

**BEAVERCREEK TOWNSHIP
ZONING RESOLUTION**

**As recommended by the
Beavercreek Township
Zoning Commission
March 21, 1996**

**As adopted by the
Beavercreek Township
Trustees
May 20, 1996**

Copy No. _____

BEAVERCREEK TOWNSHIP ZONING RESOLUTION

Certified to be the text and map adopted by the Beavercreek Township Zoning Commission after public hearing on _____, 199____, and certified to the Beavercreek Township Board of Trustees on _____, 199____.

Attest:

Certified

Certified to be the true and corrected copy of the amended text and map of Beavercreek Township Zoning Resolution as adopted by the Beavercreek Township Board of Trustees after public hearing on _____, 199____, and adopted on _____, 199____.

Attest:

Certified:

Clerk
Beavercreek Township

TABLE OF CONTENTS

ARTICLE 1	SHORT TITLE	2
ARTICLE 2	INTENT AND PURPOSE	4
ARTICLE 3	CONSTRUCTION OF LANGUAGE AND DEFINITIONS	6
Section 3.01	Construction of Language	6
Section 3.02	Definitions.....	6
Figure 1	Corner Lot Yard Requirements	24
ARTICLE 4	ZONING DISTRICTS AND MAP	26
Section 4.01	Districts	26
Section 4.02	District Boundaries.	26
Section 4.03	Uncertainty of Boundary Location.....	27
ARTICLE 5	ES-2.5, R-IAA, R-IA, R-IB ONE FAMILY RESIDENTIAL DISTRICT.....	29
Section 5.01	Intent.	29
Section 5.02	Permitted Principal Uses.....	30
Section 5.03	Accessory and Building Uses.....	30
Section 5.04	Conditional Uses.	30
Section 5.05	Yard Requirements.	32
Section 5.06	Building Height Regulations.....	32
Section 5.07	Accessory Parking.....	32
Section 5.08	Signs.....	32
Section 5.09	Planned Unit Development Option.	32
ARTICLE 6	R-2 TWO FAMILY RESIDENTIAL DISTRICT	34
Section 6.01	Intent	34
Section 6.02	Permitted Principal Uses.....	34
Section 6.03	Accessory Uses	34
Section 6.04	Conditional Uses.....	34
Section 6.05	Yard Requirements	34
Section 6.06	Building Height Regulations.....	34
Section 6.07	Accessory Parking.....	34
Section 6.08	Signs.....	35
Section 6.09	Planned Unit Development Option.....	35

Beavercreek Township Zoning Resolution

ARTICLE 7	R-3, R-4 MULTI-RESIDENTIAL DISTRICTS	37
Section 7.01	Intent	37
Section 7.02	Permitted Principal Uses.....	37
Section 7.03	Accessory Uses	37
Section 7.04	Conditional Uses.....	37
Section 7.05	Yard Requirements	38
Section 7.06	Building Height Regulations.....	38
Section 7.07	Accessory Parking.....	38
Section 7.08	Signs.....	38
Section 7.09	Planned Unit Development Option.....	38
Section 7.10	Sewer and Water	39
Section 7.11	Traffic Arteries.....	39
Table 1	Schedule of Yard and Lot Requirements.....	40
ARTICLE 8	R-5 MOBILE HOME RESIDENTIAL DISTRICT	42
Section 8.01	Intent	42
Section 8.02	Permitted Principal Uses.....	42
Section 8.03	Accessory Uses	42
Section 8.04	Development Standards	42
Section 8.05	Signs.....	43
ARTICLE 9	HOLD FOR FUTURE USE	45
ARTICLE 10	B-2 COMMUNITY BUSINESS DISTRICT	47
Section 10.01	Intent	47
Section 10.02	Permitted Principal Uses.....	47
Section 10.025	Conditional Uses.....	47
Section 10.03	Accessory Uses	48
Section 10.04	Lot Size	48
Section 10.05	Yard Requirements	48
Section 10.06	Building Height Regulations.....	49
Section 10.07	Accessory Parking.....	49
Section 10.08	Off-Street Loading	49
Section 10.09	Signs.....	49
Section 10.10	Screening.....	49
Section 10.11	Planned Unit Development Option.....	49
Section 10.12	Conditional Uses.....	49

ARTICLE 11 B-3	GENERAL BUSINESS DISTRICT	51
Section 11.01	Intent	51
Section 11.02	Permitted Principal Uses.....	51
Section 11.03	Accessory Uses	51
Section 11.04	Lot Size	51
Section 11.05	Yard Requirements	51
Section 11.06	(Reserved for Future Use).....	52
Section 11.07	Accessory Parking.....	52
Section 11.08	Off-Street Loading	52
Section 11.09	Signs.....	52
Section 11.10	Screening.....	52
Section 11.11	Planned Unit Development Option.....	52
Section 11.12	Conditional Uses.....	52
ARTICLE 12 B-4	HIGHWAY BUSINESS DISTRICT	54
Section 12.01	Intent	54
Section 12.02	Permitted Principal Uses.....	54
Section 12.03	Accessory Uses	54
Section 12.04	Lot Size	54
Section 12.05	Yard Requirements	54
Section 12.06	Building Height Regulations.....	55
Section 12.07	Accessory Parking.....	55
Section 12.08	Off-Street Loading	55
Section 12.09	Signs.....	55
Section 12.10	Screening.....	55
Section 12.11	Planned Unit Development Option.....	55
Section 12.12	Conditional Uses.....	55
ARTICLE 13	O-1 OFFICE BUILDING DISTRICT, ORP-1 OFFICE RESEARCH PARK DISTRICT, RP-1 RESEARCH PARK DISTRICT	57
Section 13.01	O-1 Office Building District	57
Section 13.011	Intent	57
Section 13.012	Permitted Principal Uses.....	57
Section 13.013	Accessory Uses	57
Section 13.014	Conditional Uses.....	57
Section 13.015	Yard and Lot Requirements	57
Section 13.016	Building Height Regulations.....	58
Section 13.017	Accessory Parking.....	58
Section 13.018	Off-Street Loading	58
Section 13.019	Signs.....	58
Section 13.0110	Landscaping	58
Section 13.0111	Screening.....	59

Beavercreek Township Zoning Resolution

Section 13.0112	Planned Unit Development Option.....	59
Section 13.02	ORP-1 Office Research Park District	59
Section 13.021	Intent	59
Section 13.022	Permitted Principal Uses.....	59
Section 13.023	Accessory Uses	59
Section 13.024	Conditional Uses.....	59
Section 13.03	RP-1 Research Park District.....	60
Section 13.031	Intent	60
Section 13.032	Permitted Principal Uses.....	60
Section 13.033	Accessory Uses	60
Section 13.034	Conditional Uses.....	60
Section 13.04	Yard Requirements and Lot Sizes.....	60
Section 13.05	Building Height Regulations.....	62
Section 13.06	Parking	62
Section 13.07	Off-Street Loading	62
Section 13.08	Outside Storage and Waste Disposal	63
Section 13.09	Streets and Access Roads.....	63
Section 13.10	Landscaping	64
Section 13.11	Screening.....	64
Section 13.12	Signs and Outdoor Advertising.....	64
Section 13.13	Development Standards	65
Section 13.14	Planned Unit Development Option.....	66
Table 2-A	Schedule of Permitted Principal Uses	67
ARTICLE 14	INDUSTRIAL DISTRICT	71
Section 14.01	I-1 Light Industrial District	71
Section 14.011	Intent	71
Section 14.012	Permitted Principal Uses.....	71
Section 14.013	Accessory Uses	71
Section 14.014	Conditional Uses.....	71
Section 14.02	I-2 Heavy Industrial District.....	72
Section 14.021	Intent	72
Section 14.022	Permitted Principal Uses.....	72
Section 14.03	Yard Requirements	73
Section 14.04	Lot Size	73
Section 14.05	Building Height Regulations.....	73
Section 14.06	Accessory Parking.....	73
Section 14.07	Off-Street Loading	73
Section 14.08	Signs.....	74
Section 14.09	Screening.....	74
Section 14.10	Land Occupancy.....	74
Section 14.11	Planned Unit Development Option.....	74
Table 2	Schedule of Permitted Principal Uses	75

ARTICLE 15	FLOOD PLAIN RIVER PROTECTION DISTRICT.....	81
Section 15.01	Intent and Purpose.....	81
Section 15.02	Basis for Establishing the initial areas of the Flood Plain Overlay District.....	81
Section 15.03	Flood Plain Overlay District Sections.....	82
Section 15.04	Overlaying of Existing District.....	83
Section 15.05	Zoning Map.....	83
Section 15.06	Boundary Changes	83
Section 15.07	Interpretation of Boundaries	84
Section 15.08	Floodway.....	84
Section 15.09	Floodway Fringe	84
Section 15.10	General Flood Plain	85
Section 15.11	Establishment of Buffer Area	85
Section 15.12	Minimum Dimensional Requirements.....	86
Section 15.13	Required Conditions	86
ARTICLE 16	A-1 AGRICULTURAL DISTRICT	91
Section 16.01	Intent	91
Section 16.02	Permitted Principal Uses.....	91
Section 16.03	Accessory Uses	91
Section 16.04	Conditional Uses.....	91
Section 16.05	Yard and Lot Requirements	91
Section 16.06	Building Height Regulations.....	91
Section 16.07	Accessory Parking.....	92
Section 16.08	Signs.....	92
ARTICLE 17	PLANNED UNIT DEVELOPMENT DISTRICTS	94
Section 17.01	Purpose and Intent.....	94
Section 17.02	Hold for Future Use	94
Section 17.03	Voluntary PUD Applicability	94
Section 17.04	Types of Planned Unit Development Districts	95
Section 17.05	General Provisions Governing Planned Unit Developments.....	95
Section 17.05.1	Definitions and Interpretation	95
Section 17.05.2	Project Control and Ownership.....	97
Section 17.05.3	PUD Agreement.....	97
Section 17.05.4	Utility Requirements.....	97
Section 17.05.5	Application Process and Sequence	98
Section 17.05.6	Application Completeness and Officially Filed Status	99
Section 17.05.7	Site Arrangement Requirements	99
Section 17.05.8	Zoning Map Identification	100
Section 17.05.9	Multiple PUD Projects.....	100
Section 17.05.10	Previous PUD Approvals.....	100
Section 17.05.11	Appeal of Zoning Enforcement Officers and Planning Director Determination	101
Section 17.06	Approval Procedures for Planned Unit Development Zoning Classification	101

Beavercreek Township Zoning Resolution

Section 17.06.1	Notice to Applicants	101
Section 17.06.2	Pre-Application Meeting.....	101
Section 17.06.3	Planned Unit Development Application	101
Section 17.06.4	Zoning Commission Public Hearing and Notice	105
Section 17.06.5	Zoning Commission Review and Recommendation of PUD Application.....	106
Section 17.06.6	Criteria for Zoning Commission Recommendation.....	106
Section 17.06.7	Board of Trustees Public Hearing and Notice.....	106
Section 17.06.8	Action by Township Trustees	107
Section 17.06.9	Criteria for Planned Unit Development Zoning Approval.....	107
Section 17.07	Approval Procedures for Specific Site Plan	108
Section 17.07.1	Notice to Applicants	108
Section 17.07.2	Required Specific Site Plan Application.....	109
Section 17.07.3	Expiration of Specific Site Plan Approval.....	109
Section 17.07.4	Extension of Specific Site Plan Approval Period	110
Section 17.07.5	Specific Site Plan Application	111
Section 17.07.6	Specific Site Plan Conformance with Approved PUD	113
Section 17.07.7	Zoning Commission Public Hearing and Notice	114
Section 17.07.8	Recommendation by Zoning Commission.....	114
Section 17.07.9	Criteria for Zoning Commission Recommendation.....	115
Section 17.07.10	Board of Trustees Public Hearing and Action	115
Section 17.07.11	Notice of Board of Trustees Public Hearing.....	116
Section 17.07.12	Standards and Criteria for Specific Site Plan Approval.....	116
Section 17.08	Planned Unit Development Obligation and Binding and Enforceable Conditions.....	117
Section 17.09	Modifications to PUD Permitted Uses.....	118
Section 17.10	Similarity of Uses and Conditional Uses	118
Section 17.10.1	Similarity of Uses.....	118
Section 17.10.2	PUD Conditional Uses.....	119
Section 17.11	Modifications to Approved Specific Site Plans	119
Section 17.11.1	Major Modifications	119
Section 17.11.2	Minor Modifications	120
Section 17.11.3	Incidental Modifications	120
Section 17.11.4	Final Subdivision required in PUD.....	121
Section 17.12	R-PUD: Residential Planned Unit Development Districts	122
Section 17.12.1	Purpose.....	122
Section 17.12.2	R-PUD Permitted and Conditional Uses.....	122
Section 17.12.3	Coverage	123
Section 17.12.4	Land Use Density.....	124
Section 17.12.5	Building Height.....	124
Section 17.12.6	Requirements for Screening, Accessory Parking, and Loading and Unloading Areas.....	124
Section 17.12.7	Signs.....	124
Section 17.13	C-PUD Commercial Planned Unit Development Districts.....	125
Section 17.13.1	Purpose.....	125

Beavercreek Township Zoning Resolution

Section 17.13.2	C-PUD Permitted and Conditional Uses.....	125
Section 17.13.3	Land Use Intensity	126
Section 17.13.4	Building Height.....	126
Section 17.13.5	Requirements for Screening, Accessory Parking, and Loading and Unloading Areas	126
Section 17.13.6	Signs.....	126
Section 17.14	MX-PUD: Mixed Use Planned Unit Development Districts.....	127
Section 17.14.1	Purpose.....	127
Section 17.14.2	MX-PUD Permitted and Conditional.....	127
Section 17.14.3	Land Use Intensity	128
Section 17.14.4	MX-PUD Residential Uses.....	128
Section 17.14.5	Building Height.....	128
Section 17.14.6	Requirements for Screening, Accessory Parking, and Loading and Unloading Areas	129
Section 17.14.7	Signs.....	129
Section 17.15	I-PUD: Industrial Planned Unit Development District	129
Section 17.15.1	Purpose.....	129
Section 17.15.2	I-PUD Permitted and Conditional Uses	130
Section 17.15.3	Land Use Intensity	130
Section 17.15.4	Building Height.....	131
Section 17.15.5	Requirements for Screening, Accessory Parking, and Loading and Unloading Areas.....	131
Section 17.15.6	Signs.....	131
ARTICLE 18	GENERAL PROVISIONS.....	133
Section 18.01	General Regulations.....	133
Section 18.02	Yards Required for Corner and Through Lots	133
Section 18.03	Accessory Buildings on Corner Lots	134
Section 18.04	Lots Adjoining Alleys.....	134
Section 18.05	Accessory Buildings, Structures, and Appurtenances Within Residential Districts	134
Section 18.06	Accessory Fences, Walls and Plantings	135
Section 18.07	Removal of Soil, Sand, Gravel or Stone From a Lot	135
Section 18.08	Essential Services.....	138
Section 18.09	External Effects.....	138
Section 18.10	Outdoor Storage and Waste Disposal	140
Section 18.11	Projections into Required Yards	141
Section 18.12	Exceptions to Height Limitations	141
Section 18.13	Temporary Uses	141
Section 18.14	Major Street Setbacks	142
Section 18.15	Off Street Loading Regulations	142
Section 18.16	Off-Street Parking Regulations.....	143
Section 18.17	Screening and Buffering	156
Table 4	Schedule of Required Buffers Between Zoning Districts	158

Beavercreek Township Zoning Resolution

Section 18.18	Conversion of Dwelling to More Unit	159
Section 18.19	Septic Tanks or Wells	159
Section 18.20	Use, Parking and Storage of Vehicles and Mobile Homes	160
Section 18.21	Drive-In Service Establishments.....	160
Section 18.22	Barriers to Encroachment by Vehicles.....	161
Section 18.23	Swimming Pools	161
Section 18.24	Noise	162
Section 18.25	Junk Vehicles	163
Section 18.26	Beekeeping.....	164
Section 18.27	Non-Conformities	165
Section 18.28	Solar Access.....	169
Section 18.29	Nursery School/Day Care Center.....	169
Section 18.30	Adult Entertainment Facilities	170
Section 18.31	Outdoor and Temporary Sales at Business Establishments	171
Section 18.31.01	Intent	171
Section 18.31.02	Permit Required	171
Section 18.31.03	General Requirements.....	171
Section 18.31.04	Compliance with Law	173
Section 18.31.05	Required Plot Plan	173
Section 18.31.06	Exemption for Special Five (5) Day Events	173
Section 18.32	Agriculture Use Limitations.....	174
Section 18.33	Farm Market.....	174
Section 18.34	Wetland Protection.....	175
Section 18.35	Township Facilities	175
ARTICLE 19	ENFORCEMENT AND PENALTIES.....	177
Section 19.01	Enforcing Officer	177
Section 19.02	Zoning Permit	177
Section 19.03	Application and Issuance of Zoning Permits	178
Section 19.04	Certificate of Zoning Compliance.....	180
Section 19.05	Remedies.....	180
Section 19.06	Other Action.....	181
Section 19.07	Penalties	181
Section 19.08	Affected Parties.....	181
Section 19.09	Violation, Nuisance per se: Abatement.....	181
Section 19.10	Fees for Zoning Permits	181
Section 19.11	Zoning Permit	182
ARTICLE 20	SIGNS.....	184
Section 20.01	Definitions.....	184
Figure 2	Height of Ground Sign Determinations	186
Figure 3	Height of Ground Sign Determinations	187
Section 20.02	Exempt Signs	189
Section 20.03	Prohibited Permanent and Temporary Signs.....	189
Figure 4	Exempt Signs	191
Figure 5	Prohibited Signs	193

Beavercreek Township Zoning Resolution

Section 20.04	General Provisions.....	194
Figure 6	Landscaping Requirements.....	197
Table 5	Permitted Signs By District.....	202
Table 6	Size, Height, Setback.....	203
Figure 7	Permitted Permanent Signs.....	204
Section 20.05	Signs Permitted in "R" Districts.....	205
Section 20.06	Hold for Future Use	
Section 20.07	Signs Permitted in "B-1" and "B-2" Districts	206
Section 20.08	Signs Permitted in "B-3" and "B-4" Districts	208
Section 20.09	Permitted in "0-1", "RP-1" and "ORP-1" Districts	210
Section 20.10	Signs Permitted in "I-1" and "I-2" Districts	212
Section 20.11	Signs Permitted in "A-1" Districts	213
Figure 8	Size of Sign Determination.....	215
Section 20.12	Administration and Enforcement.....	216
Section 20.13	Non-Conforming Signs.....	217
Section 20.14	Illegal Signs.....	218
Section 20.15	Penalties	218
ARTICLE 21	ZONING COMMISSION	220
Section 21.01	Membership	220
Section 21.02	Organization.....	220
Section 21.03	Official Action	220
ARTICLE 22	BOARD OF ZONING APPEALS	223
Section 22.01	Creation, Membership, Appointment	223
Section 22.02	Organization.....	223
Section 22.03	Official Action	223
Section 22.04	Right of Petition or Appeal	223
Section 22.05	Fees	224
Section 22.06	Hearing.....	224
Section 22.07	Powers and Duties.....	225
Section 22.08	Effective Date	229
ARTICLE 23	TOWNSHIP TRUSTEES.....	231
Section 23.01	Intent	231
Section 23.02	Powers and Duties.....	231
ARTICLE 24	AMENDMENT	233
Section 24.01	General	233
Section 24.02	Initiation of Zoning Amendments.....	233
Section 24.03	Contents of Application	233
Section 24.04	Transmittal to the Zoning Commission	234
Section 24.05	Submission to the County Planning Commission.....	234
Section 24.06	Submission to Director of Department of Transportation	234
Section 24.07	Public Hearing by Zoning Commission.....	235
Section 24.08	Notice of Public Hearing in Newspaper	235
Section 24.09	Notice to Property Owners by Zoning Commission	235

Beavercreek Township Zoning Resolution

Section 24.10	Recommendation by Zoning Commission.....	236
Section 24.11	Public Hearing Before Board of Township Trustees	236
Section 24.12	Notice of Public Hearing in Newspaper	236
Section 24.13	Notice to Property Owners by Board of Township Trustees	236
Section 24.14	Action by Board of Township Trustees	237
Section 24.15	Effective Date and Referendum	237
Section 24.16	Technical Review Costs.....	237
Section 24.17	Public Notice Costs.....	238
Section 24.18	Amendment Limitation.....	238
ARTICLE 25	VALIDITY AND SEVERABILITY.....	240
ARTICLE 26	INTERPRETATION AND CONFLICT	240
ARTICLE 27	REPEAL OF CONFLICTING RESOLUTIONS	240
ARTICLE 28	EFFECTIVE DATE.....	240
ARTICLE 29	WIRELESS TELECOMMUNICATIONS FACILITIES.....	242
Section 29.01	Purpose and Intent of Wireless Telecommunication Regulations	242
Section 29.02	Definitions.....	243
Section 29.03	Location of Wireless Telecommunication Facilities	244
Section 29.03.1	Prohibited.....	244
Section 29.03.2	Permitted Uses in Districts Zoned for Residential Use, ES-2.5, R-1AA, R-1B, R-3, R-4, R-5, A-1, R-PUD and MX-PUD	245
Section 29.03.3	Accessory Uses, ES-2.5, R-1AA, R-1B, R-3, R-4, R-5, A-1, R-PUD and MX-PUD	245
Section 29.03.4	Conditional Uses, ES-2.5, R-1AA, R-1B, R-3, R-4, R-5, A-1, R-PUD and MX-PUD	245
Section 29.04	General Regulations	246
Section 29.05	Fees	251
Section 29.06	Public Utility Exemption	251