-2” OFFICE DISTRICT

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

Section 18.1 Principal Permitted Uses.

A. See the Use Matrix Table, Appendix A

Section 18.2 Accessory Uses.

A. Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use.

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

Section 18.3 Conditional Uses.

The following Conditional Uses are subject to approval in accordance with Section 4.6.

A. See the Use Matrix Table, Appendix A

Section 18.4 Development Standards.

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

A. See the Base Development Standards Table, Appendix B

ARTICLE 19. "B-1" NEIGHBORHOOD BUSINESS DISTRICT

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

Section 19.1 Principal Permitted Uses.

A. See the Use Matrix Table, Appendix A

Section 19.2 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 19.3 Conditional Use.

The following Conditional Uses are subject to approval in accordance with Section 4.6:

A. See the Use Matrix Table, Appendix A

Section 19.4 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 of retail or service character and conducted wholly within a completely enclosed building.

C. The business establishment shall not offer or make sales directly to customers in automobiles, except for drive-up windows for pick up or delivery and which will be provided with adequate driveway space on the premises for waiting vehicles.

D. No manufacturing, processing, packaging, repair, or treatment of goods shall be carried out, except when incidental or accessory to the performance of services or the sale of goods to the public on the premises.

E. All premises shall be furnished with all-weather hard surface walks of a material such as bituminous or Portland cement concrete, wood, tile, terrazzo, or similar material, and, except for parking areas, the grounds shall be planted and landscaped.

F. Where the property lines separate a Business District from a Residential District, a visual and mechanical barrier, a minimum of six feet in height, shall be provided along the common lot line, which may consist of any of the following:

1. An evergreen hedge used with a chain link fence. Such hedge shall not be less than three feet in height.

2. A solid fence of a non-deteriorating material.

3. Masonry wall.

G. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 41.

H. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.

I. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Health Department. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, or other acceptable means.

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

K. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.

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 19.5 Development Standards.

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

A. See the Base Development Standards Table, Appendix B

ARTICLE 20. “B-2” BUSINESS DISTRICT

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

Section 20.1 Principal Permitted Uses.

A. See the Use Matrix Table, Appendix A

Section 20.2 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 20.3 Conditional Use.

The following Conditional Uses are subject to approval in accordance with Section 4.6.

A. See the Use Matrix Table, Appendix A

Section 20.4 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 Gas Station/Fuel Centers in accordance with Section 20.4(F).

B. The business activity shall be of retail or service character and conducted wholly within a completely enclosed building.

C. The business establishment shall not offer or make sales directly to customers in automobiles, except for drive-up windows or drive-throughs for pick-up or delivery and which will be provided with adequate driveway space on the premises for waiting vehicles.

D. No manufacturing, processing, packaging, repair or treatment of goods shall be carried out, 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. Gas Station/Fuel Centers shall be limited to the selling and dispensing of petroleum fuel primarily to passenger vehicles and to such accessory uses as the sale and installation of lubricants, tires, batteries, accessories and supplies, incidental washing and polishing, tune ups and brake repair. No outdoor dismantling, wrecking or storage of automotive vehicles, parts or accessories shall be permitted. No outdoor storage or rental of trucks, trailers or passenger vehicles shall be permitted, with adequate consideration of neighborhood.

G. All premises shall be furnished with all-weather hard surface walks of a material such a bituminous or Portland cement concrete, wood, tile, terrazzo, or similar material, and, except for parking areas, the grounds shall be planted and landscaped.

H. Where the property lines separate a Business District from a Residential District, a visual and mechanical barrier, a minimum of six feet in height, shall be provided along the common lot line which may consist of any of the following:

1. An evergreen hedge used with a chain link fence. Such hedge shall not be less than three feet in height.

2. A solid fence of a non-deteriorating material.

3. Masonry wall.

I. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 44.

J. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.

K. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Health Department. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, or other acceptable means.

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

M. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.

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

Section 20.5 Development Standards.

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

A. See the Base Development Standards Table, Appendix B

B. Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed.

Side Yard	None, except when adjacent to a Residential District. In such case the side yard shall be not less than one fourth of the sum of the height and depth of the structure, but in no case shall be less than 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 of the sum of the height and width of the structure, but in no case shall be less than 20 feet. If a use is to be serviced from the rear, a yard shall be provided not less than 40 feet deep.

ARTICLE 21. “B-3” BUSINESS DISTRICT

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

Section 21.1 Principal Permitted Uses.

A. See the Use Matrix Table, Appendix A

Section 21.2 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 21.3 Conditional Use.

The following Conditional Uses are subject to approval in accordance with Section 4.6.

A. See the Use Matrix Table, Appendix A

Section 21.4 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 Gas Station/Fuel Centers in accordance with Section 20.4(F).

B. The business activity shall be of retail or service character and conducted wholly within a completely enclosed building.

C. The business establishment shall not offer or make sales directly to customers in automobiles, except for drive-up windows or drive-throughs for pick-up or delivery and which will be provided with adequate driveway space on the premises for waiting vehicles.

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 feet in height, shall be provided along the common lot line, which may consist of any of the following:

1. An evergreen hedge used with a chain link fence. Such hedge shall not be less than three feet in height.

2. A solid fence or a non-deteriorating material.

3. Masonry wall.

H. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 41.

I. No emission to toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.

J. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Health Department. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, or other acceptable means.

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

L. There will be vibrations which can be detected without the use of instruments at or beyond the lot lines.

M. Garden Centers - Retail Only.

1. Outdoor storage areas shall be permitted only for those items normally associated with Garden Center, requiring outdoor storage.

2. Items to be permitted within the outdoor storage area shall be reviewed by the Board of Zoning Appeals for conformance with Section 21.4(N).

3. Location and size of the outdoor storage area shall require approval of the Board of Zoning Appeals.

4. The Board of Zoning Appeals may require an appropriate screening of outdoor storage areas to completely or partially obstruct the view of the items contained therein.

5. Screening may be one of the following or a combination of two or more:

a. A solid masonry wall.

b. A solidly constructed decorative fence.

c. A louvered fence.

d. Dense evergreen planting.

e. Landscaped mounding with ground cover.

6. A required screening plan shall be submitted to and approved by the Board of Zoning Appeals.

7. Whenever required screening is adjacent to parking area or driveways such screening shall be protected by bumper blocks, posts or curbing to avoid damage by vehicles.

8. All screening shall be trimmed and maintained in good condition and remain free of all signs.

N. Seasonal Temporary Sales as regulated by Section 45.2.

O. Pawn Shops & Secondhand Dealers.

1. **Recording of Transaction.** All dealers shall keep and preserve a separate book or record in which the dealer shall enter in the English language, at the time of each purchase, receipt, or exchange of such articles the following information:

a. The name, address, social security number or date of birth of the individual making the transaction.

b. A description of the person from whom the article was purchased or received.

c. The date and time of the transaction.

d. A complete and accurate description of the article(s) purchased, received or exchanged, including the name of the maker or manufacturer, initials, serial numbers or other identifying features, including the price paid for each article.

e. The dealer shall require the seller of any article to sign their name on the page on which that person's transaction is recorded.

2. **Inspection of Records.** The book or record shall be open to inspection by any enforcement official or law enforcement officer during normal business hours.

3. **Maintenance of Records.** Each page of the book or record shall consist of one or more sequentially and consecutively numbered forms which shall contain appropriate blanks for furnishing all the information required in Section 21.4(O). The numbering of the forms shall begin with the number one and all numbers thereafter shall be accounted for.

4. **Preservation of Records.** The dealer shall preserve the book or record for a period of not less than one year after making the final entry on any purchase or exchange of property recorded therein.

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

Section 21.5 Development Standards.

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

A. See the Base Development Standards Table, Appendix B

B. Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed.

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 of the sum of the height and depth of the structure, but in no case shall be less than 20 feet.
Rear Yard	A rear yard shall be required adjacent to a Residential Zoning District or a Planned Residential District. Such rear yards shall be not less than one fourth of the sum of the height and width of the structure, but in no case shall be less than 20 feet. If a use is to be serviced from the rear, a yard shall be provided not less than 40 feet deep.

ARTICLE 22. “B-4” BUSINESS DISTRICT

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

Section 22.1 Principal Permitted Uses.

A. See the Use Matrix Table, Appendix A

Section 22.2 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.

C. Automotive Sales, uses may only be permitted as an accessory and subordinate use on the same lot as an approved Automotive Sales, New establishment and following the same conditional regulations.

Section 22.3 Conditional Use.

The following conditional use may be permitted as conditional uses in the B-4 District, subject to the approval of the Board of Zoning Appeals in accordance with Section 4.6 and any other applicable Sections of this Zoning Resolution, and the subsequent issuance of a conditional use permit by the Township.

A. See the Use Matrix Table, Appendix A

Section 22.4 Required Conditions.

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

A. Drive in window for pick up or delivery shall be located on and accessible only from the premises and shall be provided with adequate 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 on the premises.

D. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any property located in a Residential District or upon any public street.

E. All premises shall be furnished with all-weather hard surface walks of a material such as bituminous or Portland cement concrete, wood, tile, terrazzo, or similar material, and, except for parking area, the grounds shall be planted and landscaped.

F. Where the property lines separate a Business District form a Residential District, a visual and mechanical barrier, a minimum of six feet in height, shall be provided along the common lot line, which may consist of any of the following:

1. An evergreen hedge used with a chain link fence. Such hedge shall not be less than three feet in height.

2. A solid fence of a non-deteriorating material.

3. Masonry wall.

G. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 41.

H. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.

I. The emission of smoke or other air pollutants shall not violate the standards and regulations or the Montgomery County Health Department. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, or other acceptable means.

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

K. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.

L. Seasonal Temporary Sales, as regulated by Section 45.2.

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

1. Location and Setback.

a. All parking and sale display areas shall be set back a minimum of ten feet from the right-of-way. The required setback shall be landscaped in accordance with the following screening and landscaping requirements.

b. Display of vehicles for sale shall be located on a paved surface and shall comply with the parking setbacks according to the regulations in Article 40 “Off-Street Parking Requirements”.

2. Screening Along Public Streets and Perimeter of Parking and Display Areas.

a. Whenever parking areas consisting of five spaces or more are located such that the parked cars will be visible from a public or private street, screening shall be provided and maintained between the parking area and the street right-of-way.

b. Headlights shall be 100% screened from public streets and adjacent property unless the adjacent use is an automotive sales or rental use.

3. Pavement and Markings.

a. Pavement. All display areas, parking lots, driveways and access roads shall be made of asphaltic, concrete or some other comparable all-weather dustless materials. In no case shall crushed stone, gravel or similar material be considered a suitable substitute for asphalt concrete.

b. Parking for customers and employees shall be provided and marked as required by Article 40 “Off-Street Parking Requirements".

c. Automotive service or repair, if permitted, shall be performed, and conducted inside of a building.

d. No outdoor speaker systems shall be permitted.

e. No auctions shall be permitted on non-conforming lots or on properties adjacent to or across the street from a residential district.

f. All off-street parking and/or outdoor sales display area shall be separated from the public right-of-way by a landscaped area at least ten feet in width. On streets having an existing curb on the street side, a six-inch-high curb shall be required only on the inside of the parking/sales area. On streets not having an existing curb on the street side, a six-inch-high curb shall be required to completely enclosed the ten-foot separation strip. No vehicles shall be displayed or parked within the ten-foot landscaped area.

g. All lighting shall be arranged and designated to deflect light away from adjoining properties and public rights of way. The use of an energized lamp bulb, where the surface of the bulb is directly visible to people not located on the premises, is prohibited.

h. Accessory Use Percentage. The accessory used car sales may use no more than 30% of the total display area unless approved by the township.

N. Pawn Shops and Secondhand Dealers.

1. **Recording of Transaction.** All dealers shall keep and preserve a separate book or record in which the dealer shall enter in the English language, at the time of each purchase, receipt, or exchange of such articles the following information:

a. The name, address, social security number or date of birth of the individual making the transaction.

b. A description of the person from whom the article was purchased or received.

c. The date and time of the transaction.

d. A complete and accurate description of the article(s) purchased, received, or exchanged, including the name of the maker or manufacturer, initials, serial numbers or other identifying features, including the price paid for each article.

e. The dealer shall require the seller of any article to sign their name on the page on which that person's transaction is recorded.

2. **Inspection of Records.** The book or record shall be open to inspection by any enforcement official or law enforcement officer during normal business hours.

3. **Maintenance of Records.** Each page of the book or record shall consist of one or more sequentially and consecutively numbered forms which shall contain appropriate blanks for furnishing all the information required in Section 21.4(O). The numbering of the forms shall begin with the number one and all numbers thereafter shall be accounted for.

4. **Preservation of Records.** The dealer shall preserve the book or record for a period of not less than one year after making the final entry on any purchase or exchange of property recorded therein.

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

Section 22.5 Development Standards

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

A. See the adopted Base Development Standards, Appendix B

Lot Area, Frontage and Yard Requirements. 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 of the sum of the height and depth of the structure, but in no case shall be less than 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 of the sum of the height and width of the structure, but in no case shall be less than 20 feet. If a use is to be service from the rear, a yard shall be provided not less than 40 feet deep.

B. Required Off-Street Loading and Parking. Off-street loading and parking shall be approved in accordance with the requirements specified in Article 39 "Off-Street Loading Regulations" and Article 40 "Off-Street Parking Requirements."

ARTICLE 23. “I-1” LIGHT INDUSTRIAL DISTRICT

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

Section 23.1 Principal Permitted Uses.

A. See the Use Matrix Table, Appendix A

Section 23.2 Accessory Uses.

A. Accessory uses, building or other structures customarily incidental to any aforesaid permitted use.

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

Section 23.3 Conditional Use.

The following Conditional Uses subject to approval in accordance with Section 4.6.

A. See the Use Matrix Table, Appendix A

Section 23.4 Minimum Performance Standards.

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

A. The business or industrial activity shall be conducted wholly within a completely enclosed building, and all outdoor storage shall be prohibited; except for those conditional uses authorized by the Board of Zoning Appeals, where the Board finds that outdoor storage is intrinsically associated with the business operation.

B. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 41.

C. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken.

D. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Health Department. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means.

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

F. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.

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

1. An evergreen hedge used with a chain link fence. Such hedge shall not be less than three feet in height.

2. A solid fence of a non-deteriorating material.

3. Masonry wall.

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 as granted through conditional use approval 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 if said materials or products are stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

2. All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate firefighting and suppression equipment and devices standard to industry involved. All above ground storage shall be in enclosed fireproof vaults.

3. The storage, utilization or manufacture of pyrophoric and explosive powders and dusts, and of materials and products which decompose by detonation is prohibited.

4. The manufacture of flammable liquids or materials which produce flammable or explosive vapors of gases is prohibited.

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

Closed CUP Flash Point in Degrees F	Above Ground	Below Ground
Class I below 100' F.	I Not Permitted	20,000
Class II above 100' F. and below 140' F.	II 1,000	40,000
Class III above 140' F.	III 5,000	80,000

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

M. The handling of radioactive material, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in strict conformance with:

1. The applicable regulations of the Energy Research and Development Administration.

2. The applicable regulations of any instrumentality of the State of Ohio.

N. Retail Establishments whose primary product is associated with Building and/or Home Improvement.

1. In addition to the other requirements of Section 23.4, the aforementioned use:

a. Shall not be located on any street having less than an 82-foot right-of-way, as shown on the Official Thoroughfare Plan for Montgomery County.

b. Shall have access to the site directly off a street having a minimum right-of-way of 82 feet, as shown on the Official Thoroughfare Plan for Montgomery County.

c. Loading docks shall be located only to the side or rear of the building, and in no case shall loading docks be located in the area between the front building line and the street right-of-way line.

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

Section 23.5 Development Standards.

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

A. See the Base Development Standards table, Appendix B

B. Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed.

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 20 feet and a maximum requirement of 40 feet.
Rear Yard	A rear yard shall be required adjacent to a Residential or a Planned Residential District. Such side yard shall be equal to twice the height of the structure with a minimum requirement of 20 feet and a maximum requirement of 50 feet. If a use is to be serviced from the rear, the yard shall be at least 50 feet deep.

ARTICLE 24. “I-2” GENERAL INDUSTRIAL DISTRICT

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

Section 24.1 Principal Permitted Uses.

A. See the Use Matrix Table, Appendix A

Section 24.2 Accessory Uses.

A. Accessory uses, building or other structures customarily incidental to any aforesaid permitted use.

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

Section 24.3 Conditional Uses.

The following Conditional uses are subject to approval in accordance with Section 4.6.

A. See the Use Matrix Table, Appendix A

Section 24.4 Required Conditions.

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

A. Where the property lines separate an Industrial District from a Residential District, a visual and mechanical barrier, a minimum of six 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 feet in height.

2. A solid fence of a non-deteriorating material.

3. Masonry wall.

B. No noise from any operation conducted on premises either continuous or intermittent, shall violate the provisions of Article 41.

C. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animals or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken.

D. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Health Department. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means.

E. No person shall cause, permit, or allow the emission of odorous matter in such concentration and frequency or for such duration that such odor can be perceived when one volume of odorous air is diluted with seven volumes or odor free air for two separate trials not less than 15 minutes apart within the period of one hour.

F. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.

G. Any operation that produces intense glare or heat shall be performed within a completely enclosed building or structure and exposed sources of light shall be screened so as not to be detectable at the lot line.

H. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any Residential District or upon any public street.

I. No building or structure shall be used for residential purposes except as granted through conditional use approval that a watchman or custodian may reside on the premises.

J. All premises shall be furnished with all-weather hard surface walks or a material such as bituminous or Portland cement concrete, wood, tile terrazzo, or similar material and, except for parking areas, the grounds shall be planted and landscaped.

K. The storage, utilization and manufacture of solid, liquid, and gaseous chemicals and other materials shall be permitted subject to the following conditions:

1. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, but only if said material or products are stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

2. All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate firefighting and suppression equipment and devices standard to the industry involved. All above ground storage shall be in enclosed fireproof vaults.

3. The storage, utilization or manufacture of pyrophoric and explosive powders and dusts, and of materials and products which decompose by detonation is prohibited.

4. The manufacture of flammable liquids or materials which produce flammable or explosive vapors or gases is prohibited.

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

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

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

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

L. The handling of radioactive materials, the discharge of such materials into air and water and the disposal of radioactive wastes shall be in strict conformance with:

1. The applicable regulations of The Energy Research and Development Administration.

2. The applicable regulations of any instrumentality of the State of Ohio.

M. Materials or merchandise stored or stockpiled in unsheltered storage bins or outside storage piles or pits shall not exceed a height limit of 20 feet above normal ground level at that point and said storage area shall not be located closer than 50 feet from any property zoned for residential purposes.

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

Section 24.5 Development Standards

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

A. See the Base Development Standards Table, Appendix B

B. Lot Area, Frontage and Yard Requirements.

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 20 feet and a maximum requirement of 50 feet.
Rear Yard	A rear yard shall be required adjacent to a Residential or a Planned Residential District. Such side yard shall be equal to twice the height of the structure with a minimum requirement of 20 feet and a maximum requirement of 50 feet. If a use is to be serviced from the rear, the yard shall be at least 50 feet deep.

ARTICLE 25. “I-3” HEAVY INDUSTRIAL DISTRICT

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

Section 25.1 Principal Permitted Uses.

A. See the Use Matrix Table, Appendix A

Section 25.2 Accessory Uses.

A. Accessory uses, building or other structures customarily incidental to any aforesaid permitted use.

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

Section 25.3 Conditional Use.

The following Conditional Uses are subject to approval in accordance with Section 4.6.

A. See the Use Matrix Table, Appendix A

Section 25.4 Conditions for Conditional Uses.

A. Uses of the type exemplified by Section 25.3(A), shall be confined to tracts located at least 1,000 feet from any property where residents are permitted by this Zoning Resolution.

B. Junk yards subject to the requirements of Section 25.3(B), shall be confined to tracts located at least 600 feet from any property zoned for residential purposes, shall observe a 50-foot front yard setback, and shall comply with Chapter 4737, of the Ohio Revised Code.

Section 25.5 Required Conditions.

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

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

1. An evergreen hedge used with a chain link fence. Such hedge shall not be less than three feet in height.

2. A solid fence of a non-deteriorating material.

3. Masonry wall.

B. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provision of Article 41.

C. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animals or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken.

D. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Health Department. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means.

E. No person shall cause, permit, or allow the emission or odorous matter in such concentration and frequency or for such durations that such odor can be perceived when one volume off odorous air is diluted with seven volumes of odor free air for two separate trials not less than 15 minutes apart within the period of one hour.

F. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.

G. Any operation that produces intense glare or heat shall be performed within a completely enclosed building or structure; and exposed sources of light shall be screened so as not to be detectable at the lot line.

H. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any Residential District or upon any public street.

I. No building or structure shall be used for residential purposes except as granted through conditional use approval that a watchman or custodian may reside on the premises.

J. The storage, utilization and manufacture of solid, liquid, and gaseous chemicals and other materials shall be permitted subject to the following conditions:

1. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted only if said materials or products are stored, utilized, or manufactured within completely enclosed buildings have incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

2. All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate firefighting and suppression equipment and devices standard to the industry involved. All above ground storage shall be in enclosed fireproof vaults.

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

Closed CUP Flash Point in Degrees F	Above Ground	Below Ground
Class I below 100' F.	I Not Permitted	Unlimited
Class II above 100' F. and below 140' F.	II Unlimited	Unlimited
Class III above 140' F.	III Unlimited	Unlimited

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

K. The handling of radioactive materials, the discharge of such materials into air and water and the disposal of radioactive wastes shall be in strict conformance with:

1. The applicable regulations of the Energy Research and Development Administration.

2. The applicable regulations of any instrumentality of the State of Ohio.

L. Materials or merchandise stored or stockpiled in unsheltered storage bins or outside storage piles or pits shall not exceed a height limit of twenty feet above normal ground level at that point and said storage area shall not be located closer than fifty feet from any property zoned for residential purposes.

Section 25.6 Development Standards

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

A. See the Base Development Standards Table, Appendix B

B. Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed.

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 20 feet and a maximum requirement of 40 feet.
Rear Yard	A rear yard shall be required adjacent to a Residential or a Planned Residential District. Such side yard shall be equal to twice the height of the structure with a minimum requirement of 50 feet. If a use is to be serviced from the rear, the yard shall be at least 50 feet deep.

ARTICLE 26. “F” FLOOD PLAIN DISTRICT

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

Section 26.1 Principal Permitted Uses.

A. Agriculture / Public & Semi-Public Uses

1. Agriculture, Small Scale
2. Agriculture, Large Scale
3. Community Garden
4. Nature Preserve
5. Park / Playground

B. Commercial Uses

1. Farmer’s Market (as a primary use)

Section 26.2 Conditional Use.

The following Conditional Uses subject to approval in accordance with Section 4.6.

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

A. Commercial Uses

1. Recreation, Outdoors
2. Shooting Range

ARTICLE 27. “WP” WELL FIELD PROTECTION OVERLAY DISTRICT

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

Section 27.1 Applicability of Well Field Protection Overlay District to Underlying Zoning Districts.

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

Section 27.2 Determination of Applicability.

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

Section 27.3 Definitions.

A. **Administrator.** Shall be the Planning/Zoning Director and such individuals or agencies authorized by the Township Trustees to assist in administration and enforcement of the provisions of this article.

B. **Aquifer.** A glacial formation, group of glacial formations or part of a glacial formation that contains enough saturated permeable material to yield significant quantities of water.

C. **Potable Water.** Water that is satisfactory for drinking, culinary and domestic purposes, meeting current drinking water standards.

D. **Protected Public Water Supply.** A public water system which serves at least 15 service connections used by year-round residents or regularly services at least 25 year-round residents and having a one-year capture area defined through appropriate hydrologic study.

E. **Recharge Lagoon.** A body of water designed and maintained by man to add water to the groundwater at a rate greater than that occurring naturally.

F. Regulated Substance(s). Substances to be regulated, hereinafter referred to as Regulated Substances, are chemicals and mixtures of chemicals which are health hazards. Regulated Substances include:

1. Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents, which damage the lungs, skin, eyes, or mucous membranes.

2. Mixtures of chemicals which have been tested as a whole and have been determined to be a health hazard.

3. Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and which comprises one percent or greater of the composition on a weight per unit weight basis, and mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is one tenth of one percent or greater of the composition on a weight per unit weight basis.

4. Ingredients of mixtures prepared within the "WP" Well Field Protection Overlay District in cases where such ingredients are health hazards but comprise less than one tenth of one percent of the mixture (on a weight per unit weight basis) if carcinogenic, or less than one percent of the mixture (on a weight per unit weight basis) if non carcinogenic.

5. Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids in use in equipment for the transmission of electric power to homes and businesses).

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

1. Pipeline facilities, including gathering lines, regulated under the “Natural Gas Pipeline Safety Act of 1968” 82 Stat. 720, 49 U.S.C.A. as amended.

2. Surface impoundments, pits, ponds, or lagoons.

3. Storm or wastewater collection systems.

4. Flow-through process tanks.

5. Storage tanks located in underground areas when the tanks are located on or above the surface of the floor and the integrity of the tank is periodically visually evaluated.

6. Septic tanks.

7. Tanks used for storing heating fuel for consumptive use on the premises where stored, provided the premises are single- or two-family residences.

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

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

Section 27.4 Principal Permitted Uses.

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

Section 27.5 Accessory Uses.

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

Section 27.6 Conditional Uses.

Conditional Uses are subject to approval in accordance with Section 4.6. The conditional uses allowed within the "WP" Well Field Protection Overlay District shall be those of the underlying zoning district, provided they meet all requirements of this Article in addition to any applicable requirements established under any other Article. In addition, specific conditional use provisions for the extraction of minerals and existing uses within the "WP" district shall be as follows:

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

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

2. The proposed extent and depth of excavations.

3. Slope angle of excavation walls (any final slopes shall be at the angle of repose for the remaining material).

4. Use and disposition of the soil and/or overburden materials from the excavations including a landscaping and vegetation plan to stabilize any disturbed material.

5. Surface Drainage Plan:

a. Drainage into on site excavations from proximate off-site transportation facilities such as roadways and roadbeds and off-site watercourses is prohibited unless the applicant provides a plan which otherwise protects the excavations from offsite waterborne regulated substances.

b. The final on site grading shall minimize all surface drainage into the excavations.

6. A post excavation and operation land use plan.

7. A security plan (unauthorized access shall be strictly prohibited as long as any excavations remain on site).

B. Existing Businesses. Existing legal businesses within the "WP" district as of the effective date of this article may make application to increase the maximum quantities of regulated substances maintained on site in response to changes in the market and/or need to increase production.

1. All other methods to respond to changes in the market or increase production without exceeding the maximum quantities or reported regulated substances have been exhausted.

2. There shall be no greater hazard and/or threat of hazard to the aquifer and/or ground water as a result of increasing the number of regulated substances.

Section 27.7 Specific Prohibited Uses.

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

A. Construction and demolition waste and debris sites.

B. Sanitary waste facility and/or sanitary waste processing facility.

C. Hazardous waste facility and/or hazardous waste processing facility.

D. Dry well.

E. Underground storage tank.

F. Any use of chlorinated compounds and/or the Per- and Polyfluoroalkyl substances (PFAS) of Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonate (PFOS).

G. Any prohibited uses as identified in state or federal law.

H. Bulk fuels storage facility.

I. Class I, II, III, IV, and VI underground injection wells.

J. Concentrated animal feeding facility.

K. Grade and fill sites.

L. Hazardous liquid pipeline facility.

M. Infectious wastes storing, processing, and/or handling.

N. Junkyards, including vehicle crushing.

O. Manufacturing, chemical.

P. Manufacturing, extraction, mixing or warehousing of Pharmaceuticals and Personal Care Products (PPCP).

Q. Manure storage and/or treatment facility.

R. Plating.

S. Recycling collection facility – both Large and Small Collection Facilities. Recycling processing facility, indoor.

T. Recycling processing facility, outdoor. Salt piles unless stored inside a building with an impermeable floor.

U. Sand, limestone, shale, clay, dirt, and gravel operations. Self-storage facility, indoor.

V. Solid waste composting facilities, Class I, II, and III.

W. Underground storage tank.

X. Vehicle fueling station.

Y. Waste facility, construction and demolition.

Z. Waste facility, hazardous.

AA. Waste facility, sanitary.

Section 27.8 Groundwater Protection Standards.

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

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

B. Limited Exclusions. Limited exclusions from the provisions of Section 27.8(A) are authorized for:

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

   a. The aggregate of Regulated Substances in use, storage, handling, and/or production may not exceed 50 gallons or 400 pounds at any time.

2. **Medical & Research Laboratory Uses.** Excluded Regulated Substances shall be stored, handled, or used in containers not to exceed five gallons or 40 pounds of each substance and the aggregate inventory of Regulated Substances shall not exceed 250 gallons or 2,000 pounds.

3. **Cleaning Agents.** Excluded Regulated Substances which are cleaning agents shall be packaged for personal or household use or be present in the same form and concentration as a product packaged for use by the general public. The aggregate inventory of such cleaning agents shall not exceed 200 gallons or 1600 pounds at any time. In no case shall Regulated Substances claimed under this exclusion include hydrocarbon or halogenated hydrocarbon solvents.

4. **Construction Materials.** Regulated Substances associated with construction for which a permit has been issued, paving or the pouring of concrete shall be excluded from regulation while present on the construction site provided such regulated substances do not pose a real and present danger of contaminating surface and/or ground water. For the on-site storage of fuel and lubricants for vehicles or other equipment, which may be associated with such construction activity, the fuel storage containers shall be secondarily contained. Regulated Substances not used in the construction process and all wastes generated during construction shall be removed from the construction site no later than at the time of completion of the construction. If construction activity has ceased for 60 days, all Regulated Substances shall be removed from the site until such time as the construction activity is to resume.

C. Underground Storage of Fuel and Lubricants. With the exception of residential use of heating fuels, the underground storage of fuel and lubricants for vehicle operations and fuel for building and/or process heating in conjunction with permitted and conditional uses in this district shall be secondarily contained and monitored. Such installations shall be subject to approval by the Administrator.

D. Nonconforming Uses.

1. **Underground Storage Tanks.** Notwithstanding other provisions in this Article, nonconforming uses in this district using underground storage tanks on November 20, 2008, for fuel and lubricants for vehicle operations and fuel for building and/or processing heating shall be permitted to replace existing tanks with those constructed as per the specifications of Section 27.8(C) above and not exceeding the capacity of existing tanks. Replacement of underground tanks for Regulated Substances other than the above noted fuels and lubricants are not permitted.

2. **Substitutions of Nonconforming Uses.** As part of the findings required under Article 33, the Administrator shall use the Total Maximum Daily Inventory and Facility Hazard Potential Rating to assist in the determination of intensity of use within this district. Except as provided for in Section 27.6(B), no substitutions of a non-conforming use shall be permitted which result in an increase in the Total Maximum Daily Inventory of Regulated Substances or that result in an increase of the Facility Hazard Potential Rating on a parcel within this district.

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

F. Technical Consultants. Upon application for a Zoning Permit and/or Occupancy Certificate and/or Conditional Use Permit for a use within the "WP" Well Field Protection Overlay District; the Administrator may employ such technical expertise as needed to ensure compliance with the provisions of this Article. All documented costs incurred in the compliance review process shall be passed through to the applicant and shall be in addition to those fees normally charged by the Township to review a Zoning Permit and/or Occupancy Certificate and/or Conditional Use Permit.

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

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

Section 27.9 Reporting Requirements.

A. Regulated Substances Activity Inventory.

1. Applicability.

a. Except as provided in Section 2709 (A)(2), any owner or occupant of any land in the Well Field Protection Overlay District at the effective date of this Article shall file a Regulated Substance Activity Inventory Report with the Administrator. Said report shall be filed by January 30th of every even numbered calendar year.

b. Any prospective new owner or occupant of any land in the Well Field Protection District shall file a Regulated Substance Activity Inventory Report with the Director before occupying the site and henceforth as required in Section 27.9(A)(1)(a). Any prospective new owner or occupant that is also required to obtain a new Certificate of Zoning Compliance shall obtain such certificate before occupying the site. For purposes of this subdivision, "new" shall be defined as subsequent to the effective date of this section.

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

2. Exclusions to activity Inventory Reporting.

a. Any exclusion set forth in this Paragraph shall apply provided that said exclusion does not substantially increase any risk or hazard to the public health, aquifer, water supply, wells or well fields; and provided further that any spill, leak, discharge, or mishandling shall be subject to the provision of this Article. Any exclusion granted herein shall not remove or limit the liability and responsibility of any person or activity involved.

b. A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for routine uses of Regulated Substances provided the uses are limited as follows:

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

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

i. The aggregate of Regulated Substances in use may not exceed 50 gallons or 400 pounds at any time.

d. A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for Regulated Substances which are cleaning agents provided however, such cleaning agents are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public, and provided that aggregate inventory of such cleaning agents shall not exceed 200 gallons or 1600 pounds at any time. In no case shall Regulated Substances claimed under the exclusion include halogenated hydrocarbon solvents.

e. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for medical and research laboratory uses in the Well Field Protection Overlay District, provided however, Regulated Substances shall be stored, handled, or used in containers not to exceed five gallons or 40 pounds of each substance and the aggregate inventory of Regulated Substances shall not exceed 250 gallons or 2,000 pounds.

f. An exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for the transportation of Regulated Substances being transported through the Well Field Protection Overlay District provided that the transporting vehicle is in compliance with applicable local ordinances and Federal and Ohio laws and provided that the transporting vehicle is in continuous transit, making delivery, or is stopped for no more than 72 hours.

g. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for single or two-family residences provided that the storage and use of such Regulated Substances are related to the maintenance of the residence or vehicles at the residence and provided waste Regulated Substances are handled and disposed of properly.

h. A limited exclusion from Regulated Substances Activity Inventory Reporting is hereby authorized for regulated substances that are contained within tanks that are designed as an integral part of the motor vehicle or watercraft and used specifically and solely for the operation of the motor vehicle. This exclusion does not apply to inoperative motor vehicles. Except as provided for in Section 27.9(A)(2)(f), in no case shall the tanker portion of a tractor trailer truck be included in this exclusion.

i. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for Regulated Substances for melting ice from walking and driving areas of a property or using water softeners, provided such Regulated Substances are salts and are stored inside a building that has an impervious floor.

j. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for Regulated Substances for swimming pool water quality maintenance, provided that the total of Regulated Substances does not exceed 110 gallons or 180 pounds at any time.

k. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for Regulated Substances for the operation of elevators, escalators, moving walkways, and similar devices that are an integral part of the building or structure.

l. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for refrigerants contained in equipment used for on-site air-cooling or contained in household appliances.

m. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for the solid form of plastic resins, solid inks, dry wall mud, caulking, joint and topping compounds and similar solids and semi-solids that have been determined by the Administrator to pose a minimal threat to the ground water, provided the substances are stored inside a building that has an impervious floor. Plastic resins containing chlorine are not excluded from reporting.

n. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for gasses, with the exception of ammonia, halogens and halogenated compounds. Gases for retail are not excluded from reporting. Regulated Substances used in the manufacturing and extraction of gasses and repackaged, or warehoused gasses are not excluded from reporting.

o. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for food grade citric acid.

p. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for batteries in use in equipment and the storage of new replacement batteries provided the batteries are stored inside a building that has an impervious floor. Batteries for retail, to be disposed, or to be recycled are not excluded from reporting. Regulated Substances used in the manufacturing of batteries and repacked or warehoused batteries are not excluded from reporting.

q. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for Cosmetics as defined by Section 321 of Title 21 of the United States Code. Regulated Substances used in manufacture and extraction of Cosmetics and repackaged, or warehoused cosmetics are not excluded from reporting.

r. A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for regulated substances for personal or household use as food or drink for a person or animal, except that Regulated Substances used in the manufacture and extraction of such are not excluded from reporting.

B. Spills, Leaks or Discharges.

1. **Notification.** Any person with direct knowledge of a spill, leak or discharge of a Regulated Substance within the Well Field Protection Overlay District shall, if such spill, leak, or discharge escapes containment, contacts a non-impervious ground surface and is not immediately and completely remediated, should call 911, and give notice to the Harrison Township Fire Dispatcher, by telephone within 30 minutes of such spill. When it is impractical for a person to give notice of a spill within the first 30 minutes, notice shall be given as soon as it becomes practicable to do so. The notification shall include at a minimum, the location of the incident, name and telephone number, date, and time thereof, type of substance(s), concentration and volume, and control or corrective action taken. Such notification shall in no way alleviate other local, state, and federal reporting obligations as required by law.

2. **Liability.** Any entity or person who spills, leaks or discharges said substance(s) shall be liable for any reasonable expense, loss or damages incurred by the Township in response to such an incident, in addition to the amount of any fines imposed on account thereof under Ohio and Federal law; said entity or person shall document and maintain sufficient records so as to reflect accurately the circumstances related to any such incident and develop and implement procedures to substantially eliminate the likelihood of recurrence of such spills, leaks or discharges as soon as practicable following the incident, but no later than 180 days after the incident.

3. **Posting.** Harrison Township shall post signs in conspicuous places advising transporters of Regulated Substances of notification procedures in the event of a spill or accidental discharge.

Section 27.10 Underground Storage Tanks.

Owners and operators of underground storage tanks systems, as defined in Section 27.3(G), which are located within the Well Field Protection Overlay District, shall comply with requirements of the Ohio Administrative Code, Section 1301:7-9, as amended, irrespective of whether they are defined as underground storage tank systems by OAC Section 1301:7-9. Owners and operators of underground storage tank systems within the Well Field Protection Overlay District shall comply with the requirements of this subsection irrespective of whether they are located within a sensitive area as defined in Ohio Administrative Code Section 1301:7-9-09, as amended. Owners and operators of any underground storage tank system in the Well Field Protection Overlay District when required to file a Closure Assessment Report by OAC Section 1301.7-9 shall file one copy of the Closure Assessment Report with the Administrator.

Section 27.11 Falsifying Information.

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

Section 27.12 Retention of Records.

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

Section 27.13 Enforcement.

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

1. Cause cessation of said activity or use of the Regulated Substance.

2. Require the provision of administrative controls and/or facilities sufficient to mitigate said danger.

3. Cause the provision of pollution control and/or abatement activities.

B. Considerations. When considering the exercise of any of the above authorities or actions, the Administrator shall notify and consult with the Director or designated representative of the affected water supply to determine what measures need to be taken to ensure the public water supply is reasonably and adequately protected from contamination for the present and the future. The Administrator may take into consideration any evidence represented by the entity regarding cost effectiveness and the economic effectiveness and the economic impact imposed by the requirements or actions.

Section 27.14 Hazard Potential Ranking System.

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

A. Table 1 Hazard Potential by Land Use*. Table 1 lists the site hazard potential by land use activity on a scale of 1 - 9, with 1 being a low hazard and 9 a very high hazard. This rating is based on the intrinsic hazards posed by different land uses and is related to the materials commonly used or stored on the site or the types and amounts of waste commonly discharged.

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

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

Table 1
Contaminant Hazard Potential Ranking Classified by Score

SIC No.	Description of Waste Source		Hazard Potential Initial Rating
01	Agricultural Production Crops		1 – 2
02	Agricultural Production - Livestock		
	021	Livestock, except Dairy, Poultry and Animal Specialties, Feedlots	3; 5
	024	Dairy Farms	4
	025	Poultry and Eggs	4
	027	Animal Specialties	2 – 4
	029	General Farms, Primarily Livestock	2
10	Metal Mining		
	101	Iron Ores	4
	102	Copper Ores	6
	103	Lead and Zinc Ores	5
	104	Gold and Silver Ores	6
	105	Bauxite and Other Aluminum Ores	5
	106	Ferroalloy Ores Except Vanadium	5
	108	Metal Mining Services	4
	1092	Mercury Ore	6
	1094	Uranium-Radium-Vanadium Ores	7
	1099	Metal Ores Not Elsewhere Classified	5
11	Anthracite Mining		7
12	Bituminous Coal and Lignite Mining		7
13	Oil and Gas Extraction		
	131	Crude Petroleum and Natural Gas	7

Table 1
Contaminant Hazard Potential Ranking Classified by Score

SIC No.	Description of Waste Source		Hazard Potential Initial Rating
	132	Natural Gas Liquids	7
	1381	Drilling Oil and Gas Wells	6
	1382	Oil & Gas Field Exploration	1
	1389	Oil & Gas Field Services Not Elsewhere Classified	Variable, Depending on Activity
14	Mining & Quarrying of Non-Metallic Minerals, Except Fuels		
	141	Dimension Store	2
	142	Crushed & Broken Stone, Including Riprap	2
	144	Sand & Gravel	2
	145	Clay, Ceramic & Refractory Minerals	2 – 5
	147	Chemical & Fertilizer Mineral Mining	4 – 7
	148	Nonmetallic Minerals Services	1 – 7
	149	Miscellaneous Nonmetallic Mineral, Except Fuels	2 – 5
16	Construction Other than Building Construction		
	1629	Heavy Construction, not Elsewhere Classified (Dredging, Especially in Salt Water)	4
20	Food and Kindred Products		
	201	Meat Products	3
	202	Dairy Products	2
	203	Canned & Preserved Fruits & Vegetables	4
	204	Grain Mills Products	2
	205	Bakery Products	2
	206	Sugar & Confectionery Products	2

Table 1
Contaminant Hazard Potential Ranking Classified by Score

SIC No.	Description of Waste Source		Hazard Potential Initial Rating
	207	Fats & Oils	3
	208	Beverages	2 – 5
	209	Miscellaneous Food Preparation & Kindred Products	2
22	Textile Mill Products, All Except Listed Below		
	223	Broad Woven Fabric Mills Wool (including dying & finishing)	6
	226	Dying & Finishing Textiles, Except Wool Fabrics & Knit Goods	6
	2295	Coated Fabrics, not Rubberized	6
24	Lumber & Wood Products Except Furniture		
	241	Logging Camps & Logging Contractors	2
	242	Sawmills & Planking Mills	2
	2435	Hardwood Veneer & Plywood	4
	2436	Softwood Veneer & Plywood	4
	2439	Structural Wood Members Not Elsewhere Classified (laminated wood glue)	3
	2491	Wood Preserving	5
	2492	Particle Board	4
	2499	Wood Products, not Elsewhere Classified	2 – 5
26	Paper & Allied Product		
	261	Pulp Mills	6
	262	Paper Mills Except Building Mills	6
	263	Paperboard Mills	6
28	Chemicals & Allied Products		

Table 1
Contaminant Hazard Potential Ranking Classified by Score

SIC No.	Description of Waste Source		Hazard Potential Initial Rating
	2812	Alkalis & Chlorine	7 – 9
	2813	Industrial Gases	
	2816	Inorganic Pigments	3 – 8
	2819	Industrial Inorganic Chemicals, not Elsewhere Classified	3 – 9
	2821	Plastic Materials, Synthetic Resins & Non-Vulcanizable Elastomers	6 – 8
	2822	Synthetic Rubber (Vulcanizable Elastomers)	6 – 8
	2823	Cellulose Man-Made Fibers	6 – 8
	2824	Synthetic Organic Fibers, Except Cellulosic	6 – 8
	2831	Biological Products	6 – 9
	2833	Medicinal Chemicals & Botanical Products	3 – 8
	2834	Pharmaceutical Preparations	6 – 9
	2841	Soap & Other Detergents, Except Specialty Cleaners	4 – 6
	2842	Specialty Cleaning, Polishing, & Sanitation Preparation	3 – 8
	2843	Surface Active Agents, Finishing Agents, Sulfonated Oils & Assistants	6 – 8
	2844	Perfumes, Cosmetics & Other Toilet Preparations	3 – 6
	2851	Paints, Varnishers, Lacquers, Enamels & Allied Products	5 – 8
	2861	Gum & Wood Chemicals	5 – 8
	2865	Cyclic (coal tar) Crudes, & Cyclic Intermediates, Dyes & Organic Pigments (Lakes and Toners)	6 – 9
	2869	Industrial Organic Chemicals Not Elsewhere Listed	3 – 9
	2873	Nitrogenous Fertilizers	7 – 8
	2874	Phosphatic Fertilizers	7 – 8

Table 1
Contaminant Hazard Potential Ranking Classified by Score

SIC No.	Description of Waste Source		Hazard Potential Initial Rating
	2875	Fertilizer Mixing Only	5
	2879	Pesticides & Agricultural Chemicals not Elsewhere Listed	5 – 9
	2891	Adhesives & Sealants	5 – 8
	2892	Explosives	6 – 9
	2893	Printing Ink	2 – 5
	2895	Carbon Black	1 – 3
	2899	Chemicals & Chemical Preparations, not Elsewhere Listed	3 – 9
29	Petroleum Refining & Related Industries		
	291	Petroleum Refining	8
	295	Paving & Roofing Materials	7
	299	Misc. Petroleum & Coal Products	7
30	Rubber & Miscellaneous Plastics Products		
	301	Tires & Inner Tubes	6
	302	Rubber & Plastic Footwear	6
	303	Reclaimed Rubber	6
	304	Rubber & Plastic Hose & Belting	4
	306	Fabricated Rubber Products, not Elsewhere Classified	4
31	Leather & Leather Products		
	311	Leather Tanning & Finishing	8
		Remaining Three-Digit Codes	1 – 3
32	Stone, Clay, Glass & Concrete Products		
	321	Flat Glass	4

Table 1
Contaminant Hazard Potential Ranking Classified by Score

SIC No.	Description of Waste Source		Hazard Potential Initial Rating
	322	Glass & Glassware Pressed or Blown	4
	324	Cement, Hydraulic	3
	33274	Lime	3
	3291	Abrasive Products	3
	3292	Asbestos	3
	3293	Gaskets, Packing & Sealing Devices	3
33	Primary Metal Industries (Except as Noted Below)		3
	3312	Blast Furnaces, Steel Works, and Rolling & Finishing Mills	6
	333	Primary Smelting & Refining of Nonferrous Metals	7
34	Fabricated Metal Products, Except Machinery & Transportation Equipment (Except as Noted Below)		5
	347	Coating, Engraving & Allied Services	8
	3482	Small Arms Ammunition	7
	3483	Ammunition, Except for Small Arms Not Elsewhere Classified	7
	3489	Ordinance and Accessories not Elsewhere Classified	7
	349	Misc. Fabricated Metal Products	3 – 6
35	Machinery, Except Electrical		5 – 7
36	Electrical & Electronic Machinery, Equipment & Supplies (Except as Noted Below)		
	3391	Storage Batteries	8
	3692	Primary Batteries, Dry & Wet	8
37	Transportation Equipment		5 – 8

Table 1
Contaminant Hazard Potential Ranking Classified by Score

SIC No.	Description of Waste Source		Hazard Potential Initial Rating
38	Measuring, Analyzing, & Controlling Instruments; Photogenic, Medical, & Optical Goods; Watches & Clocks (Except as Noted Below)		4 – 6
	386	Photographic Equipment & Supplies	7
39	Miscellaneous Manufacturing Industries		3 – 7
49	Electric, Gas & Sanitary Services		
	491	Electric Services	3 – 5
	492	Gas Production & Distribution	3
	494	Water Supply	2
	4952	Sewage Systems	2 – 5
	4953	Refuse Systems (Landfills)	5 – 9
	496	Steam Supply	2 – 4

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

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

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

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

Table 2
Contaminant Hazard Potential Ranking Classified by Type

Description	Hazard Potential Initial Reading	ID No *
Solids		

Table 2
Contaminant Hazard Potential Ranking Classified by Type

Description	Hazard Potential Initial Reading	ID No *
Ferrous Metals	1 – 4	1100
Non-Ferrous Metals	1 – 7	1200
Resins, Plastics, and Rubber	2	1300
Wood and Paper Materials (except as noted below)	2	1400
Bark	4	1401
Textiles and Related Fibers	2	1500
Inert Materials (except as noted below)	2	1600
Sulfide Mineral Bearing Mine Tailings	6	1601
Slag and other Combustion Residues	5	1602
Rubble, Construction, and Demolition Mixed Waste	3	1603
Animal Processing Wastes (except as noted below)	2 – 4	1700
Processing Skins, Hides, and Leathers	6	1701
Dairy Wastes	4	1702
Live Animal Wastes Raw Manures (Feedlots)	5	1703
Composts of Animal Waste	2 – 4	1704
Dead Animals	5	1705
Edible Fruit and Vegetables Remains-Perishables	2 – 3	1800
Liquids		
Organic Chemicals (must be chemically classified)		2000
Aliphatic (Fatty) Acids	3 – 5	2001

Table 2
Contaminant Hazard Potential Ranking Classified by Type

Description	Hazard Potential Initial Reading	ID No *
Aromatic (Benzene) Acids	7 – 8	2002
Resin Acids		2004
Alcohols		2005
Aliphatic Hydrocarbons (petroleum derivatives)		2006
Sulfonated Hydrocarbons	7 – 8	2007
Halogenated Hydrocarbons	7 – 9	2008
Alkaloids	7 – 9	2009
Aliphatic Amines & Their Salts	1 – 4	2010
Anilines	6 – 8	2011
Pyridines	2 – 6	2012
Phenols	7 - 9	2013
Aldehydes	6 – 8	2014
Keytones	6 – 8	2015
Organic Sulfur Compounds (Sulfides, Mercaptans)	7 – 9	2016
Organometallic Compounds	7 – 9	2017
Cyanides	7 – 9	2018
Thiocyanides	2 – 6	2019
Sterols		2020
Sugars & Cellulose	1 – 4	2021
Esters	6 – 8	2022
Inorganic Chemicals (Must be Chemically Classified)		2100
Mineral & Metal Acids	5 – 8	2101

Table 2
Contaminant Hazard Potential Ranking Classified by Type

Description	Hazard Potential Initial Reading	ID No *
Mineral & Metal Bases	5 – 8	2102
Metal Salts, Including Heavy Metals	6 – 9	2103
Oxides	5 – 8	2104
Sulfides	5 – 8	2105
Carbon or Graphite	1 – 3	2106
Other Chemical Process Wastes Not Previously Listed (Must Be Chemically Classified)		2200
Inks	2 – 5	2201
Dyes	3 – 8	2202
Paints	5 – 8	2203
Adhesives	5 – 8	2204
Pharmaceutical Wastes	6 – 9	2205
Petrochemical Wastes	7 – 9	2206
Metal Treatment Wastes	7 – 9	2207
Solvents	6 – 9	2208
Agricultural Chemicals (Pesticides, Herbicides, Fungicides, etc.)	7 – 9	2209
Waxes & Tars	4 – 7	2210
Fermentation & Culture Wastes	2 – 5	2211
Oils, Including Gasoline, Fuel Oil, etc.	5 – 8	2212
Soaps & Detergents	4 – 6	2213
Other Organic or Inorganic Chemicals	2 – 9	2214
includes Radioactive Wastes	4 – 8	2300
Conventional Treatment Process County/Municipal Sludges from Biological Sewage Treatment	4 – 8	2301

Table 2
Contaminant Hazard Potential Ranking Classified by Type

Description		Hazard Potential Initial Reading	ID No *
	From Water Treatment & Conditioning Plants (must be chemically classified)	2 – 5	2302

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

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

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

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

ARTICLE 28. “OSI-1” OFFICE / SERVICE / INDUSTRIAL PARK DISTRICT

Section 28.1 OSI-1 was removed through Resolution 057-2025

ARTICLE 29. "OSI-2" OFFICE/SERVICE/INDUSTRIAL PARK DISTRICT

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

Section 29.1 Principal Permitted Uses.

A. See the Use Matrix Table, Appendix A

Section 29.2 Accessory Uses.

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

Section 29.3 Conditional Uses.

The following Conditional Uses are subject to approval in accordance with Section 4.6.

A. See the Use Matrix Table, Appendix A

Section 29.4 Minimum Performance Standards

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

A. Outdoor Storage. Within the "OSI-2" District, outdoor storage may be conditionally permitted by the Board of Zoning Appeals when the Board finds:

1. The outdoor storage area is associated with and is an integral part of a permitted or conditionally permitted use.

2. The outdoor storage area shall not exceed a maximum of ten percent of the lot area.

3. The items in the outdoor storage area shall be limited to products awaiting transit, excess inventory, stock for processing and similar material. Scrap, junk, and discarded combustible and noncombustible material shall not be maintained in any outdoor storage area.

4. The outdoor storage shall be located behind the principal or accessory building and shall be screened from view of adjacent properties and the public rights-of-way as specified in Section 29.4(H) (Screening).

B. Business Activity Enclosed. All business activity shall be conducted wholly within a completely enclosed building.

C. Exterior Building Materials. The exterior building wall face oriented towards the front lot line shall be constructed with a minimum of 50% decorative brick or block, stone, wood/vinyl siding or similar building materials. No more than 50% of the exterior building wall face oriented towards the front lot line shall be constructed with a metal sheeting or similar building materials.

D. Storage of Flammable Materials. The outdoor storage of flammable liquids, or of materials that produce flammable or explosive vapors or gases may be permitted when such storage is directly related to a permitted or conditionally permitted use, and when such storage meets all applicable state and local regulations governing such storage.

E. Storm Water Control. All uses within the OSI-2 district shall be provided adequate drainage facilities and a storm water runoff control plan that meets the design requirements of the Montgomery County Engineer's Office.

F. Lighting. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any Residential District or upon any public street.

G. Residential Uses Prohibited. No building or structure shall be used for residential purposes, except that a watchman or custodian may reside on the premises.

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

1. **Types of Screening Permitted.** Screening may be one of the following or a combination of two or more:

   a. Solid masonry wall.

   b. Decorative fence, excluding chain link with slats.

   c. Dense evergreen plantings.

   d. Landscaped mounding with ground cover.

2. **Height of Screening.** At the time of placement, all screening material shall be a minimum of six feet in height.

3. **Required Ground Cover.** The space between any screening, the adjoining property line and the perimeter of the buffer zone shall be landscaped with appropriate ground cover.

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

J. Required Off-Street Loading and Parking. Off-street loading and parking shall be provided in accordance with the requirements specified in Article 39 "Off-Street Loading Regulations" and Article 40 "Off-Street Parking Requirements.

Section 29.5 Development Standards

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

A. See the Base Development Standards Table, Appendix B

B. Minimum Yard Setbacks.

1. **Side Yards.** There shall be a minimum side yard of not less than ten feet; except when adjacent to any residential district the minimum side yard shall be 25 feet with screening as provided for in Section 29.4(H).

2. **Rear Yard.** here shall be no minimum rear yard requirement; except when adjacent to a residential district the minimum rear yard setback shall be 25 feet with screening as provided for in Section 29.4(H).

ARTICLE 30. PLANNED UNIT DEVELOPMENT DISTRICT (P.U.D.)

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

Section 30.1 Types of Planned Unit Development Districts.

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

Section 30.2 Fees for Planned Unit Development.

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

Section 30.3 Administrative Review.

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

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

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

Section 30.4 Conditional Uses.

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

Section 30.5 Area Requirements.

No minimum land area shall be required.

Section 30.6 Pre-Application Consultation.

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

Section 30.7 Issuance of Permits.

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

Section 30.8 Developers plan Submission Options

The Township provides an applicant a three-step process for review of a Planned Unit Development. The process steps include: a concept plan stage which is processed in a manner described in Section 30.9; a preliminary development plan stage which is processed in a manner described in Article 6 and the subsequent preliminary development for any portion of the approved preliminary development the applicant wishes to develop. The Final Development Plan submitted according to this option shall be processed in the manner described in Section 30.11; a Final Development Plan without a preliminary development plan pursuant to Section 30.7. A final development plan submitted shall be processed in the manner described in Article 6.

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

Section 30.9 Concept Plan

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

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

1. **Boundaries.** Boundaries of the tract to be developed.

2. **Existing Features.** Existing major physical features and land uses on the tract.

3. **Schematic Site Layout.** General areas of the site proposed for development and tentative building footprint designs and approximate locations.

4. **Density.** Approximate density levels for each residential area.

5. **Zoning Classification.** Proposed zoning district classification(s).

6. **Access Points.** Points of ingress and egress and their relationship to existing rights-of-way.

B. Action by the Applicant.

1. **Continuation of the Public Meeting.** The applicant may request the commission continue a public meeting to permit further discussions of the concept plan. In the time period between the public meetings, the applicant may make changes and refinements to the concept plan as a result from input from the public meeting.

2. **Closing of the Public Meeting.** At any point in the proceedings, the applicant may request the commission to close the public meeting. Upon such request, the commission's chairperson shall close the public meeting. Should the applicant desire to reopen the case after the chairperson has closed public meeting, the applicant shall be required to resubmit a concept development plan application and follow the procedures contained therein.

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

1. **Application.** The application for a concept plan shall be on forms provided by the township and contain the information and supporting documentation required therein.

2. **Public Meeting.** The Zoning Commission shall hold a public meeting on the concept plan within 45 days of receipt of the application.

3. **Notice.** Ten days prior to the public meeting, all property owners within 300 feet of the property for which the concept plan has been filed shall be sent notice of such meeting by regular mail.

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

Section 30.10 Preliminary Development Plan

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

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

B. Designation of Zoning Districts. On the preliminary site plan, the proposed zoning district designation for each zoning district classification specified in the rezoning application; there shall be a clear delineation of each different type of zoning district on the preliminary plan.

C. Arrangement of Site Plan. A preliminary site plan identifying proposed land uses, approximate configuration and location, the relationship with abutting land uses and zoning districts, proposed lots, and amount of buildable area within each lot.

D. Landscaping Plan. A general landscaping plan, including the location and design of proposed screening and buffering, the extent of grubbing, existing tree cover to remain, and areas of the site that are to remain undisturbed in their natural state.

E. Public Areas. If applicable, location of schools, parks, and other community facilities.

F. Utilities. Identification of existing and proposed water, sanitary and storm sewer facilities, and areas to be reserved for storm water detention or retention.

G. Access Points. Location of proposed access points (ingress and egress) in relationship to existing rights-of-way.

H. Traffic Data. Preliminary traffic data expected to be generated by the proposed development and resultant proposed improvements to existing thoroughfares (e.g., road widening, deceleration lanes, traffic signals, etc.) to accommodate increased traffic loads.

I. Care & Maintenance. A statement describing the provision that is to be made for the care and maintenance of open space, recreational facilities, common areas and storm water detention.

J. Off-Street Parking. A parking plan showing generally the location, configuration, and capacity of off-street parking facilities.

K. Ownership/Lease Agreement/Option.

1. Identification of all owners of property within the proposed P.U.D.; in addition, if the applicant is not an owner of property upon which the proposed P.U.D. is to be developed, a copy of the lease agreement between the applicant and the property owner(s).

2. Only a property owner or lessee may make application for a P.U.D.; however, if the developer or developer's designee is representing the property owner or lease holder, a copy of the option agreement to purchase the land upon which the proposed P.U.D. is to be located.

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

M. Action by the Zoning Commission.

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

2. **Recommendation.** Within 30 days of the close of the public hearing on the Preliminary Development Plan, the Zoning Commission shall make its recommendation to the Township Trustees. The commission's recommendation shall be in resolution form and indicate approval, approval with conditions, modifications and/or specifications, or disapproval. Any agreements, modifications or specifications shall appear in the approved resolution and a copy transmitted to the Township Trustees.

N. Action by the Township Trustees.

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

2. **Decision by Trustees.** If the application is granted, the Resolution authorizing the change of district classification shall incorporate the text and map of Preliminary Development Plan and include any agreements, modifications or specifications that have been designated as part of the Preliminary Development Plan by the Township Trustees.

3. **Limitation.** Approval of the Preliminary Development Plan shall be limited to the acceptability of the land uses proposed and density levels and shall not be construed to approve the precise location of uses, configuration of parcels or engineering feasibility which are to be determined in the Final Development Plan.

4. **Designation of District Classification.** Upon approval of the application, the area of land described therein shall be redesignated as provided for in Section 30.1 of this Resolution.

Section 30.11 Submission of Final Development Plan

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

A. Changes to Survey. Any changes necessary to the survey described in Section 30.10(A).

B. Site Plan. A site plan showing areas to be developed, including:

1. The exact location and arrangement of all existing and proposed structures.

2. The traffic circulation pattern within the development.

3. Location and layout of off-street parking facilities.

4. Points of ingress and egress, including access streets where required.

5. Existing contagious surrounding land uses.

6. Lot layouts.

7. The location and size of storm water detention/retention areas.

8. If applicable, location of schools, parks and other community facilities or common open space.

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

D. Elevations & Floor Plans. Building elevations and floor plans of all proposed structures.

E. Staged Developments. When a P.U.D. is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. No such stage or unit shall have a density that exceeds by more than 20% the density of the entire P.U.D. When a P.U.D. provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire P.U.D. as the stages or units completed or under development dear to the entire P.U.D.

F. Landscaping Plan. A detailed landscaping plan which shall identify any changes from the preliminary landscaping plan, and indicate species and types of landscaping to be used within the developed portion of the P.U.D.

G. Ownership/Lease Agreement/Option. A statement indicating any changes of ownership, lessee or option holder described in Section 30.10(I).

H. Care and Maintenance. When a P.U.D. includes provisions for open space, recreational facilities, common areas, storm water detention, private streets or similar facilities, a statement describing the provisions that are to be made for the care and maintenance of such facilities. If it is proposed that any such facility be owned and/or maintained by any entity other than a governmental authority, copies of the articles of incorporation and bylaws of such entity shall be submitted. If it is proposed a governmental authority provide such care and maintenance, a copy of an agreement with the governmental authority accepting such responsibility shall be submitted.

I. Traffic Data. Specific traffic data, which may include trip generation rates; origins and destination (direction & distribution) estimates; if traffic signals are proposed for installation, traffic signal warrants; conformance with existing thoroughfare plan. Decisions regarding required traffic data shall be determined by the Montgomery County Engineer's Office.

J. Restrictive Covenants. Copies of any restrictive covenants that are to be recorded with respect to property included in the P.U.D.

K. Additional Information. Additional information may be required of the applicant by the Zoning Commission for any changes that have been made to the Final Development Plan from the approved Preliminary Development Plan.

L. Action by the Zoning Commission.

1. **Public Hearing.** The Zoning Commission shall hold a public meeting on the Final Development Plan. The applicant shall submit the Final Development Plan at least 20 days prior to the date of the public hearing. Property owners within 300 feet of the Final Development Plan shall be given ten days' notice of the meeting by regular mail.

2. **Decision by the Zoning Commission.** Within 30 days of the close of the public meeting on the Final Development Plan, the Zoning Commission shall make its decision on the plan. The commission's decision shall be in resolution form and indicate approval, approval with agreements, modifications and/or specifications, or disapproval of the Final Development Plan. If the Final Development Plan is disapproved by the commission, the specific reason(s) for such denial shall be incorporated into the commission's resolution. Upon commission's approval of the Final Development Plan, such plan shall go into immediate effect.

3. **Approval May not Constitute Authority to Build.** Approval of the Final Development Plan may not constitute authority for the applicant to proceed with actual physical development of the property. Authority for the applicant to proceed and for the issuance of a zoning permit shall be dependent upon approval of the subdivision plat as set forth in Section 30.14.

Section 30.12 Submission of Final Development Plan Without an Approved Preliminary Development Plan.

The applicant need not file a Preliminary Development Plan if a Final Development Plan is filed for the entire site, incorporating all requirements of both the Preliminary and Final Development Plans as described in this Section. The Final Development Plan shall be processed, noticed, and heard in the manner prescribed in Article 6. Ten copies of the Final Development Plan and one 8 1/2" x 11" Photostat of the Final Development Plan shall be submitted and shall include in text and map form:

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

B. Site Plan. A site plan showing areas to be developed, including:

1. The specific location and configurations of all existing and proposed structures including respective land uses.

2. The traffic circulation pattern within the development, including proposed public and private streets.

3. Location and layout of off-street parking facilities.

4. Ingress and egress point of intersection with any public right-of-way.

5. Existing contiguous surrounding land uses.

6. Lot layouts.

7. Identification of existing and proposed water, sanitary and storm sewer facilities, proposed easements and size of storm water detention and retention areas.

8. If applicable, location of schools, parks and other community facilities or common open space.

9. Existing zoning and delineation of proposed conventional zoning district classifications.

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

D. Elevations & Floor Plans. Building elevations and floor plans of all structures.

E. Landscaping Plan. A detailed landscaping plan, including the extent of grubbing, predevelopment and post development tree cover, areas of the site to remain undisturbed in its natural state, and indicate species and type of landscaping to be used within the developed portion of the P.U.D.

F. Traffic Data. Specific traffic data, which may include trip generation rates; origin and destination (direction & distribution) estimates; if traffic signals are proposed for installation, traffic signal warrants; conformance with existing thoroughfare plan, including any proposed right-of-way improvements. Decision regarding required traffic data shall be determined by the Montgomery County Engineer's Office.

G. Care and Maintenance. When a P.U.D. includes provisions for open space, recreational facilities, common areas, storm water detention or similar facilities, a statement describing the provisions that are to be made for the care and maintenance of such facility. If they are to be owned and/or maintained by any entity other than a governmental authority, copies of the articles of incorporation and bylaws of such entity shall be submitted. If it is proposed that a governmental authority provide such care and maintenance, a copy of an agreement with the governmental authority accepting such responsibility.

H. Restrictive Covenants. Copies of any restrictive covenants that are to be recorded with respect to property included in the P.U.D.

I. Staged Developments. When a P.U.D. is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. No such stage or unit shall have a density that exceeds by more than 20% the density of the entire P.U.D. When a P.U.D. provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire P.U.D. as the stages or units completed or under development bear to the entire P.U.D.

J. Ownership/Lease Agreement/Option.

1. Identification of all owners of property within the proposed P.U.D.; in addition, if the applicant is not an owner of property within the proposed P.U.D., a copy of the lease agreement between the applicant and the property owner(s).

2. If the developer or developer's designee is representing the property owner or lease holder, a copy of the option agreement to purchase the proposed P.U.D.

K. Additional Information. Additional information may be required of the applicant when either the Zoning Commission or Trustees deem such information essential in formulating their decision regarding approval or denial of the proposed P.U.D.

L. Action by the Zoning Commission.

1. **Public Hearing.** The Zoning Commission shall hold a public hearing on the Final Development Plan as provided by Article 6 of this Resolution.

2. **Recommendation.** Within 30 days of the close of the public hearing on the Final Development Plan, the Zoning Commission shall make its recommendation to the Township Trustees. The commission's recommendation shall be in resolution form and indicate approval, approval with agreements, modifications and/or specifications, or disapproval. Any agreements, modifications or specifications shall be itemized in the approved resolution and a copy transmitted to the Township Trustees.

M. Action by the Township Trustees.

1. **Public Hearing.** The Township Trustees shall hold a public hearing on the Final Development Plan as provided by Article 6 of this Resolution.

2. **Decision by Trustees.** If the application is approved, the Resolution authorizing the change of district classification shall incorporate the text and map of Final Development Plan and include any agreements, modifications or specifications that have been designated as part of the Final Development Plan by the Township Trustees.

3. **Designation of District Classification.** Upon approval of the application, the area of land described therein shall be redesignated as provided for in Section 30.1 of this Resolution.

4. **Approval May Not Constitute Authority to Build.** Approval of the Final Development Plan may not constitute authority for the applicant to proceed with actual physical development of the property. Authority for the applicant to proceed and for the issuance of a zoning permit shall be dependent upon approval of the subdivision plan as set forth in Section 30.14.

Section 30.13 Minor and Major Modifications.

A. Minor Modifications. Minor adjustments in the Final Development Plan which become necessary because of field conditions, detailed engineering data, topography or critical design criteria pertaining to drives, curb cuts, retaining walls, swimming pools, tennis courts, fences, building locations, and building configurations, parking area locations or other similar project particulars, may be authorized in writing by the Planning/Zoning Director, provided such adjustments do not increase the density, decrease the number of parking spaces or allow buildings closer to perimeter property lines of the P.U.D.

B. Major Modifications. Except as provided for in Section 30.13(A), any change to a Final Development Plan shall be considered a major modification and require resubmission to the Zoning Commission for approval for an amended Final Development Plan. An amended Final Development Plan shall follow the procedures outlined in Section 30.11 for the submission of a Final Development Plan.

Section 30.14 Subdivision Plat Required.

A. Approval by Planning Commission. No zoning permit shall be issued for any structure in any portion of a P.U.D. unless and until the final subdivision plat for that portion has been approved by the Montgomery County Planning Commission having plating jurisdiction of the P.U.D. and recorded in the public record of the County.

B. Waiver of Plating Requirement by Zoning Commission. To the extent of its authority to do so, the Zoning Commission may deem a subdivision plan not required and waive the plating requirement.

ARTICLE 31. “C/S-1” COMMERCIAL/SERVICE DISTRICT

Preamble. The intent of the "C/S-1" District is to provide for the development of a broad range of commercial and service-related activities, uses that are generally characterized by having little or no negative impact on the community and environment. This district is also intended to encourage development and redevelopment of property along designated major thoroughfares, where established conventional zoning districts have been deemed ineffective in addressing changes in market trends.

Section 31.1 Principal Permitted Uses.

A. See the Use Matrix Table, Appendix A

Section 31.2 Accessory Uses.

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

Section 31.3 Conditional Uses.

The following Conditional Uses are subject to approval in accordance with Section 4.6.

A. See the Use Matrix Table, Appendix A

Section 31.4 Minimum Performance Standards.

In addition to other applicable requirements contained in this zoning resolution, the following standards shall apply to all uses within the “C/S-1” District:

A. Outdoor Storage. Except as hereinafter specified all outdoor storage shall be prohibited.

B. Business Activity Enclosed. All business activity shall be conducted wholly within a completely enclosed building.

C. Exterior Building Materials. The exterior building wall face oriented towards the front lot line shall be constructed with a minimum of 50% decorative brick or block, stone, wood/vinyl siding or similar building materials. No more than 50% of the exterior building wall face oriented towards the front lot line shall be constructed with a metal sheeting or similar building materials.

D. Storage of flammable materials. The outdoor storage of flammable liquids, or of materials that produce flammable or explosive vapors or gases may be permitted when such storage is directly related to a permitted or conditionally permitted use, and when such storage meets all applicable state and local regulations governing such storage.

E. Storm Water Control. All uses within the "C/S-1 " District shall be provided with adequate drainage facilities and a storm water run-off control plan that meets the design requirements of the Montgomery County Engineer's Office.

F. Lighting. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district or upon any public right-of-way.

G. Noise. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 41.

H. Adult Entertainment Facilities.

1. No Adult Entertainment Facility shall be established within a radius of 500 feet of any School or Library.

2. No Adult Entertainment Facility shall be established within a radius of 250 feet of any Residential District.

3. No Adult Entertainment Facility shall be established within a radius of 500 feet of any Public Park or Recreation Area.

4. No Adult Entertainment Facility shall be established within a radius of 500 feet of any Church or Church Grounds.

5. No Adult Entertainment Facility shall be established within 1,000 feet of an existing Adult Entertainment Facility.

6. All distances shall be measured in a straight, horizontal line, without regard for intervening structures. Measurements from the Adult Entertainment Facility shall be made from the closest part of the building housing any part of the Adult Entertainment Facility to the closest real estate parcel boundary of any parcel containing a School, Library, Public Park or Recreation Area, Church or Church Grounds, or a parcel within a Residential District. Measurements from one Adult Entertainment Facility to another existing or proposed Adult Entertainment Facility shall be made from the closest part of the building housing any part of an Adult Entertainment Facility to the closest part of the building housing, or planned to house, any part of the other Adult Entertainment Facility.

7. All building openings, entries, windows, etc. for Adult Entertainment Facility uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public area, sidewalk, or street. For new construction, the building shall be oriented to minimize any possibility of viewing the interior from public areas.

8. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public areas, or adjoining private areas not owned by the owner of the adult motion picture theater.

9. “Established” means and includes any of the following:

a. The opening or commencement of any Adult Entertainment Facility as a new business; The conversion of an existing business.

b. Whether or not an Adult Entertainment Facility, to any of the Adult Entertainment Facilities defined in this zoning resolution.

c. The addition of any of the Adult Entertainment Facilities defined in this zoning resolution to any other Adult Entertainment Facility.

d. The relocation of any such Adult Entertainment Facility.

10. No more than one classification of Adult Entertainment Facility may be operated in any one location, structure, or parcel of real estate.

I. Pawn Shops & Secondhand Dealers

1. **Recording of Transaction.** All dealers shall keep and preserve a separate book or record in which the dealer shall enter in the English language, at the time of each purchase, receipt, or exchange of such articles the following information:

a. The name, address, social security number or date of birth of the individual making the transaction.

b. A description of the person from whom the article was purchased or received.

c. The date and time of the transaction.

d. A complete and accurate description of the article(s) purchased, received, or exchanged, including the name of the maker or manufacturer, initials, serial numbers or other identifying features, including the price paid for each article.

e. The dealer shall require the seller of any article to sign their name on the page on which that person's transaction is recorded.

2. **Inspection of Records.** The book or record shall be open to inspection by any enforcement official or law enforcement officer during normal business hours.

3. **Maintenance of Records.** Each page of the book or record shall consist of one or more sequentially and consecutively numbered forms which shall contain appropriate blanks for furnishing all the information required in Section 21.4(O). The numbering of the forms shall begin with the number one and all numbers thereafter shall be accounted for.

4. **Preservation of Records.** The dealer shall preserve the book or record for a period of not less than one year after making the final entry on any purchase or exchange of property recorded therein.

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

   a. **Types of Screening Permitted.** Screening may be one of the following or a combination of two or more:

      i. Solid masonry wall.

      ii. Decorative fence, excluding chain link with slats.

      iii. Dense evergreen plantings.

      iv. Landscaped mounding with ground cover.

   b. **Height of Screening.** At the time of placement or planting, all screening materials shall be a minimum of six feet in height.

   c. **Required Ground Cover.** The space between any screening, the adjoining property line and the perimeter of the buffer zone shall be landscaped with appropriate ground cover.

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

Section 31.5 Development Standards.

In addition to other provision of this Resolution, the Following standards for arrangement of land, buildings and/or structures shall be applicable to all uses within the "C/S-1" Commercial/Service District.

A. See the Base Development Standards Table, Appendix B

B. Minimum Yard Setbacks.

1. **Side Yards.** There shall be a minimum side yard of not less than ten feet, except when adjacent to any residential district the minimum side yard shall be 25 feet with screening as provided for in Section 31.4(J)(5).

2. **Rear Yard.** There shall be no minimum rear yard requirement, except when adjacent to a residential district the minimum rear yard setback shall be 25 feet with screening as provided for in Section 31.4(J)(5).

Section 31.6 Minor Modifications.

The Department Director shall have the authority to make minor modifications to specifications contained in the "C/S-1" District.

ARTICLE 32. “C/S-2” COMMERCIAL/SERVICE DISTRICT

Preamble. The intent of the "C/S-2" District is to provide for the development of a broad range of commercial and service-related activities, uses that are generally characterized by having little or no negative impact on the community and environment This district is also intended to encourage development and redevelopment of property along designated major thoroughfares, where established conventional zoning districts have been deemed ineffective in addressing changes in market trends.

Section 32.1 Principal Permitted Uses.

A. See the Use Matrix Table, Appendix A

Section 32.2 Accessory Uses.

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

Section 32.3 Conditional Uses.

The following Conditional Uses subject to approval in accordance with Section 4.6.

A. See the Use Matrix Table, Appendix A

Section 32.4 Minimum Performance Standards.

In addition to other applicable requirements contained in this zoning resolution, the following standards shall apply to all uses within the “C/S-2” District:

A. Outdoor Storage. Except as hereinafter specified, all outdoor storage shall be prohibited.

B. Business Activity Enclosed. All business activity shall be conducted wholly within a completely enclosed building.

C. Exterior Building Materials. The exterior building wall face oriented towards the front lot line shall be constructed with a minimum of 50% decorative brick or block, stone, wood/vinyl siding or similar building materials. No more than 50% of the exterior building wall face oriented towards the front lot line shall be constructed with a metal sheeting or similar building materials.

D. Storage of Flammable Materials. The outdoor storage of flammable liquids, or of materials that produce flammable or explosive vapors or gases may be permitted when such storage is directly related to a Permitted or conditionally Permitted use, and when such storage meets all applicable state and local regulations governing such storage.

E. Storm Water Control. All uses within the "C/S-2" District shall be provided with adequate drainage facilities and a storm water run-off control plan that meets the design requirements of the Montgomery County Engineer’s Office.

F. Lighting. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district or upon any public right-of-way.

G. Noise. No noise from any operation conducted on the Premises, either continuous or intermittent, shall violate the provisions of Article 41.

H. Pawn Shops & Secondhand Dealers.

1. **Recording of Transaction.** All dealers shall keep and preserve a separate book or record in which the dealer shall enter in the English language, at the time of each purchase, receipt, or exchange of such articles the following information:

   a. The name, address, social security number or date of birth of the individual making the transaction.

   b. A description of the person from whom the article was purchased or received.

   c. The date and time of the transaction.

   d. A complete and accurate description of the article(s) purchased, received, or exchanged, including the name of the maker or manufacturer, initials, serial numbers or other identifying features, including the price paid for each article.

   e. The dealer shall require the seller of any article to sign their name on the page on which that person's transaction is recorded.

2. **Inspection of Records.** The book or record shall be open to inspection by any enforcement official or law enforcement officer during normal business hours.

3. **Maintenance of Records.** Each page of the book or record shall consist of one or more sequentially and consecutively numbered forms which shall contain appropriate blanks for furnishing all the information required in Section 21.4(O). The numbering of the forms shall begin with the number one and all numbers thereafter shall be accounted for.

4. **Preservation of Records.** The. dealer shall preserve the book or record for a period of not less than one year after making the final entry on any purchase or exchange of property recorded therein.

I. Seasonal Temporary Sales, as regulated by Section 45.2.

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

1. Location and Setback

a. All parking and sale display areas shall be set back a minimum of 10 feet from the right-of-way. The required setback shall be landscaped in accordance with the following screening and landscaping requirements.

b. Display of vehicles for sale shall be located on a paved surface and shall comply with the parking setbacks according to the regulations in Article 40 Off-Street Parking Requirements.

2. Pavement and Markings.

a. Pavement. All display areas, parking lots, driveways and access roads shall be made of asphaltic, concrete or some other comparable all-weather dustless materials. In no case shall crushed stone, gravel or similar material be considered a suitable substitute for asphalt concrete.

b. All outdoor display areas for vehicles shall be marked with yellow or white all-weather paint. The minimum size for each outdoor display area stall shall be a minimum of eight- and one-half feet in width and 18 feet in depth.

c. Parking for customers and employees shall be provided and marked as required by Article 40 Off-Street Parking Requirements.

3. Automotive service or repair, if permitted, shall be performed, and conducted inside of a building.

4. No outdoor speaker systems shall be permitted.

5. No auctions shall be permitted on non-conforming lots or on properties adjacent to or across the street from a residential district.

6. All lighting shall be arranged and designated to deflect light away from adjoining properties and public rights-of-way. The use of an energized lamp bulb, where the surface of the bulb is directly visible to people not located on the premises, is prohibited.

7. All off-street parking and/or outdoor sales display area shall be separated from the public right-of-way by a landscaped area at least ten feet in width. On streets having an existing curb on the street side, a six-inch-high curb shall be required only on the inside of the parking/sales area. On streets no having an existing curb on the street side, a six-inch-high curb shall be required to completely enclosed the ten-foot separation strip. No vehicles shall be displayed or parked within the ten-foot landscaped area.

8. Within the ten-foot landscaped area, all shrubs at the time of planting shall have a minimum height of one foot and a maximum height of three feet and shall be planted so as to completely screen the undersides of vehicles. Grass or other ground cover shall be planted on all portions of the landscaped area not occupied by shrubs. All plantings, including ground cover, shall be kept trimmed and maintained with necessary care to ensure their survival. Any plant material that dies or otherwise becomes unhealthy shall be immediately replaced with like planting material. To ensure traffic visibility, no shrubs shall be permitted to exceed a height of three feet.

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

1. Types of Screening Permitted. Screening may be one of the following or a combination of two or more:

a. Solid masonry wall.

b. Decorative fence, excluding chain link with slats.

c. Dense evergreen plantings.

d. Landscaped mounding with ground cover.

2. Height of Screening. At the time of placement or planting, all screening materials shall be a minimum of six feet in height.

3. Required Ground Cover. The space between any screening and the adjoining property line and the perimeter of the buffer zone shall be landscaped with appropriate ground cover.

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

5. Required Off-Street Loading and Parking. Off-street loading and parking shall be provided in accordance with the requirements specified in Article 39 "Off-Street Loading Regulations and Article 40 "Off-Street Parking Requirements."

Section 32.5 Development Standards.

In addition to other provisions of this resolution, the following standards for arrangement of land, buildings and/or structures shall be applicable to all uses within the "C/S-2" Commercial/Service District.

A. See the Base Development Standards Table, Appendix B

B. Minimum Yard Setbacks.

1. **Front.** There shall be a minimum setback of not less than 25 feet. The front yard setback depth shall be measured from the established right-of-way lines as shown on the official thoroughfare plan for Montgomery County.

2. **Side Yards.** There shall be a minimum side yard of not less than ten feet, except when adjacent to any residential district; the minimum side yard shall be 25 feet with screening as provided for in Section 32.4(K).

3. **Rear Yard.** There shall be no minimum rear yard requirement, except when adjacent to a residential district the minimum rear yard setback shall be 25 feet with screening as provided for in Section 32.4(K).

Section 32.6 Minor Modifications.

The Department Director shall have the authority to make minor modifications to specifications contained in the "C/S-2" District.

ARTICLE 33. EXISTING AND NONCONFORMING USE

Section 33.1 Conformance Required.

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.

Section 33.2 Intent

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 re-establishment of non-conformities that have been discontinued.

Section 33.3 Nonconforming Vacant Lots.

A. Nonconforming Vacant Lots in Residential District. In any district where dwellings are permitted, a single family detached dwelling may be erected on any lot of official record as of the effective date of the Zoning Resolution of Miami Township, when by reason of its lot area, width or depth it does not meet minimum requirements for a lot under these regulation; provided, however, that no lot shall be deemed to be less than 40 feet wide for the calculation of yard requirements and provided, further:

1. The sum of the side yard widths on any such lot of record shall be at least 25% of the width of the lot.

2. In no case shall the width of any side yard be less than ten 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 feet.

3. The depth of the rear yard of any such lot need not exceed 20% of the depth of the lot, but in no case shall it be less than twenty 20 feet.

4. If the width of such lot meets the standards of this Resolution but the depth is such that the total area is less than 7,500 square feet, the rear yard for such lot shall have a minimum of 30% of the depth of the lot but in no case shall it be less than 30 feet.

B. 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:

1. 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:

$$X = \frac{\text{Minimum side yard required by district regulations}}{\text{Minimum lot width required by district regulations.}} \times \text{Actual Lot Width}$$

Section 33.4 Nonconforming Structures

A. 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 33.4(B) through 33.4(D).

B. Enlargement, Repair, Alterations. Any such structure described in Subsection 33.4(A) may 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 33.3(A) or 33.3(B), whichever is applicable.

C. Damage or Destruction. In the event that any such structure described in Section 33.4(A) is damaged or destroyed, by any means, to the extent of more than 50% 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 Section 33.2. When a structure is damaged to the extent of 50% 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.

D. Moving. No structure described in Subsection 33.4(A) 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 33.5 Nonconforming Uses

A. 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 33.5(B) through 55.3(I).

B. Repair, Maintenance, and Structural Alteration.

1. 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 33.5(C) through 33.5(D).

2. Nothing in this Resolution shall be deemed to prevent the strengthening or restoring to a safe condition any building or their structure (other than a damaged or destroyed building or other structure subject to the provisions of 33.5(E) 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.

3. All nonconforming residential buildings in a Business or Industrial District may be maintained, repaired, improved, modernized or enlarged in accordance with the development standards; 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.

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

D. 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:

1. 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.

2. 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.

3. 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 25% of the gross floor area of such structure or building lawfully existing at the time of the adoption of this Resolution.

4. 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.

5. A nonconforming use of land may not be extended enlarged or increased in intensity.

6. Nothing contained in this section shall in any way prohibit a nonconforming use from acquiring additional off-street parking space.

Application for an extension or enlargement in accordance with paragraphs 1 and 6 shall be noticed and heard in the manner prescribed for appeals in Section 4.4 hereof.

In granting an extension or enlargement, the Board may impose such reasonable safeguards and restrictions upon the premises benefited by the extension or enlargement as may be necessary to reduce or minimize any potentially injurious effect of such extension or enlargement upon other property in the neighborhood and to carry out the general purpose and intent of this chapter.

E. Damage or Destruction.

1. Nothing in this Resolution shall be deemed to prevent the total restoration of any legal nonconforming single-family residence, so long as such restoration is actually begun within one year after the date of its damage or destruction.

2. In the event that nay building or structure that is devoted in whole or in part to a nonconforming use, other than that of a single-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 50% 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 50% 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.

F. 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.

G. 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:

1. The Board may permit either an expansion of a nonconforming building or structure or a substitution of a nonconforming use, but not both.

a. A nonconforming use of land (as opposed to a building or structure) may not be changed.

b. Application for a substitution in accordance with paragraph "a" shall be noticed and heard in the manner prescribed for appeals in Section 4.4 hereof.

c. The proposed use shall be of no greater intensity and shall be more compatible with the surrounding neighborhood than the existing nonconforming use.

2. 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:

a. Adequate utility, drainage, and other such necessary facilities have been or will be provided.

b. 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.

c. All exterior lighting fixtures are shaded wherever necessary to avoid casting direct light upon any property located in a residential district.

d. 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.

e. 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.

3. 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.

H. Discontinuance.

1. 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 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.

2. 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 years, such nonconforming use shall not thereafter be reestablished, and any subsequent use or occupancy of such building or other structure shall conform to the regulations of the district in which it is located.

3. When any lawful nonconforming use of any structure or land in any zoning district has been changed to a conforming use, it shall not thereafter be changed back to any nonconforming use.

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

J. Exclusion for Certain Nonconforming Uses in the Well Field Protection "WP" Overlay Zoning District. In the "WP" District, uses that are nonconforming solely because their Total Maximum Daily Inventory exceeds the limits established by Article 27 shall be excluded from the provisions of subsection 33.5(E)(2). In the "WP" District, uses that are nonconforming solely because their Total Maximum Daily Inventory exceeds the limits established by Article 27 shall be excluded from the provisions of subsection 33.5(F) when the moving is to another location on the same lot, but not when the relocation is to another lot.

ARTICLE 34. PROVISIONS AFFECTING AREA, YARDS, AND COURTS

Section 34.1 Minimum Floor Area for Dwellings.

The minimum total livable floor area for single family detached dwellings shall be 720 square feet.

Section 34.2 Street Frontage Requirement.

Except as permitted by other provisions of this Zoning Resolution, no lot or parcel shall contain any building used in whole or part unless the front lot line of such lot abuts fully on a dedicated street. Each lot shall meet the minimum frontage requirements of the Zoning District in which it is located.

Section 34.3 Traffic visibility Across Corner Lots.

In any District on any corner lot, no fence, or planting shall be erected or maintained within 20 feet of the "corner" if it interferes with traffic visibility across the corner.

Section 34.4 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 34.5 Off-Street Parking and Loading.

In any district, spaces for off-street parking and for loading or unloading shall be provided in accordance with the provisions of Article 39, Article 40, and Appendix C.

Section 34.6 Buildings Per Lot.

Except as permitted by other provisions of this Zoning Resolution, there shall not be more than one principal building for each lot.

ARTICLE 35. ACCESSORY USES

Section 35.1 Permitted Accessory Uses – Residential, Office/Residential and Office Districts

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

A. Private garages or carports.

B. A structure for storage incidental to a permitted use, not including mobile storage units, or multi-modal/shipping containers.

C. A swimming pool, bath house, tennis court, and other recreational facilities designed for the use of the occupants of a single-family dwelling and their guests. Such facilities shall comply with the following conditions and requirements:

1. Such facilities shall be located only in the rear yard and have a minimum setback of five feet from the side and rear lot lines.

2. Swimming pools in excess of 24 inches in depth shall have fencing around the pool as provided for in Section 36.9(D).

3. Such facilities shall be located on the same lot as the principal building.

D. Statuary, arbors, trellises, barbecue equipment, flag poles, fences, play equipment, non-mechanical laundry drying equipment, walls, and hedges.

E. Recreational vehicles and camping equipment subject to the following conditions:

1. Parked or stored recreational vehicles and camping equipment as defined by Article 2 shall not be connected to electricity, water, gas, or sanitary sewer facilities; and at no time shall this equipment be used for living or housekeeping purposes.

2. Recreational vehicles and camping equipment parked or stored outside a garage or a completely enclosed structure shall be parked or stored to the rear of the house may be parked or stored in the existing rear yard, or in a side yard not fronting on public right-of-way provided:

a. Such vehicle or equipment is located behind the front building line of the principal structure.

b. The vehicle or equipment shall be parked or stored on a dust free all-weather surface.

c. Except when parked in a driveway, a privacy fence a minimum of six feet in height shall be constructed along the front building line between the principal structure and the side lot line.

3. Notwithstanding the provisions of subparagraph 2, camping and recreational equipment may be parked anywhere on the premises for loading or unloading purposes, for a period of not more than 48 hours within any seven-day period.

F. Garage Sales (Including patio, basement, yard, block, or similar types of sales). May be held from 8:00 A.M. to sundown and must comply with the following regulations:

1. No sale may extend for more than three consecutive days (or portion thereof).

2. No more than two garage sales per dwelling unit may be held on any lot in any calendar year and no garage sale shall be permitted within a minimum period of 90 days of the previous garage sales.

3. No person conducting a garage sale under the provisions of this article shall sell or offer for sale any food or beverage for consumption on the premises. Food or beverage may be provided for such consumption at no cost to the consumer, but only if a permit is obtained in advance from the Combined Health District.

4. No fee or other charge shall be imposed upon members of the public attending any such sale.

5. Balloons, streamers, special lighting, noise making devices or other similar advertising displays, or notices shall not be used to call attention to the garage sale.

6. One non-illuminated sign not exceeding six square feet in size not more than three feet in height above grade may be displayed on the property where the sale is being held.

G. Satellite Dishes, Antennae Towers and Similar Devices. Satellite dishes, receiving and transmission towers (excluding commercial), wind generators, and similar structures shall not be located in any front yard. All such structures shall be located a minimum of three feet from any side or rear lot lines.

H. Day Care Centers. Day care centers with any number of individuals in conjunction with schools, community centers and places of worship.

Section 35.2 Accessory Uses Not Permitted Residential, Office/Residential and Office District.

A. Overnight parking or outdoor storage of trucks over 9,000 pounds gross vehicle weight, buses, or mobile homes. The placement of mobile storage units or Multi-modal/ shipping containers as a permanent use.

B. Outdoor storage, unless specifically permitted by the specific zoning district regulations.

C. Outdoor storage such as, but not limited to junk, lumber, building materials, outdoor storage of or parking of inoperative or unlicensed motor vehicles or similar items of property, auto parts, truck parts, motorcycle parts, and household appliances.

Section 35.3 Standards – Residential and Office/Residential Land Office Districts.

Accessory structures shall meet the following minimum requirements:

A. General. An accessory use shall be located on the same lot as the principal structure. No accessory use shall be established prior to the establishment of the principal permitted use. No existing accessory use may be extended or expanded unless it is in compliance with all applicable provisions of the zoning resolution.

B. Location. A detached accessory building and / or structure shall be located only in the rear yard.

C. Maximum Lot Coverage. The total of all accessory buildings, structures and uses shall not occupy more than 40% of the area of the rear and side yard.

D. Accessory Structures - Area, Height, and Setback Requirements:

1. The total square footage of all accessory structures shall not exceed fifty (50%) percent of the square footage of the ground level of the primary structure.

2. All accessory structures shall be setback at least 3 feet from any structures, any side or rear property line.

3. The height of any accessory structure shall not exceed twenty-five (25) feet or the height of the primary structure, whichever is less.

Section 35.4 Accessory Uses – Business and Industrial Districts.

A. Residential Uses in a Business and Industrial District. The construction, placement or use of an accessory building on the property of a nonconforming residential use in a business or industrial district shall meet the accessory use requirements for residential uses as specified in Article 35.

B. Uses Not Permitted in Business and Industrial Districts. Outdoor storage such as, but not limited to junk, lumber, building material, outdoor storage of or parking of inoperable or unlicensed motor vehicles or similar items of property including antique autos, auto parts, truck parts, motorcycle parts, and household appliances or machinery, unless specifically permitted by the specific zoning district regulation.

Section 35.5 Home Occupations.

In any Residential, Office/Residential or Planned Residential District, a home occupation may be permitted in any Residential, Office/Residential or Planned Residential District provided such home occupations meet the following minimum requirements:

A. There are no changes in the outside appearance of the dwelling, other than one sign, not exceeding two square feet in area, non-illuminated and mounted flat against the wall of the principal building. No sign shall be painted directly upon the surface of any building or structure.

B. Does not generate traffic, parking, noise, light, odor, sewage, or water use in excess of what is normal in a residential neighborhood.

C. Does not create a hazard to person or property, results in electrical interference, or becomes a nuisance.

D. No person other than members of the family residing on the premises shall be engaged in the home occupation.

E. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes.

F. Not more than 25% of the floor area of a dwelling unit, and no more than 25% of any one floor shall be devoted to the home occupation.

G. No mechanical or electrical equipment shall be used except normal domestic household equipment, typewriters, computers, copying machines, and other similar devices.

H. The home occupation shall be conducted by appointment only.

I. No wholesale, jobbing, or retail business shall be permitted unless it is conducted entirely by mail or telephone and does not involve the receipt, delivery, sale, or storage of merchandise on or from the premises.

J. There shall be no outdoor storage of equipment or materials used in the home occupation, nor shall any accessory building be used for any home occupation activity.

Section 35.6 Permitted Home Occupations.

The following uses are examples of permitted home occupations and are permitted provided they do not violate any of the provisions of this zoning resolution:

A. Artists, sculptors, and authors.

B. Babysitting, nursery or day care center of persons, including day care of children, adults, or elderly persons, shall be limited to a maximum of six persons on the premises at any one time. Any child under six years of age, related to the care giver and who are on the premises shall be counted.

C. Computer programming.

D. Dressmaking, seamstresses, and tailors.

E. Home cooking and preserving.

F. Home crafts, such as model making, rug weaving, and lapidary work.

G. Home office.

H. Photography.

I. Professional services.

J. Tax examination/preparation.

K. Telephone answering or secretarial work.

L. Tutoring.

ARTICLE 36. EXCEPTIONS, MODIFICATIONS, AND INTERPRETATIONS

Section 36.1 Application.

The requirements and regulations specified herein this Zoning Resolution shall be subject to the following exceptions, modifications, and interpretations. The Township Administrator or Department Director may provide relief from specified regulations below or other modifications as necessary to any project in the interpretation and intent of this resolution.

Section 36.2 Height Limits.

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

A. To barns, silos or other farm buildings or structures on farms, provided these are more than 50 feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, masts, and aerial; to parapet walls extending not more than four feet above the limiting height of the building.

B. To places of public assembly in churches schools and other permitted public and semipublic buildings, provided that these are located on the first floor of such buildings and may provide that for each three feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

C. To bulkheads, elevator penthouses, water tanks, monitors, scenery lofts, towers, and monuments. Fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height, provided, however, that all such structures above the heights otherwise permitted in the district shall not occupy more than 25 percent of the area of the lot and shall be distant not less than 25 feet in all parts from every lot line.

Section 36.3 Area Requirement Without Utilities.

In any district where plumbing facilities will not be connected to public sewer or water, such lot shall contain a minimum area of 40,000 square feet and shall have at least 150 feet of lot frontage along a public street or road.

Section 36.4 Corner Lots.

A. The area of a corner lot shall be 20% 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 20% 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 20 feet.

Section 36.5 Front Yard Exceptions, and Modifications.

A. In any Residential District where the average depth of at least two existing front yards on lots within 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 feet including all projections nor required to be more than 50 feet.

B. In any Residential District where the natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along said line, of such a degree or percent of slope that it is not practicable to provide a driveway with a grade of 12% 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 feet to the street lines.

C. All lots in Residential Districts fronting on major thoroughfares shall have a front yard depth of not less than 35 feet measured from the street right-of-way line.

Section 36.6 Double Frontage Lots.

Buildings on lots having frontage on two nonintersecting streets need not have a rear yard if any equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided, however, on both streets.

Section 36.7 Side Yard Exceptions or Modifications.

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 the otherwise required least width, or narrower than six feet in any case.

A side yard along the side street lot line of a corner lot, which lot abuts in the rear, either directly or across an alley, the side lot line of another in a Residential District, shall have a width of not less than one half the required depth of the front yard on such other lot fronting the side street.

Section 36.8 Projection into Required Yards.

Architectural features may project into required yards or into courts as follows:

A. Into any required front or side yard adjoining a side street:

1. Cornices, canopies, eaves, or other architectural features may project a distance not to exceed two feet, six inches.

2. Fire escapes may project a distance not to exceed four feet, six inches.

3. An open stair and necessary landing may project a distance not to exceed six feet.

4. A front porch may project into a front yard a distance not to exceed six feet, provided it is open on three sides, except for railing or banisters.

5. Bay windows, balconies, or chimney may project into a yard a distance not to exceed five feet provided, however, that the aggregate width of such projection shall not exceed one third of the length of the wall upon which they are located.

B. Subject to the limitations in the preceding subsections, the above-named features may project into any required side yard adjoining an interior side lot line, a distance not to exceed one fifth of the required least width of such side yard, but not exceeding three feet in any case.

C. Subject to the limitation in "A" above, the features named therein may project into any required rear yards or into any required outer court the same distance they are permitted to project into a front yard.

Section 36.9 Fences, Walls, and Hedges

Notwithstanding other provisions of this Zoning Resolution, fences, walls, and hedges in any "R", "OR-1" or "O" districts are permitted in yards under the following conditions:

A. Corner Lots. Within the triangular area formed by the right-of-way lines at corner lots and a straight line joining such right-of-way line at points which are 20 feet distant from the intersection of the right-of-way line and measured along such right-of-way lines (see Appendix, Figure 2), no fence, wall, hedge, or other planting shall exceed a height of two- and one-half feet above the center line grades of intersecting streets.

B. Front Yards. Except as provided for in Section 36.9(A) (Corner Lots), fences, walls, and hedges shall be permitted in front yards, provided that:

1. **Height.** Such fence; wall or hedge does not exceed a height of four (4) feet.

2. **Front Setback.** All fences and walls shall be set back a minimum of five (5) feet from the front property line.

3. **Right-of-Way.** No fence shall be permitted to be placed in the right-of-way or extend or project into the right-of-way.

4. **Visibility.** No fence, wall or hedge shall be permitted to interfere with visibility along a driveway.

C. Side and Rear Yards. Within a side or rear yard, no fence, wall, or hedge shall be permitted to exceed a height of six feet, except:

1. **Height.** Such fence, wall, or hedge shall not exceed a height of six (6) feet, except:

   a. **Topographical Considerations.** When topographical features of the property upon which a fence is to be located, or the topographical features of the surrounding property, make the six-foot height limitation impractical for providing adequate screening from surrounding properties, the Planning/Zoning Director may permit the placement of a fence up to eight feet in height.

   b. **Tennis Courts.** Shall be permitted to have a fence surrounding the tennis court up to a maximum height of 12 feet, provided:

      i. The fence material shall be comprised for a regulation tennis court mesh, whereby the openings in the wire mesh network that form the fence material shall not exceed one and three quarters inches in diameter.

2. **Side or Rear Setback.** No setback is required for any fence that will be placed in a side or rear yard.

D. Swimming Pools. A swimming pool which has, at any point, a depth of 24 inches or more of water shall be required to have a fence of adequate size and strength to exclude the entrance of unauthorized persons and to meet the following requirements:

1. **Height.** Such fence shall be not less than five feet in height above the ground level.

2. **Clearance From Bottom of Fence.** Such fence shall have not more than two inches of clearance from the bottom of the fence to the surface directly below the fence.

3. **Setback From Water.** Such fence shall not be closer than five feet from the water's edge of the swimming pool.

4. **Mesh Openings.** Openings, if provided, shall be not larger than two- and one-half inches wide in their least dimension.

5. **Gates.** Gates shall be self-latching, and capable of being securely fastened in a closed position at a height of not less than four feet above ground level.

6. **Wire Gauge.** Chain or wire type fence shall be constructed of at least 14-gauge wire.

7. **Above Ground Pools.** Swimming pools, such as above ground pools, which are equipped with a deck fence and a ladder which is capable of being secured in the up position when not in use, shall be permitted, provided the degree of protection is not less than the protection afforded by the enclosure, or self-latching gate described in this section.

8. **Other Protective Devices.** Upon submission of documentation from a qualified expert, the Department Director may in lieu of the fencing requirement, permit the use of a natural barrier, hedge, pool cover, or other protective device provided degree of protection is not less than the protection afforded by the enclosure, gate and latch described in this section.

E. Permitted Types of Fence Material. Fences shall be constructed only of materials that are processed or manufactured and customarily used for permanent fencing.

F. Barbed Wire, Electric Fences, Razor Ribbon. The use of barbed wire, electrically charged, razor ribbon or any other type of fencing material that is designed to cause injury upon contact are prohibited in all residential, office/residential and office districts.

G. Business and Industrial Districts – Fences, Walls and Protective Enclosures. Notwithstanding other provisions of this Zoning Resolution, fences, walls and other types of protective enclosures in any business and/or industrial districts are permitted under the following conditions:

1. **Corner Lots.** Within the triangular area formed by the right-of-way lines at corner lots and a straight line joining such right-of-way line at points which are twenty feet distant from the intersection of the right-of-way line and measured along such right-of-way lines (See Appendix, Figure 2), no fence, wall, hedge, or other planting shall exceed a height of two- and one-half feet above the center line grades of intersecting streets.

2. **Front Yards.** Except as provided for in Section 36.9(A) (Corner Lots), fences, walls and hedges may be permitted in front yards, provided that:

   a. **Type of Material**. In the front yard of any business or industrial district, no chain link fence or wire type material shall be permitted. The use of decorative fencing, or walls, designed to be complimentary to the surrounding land uses, may be located in the front yard provided:

      i. **Height.** Such fencing or walls shall not exceed six feet in height.

      ii. **Setback.** Shall be setback a minimum of ten feet from the existing right-of-way.

      iii. **Security Devices.** Barbed wire, razor ribbon or other type of fencing material that is designed to cause injury upon contact shall be placed in such a manner so as not to be visible from the street.

3. **Side and Rear Yards.** Fences located in a side yard shall not exceed a maximum of eight feet in height. Security devices, such as barbed wire or razor ribbon may exceed the eight-foot height requirement by one foot.

4. **Permitted Types of Fence Materials.** Fences shall be constructed only materials that are processed or manufactured and customarily used for permanent fencing.

ARTICLE 37. EXEMPTIONS FROM ZONING PROVISIONS

Section 37.1 Essential Services

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

Section 37.2 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 37.3 Existing Building Permits

Nothing contained in this Zoning Resolution shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of this Revised Zoning Resolution, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Revised Zoning Resolution, and continued to completion without interruption, except for causes beyond the builder's control.

Section 37.4 Exemption For Political Subdivisions

When acting in their capacity as a political subdivision of the State of Ohio, such political subdivisions are hereby exempt from the regulations contained in this zoning resolution. All political subdivisions that are exempt, wherever possible, shall attempt to meet the spirit and intent of the Zoning Resolution.

ARTICLE 38. SIGN REGULATIONS

Section 38.1 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. Permits. Applications for permits shall be filed with the Development Department, together with a permit fee, and shall be issued prior to construction, erection or modification of any sign.

B. Nonconforming Signs.

1. Any sign erected prior to the enactment of this Resolution and not conforming to the provisions of this Resolution shall be deemed to be nonconforming. This shall not prohibit the maintaining in a safe condition any sign which is nonconforming, but if the sign is damaged to more than one half of its replacement value or in a state of disrepair then it shall be removed and shall not be repaired or replaced.

2. Any nonconforming sign which is altered, relocated, or replaced shall comply with all provisions of this Resolution.

C. Maintenance, Abandonment, Removal and Responsibility.

1. **Maintenance.** Every sign, including those signs specifically exempt from this chapter in respect to permits, shall be afforded the normal care needed to keep the sign safe and functional, including the replacement of defective parts, cleaning, painting (except galvanized or signs of rust resistant material), repairing, or replacing broken faces, or other elements of the sign structures so that they are structurally safe.

2. **Abandoned Signs.** Except as provided for in Section 38.1(D)(2)(B), any sign located on a property that is unoccupied for a period of 30 days or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned.

a. **Exceptions.** The following signs are specifically exempted from the provisions of Section 4101.01(B), provided such signs otherwise meet all of the other provisions of this article.

i. Real estate signs.

ii. Signs pertaining to a specific use that operates on a seasonal basis.

3. **Removal of Signs.** Any sign, including those elements of the sign structure that are considered an integral part of the sign, for which a permit has not been issued, is not maintained in accordance with the provisions of this chapter, or has been deemed abandoned shall be removed by the property owner, or the person in charge of the property at the property owners' expense.

   a. **Removal of Painted Wall Signs.** Any sign that is directly painted upon a building, shall have an imaginary rectangle or square (whichever configuration most closely encompasses the extremities of the wording of the painted wall sign; (see Appendix, Figure 1) placed around the perimeter of the word(s) and/or illustration(s), and the sign contained therein shall be painted or otherwise blocked out.

   b. **Period for Compliance.** Upon receipt of a notice of Violation, the property owner or person in charge of the property shall have 30 days from the receipt of such notice to bring those signs, as described in the violation notice, into compliance with the provisions of this chapter.

   c. **Removal of Signs Within the Right-of-Way.** Any sign placed within the street right-of-way without a permit is prohibited and the Code Enforcement Officer, Zoning Inspector, Services Director, Fire Chief or Sheriff's Officers are authorized to remove the sign or cause it to be removed without notice.

4. **Sign Responsibility.**

   a. The building owner shall be held responsible for the removal and disposal of all abandoned signs including the complete blocking out of painted wall signs.

   b. The owner of the sign shall be held responsible for the maintenance, repair, and upkeep of his signs.

D. Traffic Hazards.

1. No sign shall be erected at or near any intersection of any streets, or any railway and any street, in such a manner as to obstruct free and clear vision, or at any location where by reason of position, shape, or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal, or device, or which makes use of the words "stop", "look", "danger", or other work, phrase, or symbol is such manner as to interfere with, mislead, or confuse traffic.

2. Light sources for illuminated signs shall not be of such brightness as to constitute a hazard to pedestrian or vehicular traffic.

3. 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.

E. Signs Near "R" and "PD-1" Districts. No sign shall be located in a "B" or "I" district within 100 feet of any "R" or "PD" Residential district in such a manner as to be primarily viewed from "R" or "PD" Residential zoned property or from any street or alley within an "R" or "PD-1" District.

F. Setback. All signs shall be setback ten feet from the right-of-way as shown on the Official Thoroughfare Plan for Montgomery County.

G. Signs.

1. Wall Signs.

a. Shall not extend more than 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.

2. 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.

3. Awnings or Canopies. 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.

4. Roof Signs.

a. Shall not exceed the height limitations of the Zoning District in which they are located.

b. Shall not extend beyond or overhang any exterior wall of the building upon which they are secured.

c. Are permitted to be erected upon one story building roofs, provided not more than one roof sign structure shall be permitted upon a building.

d. No roof sign structure shall be erected higher than ten feet above the roof of the building to which it is attached at the point of mounting, and a clearance of at least six feet shall be provided between the base of such signs and the roof level.

5. Project Signs.

a. The bottom of a projecting sign may not be less than ten feet above grade.

b. Shall be erected in such a manner that it forms an angle of 90 degrees with the building wall the projecting sign is attached.

c. A projecting sign extending not more than three feet from the face of the building shall not be restricted as to the angle it makes with the face of the building wall.

6. Marquee Signs. Signs or sign structures located on a marquee shall:

a. Be affixed to the face or top thereof.

b. Not be greater than four feet in vertical measurement above the marquee.

c. Not extend vertically below the marquee.

d. Not extend horizontally more than 18 inches beyond the marquee limit.

7. Changeable Copy Area of Signs.

a. Changeable copy area of wall, projecting, free standing, roof, marquee, awning, ground mounted, or canopy signs shall not exceed 50% percent of the total sign area.

b. Any sign using electronic technology for changeable copy message boards which malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing motion, movement, flashing or any other similar effects, shall be repaired or disconnected within 24 hours by the owner or operator of such sign.

8. Ground Mounted Signs. Permanent ground mounted signs shall require a single continuous landscaped area to be maintained in accordance with the following standards:

a. The minimum landscaped area shall be equal to the area of the sign face.

b. The landscaped area shall include all points where sign structural supports are attached to the ground.

c. The landscaped area shall include live plantings aesthetically located and maintained. The use of concrete, asphalt or any other paved surface inside the required landscape area shall be prohibited.

d. Shall not exceed eight feet in height.

H. Temporary Signs.

1. **Permit Required.** Unless otherwise specified in this article, no temporary sign shall be placed, located, or moved onto any site within the township until a Temporary Sign Permit has been issued for such sign by the Community and Economic Development Department.

2. **General.** Where more stringent regulations are provided for within a particular zoning district relative to temporary signs, those regulations shall be applicable. Unless specifically exempted, all temporary sign s shall be subject to the following minimum regulation:

   a. **Location.** All temporary signs shall be located only on the property for which the Temporary Sign Permit has been issued.

   b. **Size.** Temporary signs shall be limited to a maximum sign area of 32 square feet per face and shall be limited to a maximum of two sign faces.

   c. **Height.** Temporary signs shall not exceed eight feet in height.

   d. **Setback.** All temporary signs shall be set back a minimum of ten feet from the edge of the right-of-way and side property lines, except where visibility problems constitute a traffic hazard, the minimum sign setback requirement shall be increased to a sufficient distance to eliminate the hazard.

   e. **Display.** The placement of any temporary sign, as regulated in this section, shall be limited to a maximum of 30 consecutive days within a 60-day period. The 30-day time limitation may not be subdivided into smaller increments to permit the placement of a temporary signs more than one time within any 60-day period. Except as provided for in Section 38.1(H)(5) of this Article.

   f. **Lighting.** Internal or external lighting may be permitted; however, no lighting shall be permitted to flash, blink, or rotate.

   g. **Motion.** Temporary signs shall not at any time convey the visual sensation or appearance of motion or present a non-constant visual image to the eye of the observer.

   h. **Number of Temporary Signs Permitted.** Not more than one temporary sign, per business frontage, shall be permitted to be displayed within any 60-day period.

3. **Portable/Promotional Signs.** In addition to the regulations contained in Section 38.1(H), all portable/promotional signs shall be subject to the following additional regulations:

a. **Bonding.** In addition to the fee prescribed by the Trustees for a Temporary Sign Permit issued for the placement of a portable/promotional sign; at the time the permit is issued a $100.00 cash bond shall be deposited with the township. The bond shall be forfeited to the township if the portable/promotional sign is not removed within two days of the expiration date of the Temporary Sign Permit.

b. **Number of Portable/Promotional Signs Permitted.** On individual lots or multiple tenant locations with less than 500 lineal feet of lot frontage, only one portable/promotional sign shall be permitted per street frontage at any one time. At a shopping center or plaza location, where the street frontage exceeds 500 lineal feet, along that frontage three portable/promotional signs may be displayed at any one time.

4. **Real Estate Signs.** Real estate signs are specifically exempted from the provisions of Section 38.1(H)(5)(1); however, such signs shall otherwise be required to meet all of the other provisions of this article.

5. **Political Signs.** Signs involving any issue or candidate for public elective office may be temporarily placed within all zoning districts in accordance with the following regulations.

a. **Size Limitation.** Political signs in all zoning districts shall be limited to the following maximum sizes:

i. In all "A", "OR-1" and "R" zoning districts political signs shall not exceed six square feet per side.

ii. In all "O", "B" and "I" zoning districts political signs shall not exceed 32 square feet per side.

b. **Time Limitation.** No political sign shall be placed more than 30 days before the election in which the candidate is running or issue is to be voted on, and all political signs shall be removed within seven days after the election to which the sign pertains.

c. **Restrictions.** No political sign shall be attached to any structure providing essential services (Light poles, utility poles, traffic control devices, etc.), or be located in such a manner so as to cause a traffic hazard or visibility problem.

6. **Seasonal Business Signs.** Seasonal business signs may be displayed one continuous 90-day period in one calendar year per parcel. The fee for such sign shall be three times the regular fee for temporary signs. Seasonal business signs shall be exempt from Section 38.1(H)(2)(e). Seasonal business signs shall be required to meet all other provisions of this article.

Section 38.2 Exempted Signs.

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

A. Governmental signs for control of traffic and other regulatory purposes, street signs, and signs of public service companies for the purpose of safety.

B. Flags, emblems and insignia of any governmental agency or subdivision.

C. Commemorative plaques placed by recognized historical agencies.

D. Signs within a stadium, open air theater, shopping center, arena or other use which signs can be viewed only by persons within such stadium, open air theater, shopping center, arena, or other use.

E. Directional signs.

Section 38.3 Prohibited Signs

A. No signs shall be attached or otherwise applied to trees, bus shelter, utility poles, benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure, or otherwise placed in the public right-of-way.

B. Pennants, banners, streamers, inflatables, or other similar attraction devices.

C. No sign shall have spinning devices or strings of spinning devices or similar type devices.

D. Signs which are not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure shall be prohibited.

E. No projecting sign shall extend above the wall or parapet of a building to which it is affixed.

F. All blinking, flashing, or intermittent lighting is prohibited.

Section 38.4 Signs in Residential Districts “R-1”, Thru “R-8”, “OR-1” and PD Residential

A. General Requirements.

1. **Sign Height**.
   - **a.** Free standing signs shall not exceed 25 feet in height.
   - **b.** Signs mounted on or attached to the wall of a building shall not exceed the height of the building.
2. **Signs located on interior lots.** No more than one sign permitted per lot frontage. Which include the following types: (real estate, construction, wall, free-standing, or ground mounted).
3. **Signs located on lots abutting more than one public street frontage.** No more than one sign may be permitted per public street frontage. Which includes the following types: (real estate, construction, wall, free-standing, or ground mounted) .
4. **Illumination.** All signs may be illuminated except where illumination is specifically prohibited.
5. **Signs for multiple family dwellings.** No sign shall exceed 32 square feet per sign face, or 64 square feet of total sign area.

B. Permitted Signs.

1. **Construction.**
   - **a.** Shall be considered as temporary signs.
   - **b.** Shall be limited in sign area to four square feet per contractor.
   - **c.** Shall not exceed 12 square feet in total area.
   - **d.** Shall not be illuminated.
2. **Warning.**
   - **a.** Shall not exceed 12 square feet in sign area.
   - **b.** Shall be permitted as needed.
3. **Real Estate.**
   - **a.** Shall be considered temporary signs.
   - **b.** Shall be limited in total sign area to 12 square feet.
   - **c.** Shall not be illuminated.

d. Shall only be located on the premises to which the sign pertains.

e. Shall be set back at least 12 feet from all property lines when not attached flat against a building.

f. Real estate signs for multiple family developments containing 20 or more dwelling units:

i. Shall be located on the premises to which the sign pertains.

ii. Shall not exceed 64 square feet of total sign area per sign.

iii. Shall not be illuminated.

iv. Shall be considered temporary signs.

4. Directional.

a. Directional signs are permitted as needed, provided that they do not exceed one square foot in sign area per face.

b. Directional signs shall only display directional information. Logos or pictures shall be prohibited.

5. Temporary signs to advertise services performed.

a. Shall be limited in total sign area to 12 square feet.

b. Shall not be illuminated.

c. Shall only be located on the premises to which the sign pertains.

d. Shall be setback at least 12 feet from all property lines when not attached flat against a building.

e. Sign height shall not exceed four feet.

f. Sign may be displayed one 30-day period in one calendar year.

6. Wall.

a. Wall signs located on single family dwellings, two family dwellings, accessory buildings, home occupations or temporary buildings shall not exceed two square feet of total sign area.

b. Wall signs located at cemeteries, places of worship, public parks, playgrounds, community centers, public owned and operated buildings, schools and colleges for academic instruction, private noncommercial golf courses, swimming pools and tennis courts and accessory uses, and mobile home parks shall not exceed 32 square feet of total sign area.

c. Wall signs located at barber and beauty shops, nursery or childcare centers, offices and all other permitted and conditional uses not listed shall not exceed 32 square feet of total sign area.

7. Freestanding.

a. Free standing signs located at cemeteries, places of worship, public parks, playgrounds, community centers, public owned and operated buildings, schools and colleges for academic instruction, private noncommercial golf courses, swimming pools and tennis courts and accessory uses, and mobile home parks shall not exceed 32 square feet per face with total sign area limited to 64 square feet per sign

b. Free standing signs located at barber and beauty shops, nursery, or childcare centers, offices and all other permitted and conditional uses not listed shall not exceed 32 square feet of sign area per face with the total sign area limited to 64 square feet per sign.

c. Free standing signs shall be prohibited for single family dwellings, two family dwellings, accessory uses, home occupations and temporary buildings.

8. Ground Mounted.

a. Ground mounted signs located at cemeteries, places of worship, public parks, playgrounds, community centers, public owned and operated buildings, schools and colleges for academic instruction, private noncommercial golf courses, swimming pools and tennis courts and accessory uses, and mobile home parks shall not exceed 32 square feet per face with total sign area limited to 64 square feet per sign

b. Ground mounted signs located at barber and beauty shops, nursery or childcare centers, offices and all other permitted and conditional uses not listed shall not exceed 32 square feet of sign area per face with the total sign area limited to 64 square feet per sign.

c. Ground mounted signs shall be prohibited for single family dwellings, two family dwellings, accessory uses, home occupations and temporary buildings.

9. Projecting. No sign shall project beyond the limits of the setback line.

Section 38.5 Signs in Agricultural, Business, Industrial, and Other Non-Residential Districts.

A. General Requirements.

1. **Sign Height.**
   - **a.** Free standing signs shall not exceed 25 feet in height.
   - **b.** Signs mounted on or attached to the wall of a building shall not exceed the height of the building.
2. **Sign Illumination.** All signs may be illuminated unless specifically prohibited.
3. **Number of signs permitted per public street frontage.**
   - **a.** Each business is permitted one sign attached to the building and one free-standing or ground mounted sign per public street frontage.
   - **b.** One real estate or construction sign may be permitted per public street frontage.

B. Permitted Signs.

1. **Construction.**
   - **a.** Shall be considered temporary signs.
   - **b.** Shall be limited to 32 square feet in area.
   - **c.** Shall not be illuminated.
2. **Directional.**
   - **a.** Shall be permitted as required.
   - **b.** Shall be limited to two square feet in sign area per face.
   - **c.** Directional signs shall only display directional information. Logos or pictures shall be prohibited.
3. **Identification.** Identification signs may be any of the following structural types of signs:
   - **a.** Awning
   - **b.** Canopy
   - **c.** Free standing
   - **d.** Marquee

e. Painted wall

f. Projecting

g. Roof

h. Wall

i. Ground mounted

4. Real Estate.

a. One sign per frontage.

b. Shall not exceed 32 square feet per side with total sign area limited to 64 square feet.

5. Temporary/Portable/Promotional.

a. One sign per frontage.

b. Sign area shall not to exceed 32 square feet per side.

6. Warning.

a. One sign per frontage.

b. Size not to exceed 32 square feet per side.

7. Advertising signs. Advertising signs shall be considered a principal structure and therefore meet all applicable zoning regulations.

C. Standards.

1. Identification signs.

a. Sign area for wall, awning, canopy, marquee, painted wall, projecting, or roof signs shall be calculated by the formula of one square foot of total sign area for each linear foot of building frontage on a public street.

b. Sign area for free-standing or ground mounted signs shall be calculated by the formula of one square foot of sign area, per face, for each linear foot of lot frontage on a public street.

c. No sign shall be restricted to less than 64 square feet of total sign area (the cumulative area of all sign faces).

2. **Advertising signs.** Advertising sign area is determined by using the distance to the nearest common wall with an adjoining use or the nearest property line (whichever is closer). Multiply the first 15 feet or portion thereof times five; the next 10 feet or portion thereof times four; and the remainder times three to obtain permitted square footage of the advertising sign.

3. **Signs utilizing electronic technology for variable messages.**

   a. No message, graphic, display or part thereof shall be visible for less than ten seconds. During such interval, the entire message, graphic or display shall not be moving, flashing, scintillating, animating nor changing in color or light intensity or visibly changing in any other manner. Maximum brightness levels for variable message signs shall not exceed 12 foot-candles, measured from the nearest point of any highway or public road. All such signs shall be equipped with a dimmer control and a photo shall be equipped with a dimmer control and a photocell which shall constantly monitor ambient light conditions and adjust brightness accordingly.

   b. The display change interval, which is defined as the time period between when one message, graphic or display becomes illegible and the next message graphic or display first reaches legibility, shall be 0.3 seconds or less.

ARTICLE 39. OFF-STREET LOADING REGULATIONS

On the same premises with every building or structure or part thereof, erected and occupied for commerce, industry, public assembly, or other uses involving the receipt or distribution by vehicles of materials or merchandise, there shall be provided and permanently maintained the necessary off-street loading spaces as hereinafter required in this Zoning Resolution.

Section 39.1 General Provisions.

1. **Design Standards.**

   a. Dimension. Each off-street loading space shall be at least 12 feet in width by 25 feet in length with a vertical clearance of 14 feet or more and adequate area for ingress and egress.

   b. Access. Off-street loading spaces shall be provided with entrances and exits not less than 12 feet in width.

   c. Surfacing and Drainage. All loading areas shall be graded as necessary and improved with asphalt, concrete or Portland cement and shall meet the standards for storm water runoff control as stipulated by the Montgomery County Engineer's Office. In no case shall crushed stone, gravel or similar material be considered a suitable substitute for asphalt or concrete.

2. **Location.** All required loading spaces shall be located off-street and on the same lot as the specific use to be served. Except as provided for in this Article, loading spaces may be located in a required side and/or rear yard.

   a. No loading space shall be located within a required front yard.

   b. No loading space or driveway shall be located within any side yard when located adjacent to any "R" District.

   c. No permitted or required loading space in any district shall be located within 50 feet of the nearest point of intersection of any two streets or highways, except for areas used for the occasional drop off or pick up of goods in vans, step vans, or parcel trucks.

   d. No access drive or loading space shall be located in such a manner as to allow a vehicle to back onto a public street.

   e. No access road or loading space shall be located in such a manner so as to cause a vehicle to back into the loading space from a public right-of-way.

   f. No loading space shall be located in such a manner so as to cause a vehicle to extend into the right-of-way while being loaded or unloaded.

3. **Screening.** Whenever a loading area or access road/driveway is located adjacent to a residential district, it shall be screened on all sides from the residential district by an opaque fence, wall or planting. Such fence, wall or planting shall be a minimum of six feet in height. Whenever screening is located adjacent to any loading area or access road/driveway, such screening shall be protected by bumper blocks, posts or curbing to avoid damage by vehicles. All screening shall be maintained in good condition and remain free of all advertising. All screening that employs living material shall be kept trimmed and replaced as needed to maintain the integrity of the screen.

4. **Marking.** Designated loading areas shall be marked as a loading area and shall be maintained in clearly visible condition.

5. **Utilization.**

   a. No storage, motor vehicle repair work or service of any kind other than for an emergency shall be permitted within any loading berth.

   b. Space allocated to a required loading berth shall not be used to satisfy any requirement of this resolution for off-street parking spaces.

Section 39.2 Number of Loading Spaces Required.

Type of Use	Required Number of Loading Spaces
Retail and Service	One space for the first 10,000 square Establishments feet of gross floor area, and one space for each additional 20,000 square feet of gross floor area.
Freight and Truck	One space for every 5,000 square feet Terminal of gross floor area.
Warehouse	One space for every 7,500 square feet Wholesale of gross floor area.
Industrial Plant	One space.

ARTICLE 40. OFF-STREET PARKING REQUIREMENTS

Except as provided for herein, on the same premises with every building and structure erected, altered, or changed and all land used, there shall be provided the necessary off-street parking as hereinafter required in this Zoning Resolution.

Section 40.1 General Provisions.

A. Use of Off-Street Parking Facilities. Off-street parking facilities shall be used solely for the parking of motor vehicles in operating condition by patrons, occupants, or employees of the premises.

1. The sale of all types of vehicles shall be prohibited from the off-street parking facility, except for a private individual selling his/her personal vehicle from their residence.

2. The display, sales, or storage of any merchandise shall not be permitted within any off-street area unless otherwise specifically provided for within this Zoning Resolution.

3. The storage of trucks and/or trailers shall be prohibited on off-street parking facilities, except trucks parked in loading stalls during periods of loading and unloading. In no case shall a truck or trailer be used as a storage facility.

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

5. No vehicle shall be parked in any unpaved area of a front or side yard.

B. Building Additions. Whenever a building addition results in an increase in the number of units used to measure the required off-street parking spaces, and such addition creates a need for an increase of more than ten percent of the required off-street parking spaces, additional off-street parking shall be provided on the basis of the increase in the number of such units of measurement, except that in the case of additional dwelling units created by conversion of an existing dwelling, two off-street parking spaces shall be required for each additional dwelling unit created.

C. Parking Plan. A parking plan shall be submitted with any application involving the construction, expansion, change of use or elimination of any off-street parking space. The parking plan shall be drawn to scale and fully dimensioned and detailed. All parking plans shall be subject to review by the Township prior to approval of such application. The Department Director may employ such technical expertise in the review of a parking plan as needed to ensure the adequacy of the off-street parking facility and traffic/pedestrian safety. All costs incurred in the review of a parking plan by outside consultants shall be passed through to the applicant.

D. Minimum Parking Space and Driveway Aisle.

Dimensions: The following minimum dimensions shall apply to all parking spaces and driveway aisles:

1. **Handicap Spaces.** Where provided, handicap parking spaces shall not be less than 12 feet in width and 20 feet in length.

2. **Standard Width and Length.** Perpendicular and angular parking spaces for retail stores and/or service facilities, characterized by the high turnover of parking space use, shall not be less than nine (9) feet in width and eighteen (18) feet in length. Parallel parking spaces shall not be less than ten (10) feet in width and twenty-two (22) feet in length.

3. **Overhang.** Any parking space adjoining a landscaped area of the parking lot may include a one-foot overhang into the landscaped area as part of the required 20-foot length, provided curbing or other well maintained wheel stops are used.

4. **Driveway Aisles.** Driveway aisles shall have the following minimum dimensions*:

0-Degree Parking (Parallel)		60-Degree Parking	
One-Way	14-feet	One-Way	17.5-feet
Two-Way	24-feet	Two-Way	24-feet
45-Degree Parking		90 Degree Parking	
One-Way	14-feet	One-Way	25-feet
Two-Way	24-feet	Two-Way	25-feet

*Parking spaces having angles not indicated herein shall provide aisle widths as indicated in the "Urban Planning and Design Criteria" manual or certified by an engineer.

E. Reduction or Change in Required Parking Area. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere. Off-street parking existing at the effective date of this Resolution in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

F. Special Provisions for Collective and Off-Site Parking Areas. The following special provisions shall be applicable to all collective and offsite parking areas serving non-residential uses:

1. **Collective Parking Areas.** Two or more uses may collectively provide the required off-street parking area. The required number of parking spaces shall not be less than the sum of the requirements for the individual uses computed separately, unless the parking area is part of an approved planned development. A written agreement for joint usage, approved as to form and execution by the Township's legal counsel, shall be filed with the application for a Zoning Certificate or Occupancy Certificate.

2. **Off Site Parking Areas.** Parking spaces located within 300 feet of the building and/or use served on abutting properties may be used toward the calculation of the required number of spaces for a use, provided a written legal instrument is used to reserve such spaces for the subject use. Such legal instruments shall be approved as to form and execution by the Township's legal counsel prior to issuance of a Zoning Certificate or Occupancy Certificate. Access to and from the Off-site parking area to the served properties must include proper pedestrian access and controls.

G. Access to Public or Private Streets. All Parking Lots shall be designed in such a manner that any vehicle entering or exiting the parking lot via a public or private street shall be traveling in a forward direction. Access roads or driveways for parking areas shall be located in such a manner that any vehicle entering or leaving such lot shall have adequate site distance, as specified by the Montgomery County Engineer's office. Acceleration and/or deceleration lanes may be required where traffic volumes indicate the need.

H. Curbing and Wheel Stops.

1. Where required a continuous curbing and/or the installation of wheel stops shall be required for any parking lot or portion thereof, where any of the following conditions exist:

a. Encroachment of a vehicle into any traffic aisle, pedestrian walkway, sidewalk or any public right-of-way.

b. Parking area abuts a wall, light pole/fixture, fence, or any other structure.

c. A severe grade change or embankment at the edge of a parking lot.

2. Standards.

a. All curbing shall be a minimum of four inches in height and be made of concrete. Except as provided for in Section 40.1, Paragraph H(2)(b), other suitable materials may be approved by the Department Director, provided such material is an integral part of an overall development scheme. The use of asphalt as a curb material shall be prohibited.

b. All curbing adjacent to or along any public right-of-way shall be constructed of concrete and shall meet the design standards of the Montgomery County Engineer's Office for curbing along a public right-of-way.

c. Wheel stops shall be made of concrete a minimum of six feet in length and permanently affixed to the paved surface beneath it.

d. All curbing and wheel stops shall provide a minimum clearance of at least 30 inches from any adjacent sidewalk, traffic aisle, embankment, wall, fence or other structure.

e. A sidewalk adjacent to a building may be used as a curb or wheel stop providing said sidewalk is a minimum of five (5) feet in width.

I. Required Surfacing. All parking lots, driveways and access roads shall be made of asphaltic, concrete or some other comparable all weather dustless material. Crushed stone, gravel or similar materials are not considered a suitable substitute for asphalt concrete.

J. Marking Required. All parking spaces and driveway aisles shall be marked with an all-weather paint. Such markings shall be maintained in clearly visible condition and be in accordance with the approved parking plan.

K. Lighting. Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be arranged and designed to deflect the light away from adjoining or opposite residential property and public streets. Lights should utilize a ninety-degree cut-off. A photometric plan is required when lights are being provided.

L. Drainage. Except for the "A" through "R-5" districts, all open off-street parking areas shall be provided with adequate drainage facilities and a storm water runoff control plan as approved by the Montgomery County Engineer's office.

M. Separation.

1. All surface level, un-enclosed, off-street parking areas shall be separated from property lines by a minimum of four (4) feet and provide some landscape. Unless the parking plan presented provides for better access, cross-access and design with an adjoining parcel.

2. All unenclosed off-street parking areas shall be separated from public rights of way by a planted, landscaped area of at least ten feet in width. On streets having an existing curb on the street side, a minimum four-inch-high curb shall be required only on the inside of the parking area. On streets not having an existing curb on the street side, a curb meeting the standards of the Montgomery County Engineer's Office, shall be required to completely enclose the ten-foot separation strip.

3. All unenclosed off-street parking areas shall be separated from principal buildings by a minimum four-inch-high curb to maintain a clear unobstructed three-foot corridor between the building and the parked vehicles.

4. No driveways or parking areas shall be:

a. Residential Districts. One fourth the distance of the existing side yard.

b. Office, Business, and Industrial Districts. Located in any required side or rear yard, when adjacent to any "A", "R" or "OR-1" district. The separation shall be landscaped, and a minimum four-inch-high curb placed on the driveway and/or parking side of the space.

N. Surface Limitation, "A" Through "R-7" District. In the agricultural and residential districts, no asphalt, concrete, or other parking surface shall cover more than 40% of the property.

Section 40.2 Screening.

No parking lot used for non-residential purposes shall be constructed, altered, enlarged, or changed until a screening plan has been submitted and approved by the Development Department.

A. When Required. Any open off-street parking area that is located adjacent to any residential district and not separated from the residential district by a dedicated street, shall provide a screen between off-street parking area and the residential district. At the time of placement, the screen shall be of sufficient density or opaqueness to completely obstruct the view of the parking lot from the adjacent residential district.

B. Types of Screening Permitted.

1. Solid masonry wall.
2. Decorative fence, excluding chain link with slats.
3. Dense evergreen plantings.
4. Landscaped mounding with ground cover.

C. Height of Screening. At the time of placement, all screening material shall be a minimum of six feet in height.

D. Location of Screening. All screening shall be located in such a manner that the off-street parking area shall be completely obstructed from the view of the residential district.

E. Required Ground Cover. The space between any screening, adjoining property line and the perimeter of the off-street parking lot shall be landscaped with appropriate ground cover.

F. Protection of Screening. Whenever screening is located adjacent to any parking area or driveway, such screening shall be protected by bumper blocks, posts, or a minimum four-inch-high curbing to prevent damage to the screen by vehicles.

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

H. Compliance with Landscaping Requirements. All screening composed of landscaping shall be in conformity with Section 40.3.

Section 40.3 Landscaping Requirements.

1. **Maintenance and Replacement of Landscaping.** All landscaping shall be maintained in good condition and replaced as needed to maintain the integrity of the landscaping as originally designed.

2. **Perimeter Requirements.** The setback areas for off-street parking facilities and other vehicular use areas shall be landscaped. In addition, the required 10-foot setback between the front property line and the vehicular use area shall be landscaped with one tree for each 35 feet of lot frontage. Where the Planning/Zoning Director has determined the provision of this section will interfere with traffic visibility the required landscaping may be relocated on site, provided the standards of this section are maintained.

3. **Interior Landscaped Areas Required.** Within interior vehicular use areas 10,000 square feet in size or greater, and for each additional 10,000 square foot unit or a proportional fraction thereof, there shall be provided a minimum total of 400 square feet of planting area consisting of separate sub areas. For individual parking lots with more than five parking spaces and less than 10,000 square feet in area, four percent of the vehicular use area, irrespective of the perimeter requirements, shall be devoted to landscape. All interior landscaping shall be in accordance with the following provisions:

   a. **Reduction of Landscaping Amount Per Unit.** The total planting area for a unit may be reduced by 100 square feet if such amount is relocated elsewhere so as to emphasize an entrance corridor or feature.

   b. **Total Landscaping Required.** Grass or other ground cover shall be planted on all portions of the interior planting area not occupied by other approved landscape material. Landscaping, other than grass or ground cover, shall not be located closer than three feet from the edge of any pavement.

   c. **Arrangement of Landscape Areas.** In order that there shall be safe access to parking spaces, landscaped strips shall be arranged so as to divide parking corridors and to limit cross taxiing through open parking spaces.

   d. **Minimum Width.** The minimum width of landscaped areas shall be four feet, except that the minimum distance from a tree to a vehicle area shall be four feet measured from the face of the tree.

   e. **Redistribution of Interior Landscaping.** In vehicular use areas where the Planning/Zoning Director has determined the standards of this section will interfere with the function of the area, the required interior landscaping may be located near the perimeter of the paved area, including such perimeters which may be adjacent to a building.

   f. **Credit for Preserving Existing Trees.** If the Department Director deems appropriate, credit may be received on the interior landscaping plan by preserving existing trees capable of tolerating adjacent construction. The Department Director may employ such technical expertise as necessary, to review the landscaping plan to ensure that all trees being maintained for credit can be expected to survive the adjacent construction. All costs incurred in the review of the landscaping plan by outside technical consultants shall be passed through to the applicant. In order to maintain any tree deemed eligible for credit, 50% of the ground area under and within the drip line of the tree shall be preserved from the trunk out to the edge of the drip line and shall be maintained in either vegetative landscape material or previous surface cover, except when the Department Director determines that lesser areas and other ground cover treatment will provide sufficient nourishment for the continued growth of the preserved type of tree. The required number of new trees may be reduced in accordance with the following schedule in exchange for preserving existing trees:

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

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

Section 40.4 Number of Parking Spaces Required.

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

See the Required Number of Parking Spaces Table, Appendix C

Section 40.5 Uses Not Specifically Mentioned.

The requirements for off-street parking facilities for any use not specifically mentioned in Section 40.4 shall be the same as for a similar permitted use. For uses not having a similar activity, the Development Director may use professional manuals containing parking demand data, professional consultants or consult with area jurisdictions having similar uses to determine the minimum number of required parking spaces.

Section 40.6 Restricted Accessory Parking Areas.

The Board of Zoning Appeals may permit accessory parking upon an adjacent lot within a residential or office district as a conditional use, providing:

A. The accessory parking lot is not located closer than 50 feet to any lot line of a residential district. Greater setbacks may be required where the Board finds a need for the increased setback.

B. The accessory parking lot shall provide for adequate pedestrian access to the primary parking or parcel.

C. Screening shall be required along the mutual boundaries between the accessory parking lot and the residential district. Such screening shall be a minimum of six (6) feet in height and shall be of such density to completely obstruct the view of the parking lot from the adjacent residential property.

D. The accessory parking lot shall not be permitted within any required front yard. The resulting open area shall be planted in grass and landscaped as provided for in this Zoning Resolution.

E. Whenever a restricted accessory parking lot is located across the street from a residential district, the parking lot shall be screened from the residential district. The screening shall be located on or behind the front setback line and shall otherwise conform to Section 4103.05(B).

F. If the accessory lot is intended to be lit, a lighting plan shall be submitted as part of the conditional use application.

G. All of the provisions of Article 38 shall apply to an accessory parking lot, unless otherwise specifically waived by the Board.

H. The parking lot shall be for use in connection with the land use to which the parking lot is accessory and shall be used solely for the parking of passenger vehicles.

I. The Board may impose further conditions and/or restrictions as may be necessary to ensure compatibility of the accessory parking lot with the adjacent residential district.

Section 40.7 Units of Measurement

For the purpose of determining off-street parking requirements, the following units of measurements shall apply:

A. Floor Area. Floor area for nonresidential purposes shall be the sum of the gross horizontal area of all the floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings.

B. Hospital Bassinets. In hospitals, bassinets shall not be counted as beds.

C. Places of Assembly.

1. **Benches.** In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each twenty inches of such seating facilities shall be counted as one seat for the purpose of determining the off-street parking requirements.

2. **Fixed Seats and Assembly Area.** In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

D. Fractions. When units of measurement determining the number of required parking spaces results in requirement of a fractional space, any fraction up to one half shall be disregarded and any fraction over and including one half shall require one parking space.

ARTICLE 41. NOISE

Section 41.1 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 noisiest point within the receiving property.

A. A dba is the sound pressure in decibels measured using the "A" weighting network on the sound level meter. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base of ten 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 ANSI S1.4-1971 or IEC 651.

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 41.2 Exemptions.

A. The following shall be exempt from the provisions of Section 4403, Table I, between the hours of 7:00 A.M. and 10:00 P.M. only:

1. Sounds created by the discharge of firearms on authorized shooting ranges.

2. Sounds created by blasting.

3. Sounds created by the installation of utility services.

4. Sounds originating from temporary construction sites as a result of construction activity.

5. Sounds created by firearms in the course of hunting.

B. The following shall be exempt from the provisions of Section 41.3, Tables I and II, at all times.

1. Sounds created by motor vehicles operated on public roads and highways.

2. Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations.

3. Sounds created by surface carriers engaged in interstate commerce by railroad.

4. Sounds created by warning devices not operating continuously for more than five minutes, or bells, chimes, and carillons.

5. Sounds created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible.

6. Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health, safety, or welfare of the community.

7. Sounds created by the repair of essential utility services.

8. Sounds originating from officially sanctioned parades and other public events.

9. Sounds emitted from venting at industrial process facilities during startup only, provided that the startup operation is performed during daytime hours whenever possible.

Section 41.3 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. Five dba for a total of 15 minutes in any one-hour period.

2. Ten dba for a total of five minutes in any one-hour period, or

3. 15 dba for a total of 30 seconds in any one-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. Five dba for a total of ten minutes in any one-hour period, or

2. Ten dba for a total of three minutes in any one-hour period.

D. Impulsive sound (such as sounds with a duration of less than one second, such as from gunfire or punch presses) shall not exceed the levels of Table I (daytime) or Table II (nighttime) by more than five dba, as measured with the sound level meter on the slow response setting.

1. Table I: Daytime Noise Limits

Noise Source	Residential	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	Business	Industrial
Business	50 dba	60 dba	65 dba
Industrial	50 dba	65 dba	70 dba

Section 41.4 Definitions Applicable to Tables I and II.

A. Residential. Shall include all residential zoning districts comprising “A”, “R-1”, “R-2”, “R-3”, “R-4”, “R-5”, “R-6”, “R-7”, “R-8”, and “OR-1”.

B. Business. Shall include all business zoning districts comprising “O-2”, “B-1”, “B-2”, “B-3”, and “B-4”.

C. Industrial. Shall include all industrial zoning districts comprising “I-1”, “I-2”, and “I-3”; and “OSI-1” and “OSI-2”.

ARTICLE 42. EXTRACTION OF MINERALS

Section 42.1 Submission of Additional Information.

Two 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 500 feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five feet or less.

Section 42.2 Development Standards.

A. No mining of sand and gravel shall be carried on, or any stock pile placed closer than 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 50 feet to the nearest one of such right-of-way, except as may otherwise be provided by Section 4153.11 of the Revised Code of the State of Ohio.

C. Any excavated area adjacent to a right-of-way of any public street or road shall be back filled for a distance of 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 a manner as to minimize dust, noise and vibration. Access roads shall be maintained in a dust free condition by surfacing or other treatment as may be specified by the Board.

F. Quarrying shall not be carried out closer than 300 feet to any adjoining property line unless the written consent of such adjoining property line owner has first been obtained.

G. The Board is authorized to impose such requirements with respect to providing adequate barriers as it may feel necessary to protect the public safety.

Section 42.3 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 feet below the water mark, or shall be graded or back filled with non-noxious, noncombustible, and noninflammable solids, to secure:

1. That the excavated area shall not collect and permit to remain therein, stagnant water; or,

2. That the surface of such area which is not permanently submerged is graded or back filled as necessary so as to reduce the peaks and depressions thereof so as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.

B. The banks of all sand and gravel excavations in a water producing excavation, and to the pit bottom in a dry operation, shall be sloped to the water line, at a slope which will not be less than three feet horizontal to one foot vertical and said banks shall be restored with vegetation in a manner set forth in paragraph C.

C. Vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of grasses or planting of shrubs and trees in all parts of said mining area where the same is not submerged under water.

D. Proper drainage shall be provided for the mined-out area.

E. All equipment and structures shall be removed from the mined-out area within six months of the completion of the mining therefrom.

F. The Board may impose such other reasonable conditions and restrictions as it may deem necessary for the protection of the public and to encourage the mining and processing of the sand and gravel from the authorized area.

G. Due to the inherent difficulties in reclaiming and rehabilitating areas from which stone has been quarried, the Board is hereby empowered, in the issuance of a Conditional Use Permit for quarrying operation, to impose such reasonable standards for reclamation as may be necessary to protect the public interest, without unduly restricting the operations of the mine owner.

ARTICLE 43. PRIVATE NONCOMMERCIAL GOLF COURSES, SWIMMING POOLS AND TENNIS COURTS

Section 43.1 Required Conditions.

1. All swimming pools shall be a distance of at least 150 feet from all residential property lines, except for a swimming pool for the occupant of a single-family dwelling.

2. Loudspeakers, 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.

3. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any property or upon any public street.

4. **Gun Clubs**. The firing line shall be a distance of at least 500 feet from all residential property.

ARTICLE 44. WHEN EFFECTIVE

Section 44.1 When Effective.

This Resolution shall be in full force and take immediate effect November 2, 1971, or at a later date upon certification by the Montgomery County Board of Elections. Until such time The Montgomery County Zoning ordinance shall be in effect.

Following Certification this ordinance shall be in effect in all portions of Harrison Township, Montgomery County, Ohio as follows:

Portion of Township	Original Adoption
1. Harrison Township (Eldarado on the Miami Plat)	May 15, 1958
2. Harrison Township (Portions of Sections 5 & 6)	August 17, 1953
3. Harrison Township (All Area not Previously Zoned)	January 22, 1959

A. The following amendments were effective on September 23, 1976.

1. Changes in Zoning Text filed by Harrison Township Zoning Commission - June 17, 1976. ZC-7-76.

2. Public Hearing - Zoning Commission held on July 15, 1976, Zoning Commission recommended this be approved.

3. Public Hearing - Board of Trustees held on August 23, 1976, Approved by Trustees on August 23, 1976.

B. The following amendments were effective on June 18, 1978

1. Changes in Zoning Text filed by Harrison Township Zoning Commission - April 21, 1978. ZC-8-78.

2. Public Hearing - Zoning Commission held on May 18, 1978. Zoning Commission recommended this be approved.

3. Public Hearing - Board of Trustees held on June 12, 1978. Approved by Trustees on June 12, 1978.

C. The following amendments were effective on April 22, 1981.

1. Changes in Zoning Text filed by Harrison Township Zoning Commission - January 31, 1981. ZC-2-81.

2. Public Hearing - Zoning Commission held on February 19, 1981. Zoning Commission recommended this be approved.

3. Public Hearing - Board of Trustees held on March 23, 1981. Approved by the Trustees on March 23, 1981.

Section 44.2 Repeal of Conflicting Resolution.

The County Zoning Resolution now in effect in Montgomery County, Ohio, and in conflict with the Zoning Regulations as they are established hereafter, is hereby repealed. However, all suits at law or in equity and/or all prosecutions resulting from violation of any Zoning Resolution heretofore in effect, which are now pending in any of the Courts of the State of Ohio or of the United States, shall not be abated or abandoned by reason of the adoption of this Zoning Resolution; but shall be prosecuted to their finality the same of if this Zoning Resolution had not been adopted; and any and all violations of existing Zoning Resolutions, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Zoning Resolution shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.

ARTICLE 45. TEMPORARY BUSINESSES

Section 45.1 Temporary Sales.

A. Permitted Uses. Only those uses which are specifically permitted within the zoning district in which the temporary sale is located.

B. General Requirements.

1. A temporary and revocable permit shall be granted for a period not to exceed 14 consecutive days, within any six-month period.

2. Any goods, product, ware, or other item offered to the public by any means shall be displayed from within enclosure. Such enclosure may consist of a truck, trailer, tent, or other similar vehicle or structure.

3. Before any person, group, or organization is issued a Temporary Sale Permit all State, County, and Local permits, licenses, and vendors numbers, if applicable, shall have been issued for that specific use.

4. Each Temporary Sale shall conform to the Lot Area, Frontage, and yard Requirements of the Zoning District in which such business is located.

5. No Temporary Sale shall obstruct or impede the movement of traffic within the established right-of-way or obstruct or impede traffic movement to or from private property at the established right-of-way line.

6. To ensure intersection visibility on corner lots, no Temporary Sale activity shall be permitted within a triangular area formed by the right-of-way lines at such corner lot and a straight line joining such right-of-way line at points which are 50 feet distant from the intersection of the right-of-way line and measured along such right-of-way lines (See Appendix).

7. A parking layout shall be submitted indicating spaces deleted due to location of Temporary Sales activity; relocation of deleted parking spaces, if such spaces are needed to fulfill the minimum number of parking spaces required by the Zoning Resolution for the permanent established business on the same lot; parking spaces to be provided for the exclusive use of the Temporary Business.

C. Specific Requirements.

1. Prior to conducting any business activity within the Township, a Temporary Sale Permit shall have been issued by the Zoning Inspector to do so. Such application shall be on forms provided by the Township and shall contain the information required therein.

2. In addition, the applicant shall submit a plot plan for each proposed business location containing the following information:

a. Type of enclosure to be used and setbacks from existing right-of-way lines to the proposed location of the Temporary Business.

b. Signs. Size, type, and location.

c. Parking layout, as provided for in Section 45.1(B)(7).

d. Internal traffic circulation pattern to ensure compliance with Section 45.1(B)(5).

Section 45.2 Seasonal Temporary Sales.

A. Permitted Uses. Seasonal Temporary Sales may be permitted only within a zoning district in which such use is specifically permitted under this Zoning Resolution. Such sales shall be permitted only for seasonal, non-manufactured items, typically sold out of doors.

B. General Requirements.

1. A Seasonal Temporary Sales Permit shall be granted for a period not to exceed 60 days within a six-month period.

2. The Board of Zoning Appeals shall review and approve all initial Seasonal Temporary Sales Permit Applications to ensure conformance with the requirements contained herein. In addition, the Board of Zoning Appeals may require other information it deems necessary to protect the health, safety, and general welfare of the community.

3. An approved Seasonal Temporary Sales Permit shall not require a rehearing before the Board of Zoning Appeals for each subsequent year if such use is to be conducted again, provided that:

a. The approved use remains unchanged.

b. A Seasonal Temporary Sales Permit is obtained for each successive year and occurrence after Board of Zoning Appeals approval.

c. The activity has not been adjudged by a court of law to be a hazard, nuisance, noisome condition, or in violation of any applicable provisions of the Zoning Resolution.

C. Specific Requirements.

1. Prior to conducting any Seasonal Temporary Sales within the Township, a Seasonal Temporary Sales Permit shall have been approved by the Board of Zoning Appeals authorizing the enforcement official to issue the required permit.

2. Application for a Seasonal Temporary Sales Permit shall be on forms provided by the Township and shall contain the information required therein.

3. In addition, the applicant shall submit a plot plan for each proposed business location containing information from Section 45.3(B)(2).

D. Fee. At the time application is made a non-refundable fee of $25.00 shall be paid for each Temporary Sales or Seasonal Temporary Sales application made.

ARTICLE 46. DANGEROUS, EXOTIC AND WILD ANIMALS

Section 46.1 Definitions.

A. Dangerous Animals. Any animal, reptile, mammal, bird or fowl which is carnivorous, and/or is not naturally tame, and/or is wild in nature, and/or because of its size, and/or wild nature or other characteristics constitutes a danger to human life.

B. Endangered and Protected Wildlife. Any species of animal including, but not limited to fish, reptiles, amphibians, mammals, birds, or fowls that are listed by the United States Department of the Interior as being an endangered or protected species.

C. Exotic Animals. Any animal, reptile, amphibian, mammal, bird, or fowl that is not indigenous to the State of Ohio.

D. Wild Animals. Any animal, reptile, amphibian, mammal, bird, or fowl that generally lives in its original, natural state and habitat and is not normally domesticated.

Section 46.2 Permit Required.

No person, firm or corporation shall own, harbor, keep, breed, sell or import into the Township any dangerous, exotic, or wild animal until a zoning certificate has been obtained from the Township to do so.

Section 46.3 Endangered and Protected Wildlife.

Unless specifically authorized by the United States Department of the Interior to do so, no person shall own, keep, breed, sell or import any endangered or protected wildlife within any zoning district within the Township.

Section 46.4 Where Prohibited.

Within any flood plain, residential, office/residential, office, business/commercial or industrial district, no person shall own, harbor, keep, breed, sell or import any dangerous, exotic or wild animal(s).

Section 46.5 Where Permitted.

Within the "A" Agricultural District, dangerous, exotic, or wild animals may be kept provided:

A. Specific Requirements.

1. There shall be a minimum site area of one acre.

2. When located adjacent to any residential district, the animal shall not be located within 100 feet of any residential district.

3. All structures and buildings used to confine or house any animal shall be considered accessory structures and shall be located only in the rear yard.

4. The animal is maintained at all times in a safe, secure manner so as not to constitute a danger to human life.

5. Adequate safeguards are maintained that will prevent unauthorized access to any animal by the general public.

6. The keeping of any animal does not constitute a nuisance or health hazard.

7. The animal is kept in a manner that constitutes a humane condition, as outlined by the Humane Society of Greater Dayton.

8. All federal, state and county licenses and/or permits have been obtained for each species of animal to be kept on the premises.

9. The owner of each exotic, dangerous or wild animal shall obtain an insurance policy from company licensed to do business within the State of Ohio. The certificate of insurance stating that the individual named thereon has a minimum of $100,000 of liability insurance. The liability insurance shall be payable to any claimant for any bodily injury, including death, resulting from contact with the dangerous, exotic or wild animal. The certificate of insurance shall provide that no cancellation of the policy shall be initiated unless 30 days written notice is first given to the Township.

B. Registration Required. Before maintaining any dangerous, exotic or wild animal on any property within the Township, the property owner or person in charge of the property where such dangerous, exotic or wild animal is going to be kept shall submit to and register with the Township the following information:

1. The species name for each specific type of animal being maintained on the premises.

2. A description of each animal being maintained on the premises.

3. A copy of the bill of sale for the animal, indicating previous owner's name, where the animal was purchased and date of the sale.

4. A notarized statement attesting to the fact that the animal is not an endangered or protected species of wildlife.

5. A copy of the certificate of insurance for each animal as required in Section 5003(A.6).

6. A copy of all federal, state and county licenses and/or permits required to keep dangerous, exotic or wild animals.

7. The security provisions that will be maintained to ensure the animal does not constitute a danger to human life.

8. The safeguards that will be maintained to prevent unauthorized access to the animal by the general public.

9. Plot plan showing the location each structure and/or building used to confine and/or house each animal.

Section 46.6 Review of Safeguards, Enclosure and Security Provisions.

In reviewing the proposed safeguards, enclosure and security provisions that will be used to ensure the animal will not constitute a danger to human life and to prohibit access by the general public, the Township may employ such technical expertise in the reviewing a zoning certificate application for a dangerous, exotic or wild animal as needed to ensure the adequacy of the safeguards, enclosure and security provisions. All costs incurred in the review process by outside consultants and/or experts will be passed through to the applicant.

Section 46.7 Exemptions and Special Provisions.

The provisions of this article shall not apply to the following:

A. Dangerous, exotic, or wild animals held by universities, research institutions or government agencies when such animals are used for research.

B. Any agency or institution having legal authority to possess dangerous, exotic, or wild animals, and/or endangered and protected species of wildlife.

ARTICLE 47. ADULT CARE AND HALFWAY HOUSE FACILITIES

Section 47.1 Adult Family Homes and Licensed Residential Facility.

A. Any person may operate an adult family home licensed as an adult care facility as a permitted use in any residential district, including any single-family residential district. Such adult family homes are required to comply with area, height and yard requirements within said district.

B. Any person may operate a licensed residential facility that provides room and board, personal care, habilitation services and supervision in a family setting for at least six but not more than eight persons with mental retardation or a developmental disability as a permitted use in any residential district, including single-family residential districts. These residential facilities are required to comply with area, height, and yard requirements within said district.

Section 47.2 Adult Group Homes.

A. Any person may operate an adult group home licensed as an adult care facility as a conditional use in any multiple-family residential district as long as said home meets the requirements set forth below:

1. Meet submission requirements of Section 47.3(C).

2. The architectural design and site layout of the home and the location, nature and height of the any walls, screens and fences to be compatible with adjoining land uses and the residential character of the neighborhood.

3. The site must meet all applicable zoning requirements for yard, parking, and sign regulation of the zoning district which the home is located in.

B. Any person may operate a licensed residential facility that provides room and board, personal care, habilitation services and supervision in a family setting for at least nine but not more than sixteen persons with mental retardation or a development disability as a conditional use in any multiple-family residential district as long as said home meets the requirements set forth below:

1. The architectural design and site layout of the home and the location, nature, and height of the any walls, screens and fences to be compatible with adjoining land uses and the residential character of the neighborhood.

2. The site must meet all applicable zoning requirements for yard, parking, and sign regulation of the zoning district which the home is located in.

C. Submission Requirements. The operator or agency applying for a conditional use permit to operate an Adult Group Home shall submit the following information to aid the Board of Zoning Appeals in its review of the requested facility.

1. Identification of similar facilities presently existing within (local jurisdiction) and contiguous jurisdiction and confirmation that the sitting of the facility is not located within 2,500 feet of an existing Adult Group Home or Halfway House.

2. A licensed 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.

3. A copy of the sponsoring agency's operational and occupancy standards and a detailed plan for services and programs.

4. A site plan for the proposed home indicating home structured floor plan, off-street parking provisions, driveway access, landscaping and screening provisions, recreational and open space facilities as well as other pertinent information which the Board may require. Such plan shall include sufficient information to indicate that the proposed use of the site will be compatible with the present character of the neighborhood.

Section 47.3 Halfway Houses.

A. Any person may operate a Halfway House as a conditional use in any single or multiple-family residential district as long as said house meets the requirements set forth below:

1. Must meet the submission requirements set forth in Section 47.3(B).

2. Must meet Facility Requirements set forth in Section 47.3(C).

3. Must meet requirements of the Findings by the Board of Zoning Appeals as set forth in Section 47.3(D).

B. Submission Requirements. The operator or agency applying for a conditional use permit to operate a Halfway House shall submit the following information to aid the Board of Zoning Appeals in its review of the requested facility.

1. Identification of similar facilities presently existing within (local jurisdiction) and contiguous jurisdiction and confirmation that the sitting of the facility is compatible with the Residential Care Opportunities Guide for Montgomery County.

2. A licensed 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.

3. A copy of the sponsoring agency's operational and occupancy standards and a detailed plan for services and programs.

4. A site plan for the proposed home indicating home structured floor plan, off-street parking provisions, driveway access, landscaping and screening provisions, recreational and open space facilities as well as other pertinent information which the Board may require. Such plan shall include sufficient information to indicate that the proposed use of the site will be compatible with the present character of the neighborhood.

C. Facility Requirements.

1. Every room occupied for sleeping purposes within the home shall contain a minimum of 80 square feet of habitable room area for one occupant, and when occupied by more than one shall contain at least 60 square feet of habitable room area for each occupant.

2. Indoor and outdoor recreational space shall be provided for the clientele served, based upon standards specified by the licensing authority and/or the sponsoring agency. If no such standards exist, then the following minimum area shall apply:

a. Common indoor area shall consist of at least 25 square feet per individual.

b. Common outdoor area shall consist of at least 60 square feet per individual. If a public park or other common open space is available in the immediate vicinity of the facility, the Board may waive the outdoor space requirement.

3. 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.

4. All exterior lighting shall be suitably directed and shaded to prevent any glare upon adjoining residential properties.

5. Off-street parking requirements: One space for each three persons residing in a community based residential social service facility or halfway house except for facilities prohibiting ownership or operation of automobiles by occupants of such facilities. In any case, suitably screened off-street parking shall be provided on one-to-one ratio to the number of autos operated out of the facility. Within neighborhoods in which on street parking is accepted practice, on street space directly abutting the subject lot may be substituted for a portion of the required off-street spaces if approved by the Board of Appeals.

6. No facility shall be permitted within 2,500 feet of another Oriented Residential Social Service Facility or Halfway House and the sitting of the facility complies with the Residential Care Opportunities Guided for Montgomery County.

7. The BZA may reduce this standard if the applicant can show that, unique conditions, a reduction of the separation requirement or deviation from the Residential Care Opportunities Guide will not contribute to the concentration of such facilities (e.g., the proposed site is located in a distinctly different neighborhood which is separated from an existing site by an interstate highway or the site is in an area that does not constitute a typical residential neighborhood due to a diversity of land uses).

8. The facility must be reviewed by the Fire Department or a certified Fire Safety Inspector.

D. Findings by the Board of Zoning Appeals. In its review of each proposed facility, the Board of Zoning Appeals shall make specific findings of fact relative to the following criteria. Upon finding all such facts to be true the Board shall grant the Conditional Use. The proposed facility:

1. Complies with all the applicable facilities requirements.

2. Is in fact a community based halfway house licensed by an agency of the State of Ohio (and respective jurisdiction). If such licensing is not required, an affidavit so stating has been presented to document this statement.

3. Is approved by the local agency responsible for providing support services and/or programs to the facility.

4. 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.

5. Will not be within 2,500 feet of another Halfway House unless this standard is varied by the Board of Zoning Appeals to a lesser distance.

6. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the person or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

7. Will have vehicular approaches to the property which shall be designed to prevent any undue interference with traffic on surrounding public streets.

ARTICLE 48. MOBILE FOOD VENDORS

Section 48.1 Exemptions.

A. The following instances shall be exempt from the requirements of this Article:

1. Any public or private event or any event hosted by Harrison Township that will have the possibility of including mobile food vendors such as block parties and festivals.

2. A mobile food vendor associated with a private event on private property where the general public is not invited nor permitted to access the mobile food vendor.

Section 48.2 Permitted Uses.

A. Mobile Food Vendor activities may be permitted only within business, commercial, and/or industrial zoning districts or within the Designated Mobile Food Vendor Area.

B. No Mobile Food Vendor shall be permitted to operate on a site of any nonconforming use within any zoning district, except when that lot is within a Designated Mobile Food Vendor Area.

C. No Mobile Food Vendor shall be permitted to operate on a property that does not have an operational primary use, or any lot with violations of the Montgomery County Building, Harrison Township Zoning, Harrison Township Property Maintenance, or Harrison Township Fire Codes.

Section 48.3 General Requirements.

A. All Mobile Food Vendors shall acquire and maintain a Food Service License with the Public Health Department of Dayton and Montgomery County for the period of operation within the township. Any person, group, or organization issued a Mobile Food Vendor Permit shall follow all applicable State, County, and Local laws, rules, and regulations while operating in the township. Failure to do so is grounds to revoke the Township Mobile Food Vendor Permit.

B. No Mobile Food Vendor shall be located in the right-of-way, obstruct or impede the movement of traffic within the established right-of-way, or obstruct or impede traffic movement to or from private property at the established right-of-way line. Events with approved street closures are exempt from this regulation.

C. To ensure intersection visibility on corner lots, no Mobile Food Vendor activity shall be permitted within a triangular area formed by the right-of-way lines at such corner lot and a straight line joining such right-of-way line at points which are fifty (50) feet distance from the intersection of the right-of-way line and measured along such right-of-way lines.

D. Noise amplification or speakers are not permitted to be used while within Harrison Township.

Section 48.4 Location Specific Requirements.

A. Prior to conducting any business activity outside of a Designated Mobile Food Vendor area, a Mobile Food Vendor Permit shall have been issued by the Development Department. Such application shall be on forms provided by the Township and shall contain the information required therein.

B. If a Mobile Food Vendor meets all applicable provisions of this article, a temporary and revocable permit shall be granted for a period not to exceed 6 months. Each vendor may locate at up to two (2) locations, each for three (3) days per week. This provision does not apply if a food truck will be located within a Designated Mobile Food Vendor Area. After a permit has been issued an applicant may request a change to the approved locations. If the new location meets the site requirements of the article, the permit may be adjusted. An adjustment of the permit will not extend the maximum permit period of six (6) months.

C. For each site the Mobile Food Vendor is proposing to be located at, the property owner or an agent of the owner must sign the application. If it is an agent associated with the property owner, a title must be included to identify the relationship with the property owner.

D. Mobile Food Vendors with location specific permits are permitted to operate according to the following times or based upon the operational hours of the primary use of the property the Mobile Food Vendor is located at, whichever is later:

1. Sunday – Wednesday: 6:00am – 9:00pm

2. Thursday – Saturday: 6:00am – 11:30pm

E. A trash receptacle shall be provided on-site and must be emptied and maintained. Trash receptacles shall be provided at a rate of at least one receptacle for every Mobile Food Vendor. The trash receptacle must be emptied and removed each day at the conclusion of the Mobile Food Vendor's business at the property.

F. Outdoor seating and accessory awnings / covering are not permitted.

G. In addition, the applicant shall submit a plot plan for each proposed business location containing the following information:

1. Type of unit to be used and setbacks from exiting right-of-way lines to the proposed location of the Mobile Food Vendor.

2. Signage: Size, Type, and Location

3. A parking layout shall also be submitted with the Mobile Food Vendor Permit that indicates any parking spaces being taken up by the Mobile Food Vendor. In no instance shall a Mobile Food Vendor be permitted in a location that does not meet the minimum parking requirements for the primary business located on the subject property.

Section 48.5 Designated Mobile Food Vendor Area Requirements.

A. The Designated Mobile Food Vendor Area allows Mobile Food Vendors that are registered with the Township to operate in the area. The Designated Mobile Food Vendor Areas shall be designated by the Township Trustees.

B. If a Mobile Food Vendor meets all applicable provisions of this article, they may register with the Harrison Township Development Department to be located within a Designated Mobile Food Vendor Area. Upon registering with the Development Department, a Mobile Food Vendor may operate in this area for a period of three (3) months consecutively. Upon expiration of that three (3) month registration, the vendor may renew their registration if they wish to continue operating within the Designated Mobile Food Vendor Area. At the time of registration, a Mobile Food Vendor must indicate the duration the food truck will be at the location and where it will be relocated to once the three (3) month registration has expired. A registered Mobile Food Vendor is permitted to operate in this area 7 days per week based upon the hours of operation set forth in this article.

C. The Township will provide a site diagram and provide approval for a specific "stall" to each registrant. The Mobile Food Vendor may relocate the vehicle to other Designated Mobile Food Vendor Areas during the three (3) month registration. Stall registrations are transferable to other licensed vehicles owned and operated by the same vendor. Applicants should include all operations that may use the permit.

D. Mobile Food Vendors are permitted to operate in Designated Mobile Food Vendor areas according to the times dictated by the Harrison Township Board of Trustees or based upon the operational hours of the primary use of the property the Mobile Food Vendor is located at, whichever is later.

E. Outdoor seating and accessory awnings / coverings may be provided by the property owner. If the property owner is proposing to supply these items, a site plan must be submitted to the Harrison Township Development Department.

F. Restrooms with hand washing facilities must be provided by the property owner for employees and customers. The restrooms can be on-site or within one-quarter mile or a five-minute walk (such as at a neighboring business) and must be available during the Designated Mobile Food Vendor Area's hours of operation. If the restroom is not on-site, the property owner shall submit written permission from the adjacent business where the restroom will be located.

ARTICLE 49. DUMPSTER ENCLOSURES

Section 49.1 Trash and Recycling Containers.

A. Location. Under no circumstances shall a dumpster be placed on bare or compacted soil, or within required off-street parking spaces. No dumpsters and dumpster style recycling containers or other similar container shall be located in any front yard except when:

1. In the case of a through lot, of the front yard opposite the front orientation of the primary structure, or

2. In the case of an existing non-conforming lot where inadequate rear yard is present to accommodate a dumpster location for pick up

B. Foundation Required. All dumpsters and dumpster style recycling containers shall be placed and stored on a paved surface of asphalt or concrete.

C. Screening Required. All dumpsters and other similar trash containers with a capacity of 2 cubic yards or greater shall be screened from view of all public streets and roads and all adjacent properties. At a minimum, where dumpsters are not otherwise screened by structures or other obstructions, the screening shall consist of a six (6) foot tall, 100% opaque fence of wood, stone, masonry, architectural metal, or other similar construction providing the required opacity. Where necessary to meet the screening requirement access gates shall also be provided and be 100% opaque. In no instance shall chain link fence inter-woven with plastic strips or other similar fencing be considered as 100% opaque for the purposes of the fencing and/or gates required by this section. The following exemptions from these requirements shall apply:

1. Agricultural uses shall be exempt from the requirements of this section in their entirety.

2. Dumpsters and other similar trash containers that are located along and accessed for emptying by an alley shall not be required to be screened from view of non-residential uses on adjacent lots, including those on the opposite side of the alley.

3. All recycling containers for exclusive use of the public shall be exempt from these requirements if the recycling container(s) located on any single property do not exceed a total capacity of 40 cubic yards. However, a site plan and improvement location permit will continue to be required.

4. Any temporary dumpster that is used as a part of any permitted construction, remodeling, or demolition. These construction dumpsters can only be placed on the site upon receiving the appropriate approvals from the Harrison Township Development Department, the Montgomery County Building Department, or both. These temporary dumpsters must be removed before a Final Zoning Approval can be approved.

D. Curbing or Bollards. Whenever screening material is placed around any large waste receptacle (dumpster) or waste collection unit which is emptied or removed mechanically on a regular basis, a curb or bollards to contain the placement of the container shall be provided within the screening material. The curbing or bollards shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.

ARTICLE 50. GAS STATIONS/ FUEL CENTERS

Section 50.1 Purpose and Intent

The purpose of this article is to regulate the development of gas stations and fuel centers within the township to promote public health, safety, and welfare. This section sets out requirements for site design, landscaping, lot coverage, parking, and access management while ensuring compatibility with adjacent land uses and minimizing adverse impacts on surrounding areas.

Section 50.2 Definition of Gas Station/ Fuel Center

A facility designed for the sale of motor vehicle fuel (gasoline, diesel, electric vehicle charging, etc.), which may also include accessory uses such as a convenience store, car wash, vehicle service, and minor repairs. This definition includes standalone fuel stations as well as those integrated with other retail operations.

Section 50.3 Site Design Requirements

A. Minimum Lot Size. Gas stations/fuel centers shall be located on lots of at least one acre.

B. Setbacks.

1. Buildings and Pumps:
   - **a.** Front Yard: 50 feet from public right-of-way.
   - **b.** Side and Rear Yard: 20 feet from any adjacent property line.
   - **c.** Adjacent Residential Zoning District or property:
     - **i.** Pumps: 100 feet
     - **ii.** Buildings: 50 feet
     - **iii.** Air Compressors: 100 feet
     - **iv.** Commercial Fueling: 175 feet

2. Drive Aisles and Loading Areas:
   - **a.** Front Yard: Minimum setback of 20 feet from public right-of-way.
   - **b.** Side and Rear Yard: Minimum setback of 8 feet from any adjacent property.

C. Lighting Plan Required.

1. Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be arranged and designed so as to deflect the light away from adjoining or opposite residential property and public streets.

2. 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.

Section 50.4 Landscaping Requirements

A. Buffer Areas. A landscaped buffer of at least 15 feet shall be required along all property lines abutting Residential districts or public right of way. The buffer shall consist of a combination of Evergreen trees and shrubs.

1. An 8-foot masonry wall shall be required

B. Parking Lot Landscaping. A minimum of 10% of the parking lot area shall be landscaped with trees and other vegetation with islands provided at intervals of no more than every 10 parking spaces.

C. Perimeter Screening.

1. An 8-foot screen setback 8-feet from the adjacent property line shall be required between any residential property or zoning district and the gas station. The required buffer yard shall be landscaped as described above.

2. A combination of deciduous trees shall be planted a minimum of 16 feet on center along all right of ways.

D. Native Species Only.

1. Please see native plant lists from the Ohio Department of Natural Resources.

Section 50.5 Lot Coverage and Impervious Surface Limitations

A. Maximum Lot Coverage. the combined area of buildings parking and paved surfaces shall not exceed 70% of the total area.

B. Stormwater Management. adequate stormwater management shall be provided with the inclusion of pervious materials where feasible and compliance with applicable stormwater regulations stormwater plans shall be provided by a professional civil engineer and must be reviewed by Montgomery County Engineering with approval before construction may begin.

Section 50.6 Parking Requirements

A. Vehicle Parking. A minimum of one parking space shall be provided for every 250 square feet of retail or service area. A minimum of three parking spaces must be designated for employees.

B. Electric Vehicle Charging Stations. For every 10 gas pumps, at least one electric vehicle (EV) charging station shall be provided.

C. Bicycle Parking. A minimum of two bicycle parking spaces shall be provided.

D. No overnight parking / No extended parking.

Section 50.7 Access Management

A. Driveway Access.

1. Minimum Driveways: A gas station or fuel center shall be permitted a maximum of two driveways for vehicular access. These driveways must be designed to minimize conflict points and ensure smooth traffic flow on adjacent public roads.

2. Driveway Width: Each driveway shall have a maximum width of 35 feet to safely accommodate vehicle entry and exit. For gas stations with high truck traffic, the driveway width may be increased upon approval.

3. Driveway Separation:

   a. Driveways must be spaced at least 100 feet apart from each other and must maintain a minimum distance of 50 feet from any street intersection.

   b. For gas stations located on State Roads, driveways must be separated by at least 300 feet from other driveways or intersections, measured from the centerline of each driveway.

   c. On County Roads, driveways shall be spaced a minimum of 200 feet apart under the same guidelines.

4. Driveway Proximity to Intersections: The Ohio Department of Transportation (ODOT) recommends specific minimum corner clearance distances based on the road's speed limit and functional classification.

   a. For roads with a 35-mph speed limit, the minimum driveway clearance from an intersection shall be 150 feet.

   b. For roads with a 45-mph speed limit, the minimum clearance from an intersection shall be 300 feet.

   c. For roads with a speed limit in excess of 55 mph, minimum clearance distances from an intersection shall be 500 feet.

5. Corner Clearance Guidelines: Two-way driveways shall not overlap with turning lanes. Driveways within the boundaries of a turn lane shall be limited to right-in/right-out movements to prevent traffic backups and collisions.

6. Sight Distance: The location of the driveway shall provide adequate sight distance for vehicles entering and exiting the driveway to ensure they can safely merge into or cross traffic. The standards established in ODOT's Location and Design Manual for Intersection Sight Distance (ISD) and Stopping Sight Distance (SSD) shall be the standard for driveway clearance. These sight distance requirements depend on the road's speed and shall be verified in field conditions to maximize safety. A sight distance evaluation shall be prepared by a certified engineer and is required as part of the permit application process.

Section 50.8 Access Permits and Compliance

A. Access Permits. Any gas station or fuel center accessing a State Road must obtain an access permit from the Ohio Department of Transportation (ODOT). Similarly, access permits for County Roads must be obtained from the Montgomery County Engineer's Office. These permits must be secured before construction begins.

B. Turn Lane and Deceleration Lane Requirements.

1. Right-turn deceleration lanes may be required for gas stations located along high-traffic State and County Roads to ensure safe access. The need for such lanes will be determined based on traffic volume and road classification.

2. Left-turn lanes on State Roads may be required when traffic impact studies indicate a significant volume of turning movements. ODOT standards will guide these requirements.

3. Turn lane requirements for County Roads will be determined by the Montgomery County Engineer based on the results of a Traffic Impact Study (TIS).

Section 50.9 Internal Circulation

A. Design for Vehicle Circulation. Gas stations shall provide adequate internal circulation to separate fueling areas, parking areas, and service lanes. Traffic must be directed clearly to avoid congestion and ensure smooth movement within the site.

B. Signage and Marking. Clear signage and pavement markings shall guide vehicles within the site, including directing traffic to fueling positions, parking spaces, and other service areas. Internal driveways must be free from obstruction to ensure safe vehicle and pedestrian movement.

C. Service Vehicles. Dedicated access lanes for service vehicles, such as fuel delivery trucks, must be provided to prevent interference with customer traffic.

Section 50.10 Pedestrian Access

A. Pedestrian Safety. Safe and accessible pedestrian routes must be established from public sidewalks or other off-site pedestrian pathways to the main entrance of the gas station, convenience store, or associated retail areas and shall be separated from vehicular use areas by bollards, curbs or parking barriers.

B. Marked Crosswalks. Crosswalks must be clearly marked across access points crossing public sidewalks, internal driveways, and areas with vehicular traffic to ensure safe pedestrian movement between parking areas, fueling stations, building entrances and along public rights-of-way and sidewalks.

C. ADA Compliance. Pedestrian access routes shall be designed in compliance with the Americans with Disabilities Act (ADA) standards, providing appropriate ramps, tactile warnings, and signage for accessibility.

Section 50.11 Shared Access and Traffic Impact Management

A. Cross-Access Easements. When feasible cross-access easements are required to connect adjacent properties, reducing the need for multiple access points along busy roads. Such easements improve traffic flow by allowing vehicles to travel between properties without re-entering the main roadway.

B. Shared Access Driveways. Where feasible, gas stations should utilize shared access driveways with adjacent properties to reduce the number of driveways, particularly along high-traffic State and County Roads. Shared driveways must comply with the spacing and sight distance requirements outlined above, and joint use agreements must be submitted for approval with the permit application.

C. Traffic Impact Study (TIS). A Traffic Impact Study may be required to assess the potential impact of the gas station on traffic flow and safety. The study must be conducted by a certified traffic engineer and meet the standards of ODOT or the Montgomery County Engineer, depending on jurisdiction.

Section 50.12 Conditional Use Approval Standards

All gas stations/fuel centers are subject to conditional use approval in Harrison Township. The Board of Zoning Appeals shall consider the following criteria.

A. Compatibility. The proposed gas station must be compatible with the surrounding land uses, particularly in relation to nearby residential areas.

B. Traffic Impact. A traffic impact study may be required to demonstrate that the proposed gas station will not adversely affect traffic flow or safety in the surrounding area.

C. Environmental Impact. Compliance with all environmental regulations, particularly concerning fuel storage, groundwater protection, and air quality, shall be demonstrated.

D. Public Health and Safety. Measures shall be taken to ensure that the proposed gas station will not pose any undue health or safety risks to the public, such as through the storage of hazardous materials or increased risk of accidents.

Section 50.13 Staking Spaces and Drive-Through Configuration and Design

Gas stations and fuel centers with drive-through services (e.g., convenience store, car wash, or food service) shall be subject to the following stacking space and drive-through configuration requirements to ensure efficient on-site circulation, reduce congestion, and minimize traffic impacts on adjacent roads.

A. Staking Space Requirements.

1. Minimum Stacking Spaces:

a. Fuel Pumps: A minimum of two stacking spaces per fueling position is required. Stacking spaces shall not obstruct access to parking spaces or entrances/exits to the property or internal circulation on the site.

b. Truck/Trailer Fuel Pumps: A stacking space shall be provided for each truck/trailer designated fuel pump at facilities with less than 10 designated truck/trailer fuel pumps within one-quarter mile of a highway interchange.

c. Drive-Throughs: For drive-through facilities (e.g., car washes or food service), a minimum of six stacking spaces shall be provided from the point of service or order window. Additional stacking spaces may be required based on projected traffic volumes.

2. Stacking Space Dimensions:

a. Each standard stacking space shall be a minimum of 20 feet in length and 10 feet in width to accommodate standard vehicles.

b. Stacking spaces for Truck/Trailer Fuel Pumps shall be a minimum of 45 feet.

3. Overflow Contingency:

    a. Overflow stacking areas shall be provided where there is potential for high demand, such as peak hours or special promotions. These areas should be designed to prevent spillover onto public roads or parking areas.

Section 50.14 Drive-Through Configuration and Design

A. Location and Separation.

1. The drive-through lane(s) shall be located to avoid conflicts with primary circulation routes, parking areas, pedestrian paths, and fuel pump access.

2. Drive-through lanes must be separated from general parking and circulation areas by means of a curb or landscaped buffer at least three feet wide, to ensure that traffic in the drive-through lane does not interfere with other on-site traffic.

B. Clear Signage and Markings.

1. Directional signage shall be provided to guide vehicles to the entrance of the drive-through facility and stacking lanes, ensuring clear and unobstructed access.

2. Pavement markings indicating "Drive-Through" or "Enter/Exit" must be provided to facilitate orderly traffic flow within the site.

C. Escape Lane.

1. A minimum of one escape lane shall be provided adjacent to the drive-through lane to allow vehicles to exit the drive-through queue without having to proceed through the full length of the lane. The escape lane shall be at least 12 feet wide and clearly marked.

D. Canopies and Weather Protection.

1. For drive-throughs associated with food service or other retail operations, canopies or other weather protection features may be provided over the service windows and drive-through lanes to protect customers and employees during transactions. These features must comply with all height clearance requirements and not interfere with safe traffic circulation.

E. Vehicle Queue Overflow Management.

1. A management plan may be required for handling excessive queuing during peak hours, especially for drive-through car washes or food services. This plan should detail measures such as on-site staff to direct traffic or temporary queue holding areas during busy periods.

Section 50.15 Car Wash Specific Design Requirements

A. Entrance and Exit Lanes.

1. The entrance and exit lanes of a car wash facility must be separated from the fueling areas and other customer service areas by a landscaped buffer or curbing.

2. Car wash exits should be designed to allow for at least two vehicle drying spaces or equivalent space, preventing back-ups into the car wash tunnel.

B. Water Drainage.

1. Adequate drainage must be provided at the exit of any car wash to prevent water runoff into the stacking spaces or parking areas. Water used in the car wash must not accumulate on the drive-through lane.

2. Montgomery County water district special wastewater management agreement shall be required for preliminary zoning approval.

Section 50.16 Management of Non-Conforming Gas Stations

In accordance with Ohio Revised Code (ORC) 519.19, the following guidelines govern the management of non-conforming gas stations and fuel centers.

A. Continuation of Legal Non-Conforming Uses.

1. Right to Continue: Any gas station or fuel center that becomes non-conforming due to the adoption of these regulations may continue operating as legal non-conforming use, provided the use was lawful at the time it was established.

2. B. No Mandatory Phase-Out: Per ORC 519.19, the township cannot force the cessation or phase-out of non-conforming gas stations or fuel centers based solely on their noncompliance with new zoning regulations, as long as the use continues without interruption or abandonment.

B. Expansion or Alteration of Non-Conforming Gas Stations.

1. Restrictions on Expansion: Any expansion or significant alteration of a non-conforming gas station or fuel center is prohibited unless the changes bring the site into greater conformity with current zoning regulations. Expansions that increase the non-conforming aspects of the property (e.g., increasing impervious surface area or adding more driveways) are not permitted.

2. Permitted Modifications: Minor modifications, such as routine maintenance, especially of paved surfaces, pavement markings, exterior building maintenance, repairs, or cosmetic updates, are allowed and do not require compliance with the new regulations, provided they do not involve structural changes or expansions that increase the building's footprint.

C. Reconstruction After Damage or Destruction.

1. Restoration Limits: If a non-conforming gas station is damaged or destroyed (e.g., by fire, flood, or other causes) to the extent that repairs exceed 50% of the structure 's market value, any reconstruction must comply fully with current zoning regulations. However, if the damage is less than 50%, the gas station may be restored to its prior non-conforming state.

2. Time Limit on Restoration: The gas station must resume operations within two years of damage or destruction to retain its non-conforming status. If operations are not resumed within this period, the non-conforming use is considered abandoned, and any future use must conform to current zoning regulations.

D. Abandonment or Discontinuance.

1. Discontinuance of Use: If a non-conforming gas station discontinues its operations per ORC 519.19. Any future use of the property must comply with the current zoning regulations, and the non-conforming status is forfeited.

2. Temporary Closures: Temporary or seasonal closures do not constitute abandonment, provided there is intent to resume operations and no substantial changes to the property occur during the closure period.

3. Voluntary Phased Compliance: Although the township cannot mandate phased compliance, it may work with gas station owners to develop voluntary compliance plans that allow for incremental improvements over time. This approach enables businesses to gradually upgrade their sites without triggering immediate full compliance requirements.

E. Change of Ownership.

1. Transfer of Non-Conforming Status: The non-conforming status of a gas station transfers with the property upon sale or change of ownership, as long as the use remains the same. Any changes in use or significant site alterations made by the new owner must comply with the current zoning regulations.

Section 50.17 Sign Regulations for Gas Stations

A. General Provisions.

1. Compliance with Sign Code: All signage must comply with the general township sign code, as well as any additional local, county, or state regulations. No sign shall be installed without first obtaining a sign permit from the township.

2. Illumination: Signs may be internally or externally illuminated, provided the lighting is directed away from nearby residential properties and does not create glare or traffic hazards. Flashing, blinking, or moving lights are prohibited.

3. Prohibited Signs: The following types of signs are prohibited for gas stations:

   a. 1. Flashing signs

   b. 2. Animated or moving signs

   c. 3. Roof signs

   d. 4. Portable signs, except as permitted for temporary use (see Section 12.5)

   e. 5. Dancing man signs, banners or flags

B. Ground Mounted Signs.

1. Location: One ground or monument sign is permitted per street frontage, provided the sign is located entirely within the property line and does not obstruct sight lines for vehicles or pedestrians.

2. Size: Ground/monument signs shall not exceed:

   a. A maximum height of 8 feet from grade level.

   b. A maximum sign face area of 60 square feet per side.

3. Changeable Copy Signs Electronic changeable copy or manual reader boards (for displaying fuel prices, promotions, etc.) are permitted on ground/monument signs, provided they meet the following conditions:

   a. The changeable copy area shall not exceed 50% of the total sign face area.

   b. Electronic message signs shall have static displays only, with no animation, flashing, or scrolling text. Messages may change no more frequently than every 10 seconds.

C. Canopy Signs.

1. Location: Gas stations may display canopy signs on the canopy structure above the fueling pumps. These signs shall be mounted flush against the canopy.

2. Size: Canopy signs shall not exceed:

   a. One square foot of sign area per linear foot of canopy frontage facing the public street.

   b. A maximum height of three feet for any individual sign element.

3. Illumination: Canopy signs may be internally illuminated, but no part of the sign shall flash or move.

D. Wall Signs (Identification/ Branded Signs).

1. Number of Signs: Each gas station is permitted one wall sign per public street frontage. For gas stations located on lots that have multiple street frontages, a wall sign may be placed on each side of the building that faces a public street.

2. Total Area Calculation: The total area of wall signs for gas stations shall be calculated based on the linear frontage of the building that faces a public street. The maximum area permitted for wall signs is one square foot of sign area per linear foot of building frontage.

3. Wall signs shall not extend above the top of the wall of the building.

4. The sign should be mounted flush to the wall and may not project more than 15 inches from the surface.

5. Additional Wall Signs: If the building faces more than one public street, a secondary wall sign may be permitted on the other street-facing wall, provided the combined total area of all wall signs does not exceed the above limits.

6. Exceptions: Non branded or logo signs that are “sub text of messaging” may be included as panel signs as long as the total sign area for wall signs does not exceed the permitted sign area.

E. Temporary and Promotional Signs.

1. Temporary Signs: Gas stations may display temporary promotional signs, including banners and window signs, for special events or sales, subject to the following conditions:

   a. Temporary signs shall be displayed for no more than 30 days at a time, with a maximum of four temporary sign permits allowed per year.

   b. Banners shall not exceed 32 square feet in area and must be securely affixed to a building or other permanent structure.

2. Window Signs: Non-permanent window signs (e.g., decals or posters) are allowed on the inside of windows, but the total area of window signs shall not exceed 25% of the window surface.

F. Direction and Informational Signs.

1. Quantity: Directional and Informational signs do not count as wall signs but are limited to one set per façade.

2. Location and Size: Gas stations may display directional signs to guide traffic flow and designate fueling areas, service lanes, or parking. These signs shall:

   a. Not exceed 4 square feet in area.

   b. Not exceed a height of 4 feet from grade level.

   c. Be located entirely within the property and not obstruct sight lines.

3. Fuel Price Signs: Signs displaying fuel prices are permitted, either integrated into the ground/monument sign or mounted separately on the building or canopy, provided they:

   a. Do not exceed 24 square feet in total area.

   b. Use static displays only (no scrolling or flashing).

4. Menu Boards/Signs: Signs designed to display drive through menus which are mounted to the building or on poles or monuments adjacent to the building shall count towards the total wall sign area for that building frontage.

   a. Do not exceed 24 square feet in total area.

   b. Use static displays only (no scrolling or flashing).

G. Maintenance and Safety.

1. Maintenance: All signs must be kept in good repair, free from rust, corrosion, peeling paint, or missing elements. Broken or damaged signs must be repaired or removed within 30 days.

2. Safety: Signs must be securely fastened and constructed to withstand wind, weather, and other elements, in compliance with local building and safety codes. No sign shall obstruct pedestrian walkways, driveways, or create hazards for traffic visibility.

3. Sign Bond Requirement: All gas stations shall be required to post a sign bond to ensure the removal of permanent signs when the business or use is terminated or abandoned. The bond shall be posted at the time of the sign permit application and must remain in effect for the duration of the sign's existence. The amount of the bond shall be determined based on the following criteria:

    a. 1. The bond amount shall be $100 per square foot of sign area, with a minimum bond of $1,000 for each permanent sign.

    b. 2. The bond ensures that the property owner or responsible party removes the sign within 90 days of the business's closure or cessation of use.

    c. 3. If the property owner fails to remove the sign within the designated time frame, the township may use the bond to cover the costs of removal and site restoration.

APPENDIX A:

USE MATRIX TABLE

Appendix A - Zoning Districts Use Matrix (Page 1 of 3)

Residential Uses																					
Primary Land Use (P - Permitted Use) (C - Conditional Use)	**Zoning District**																				
	F	A	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8	OR-1	O-2	B-1	B-2	B-3	B-4	C/S-1	C/S-2	OSI-2	I-1	I-2	I-3
Adult Family Home			P	P	P	P	P	P	P	P												
Adult Group Home							C	C	C	C					C	C	C	C	C			
Bed & Breakfast		P	C	C	C	C					P		P	P	P	P	P	P				
Dwelling, Multifamily							C	P	P				P	P	P	P	P	P				
Dwelling, Secondary (Upper Floor)											P	P	P	P	P	P	P	P				
Dwelling, Single-Family		P	P	P	P	P	P				P	P	C	C	C	C	C	C	C	C	C	
Dwelling, Two-Family							P	P					P	P	P	P	P	P				
Family Child-Care Home			P	P	P	P	C								C	C	C	C	C			
Halfway House			C	C	C	C	C	C	C	C												
Long-Term Care Facility							C	P	P				P	P	P	P	P	P				
Mobile Home / Manufactured Home Park										P												
Residential Care Facility							C	P	P				P	P	P	P	P	P				

Agriculture / Public & Semi-Public Uses																						
Primary Land Use (P - Permitted Use) (C - Conditional Use)	**Zoning District**																					
	F	A	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8	OR-1	O-2	B-1	B-2	B-3	B-4	C/S-1	C/S-2	OSI-2	I-1	I-2	I-3
Agriculture, Small Scale	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Agriculture, Large Scale	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Cemetery		P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Clinic												P	P	P	P	P	P	P	C			
Community Center		P	C	C	C	C	C	C	C	C			P	P	P	P	P	P	C			
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Correctional Facility																			C	C	C	C
Event / Conference Center														P	P	P	P	P	P			
Government Facility, Non-Office		C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P
Government Facility, Office		C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P
Hospital															P	P	P	P	P	P	P	P
Library		C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P
Museum		C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P
Nature Preserve	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Park / Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Parking Lot /Garage (as a primary use)															C	C					C	C
Place of Worship		P	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	C	C
School (Grades Pre-School through 12)		P	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	C	C	C
Theater														P	P	P	P	P	P			
Trade or Business School		P										P		P	P	P	P	P	P	P	P	P
University / College		P										P		P	P	P	P	P	P	P	P	P

A permitted use is any use that can be approved at a location with an administrative zoning permit. Any permitted use will need an approved zoning permit. These applications can be picked up at the Harrison Township Development Department or on our website. Following an approved zoning permit, an applicant may need additional permits and approvals from the Harrison Township Fire Department or the Montgomery County Building Department.

A conditional use is a use that may be permitted at a location, but requires additional review. This review is conducted by the Board of Zoning Appeals and requires a formal public hearing that the applicant must attend. The proposed use must meet the standardized criteria for a conditional use. The process typically takes 30 to 60 days and is not guaranteed. Any applicant interested in this must speak with the Township Planner prior to submitting a Conditional Use Application.

Appendix A - Zoning Districts Use Matrix (Page 2 of 3)

Commercial Uses																					
Primary Land Use (P - Permitted Use) (C - Conditional Use)	**Zoning District**																				
	F	**A**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**R-7**	**R-8**	**OR-1**	**O-2**	**B-1**	**B-2**	**B-3**	**B-4**	**C/S-1**	**C/S-2**	**OSI-2**	**I-1**	**I-2**	**I-3**
Adult Entertainment Establishments																	C					
Auto-Oriented Use, Light															P	P	C	C	C	C	C	C
Auto-Oriented Use, Heavy															C	C	C	C	C	P	P	P
Auto Sales, New															C	C	C	C	C	C	C	
Auto Sales, Used																	C	C	C	C	C	
Auto Rental															P	P	P	P	P	P		
Bar / Lounge															P	P	P	P				
Banquet Hall																						
Boat / RV Sales & Service																			C	P	P	
Boat / RV Storage (Outdoors)																			C	P	P	
Brewpub													C	P	P	P	P	P	C	C	C	
Convenience Store						C	C	C	C	C			P	P	P		P	P	P	P		
Daycare Center, Adult or Child											P	P	P	P	P	P	P	P	C	C		
Daycare Home, Adult or Child		P	P	P	P	P	P															
Dry Cleaning / Laundromats													P	P	P	P	P	P	P	P		
Equipment Rental																			P	P	P	
Event / Conference Center														P	P	P	P	P	P			
Farmer's Market (as a permanent use)	P	P				C	C	C	C	C			P	P	P	P	P	P				
Financial Institutions												P	P	P	P	P	P	P	P	P	P	
Fitness Center													P	P	P	P	P	P	P	P	P	
Funeral Home													P	P	P	P	P	P				
Gas Station/ Fuel Center															C	C				C		
Grocery Store														P	P	P	P	P				
Hookah Bar															P	P	P	P				
Hotel															P	P	P	P				
Instructional Center												P		P	P	P	P	P	P	P		
Kennel		P																	P	P	P	
Liquor Store															P	P	P	P				
Massage Services, Non-Therapeutic																						
Massage Services, Therapeutic											P	P	P	P	P	P	P	P				
Manufactured Home Sales																					P	P
Motel																						
Office											P	P	P	P	P	P	P	P	P	P	P	
Personal Care Services											P	P	P	P	P	P	P	P				
Recreation, Indoors													P	P	P	P	P	P	P	P	P	
Recreation, Outdoors	C	C	C	C	C	C	C	C	C	C				C	P	P	P	P	P	P		
Restaurant													P	P	P	P	P	P				
Retail, General															P	P	P	P	P	P		
Retail, Small-Scale													P	P	P	P	P	P	P	P		
Retail, Wholesale															P	P	P	P	P	P	P	
Shooting Range	C	C																	C	C	C	
Social Club - *non-profit*															P	P	P	P	P	P		
Truck & Trailer Sales & Service																				P	P	
Veterinarian Office												P	P	P	P	P	P	P	P	P		

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Appendix A - Zoning Districts Use Matrix (Page 3 of 3)

Industrial Uses																					
Primary Land Use (P - Permitted Use) (C - Conditional Use)	**Zoning District**																				
	F	A	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8	OR-1	O-2	B-1	B-2	B-3	B-4	C/S-1	C/S-2	OSI-2	I-1	I-2	I-3
Builder's Supply Store														C	P	P	P	P	P	P	P	
Brewery																			P	P	P	P
Commercial Cleaning																			P	P	P	P
Concrete / Asphalt Production Facility																						P
Contractor's Office															P	P	P	P	P	P	P	P
Contractor's Yard																					P	P
Distribution Facility															C	C	C	C	P	P	P	P
Food & Beverage Production															C	C	C	C	P	P	P	P
General Industrial Production																			P	P	P	P
Hazardous Materials Production & Storage																						C
Light Industrial Assembly & Distribution															C	C	C	C	P	P	P	P
Microbrewery / Artisan Distillery															C	C	C	C	P	P	P	P
Mineral Extraction																						C
Mini Self-Storage Facility																						
Power Generation Facility																					C	P
Recycling Center																			C	C	C	C
Research & Development												C		C	C	P	P	P	P	P	P	P
Truck Shipping Facility																			P	P	P	P
Truck Stop / Travel Center																				P	P	P
Truck Parking / Storage																						
Warehouse																						P
Waste Disposal Facility																						C
Wastewater Treatment Facility																						C

A permitted use is any use that can be approved at a location with an administrative zoning permit. Any permitted use will need an approved zoning permit. These applications can be picked up at the Harrison Township Development Department or on our website. Following an approved zoning permit, an applicant may need additional permits and approvals from the Harrison Township Fire Department or the Montgomery County Building Department.

A conditional use is a use that may be permitted at a location, but requires additional review. This review is conducted by the Board of Zoning Appeals and requires a formal public hearing that the applicant must attend. The proposed use must meet the standardized criteria for a conditional use. The process typically takes 30 to 60 days and is not guaranteed. Any applicant interested in this must speak with the Township Planner prior to submitting a Conditional Use Application.

APPENDIX B:

BASE DEVELOPMENT STANDARDS TABLE

Appendix B - Base Development Standards for Zoning Districts.

Base Zoning District	Specific Use	Lot Area	Lot Frontage	Lot Area per Unit	Front Yard Depth	Side Yards (Least/Total)	Rear Yard Depth	Maximum Lot Coverage	Minimum Floor Area Ratio	Max Height
A		20,000 sq. ft.	125 ft.		40 ft.	18 ft.	50 ft.			40 ft.
R-1		20,000 sq. ft.	100 ft.		40 ft.	18 ft.	50 ft.			40 ft.
R-2		15,000 sq.ft.	90 ft.		35 ft.	13 ft.	40 ft.			40 ft.
R-3		10,000 sq. ft.	80 ft		25 ft.	8 ft. / 20 ft.	40 ft.			40 ft.
R-4		7,500 sq.ft	60 ft.		25 ft.	8 ft. / 20 ft.	40 ft.			40 ft.
R-5	Two-Family	20,000 sq. ft.	100 ft.	4,000 sq.ft.	40 ft.	8 ft. / 20 ft.	40 ft.			40 ft.
R-5	Other Uses	10,000 sq.ft	80 ft.		25 ft.	8 ft. / 20 ft.	40 ft.			40 ft.
R-6	Multi-Family	12,000 sq.ft.	90 ft.	3,000 sq. ft.	30 ft.	10 ft. / 20 ft.	40 ft.			40 ft.
R-6	Other Uses	10,000 sq. ft.	80 ft.		25 ft.	8 ft. / 20 ft.	50 ft.	40%		40 ft.
R-7	Multi-Family	10,000 sq. ft.	80 ft.	2,500 sq. ft.	30 ft.	8 ft. / 20 ft.	40 ft.	40%		40 ft.
R-7	Other Uses	10,000 sq. ft.	80 ft.		25 ft.	8 ft. / 20 ft.	40 ft.	40%		40 ft.
R-8		*See Article 16.4*								40 ft.
OR-1		7,500 sq. ft.	60 ft.		25 ft.	8 ft. / 20 ft.	40 ft.			40 ft.
O-2		7,500 sq. ft.	60 ft.		25 ft.	8 ft. / 20 ft.	40 ft.	50%	0.50	40 ft.
B-1		7,500 sq. ft.	60 ft.		25 ft.	8 ft. / 20 ft.	40 ft.	30%	0.35	40 ft.
B-2 *		10,000 sq. ft.	80 ft.		25 ft.	0 - 15 ft.	20 - 40 ft.	40%	0.40	40 ft.
B-3 *		n/a	80 ft.		25 ft.	0 - 20 ft.	20 - 40 ft.	40%	0.40	40 ft.
B-4 *		n/a	80 ft.		25 ft.	0 - 15 ft.	20 - 40 ft.	50%	0.50	40 ft.
C/S-1 *		20,000 sq. ft.	100 ft.		25 ft.	10 - 25 ft.	0 - 25 ft.	50%	0.50	40 ft.
C/S-2 *		20,000 sq. ft.	100 ft.		25 ft.	10 - 25 ft.	0 - 25 ft.	50%	0.50	40 ft.
I-1 *		n/a	100 ft.		25 ft.	20 - 40 ft.	20 - 50 ft.	50%	0.50	40 ft.
I-2 *		n/a	100 ft.		50 ft.	20 - 50 ft.	20 - 50ft.	50%	0.50	40 ft.
I-3 *		n/a	100 ft.		50 ft.	20 - 40 ft.	50 ft.	50%	0.75	41 ft.
OSI-2 *		20,000 sq. ft.	100 ft.		25 ft.	10 - 25 ft.	0 - 25 ft.	50%	0.50	40 ft.

All setbacks, and yard depths shall include any screening requirements as stated in the resolution.

* Additional Yard Requirements

B-2 / B-3 / B-4

A Side Yard is not required unless next to a Residential District/ Residential PUD. If required, the Side yard shall be not less than 1/4th the sum of the Height & Depth of the structure, but no less than the highest above stated dimension.

A Rear yard shall be no less than 1/4th the sum of the Height & Width of the structure, but no less than the highest above stated dimension.
The Rear Yard Depth is required to be the highest stated dimension if the use has services at the rear.

C/S -1 & C/S-2

A Side Yard has the above minimum requirement unless next to a Residential District/ Residential PUD.
If required, the Side yard shall be not less than the highest above stated dimension.

A Rear yard has no minimum except when adjacent to a Residential District/ Residential PUD.
If required, the Rear yard shall be no less than the highest above stated dimension.

I-1 / I-2 / I-3 / OSI-2

A Side yard has the above minimum stated requirement next to a Residential District/ Residential PUD.
The Side yard shall be equal to twice the Height of the structure, with the maximum of the highest above stated dimension.

A Rear yard shall be no less than twice the sum of the Height of the structure, but no less than the highest above stated dimension.
The Rear Yard Depth is required to be the above highest stated dimension if the use has services at the rear.

APPENDIX C:

REQUIRED PARKING STANDARDS TABLE

Appendix C - Parking Requirements (Page 1 of 3)

Property Use	Required Number of Parking Spaces
RESIDENTIAL	
Dwelling, Single-Family	Two spaces.
Dwelling, Two-Family	Two spaces for each unit.
Dwelling, Multifamily	Two spaces for each unit, plus one space for each employee.
Mobile Home	Two spaces for each Home and one space for each employee.
Residential Care Facility	One space for each sleeping room, plus one space for each employee.
Group Home, Social Service	To be determined by the Board of Zoning Appeals for the type of residential Populations.
INSTITUTIONAL & PUBLIC SPACES	
Convalescent Home	One space for each Nursing Home two beds, plus one space for each employee on the largest shift.
Library, Museum, Art Gallery	One space for each 400 square feet of floor area, plus one space for each employee.
Private Club, Lodge, or similar use	One space for each three person's capacity, plus one space for each employee.
Places of Worship	One space for each three religious assembly seats in the main area, plus one space for each owned by the church.
Trade School, College, or University	One space for each student, based on the design capacity of the building, plus one space for each teacher or other employee.
Daycare/ Nursery	One space for each five children at capacity, plus one space for each employee.
Elementary or Junior High	One space for every 30 school classroom seats, plus one space for each teacher or other employee.
High School	One space for each six students based on the design capacity of the building, plus one space for each teacher or other employee.
Government Facility	Determined by type of facility, use and need.
Hospital	Two spaces for each three beds, plus one space for each staff doctor, plus one space for each full-time employee on the largest shift.

Appendix C - Parking Requirements (Page 2 of 3)

Property Use	Required Number of Parking Spaces
RECREATIONAL	
Auditorium, Sports Arena, Theater	One parking space for each four persons allowed by the fire code up to 1,000 seats, plus one parking space for each three persons allowed by fire code over 1,000 seats, plus one space for each employee on the largest shift.
Bowling Alley	Five spaces for each alley or lane, plus one additional space for each four seats within an accessory restaurant.
Golf Course	Five spaces for each hole, plus one space for each employee, plus one space for each four seats within an accessory restaurant.
Swimming Pool, Recreation Club	Two spaces for each three member families, or one space for each five persons at the facilities design capacity.
Tennis, Pickleball or Racquetball	Two spaces for each court facility plus one space for each employee.
COMMERCIAL	
Auto-Oriented Use, Light	One space for each 500 square feet of floor area, plus one space for each employee, plus one space for each vehicle used in the business.
Auto-Oriented Use, Heavy	One space for each 500 square feet of floor area, plus one space for each employee, plus one for each vehicle used in the business.
Auto Quick Service	Two spaces for each service bay (the service bays may be counted as a parking space), plus one space for each employee.
Automobile Sales, or Rental Lot	One parking space for each 200 square feet of floor area in the main display room, plus one space for each 1500 square feet of outdoor display area, plus one space for each employee.
Automobile Wash Facility	One space for each employee. One space per service stall area if provided.
Gas Stations/ Fuel Centers	See Specific requirements in Article 50.
Retail Uses	One space for each 250 square feet of floor area, plus one space for each employee.
Retail - Grocery	One space for each 200 Food Store square feet of floor area, plus one space for each employee.
Large Footprint Retail/ Big Box / Large fixture sales	One space for each 800 square feet of floor area, plus one space for each employee.
Hotel/ Motel	One space for each sleeping room, one space for each employee on the largest shift, and one space for each four seats within an accessory seat.
Service, Medical, Professional Office Use	One space for each 300 square feet of office floor area, plus two spaces for each three employees on the largest shift.
Restaurants	One space for each three seats, plus one space for each automobile in which food is consumed on the premises, plus one space for each employee on the largest shift.

Appendix C - Parking Requirements (Page 3 of 3)

Property Use	Required Number of Parking Spaces
INDUSTRIAL	
Manufacturing - Specialty, Large Employee Shifts	One (1) parking space for each employee based on the working period when the maximum number of employees are employed on the premises, plus one (1) visitor parking space for each ten thousand (10,000) square feet of gross floor area, or portion thereof, plus one (1) space for each vehicle maintained on the premises.
Manufacturing - Light, Low Employee Shifts	One (1) parking space for each (2) employees based on the working period when the maximum number of employees are employed on the premises, plus one (1) parking space for each vehicle maintained on the premises.
Truck/ Freight Terminal / Parcel Delivery	One (1) parking space for each two (2) employees and one (1) parking space for each vehicle assigned to or stationed or maintainged on the premises.
Self-Storage	One per employee, and 1 per 250 sqft of office space.