

Miami Township, Ohio, Agricultural District Code

Article 8 "A" Agricultural District

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

SECTION 800 AGRICULTURAL ADVISORY

Lands within the Agricultural District contain active farming activities. Purchases of property adjacent to commercial agricultural production areas 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 and adjacent to this district should, therefore, be prepared to accept these conditions as well as the fact that these type operations take place on a yearly twenty-four hour basis, and are hereby placed on official notice that "right to farm" provisions within the Ohio Revised Code may bar them from obtaining a legal judgment against such normal agricultural operations.

SECTION 801 PRINCIPAL PERMITTED USES.

- A. Agriculture, including the principal dwelling unit.
- B. Single family dwelling located on a lot not less than twenty (20) acres in area.
- C. The following uses shall be located on a lot not less than three (3) acres in area.
 - 1. Churches, chapels, temples, synagogues or other buildings for religious worship, not including a rescue mission or temporary revival activity, provided that:

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

D. Public parks, playgrounds, and community centers less than two (2) acres in size.

SECTION 802

ACCESSORY USES.

A. Farm markets, provided that:

1. Fifty percent (50%) or more of the gross income received from the market is derived on farms owned or operated by the market operator in a normal crop year.
2. The maximum area of the structure shall be two hundred (200) square feet.
3. There shall not be more than one such stand per lot.
4. The structure shall be located a minimum of fifty (50) feet from an adjacent property line.
5. The minimum setback for such structures shall be fifty (50) feet from the right-of-way as shown on the Official Thoroughfare Plan for Montgomery County, Ohio.
6. A minimum of one thousand (1,000) square feet shall be provided for off street parking.

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

C. Private garage, parking space or stable.

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

SECTION 803

CONDITIONAL USES.

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

A. Single family residential lots less than twenty (20) acres which comply with at least one of the following standards.

1. The land to be subdivided contained less than twenty (20) acres prior to adoption of this Resolution, and is not under common ownership with adjacent properties when added together total twenty (20) acres or more. The minimum lot area shall be one acre with a minimum road frontage of two hundred (200) feet, and a maximum lot depth of four hundred (400) feet from the centerline of the road, or
2. The land exceeds twenty (20) acres in size and is considered prime farmland as defined in this Resolution. This land may

subdivided at a rate of fifteen (15) percent of the total land area recorded as a unit or contiguous unit prior to the adoption of this Resolution into lots less than twenty (20) acres provided that each lot has a minimum area of one acre and a minimum of two hundred (200) feet frontage on an existing public road and that the lot depth does not exceed four hundred (400) feet from the centerline of the road, or

3. The land is not considered prime farmland as defined in this Resolution. Each lot shall have a minimum area of one acre and a minimum frontage of two hundred (200) feet, however, the Board may permit lesser frontage if the applicant can show that, due to special conditions of the land such as topography or the proximity of the land to the road, the property can be better developed using lesser frontage where front, side and rear yard requirements can be met. In cases where the non-prime farmland does not front on an existing public road, the Board may permit development using a private drive with a minimum right-of-way width of fifty (50) feet and a minimum pavement width of twenty-two (22) feet.

Dead-end private drives shall not exceed one thousand (1,000) feet in length and shall include a turnaround with a minimum radius of 38.5 feet.

B. Airports and Landing Strips.

C. Cemeteries, including mausoleums and crematoria, provided that any mausoleum or crematorium shall be a distance of at least two hundred (200) feet and burial sites at least one hundred (100) feet from adjacent property, street and highway lines, and provided further that any new cemetery shall contain an area of twenty (20) acres or more.

D. Kennels, animal hospitals and veterinary clinics for the raising, breeding, treatment and boarding of dogs or other small animals, provided that all outside runs be at least two hundred (200) feet from any lot in any Residential District.

E. Riding academies, provided that such building or stable shall be a distance of two hundred (200) feet from any lot in a Residential District.

F. Golf courses, swimming pools, tennis courts, gun clubs, playing fields, and similar recreational uses and accessory uses, but not including driving ranges, miniature golf courses and pitch and putt courses, subject to the requirements of Article 45.

G. Agriculturally based meeting halls.

H. Radio, television, or other transmission towers or masts, and the usual accessory buildings, only after their height and location have been

approved by the governmental agency charged with the responsibility for maintaining air safety and provided there is a yard area with a radius of half the height of the tower or mast.

I. Campgrounds, provided sanitary facilities have been approved by the State and/or local Board of Health. Accessory uses, including an office; a public facilities building wherein the basic food needs of the transient guests can be purchased.

J. Rodeos and accessory uses including retail and service uses, provided such retail and service uses are accessory to the principal use.

K. Agricultural Services (commercial activity that primarily serves the farming community) including but not limited to: tractor and farm implement sales, welding shops, grain elevators, doctor and dentist offices, saw sharpening, farming machinery repair including automobiles and trucks, and grocery stores (where the Board of Zoning Appeals determines that such uses are needed and appropriate). All requests for agricultural services must have the recommendation of the Montgomery County Planning Commission. This recommendation shall be considered by the Board when making their decision.

L. Community Oriented Residential Social Service Facilities, subject to the requirements of Article 48.

M. Boats and marine equipment storage within an enclosed building in accordance with the following:

1. No sign shall be displayed.
2. Landscaping shall be provided around all buildings and in all unpaved areas, consistent with the character of the site and its relation to the general area in which it is located.

N. Sales and service of boats and marine equipment within an enclosed building, in accordance with the following:

1. No sign shall be displayed unless the property fronts on a thoroughfare as designated by the Montgomery County Thoroughfare Plan. Such properties may display one sign of no more than fifteen (15) square feet in size per face, with a maximum height of six (6) feet and a setback of fifteen (15) feet from the thoroughfare right-of-way line if freestanding.
2. Outside storage shall be considered temporary and shall be for equipment waiting to be serviced only.
3. Landscaping shall be provided around all buildings and in all unpaved areas consistent with the character of the site and its relation to the general area in which it is located.

4. The Board of Zoning Appeals may issue only a Conditional Use Certificate for a period of one (1) year. Annually, sales and service operations shall be reviewed by the Board of Zoning Appeals, which may or may not renew the temporary Conditional Use Certificate for a period of one (1) year.

O. Bed-and-Breakfast facilities on lots not less than five (5) Acres in area, provided:

1. No alteration and/or addition to the principal structure shall be made which changes the essential appearance thereof as a dwelling (when in reference to an existing building).

2. No construction of any new principal building will be done which has the essential appearance of other than a dwelling.

3. Off-street parking shall be provided in the ratio of one (1) space per rented room plus two (2) spaces for the permanent residents, and must comply with all pertinent requirements contained in Article 43.

4. Signage identifying the facility shall be limited to one (1) free-standing sign, not to exceed two (2) square feet per face nor five (5) feet in height. Any such sign may only be illuminated by a residential post light. In addition, a nameplate, not exceeding one (1) square foot in size, shall be permitted when attached to a wall or the entrance door of the establishment.

5. Fifty percent (50%) or more of the gross income received from any retail or produce sales is derived from items or crops related to the property on which the Bed-and-Breakfast is located, and any such sales must be accessory to the Bed-and-Breakfast.

6. The owner or renter of the principal residential structure lives on the premises.

7. No more than five (5) rooms are provided for guest accommodation.

8. Room rentals do not exceed seven (7) consecutive days.

9. Food service is provided only to overnight (or longer) guests.

P. Telecommunications Towers, subject to the requirements of Article 51.

SECTION 804

DEVELOPMENT STANDARDS.

In addition to the provisions of Chapter VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and

development of land and buildings are required in the "A" Agricultural District.

804.01 HEIGHT REGULATIONS.

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

804.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed.

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

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

Twenty (20) acres or more - 600 feet. More than three (3) acres but less than twenty (20) acres - 300 feet. Less than three (3) acres - 200 feet unless lesser frontage is permitted by the Board.

Yards (minimum).

Front Yard Depth* - 50 feet.

Side Yard - 30 feet each side.

Rear Yard - 50 feet.

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

Minimum Floor Area Per Unit – 1350 square feet.

Contacts:

Director: Larry Fronk; Zoning; Administrator: Gloria Condelles; Miami Township, Community Development, 5900 McPicken Drive, Milford, OH 45150; Phone: (513) 248-3731; Fax: (513) 248-3730; Web: <http://www.miamitownship.net/resolut.asp>