

## ARTICLE III STANDARD ZONING DISTRICT REGULATIONS

### SECTION 300 ADOPTION OF STANDARD ZONING DISTRICT REGULATIONS

- 300.01 Adoption of Standard Zoning District Regulations.** Regulations for the use and development of land and structures, and the physical development thereof within each of the zoning districts adopted as a standard zoning district in Article 2, and as shown on the Official Zoning District Map, are hereby established and adopted by the Board of Trustees of Elizabeth Township, Miami County, Ohio.

### SECTION 301 RULES OF APPLICATION FOR STANDARD ZONING DISTRICT REGULATIONS

- 301.01 Identification of Uses.** Listed uses are to be defined by their customary name or identification, except where they are specifically defined or limited within this zoning resolution.
- 301.02 Permitted Principal Uses.** Only a use designated as a permitted principal use shall be allowed as a matter of right in a zoning district. A use which is not specifically mentioned as a permitted principal use within a zoning district shall not be permitted as a principal use upon any property by the Zoning Inspector until such use is added to the list of permitted principal uses through amendment of this zoning resolution.
- 301.03 Accessory Uses.** Only uses designated as accessory uses shall be allowed as a matter of right in a zoning district. Any accessory use not designated shall be allowed only upon appeal and after determination by the Board of Zoning Appeals that such use is customarily incidental and subordinate to the principal permitted use of the property.
- 301.04 Conditional Uses.** Uses designated as conditional uses shall be permitted within a zoning district only upon issuance of a conditional use permit by the Board of Zoning Appeals in accordance with the provisions of Article 10, Section 1002.
- 301.05 Development Standards.** The development standards set forth for each zoning district shall be the minimum standards allowed for development within such zoning district. If such development standards are in conflict with any other lawfully adopted rules or regulations, the more restrictive shall govern.

### SECTION 302 A-1 AGRICULTURAL DISTRICT REGULATIONS

- 302.01 Purpose of District.** The purpose of the A-1 Agricultural District is to recognize and accommodate the physical, social, and economic needs of the agricultural community within Elizabeth Township, Miami County, Ohio. Since agricultural pursuits provide a substantial economic base for Elizabeth Township, and a majority of its area still possesses an existing agricultural character and prime soils, it is the intent of this district to maintain and protect such areas. Only those land uses which perform necessary functions within the agricultural community will be encouraged to locate within the A-1 Agricultural District. Owners, residents, and other users of property within this district may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations. Including, but not limited to: noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, herbicides, and pesticides. Owners, residents, and users of property within this district should, therefore, be prepared to accept these conditions, and are hereby placed on official notice that "right to farm" provisions within the Ohio Revised Code may bar them from obtaining a legal judgement against such normal agricultural operations. Rural farm dwellings are permitted to locate within the A-1 Agricultural District on lots with a minimum size of ten (10) acres. Unnecessary encroachment by non-agricultural land uses which limits agricultural effectiveness either through encroachment of land resources or through incompatibility of land uses, specifically including unrelated residential use, is emphatically discouraged.
- 302.02 Permitted Principal Uses.** The following uses shall be permitted within the Agricultural District, provided they meet the development standards set forth for this district and any supplementary regulations applicable to such use in this zoning resolution.
- A. Agriculture, including farming, dairying, pasturage, agronomy, horticulture, floriculture, viticulture, and animal and poultry husbandry.
  - B. One (1) single-family dwelling.

- C. Public building and/or use which is supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include, but are not limited to: parks, playgrounds, libraries, schools, fire stations, and community centers. No outside storage or stockpiling of materials shall be permitted.
- D. Wireless Telecommunication Facilities as regulated in Article 5, Section 520.

**302.03 Permitted Accessory Uses.** The following uses shall be permitted as uses accessory to a principal permitted use existing upon the property, provided they meet the development standards set forth for this district and any supplementary regulations applicable to such use in this zoning resolution.

- A. Accessory buildings and structures in accordance with Article 5, Section 502.
- B. Accessory off-street parking and loading areas as regulated in Article 6.
- C. Accessory signs as regulated in Article 7.
- D. Farm market in accordance with Article 5, Section 508.
- E. Fences, walls, and hedges in accordance with Article 4, Section 407.
- F. Home occupation operated in accordance with Article 5, Section 501.
- G. Sleeping rooms.
- H. Wireless Telecommunication Facilities as regulated in Article 5, Section 520 .

**302.04 Conditional Uses.** The following uses shall be permitted only after approval by the Board of Zoning Appeals in accordance with Article 10, Section 1002 .

- A. Additional single-family dwelling as regulated in Article 5, Section 506 .
- B. Agribusiness as regulated in Article 5, Section 507.
- C. Animal hospital, kennel, or veterinarian as regulated in Article 5, Section 518.
- C. Bed and Breakfast Homes and Inns as regulated in Article 5, Section 510.
- D. Billboard as regulated in Article 5, Section 517.
- E. Child care nursery as regulated in Article 5, Section 516.
- F. Churches or other places of worship on lots with a minimum area of five (5) acres.
- G. Existing farm dwellings on small lots as regulated in Article 5, Section 505.
- H. Indoor commercial storage of recreational vehicles as regulated in Article 5, Section 524.
- I. Mineral extraction as regulated in Article 5, Section 522.
- J. Private landing strip as regulated in Article 5, Section 511.
- K. Private cemetery as regulated in Article 5, Section 512.
- L. Private recreation facilities as regulated in Article 5, Section 513.
- M. Private sanitary landfills as regulated in Article 5, Section 515.
- N. Private schools on lots with a minimum area of five (5) acres.
- O. Rooming house as regulated in Article 5, Section 523.
- P. Temporary mobile home as regulated in Article 5, Section 509.
- Q. Two-family dwellings as regulated in Article 4, Section 408.
- R. Wireless Telecommunication Facilities as regulated in Article 5, Section 520.

**302.05 Development Standards.**

- A. Lot Area. No parcel of land shall be less than ten (10) acres in area, except for parcels owned by public utilities or where specifically stated otherwise for conditional uses within the zoning district.
- B. Lot Width. No parcel of land shall have a width less than three hundred (300) feet measured at its road frontage and at its narrowest dimension.
- C. Reserved For Future Use.
- D. Front Yard Setback. The minimum front yard setback shall be fifty (50) feet from any established street right-of-way line. In the event there is no established right-of-way line, the minimum shall be ninety-five (95) feet from center line along a state highway or eighty (80) feet from center line along a county or township road.
- E. Side Yard Setback. The minimum side yard setback shall fifteen (15) feet. The total of both side yards shall not be less than thirty (30) feet.
- F. Rear Yard Setback. The minimum rear yard setback shall be forty (40) feet.
- G. Lot Coverage. The total ground area covered by all structures on the parcel shall not exceed twenty (20) percent of the total ground area of the parcel.
- H. Maximum Height. Thirty-five (35) feet.

**SECTION 303 R-1 RURAL RESIDENTIAL DISTRICT REGULATIONS**

**303.01 Purpose of District.** The purpose of the R-1 Rural Residential District is to recognize the existence of and the demand for residential lots of a relatively spacious nature. The density of residential development within this district should be limited to a maximum of one (1) dwelling unit per five (5) acres due to the lack of availability of central water supply and/or wastewater disposal systems. This district should only be applied to areas suggested as appropriate by the Miami County Comprehensive Plan. It is also intended for areas where the existing average parcel size already exists at such density and large-scale farming operations are no longer prevalent, areas with road access adequate to handle the proposed development, and areas where specific physical land characteristics are not conducive for large-scale agricultural pursuits. This zoning district shall not be applied in such a manner as to be detrimental to existing agricultural operations that are expected to remain viable in the future. Agricultural activities should be limited to accessory uses within this zoning district. This zoning district should not be drawn or expanded in such a manner as to create strip residential development along the street network.

**303.02 Permitted Principal Uses.** The following uses shall be permitted within the Rural Residential District, provided they meet the development standards set forth for this district and any supplementary regulations applicable to such use in this zoning resolution.

- A. Church or similar place of worship.
- B. One (1) single-family dwelling.
- C. Public building and/or use which is supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include, but are not limited to: parks, playgrounds, libraries, schools, fire stations, and community centers. No outside storage or stockpiling of materials shall be permitted.

**303.03 Permitted Accessory Uses.** The following uses shall be permitted as uses accessory to a principal permitted use existing upon the property, provided they meet the development standards set forth for this district and any supplementary regulations applicable to such use in this zoning resolution.

- A. Accessory buildings and structures in accordance with Article 5, Section 502.
- B. Accessory off-street parking and loading areas as regulated in Article 6.
- C. Accessory signs as regulated in Article 7.
- D. Farm market as regulated in Article 5, Section 508.
- E. Home occupation operated in accordance with Article 5, Section 501.
- F. Wireless Telecommunication Facilities as regulated in Article 5, Section 520.

**303.04 Conditional Uses.** The following uses shall be permitted only after approval by the Board of Zoning Appeals in accordance with Article 10, Section 1002.

- A. Agriculture in accordance with Article 5, Section 504.
- B. Child care nursery as regulated in Article 5, Section 516.
- C. Indoor commercial storage of recreational vehicles as regulated in Article 5, Section 524.
- D. Private recreation facility as regulated in Article 5, Section 513.
- E. Private schools on lots with a minimum area of five (5) acres.
- F. Temporary mobile home as regulated in Article 5, Section 509.
- G. Wireless Telecommunication Facilities as regulated in Article 5, Section 520.

**303.05 Development Standards.**

- A. Lot Area. No parcel of land shall be less than five (5) acres, except for parcels owned by public utilities or where specifically stated otherwise for conditional uses within the zoning district.
- B. Lot Width. No parcel of land shall have a lot width less than one third (1/3) the lot depth.

- C. Lot Depth. No parcel of land shall be less than three hundred (300) feet in depth. Any parcel five (5) acres or more in area shall have a depth equal to or less than three (3) times its width.
- D. Front Yard Setback. The minimum front yard setback shall be fifty (50) feet from any established street right-of-way line. In the event there is no established right-of-way line, the minimum shall be ninety-five (95) feet from center line along a state highway or eighty (80) feet from center line along a county or township road.
- E. Side Yard Setback. The minimum side yard setback shall be fifteen (15) feet. The total of both side yards shall not be less than thirty (30) feet.
- F. Rear Yard Setback. The minimum rear yard setback shall be forty (40) feet.
- G. Lot Coverage. The total ground area covered by all structures on the parcel shall not exceed thirty (30) percent of the total ground area of the parcel.
- H. Maximum Height. Thirty-five (35) feet.

**SECTION 304 R-2 RURAL RESIDENTIAL DISTRICT REGULATIONS**

**304.01 Purpose of District.** The purpose of the R-1 Rural Residential District is to recognize the existence of and the demand for residential lots of a relatively spacious nature. The density of residential development within this district should be limited to a maximum of one (1) dwelling unit per one and one-half (1.5) acre due to the lack of availability of central water supply and/or wastewater disposal systems. This district should only be applied to areas suggested as appropriate by the Miami County Comprehensive Plan, and areas lacking prime agricultural soils, areas with road access adequate to handle the proposed development, and areas where specific physical land characteristics are not conducive for normal agricultural pursuits. This zoning district shall not be applied in such a manner as to be detrimental to existing agricultural operations which are expected to remain viable in the future. Agricultural activities should be limited to accessory uses within this zoning district. This zoning district should not be drawn or expanded in such a manner as to create strip residential development along the township street network.

**304.02 Permitted Principal Uses.** The following uses shall be permitted within the Rural Residential District, provided they meet the development standards set forth for this district and any supplementary regulations applicable to such use in this zoning resolution.

- A. Church or similar place of worship.
- B. One (1) single-family dwelling.
- C. Public building and/or use which is supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include, but are not limited to: parks, playgrounds, libraries, schools, tire stations, and community centers. No outside storage or stockpiling of materials shall be permitted.

**304.03 Permitted Accessory Uses.** The following uses shall be permitted as uses accessory to a principal permitted use existing upon the property, provided they meet the development standards set forth for this district and any supplementary regulations applicable to such use in this zoning resolution.

- A. Accessory buildings and structures in accordance with Article 5, Section 502.
- B. Accessory off-street parking and loading areas as regulated in Article 6.
- C. Accessory signs as regulated in Article 7.
- D. Farm market as regulated in Article 5, Section 508.
- E. Home occupation operated in accordance with Article 5, Section 501.
- F. Wireless Telecommunication Facilities as regulated in Article 5, Section 520.

**304.04 Conditional Uses.** The following uses shall be permitted only after approval by the Board of Zoning Appeals in accordance with Article 10, Section 1002.

- A. Agriculture in accordance with Article 5, Section 504.
- B. Child care nursery as regulated in Article 5, Section 516.
- C. Indoor commercial storage of recreational vehicles as regulated in Article 5, Section 524.
- D. Private recreation facility as regulated in Article 5, Section 513.
- E. Private schools on lots with a minimum area of five (5) acres.
- F. Temporary mobile home as regulated in Article 5, Section 509.
- G. Wireless Telecommunication Facilities as regulated in Article 5, Section 520.

**304.05 Development Standards.**

- A. Lot Area. No parcel of land shall be less than one and one-half (1.5) acre in net lot area, exclusive of road right-of-way, except for parcels owned by public utilities or where specifically stated otherwise for conditional uses within the zoning district.
- B. Lot Width. No parcel of land shall have a lot width less than that required by the following table:

<u>Lot Size</u>	<u>Lot Width</u>
1.5 acre to 2.999 acres	200 feet
3.0 acres to 4.999 acres	250 feet
5.0+ acres	One third (1/3) the lot depth

- C. Lot Depth. No parcel of land shall be less than three hundred (300) feet in depth. Any parcel five (5) acres or more in area shall have a depth equal to or less than three (3) times its width.
- D. Front Yard Setback. The minimum front yard setback shall be fifty (50) feet from any established street right-of-way line. In the event there is no established right-of-way line, the minimum shall be ninety-five (95) feet from center line along a state highway or eighty (80) feet from center line along a county or township road.
- E. Side Yard Setback. The minimum side yard setback shall be fifteen (15) feet. The total of both side yards shall not be less than thirty (30) feet.
- F. Rear Yard Setback. The minimum rear yard setback shall be forty (40) feet.
- G. Lot Coverage. The total ground area covered by all structures on the parcel shall not exceed thirty (30) percent of the total ground area of the parcel.
- H. Maximum Height. Thirty-five (35) feet.
- I. Improvements on Existing Small and Narrow Lots. When the above stated development standards cannot be met on small and narrow lots within the R-2 Rural Residential Zoning District, the Zoning Inspector may approve modifications to such standards subject to the provisions of Section 412.

**SECTION 305 B-1 TOWNSHIP BUSINESS DISTRICT REGULATIONS**

**305.01 Purpose of District.** The purpose of the B-1 Township Business District is to provide for the establishment of areas devoted for the use of those retail and personal service businesses that are appropriate to Elizabeth Township's location within the region. Uses in this district are intended to be located on major roads at strategic access points to surrounding areas minimizing the potential adverse effects on surrounding property. It is the intent of this zoning district to encourage clustering of businesses in order to discourage "strip" development and provide for a minimum of traffic interference. This district shall only be applied to areas having access to roads capable of accommodating the traffic demands of uses permitted within this zoning district.

**305.02 Permitted Principal Uses.** The following uses shall be permitted within the B-1 Township Business District, provided they meet the development standards set forth for this district and any supplementary regulations applicable to such use in this zoning resolution.

- A. Eating and drinking establishments.
- B. Farm equipment sales.
- C. Offices.
- D. Public building and/or use which is supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include but are not limited to: libraries, schools, community centers, fire stations, police stations, parks, and public maintenance facilities.
- E. Retail store, provided such business is conducted entirely within an enclosed building.

**305.03 Permitted Accessory Uses.** The following uses shall be permitted as uses accessory to a principal permitted use existing upon the property, provided they meet the development standards set forth for this district and any supplementary regulations applicable to such use in this zoning resolution.

- A. Off-street parking, loading, and waiting spaces as regulated in Article 6.
- B. Signs as regulated in Article 7.
- C. Storage within an enclosed building of supplies or merchandise which are normally carried in stock in connection with a permitted use.
- D. Wireless Telecommunication Facilities as regulated in Article 5, Section 520.

**305.04 Conditional Uses.** The following uses shall be permitted only after approval by the Board of Zoning Appeals in accordance with Article 10, Section 1002.

- A. Accessory residential structure for on-site security watchperson.
- B. Auto or farm equipment repair facility.
- C. Auto, farm equipment, or recreational vehicle sales.
- D. Agribusiness as regulated in Article 5, Section 507.
- E. Billboard as regulated in Article 5, Section 517.
- F. Convenience retail store with gasoline dispensing pumps.
- G. Drive-in theaters, bowling alleys, or other commercial recreation operations.
- H. Indoor commercial storage of recreational vehicles as regulated in Article 5, Section 524.
- I. Research facilities.
- J. Temporary outdoor retail sales.
- K. Wholesaling operations.
- L. Truck hauling contractor.
- M. Wireless Telecommunication Facilities as regulated in Article 5, Section 520.

**305.05 Development Standards.**

- A. Lot Area. No parcel of land shall be less than one and one-half (1.5) acre in area, exclusive of any road right-of-way, except for parcels owned by public utilities or where specifically stated otherwise for conditional uses within the zoning district.
- B. Lot Width. No parcel of land shall be less than two hundred (200) feet in width.
- C. Lot Depth. No parcel of land shall be less than two hundred (200) feet in depth, nor shall the depth be more than three (3) times its width.
- D. Front Yard Setback. The minimum front yard setback shall be fifty (50) feet from any established street right-of-way line. In the event there is no established right-of-way line, the minimum shall be ninety-five (95) feet from center line along a state highway or eighty (80) feet from center line along a county or township road.
- E. Side Yard Setback. The minimum side yard setback shall fifteen (15) feet or the height of the structure, whichever is more. The total of both side yards shall not be less than thirty (30) feet. The minimum side yard setback along the side of a lot that abuts an agricultural or residential zoning district shall be fifty (50) feet.
- F. Rear Yard Setback. The minimum rear yard setback shall be forty (40) feet. The minimum rear yard setback along the rear of a lot that abuts an agricultural or residential zoning district shall be fifty (50) feet.

- G. Lot Coverage. The total ground area covered by all structures on the parcel shall not exceed thirty-five (35) percent of the total ground area of the parcel.
- H. Maximum Height. Thirty-five (35) feet.

**SECTION 306 I-1 LIMITED INDUSTRIAL DISTRICT REGULATIONS**

- 306.01 Purpose of District.** The purpose of the I-1 Limited Industrial District is to provide space for those industrial, wholesale and warehouse uses which operate in a clean and quiet manner. This district is not intended for the use of industries which deal with hazardous elements, generate undue traffic, or emit noise, glare, dust, odor, smoke, or those which possess other offensive characteristics detrimental to surrounding land uses. The intent of this zoning district is to create and protect efficient limited industrial areas by insuring careful design, placement, and grouping of industries which will promote the protection of any adjacent residential or business activities. Land to be placed in this district is intended to have level topography, adequate utility services and major transportation facilities readily available.
- 306.02 Permitted Principal Uses.** The following uses shall be permitted within the I-1 Limited Industrial District, provided they meet the development standards set forth for this district and any supplementary regulations applicable to such use in this zoning resolution.
- A. Public building and/or use which is supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include but are not limited to: wastewater pumping, and storage facilities, sanitary landfills as regulated in Article 5, Section 515; fire stations, police stations, parks, and public maintenance facilities.
- 306.03 Permitted Accessory Uses.** The following uses shall be permitted as uses accessory to a principal permitted use existing upon the property, provided they meet the development standards set forth for this district and any supplementary regulations applicable to such use in this zoning resolution.
- A. Off-street parking, loading, and waiting spaces as regulated in Article 6.
  - B. Signs as regulated in Article 7.
  - C. Storage within an enclosed building of supplies or merchandise which are normally carried in stock in connection with a permitted use.
  - D. Wireless Telecommunication Facilities as regulated in Article 5, Section 520.
- 306.04 Conditional Uses.** The following uses shall be permitted only after approval by the Board of Zoning Appeals in accordance with Article 10, Section 1002.
- A. Accessory residential structure for on-site security watchperson.
  - B. Adult entertainment facility, as regulated in Article 5, Section 521.
  - C. Agribusiness, excluding feed lots and livestock auctions.
  - D. Automobile repair and painting facility.
  - E. Billboard as regulated in Article 5, Section 517.
  - F. Cold storage and frozen food locker.
  - G. Fabrication, processing, packaging and/or assembly of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, textiles, tobacco, wax, wood, and yarn.
  - H. Fabrication, processing, packaging and/or manufacture of food products and condiments, specifically excluding, however, the rendering and refining of fats, oils, fish, vinegar, yeast, and sauerkraut.
  - I. Grain elevator.
  - J. Indoor commercial storage of recreational vehicles as regulated in Article 5, Section 524.
  - K. Junk yard as regulated in Article 5, Section 514.
  - L. Lumber yard, including incidental millwork, coal, brick, and stone.

- M. Machine shop or tool and die shop.
- N. Manufacturing, assembling or repairing of electrical and electronic products components, and equipment.
- O. Mineral extraction operation as regulated in Article 5, Section 522.
- P. Private sanitary landfill as regulated in Article 5, Section 515.
- Q. Publishing and printing.
- R. Radio and/or television station.
- S. Radio, television, or other transmission tower or mast, provided that such tower or mast is located a distance equal to or greater than the height of the tower or mast from any existing dwelling.
- T. Recycling center collection point, provided materials are kept in an enclosed building.
- U. Research and engineering laboratory.
- V. Slaughter house.
- W. Warehouse or warehouse distribution center.
- X. Wireless Telecommunication Facilities as regulated in Article 5, Section 520.
- Y. Other use, provided the Board of Zoning Appeals determines it to be similar in impact to the above-mentioned uses.

**306.05 Development Standards.**

- A. Lot Area. No parcel of land shall be less than one and one-half (1.5) acre in area, exclusive of any road right-of-way, except for parcels owned by public utilities or where specifically stated otherwise for conditional uses within the zoning district.
- B. Lot Width. No parcel of land shall be less than two hundred (200) feet in width.
- C. Lot Depth. No parcel of land shall be less than two hundred (200) feet in depth, nor shall its depth be more than three (3) times its width.
- D. Front Yard Setback. The minimum front yard setback shall be fifty (50) feet from any established street right-of-way line. In the event there is no established right-of-way line, the minimum shall be ninety-five (95) feet from center line along a state highway or eighty (80) feet from center line along a county or township road.
- E. Side Yard Setback. The minimum side yard setback shall fifteen (15) feet or the height of the structure, whichever is more. The total of both side yards shall not be less than thirty (30) feet. The minimum side yard setback along the side of a lot that abuts an agricultural or residential zoning district shall be one hundred (100) feet.
- F. Rear Yard Setback. The minimum rear yard setback shall be forty (40) feet. The minimum rear yard setback along the rear of a lot that abuts an agricultural or residential zoning district shall be one hundred (100) feet.
- G. Lot Coverage. The total ground area covered by all structures on the parcel shall not exceed thirty-five (35) percent of the total ground area of the parcel.
- H. Maximum Height. Thirty-five (35) feet.

**SECTION 307 FP FLOOD PLAIN OVERLAY DISTRICT**

**307.01 Findings of Fact.** Certain areas of Elizabeth Township, Miami County, Ohio are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the cumulative effect of obstructions in flood hazard areas which increase flood heights and velocities and, when inadequately anchored, damage to uses in other areas.

Uses that are inadequately flood-proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

**307.02 Purpose.** The purpose of the Flood Plain Overlay District is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health.
- B. Minimize expenditure of public money for costly flood control projects.
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. Minimize prolonged business interruptions.
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in areas of special flood hazard.
- F. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to minimize future flood blight areas.
- G. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**307.03 Methods of Reducing Flood Losses.** In order to accomplish its purpose, the Flood Plain Overlay District includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or result in damaging increases in flood heights or velocities.
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers which help accommodate or channel flood waters.
- D. Controlling filling, grading, dredging, and other development which may increase flood damage.
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

**307.04 Boundaries of Flood Plain Overlay District.** The Flood Plain Overlay District shall apply to all areas under the jurisdiction of the Elizabeth Township Zoning Resolution that are areas of special flood hazard as identified by the Flood Insurance Study, Miami County, Ohio, Unincorporated Areas dated January 15, 1982 as initially prepared and subsequently amended by the Federal Emergency Management Agency. This study, with accompanying maps and revisions thereto, is hereby adopted by reference and declared to be a part of the Elizabeth Township Zoning Resolution. Where detailed studies of the flood way and flood way fringe are not a part of the aforementioned flood insurance study, the following sources of data may be used to determine the necessary elevations for the purposes of this zoning resolution:

- A. Corps of Engineers-Flood Plain Information Reports.
- B. U.S. Geological Survey-Flood Prone Quadrangles.
- C. U.S.D.A., Soil Conservation Service-Flood Hazard Analysis Studies and County Soil Surveys (Alluvial Soils).
- D. Ohio Department of Natural Resources-Flood Hazard Reports and Flood Profile Charts.

- E. Known high-water marks from past floods.
- F. Other sources acceptable to the Board of Zoning Appeals.

**307.05 Relationship Between Flood Plain Overlay District and Other Zoning Districts.** The provisions of the Flood Plain Overlay District shall be applicable to all areas located within its boundaries and shall be supplemental to those of any underlying zoning district. Uses requiring structures or fill shall be permitted only after procedures and standards for conditional uses under Article 10, Section 1002 have also been met.

**307.06 Warning and Disclaimer of Liability.** The degree of flood protection sought by the provisions of the Flood Plain Overlay District is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes such as ice jams and bridge openings restricted by debris. This overlay does not imply that areas outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. The creation of the Flood Plain Overlay District shall not create liability on the part of Elizabeth Township, Miami County, Ohio, or any officer or employee thereof, or the Federal Emergency Management Agency for any flood damage that results from reliance on this zoning resolution or any administrative decision lawfully made thereunder.

**307.07 Required Development Standards In All Flood Hazard Areas.** The following development standards shall be required in all flood hazard areas:

- A. No Floodway Encroachment. New construction, substantial improvement to existing structures, and fill shall only be permitted by the Board of Zoning Appeals when it is demonstrated by the applicant that, when combined with all other existing and anticipated development, the proposal shall not increase the water surface elevation of the base flood at all in flood ways designated on the Flood Insurance Study maps, nor more than one (1) foot at any other location within the area inundated by the base flood as shown on the Flood Insurance Study maps.
- B. Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring mobile homes may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- C. Construction Materials and Methods. All new construction and substantial improvements shall be constructed with materials resistant to flood damage, using methods and practices that minimize flood damage. Electrical, heating, ventilation, plumbing, and air conditioning equipment or other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- D. Utilities. All uses utilizing new and replacement water supply systems, sanitary sewerage systems, and/or on-site waste disposal systems shall be designed to minimize or eliminate infiltration of flood waters into such systems in accordance with the Miami County Health Department and/or Ohio EPA, as applicable. All on-site waste disposal systems shall be designed to minimize or eliminate discharge into flood waters and impairment or contamination to them during flooding.

**307.08 Required Development Standards In Areas Of Special Flood Hazard Without Base Flood Elevation.** In all areas of special flood hazard identified as “Zone A” on the Flood Insurance Rate Map where base flood elevation data are not available from any source, all new construction and all substantial improvement of any residential, commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated to at least two (2) feet above the highest adjacent natural grade.

**307.09 Required Development Standards In Areas Of Special Flood Hazard With Base Flood Elevation.** In all areas of special flood hazard where base flood elevation data are available from the Flood Insurance Study or from other federal, state, or local sources, all new construction and substantial improvement shall meet the following standards:

- A. Residential Structures. All new residential structures and substantial improvement of any existing residential structure, including mobile homes, shall have the lowest floor, including basement, elevated to at least one (1) foot above the base flood elevation.
- B. Nonresidential Structures. All new nonresidential structures and substantial improvement of any existing nonresidential structure shall have the lowest floor, including basement, elevated to at least one (1) foot above the base flood elevation. In lieu of the elevation requirement, such structure, together with attendant utility and sanitary facilities, shall be required to have flood-proofing measures designed consistent with the regional flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces and other factors associated with the regulatory flood. The Board of Zoning Appeals shall require that the applicant submit a plan or document certified by a registered professional engineer that the proposed flood proofing measures adequately protect the proposed structure or substantial improvement and are consistent with the base flood elevation and associated flood factors for the particular area.
  - 1. Waterproofing. The structure shall be watertight to the level of the base flood elevation with walls substantially impermeable to the passage of water. Such waterproofing may be accomplished by the use of watertight doors, bulkheads, and shutters, or similar methods of construction and the use of paints, membranes, or mortars to reduce seepage of water.
  - 2. Structural Features. The structure shall have components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such features may include, but not be limited to the following:
    - a. Reinforcement of walls to resist water pressures.
    - b. Anchorage to resist flotation and lateral movement.
    - c. Addition of mass or weight to structures to resist flotation.
  - 3. Mechanical and Systems. The structure shall have its mechanical systems adequately protected from flood hazards and complementary mechanical systems necessary to reduce the flood hazard. Such systems may include, but not be limited to the following:
    - a. Pumping facilities or comparable practices for sub-surface drainage systems for buildings to relieve external foundation wall and basement flood pressures
    - b. Installation of pumps to lower water levels in structures
    - c. Location of all electrical equipment, circuits, and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation.
- C. Storage Facilities. All storage facilities for chemicals, explosives, flammable liquids or toxic materials which could be hazardous to public health, safety, and welfare shall be stored in a manner which will assure that the facilities are situated at least one (1) foot above the base flood elevation. Non-toxic materials, materials that are buoyant, or items likely to be carried off-site by the base flood shall be stored in a manner to prevent flotation of the materials and/or their containers and escape of such materials off-site.

**307.10 Required Development Standards For Accessory Structures.** Relief to the elevation or flood-proofing requirements in Sections 307.08 and 307.09 may be granted by the Board of Zoning Appeals for accessory structures containing five hundred seventy-six (576) square feet or less gross floor area. Such structures shall not encroach upon any designated floodway and shall meet the following additional standards:

- A. They shall not be used for human habitation.
- B. They shall be designed to have low flood damage potential.

- C. They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters.
- D. They shall be firmly anchored to prevent flotation.
- E. Service facilities such as electrical and heating equipment shall be elevated or flood-proofing.

**308.11 County Approval Also Required.** Any township approval for development within the flood plain shall be conditioned upon obtaining a Flood Plain Development Permit from Miami County.

**SECTION 308 R-PD PLANNED RESIDENTIAL DISTRICT REGULATIONS**

- 308.01 Purpose of District.** The planned residential district is intended to provide flexibility in the arrangement and design of residential neighborhoods, based upon a unified development plan conceived and carried out for an entire area. Within this district, appropriate and reasonable population is maintained while a variety of dwelling unit types is encouraged. Natural features such as topography, trees, and drainageways are encouraged to remain in their natural state to the degree possible. Such developments are generally characterized by a significant proportion of usable open space and a unified design concept with particular attention devoted to the periphery of the development, the overall objective being the compatibility of the development with its surroundings.
- 308.02 Minimum Project Area.** The minimum land area required for a residential planned development shall be ten (10) acres.
- 308.03 Density.** Every preliminary plan application for a residential planned unit development shall designate the number of dwelling units and/or mobile homes proposed for the total acreage and the types of residential uses for each segment of the site in which residential land uses are to be located. Although the lot design requirements may be waived, the overall gross density approved under the final plan must be maintained.
- 308.04 Permitted Uses.** Only those uses which are specified as permitted, accessory, or conditional uses within the designated residential district or districts designated on the preliminary plan may be included within the planned development.
- 308.05 Minimum Development Standards.** The minimum lot area, minimum lot frontage, and yard and maximum lot coverage requirements may be varied to allow for greater creativity in site design and structural design within the residential planned development. However, all spacing between principal structures shall be subject to the approval of the Zoning Commission upon consultations with the Fire Chief.
- 308.06 Height Requirements.** The height of any structure within a residential planned development shall be subject to approval by the Zoning Commission upon consultation with the Fire Chief.
- 308.07 Required Off-Street Parking, Loading, and Drive-Through Spaces.** All accessory off-street parking, loading, and drive-through waiting spaces shall be provided in accordance with Article 6 unless otherwise approved in the plan.
- 308.08 Signs.** All signs within the residential planned unit development shall be in accordance with Article 7 unless otherwise approved in the plan.
- 308.09 Underground Utilities Required.** Underground utilities, including telephone and electrical systems, are required within the limits of all planned developments. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Zoning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.
- 308.10 Required Open Space.** Each residential planned development shall have acreage devoted to common open space which shall be designed for the leisure and recreational use of all residents or users within the planned development and may be designed for the leisure and recreational use of the general public. All common open space shall be in accordance with the following:

- A. The location, shape, size and character of common open space shall be suitable for the planned development in relation to the location, number, and types of dwelling units it is intended to serve. In any case, it shall be highly accessible to all residents or users of the planned development.
- B. The common open space shall be used for amenity and/or recreational purposes. Any uses and/or buildings authorized for the common open space must be appropriate to the scale and character of the planned unit development in relation to its size, density, expected population, topography, and the type of dwellings.
- C. The common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.
- D. The proposed common open space may be conveyed to a public authority which will agree to maintain the common open space and any buildings, structures or improvements which have been placed on it. All land dedicated to the public must meet the requirements of the appropriate authority as to size, shape, and location. Public utility or other similar easements and right-of-way for water courses or other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or other similar purpose and approved by the authority to which the land is dedicated.
- E. The proposed common open space may be conveyed to the trustees of a Homeowners Association or similar organization formed for the maintenance of the planned development. The common open space may be conveyed by covenants under such an arrangement subject to approval by the Zoning Commission. Such covenants shall restrict the common open space to the uses specified on the final development plan and provide for the maintenance of common open space in a manner which assures its continuing use for its intended purpose.

**308.11 Conflict With Other Sections.** Because of the special characteristics of planned developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this section and those of the other articles of this zoning resolution, the provisions of this section shall prevail. Subjects not covered by this section shall be governed by the respective provisions found elsewhere in this zoning resolution.

**308.12 Ownership and Divisions of Land.** No tract of land may be considered for or approved as a planned development unless such tract is under single ownership or evidence of unified control of the entire site is submitted with the application. The landowner of an approved planned development shall not divide and/or transfer parts of such development unless any successor in title has been bound to complete, use, and maintain each such unit in strict conformance with the adopted final master development plan.

**308.13 Relationship to the Miami County Subdivision Regulations.** The uniqueness of each proposal for a planned development may require that there be modification from the specifications established in the Subdivisions Regulations of Miami County, Ohio. Modifications may be incorporated only with the approval of the Miami County Planning Commission.

**308.14 Criteria for Approval of Planned Developments.** Before the approval of any Planned Unit Development is granted, the Zoning Commission and Township Trustees shall find that the facts submitted with the application meet the following criteria:

- A. The Planned Development shall be consistent in all respects with the Miami County Comprehensive Plan.

- B. The Planned Development shall provide a more desirable and more diverse environment than would be possible under strict application of the standard minimum design requirements of other districts provided within this zoning resolution.
- C. The Planned Development shall provide a development pattern which preserves and utilizes the natural topography, geologic features, scenic vistas, natural vegetation, and natural drainage patterns of the site.
- D. The Planned Development shall provide an environment of stable character which promotes a harmonious relationship between land uses within the site and a harmonious relationship with surrounding development.
- E. The Planned Development shall promote greater efficiency in the use of land, but shall not impose an undue burden on public services and facilities such as fire and police protection, schools, water supply, and wastewater disposal due to excessive population densities.
- F. The Planned Development shall be accessible from public thoroughfares adequate to accommodate the traffic which will be imposed on them by the proposed development, and the proposed streets and parking areas within the site shall be adequate to serve the proposed arrangement of land uses.
- G. The Planned Development shall provide a more spacious and useful pattern of open space and recreation areas than would normally be required under the strict application of existing zoning and subdivision requirements.
- H. The Planned Development shall be designed in such a way that each individual section of the development, as well as the total development, can exist as an independent section capable of creating an environment of sustained desirability and stability, or that adequate assurance has been provided that such an objective will be attained.
- I. If governmental ownership is planned for common open space or recreational facilities within the Planned Development, its acceptance shall be approved with or prior to the rezoning action. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.