

Article 5 COUNTRYSIDE DISTRICT (CS)

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Section 5-1. Application

5-1.01 The Regulations set forth in this Article, or set forth elsewhere in these Regulations, when referred to in this Article, are the Regulations in the Countryside District (CS). This district is primarily intended to provide for the development of a rural residential lifestyle with adequate open space that may include equestrian use, but also encourages the clustering of dwellings through conservation subdivisions by allowing an increase in density. This district is also intended to provide for agricultural uses on the larger parcels, and encourages the preservation of agricultural lands by allowing agricultural preservation subdivisions.

Section 5-2. Use Regulations

5-2.01 In the Countryside District, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, unless otherwise provided for in these Regulations, except for the following uses:

1. Agricultural purposes.
2. Grain storage structures.

3. One single-family dwelling per legal lot or parcel: Any single-family dwelling shall have a permanent foundation and perimeter enclosure as required by these Regulations and shall have a minimum floor area of nine hundred fifty (950) square feet. Single-family dwellings shall include residential-design manufactured homes, Group Homes for the Disabled, modular homes and mobile homes.

4. Home occupations allowed in Article 20, Home Occupation Standards.
5. Public parks and playgrounds.
6. Railroad rights-of-way, including and limited to a strip of land with tracks and auxiliary facilities for track operation only.
7. Radio and television antennas and satellite dishes designed for an individual residence, provided the height limit of the district is not exceeded.
8. Commercial and Non-commercial wind energy conversion systems (WECS) designed for an individual residence, agricultural use or conditional use. The system shall not exceed 150 feet in total height and all of the minimum development standards in Section 14-2 of these regulations must be met.
9. Amateur station antenna structures for use by amateur radio operators, which do not exceed 40 meters (131.234 feet) in height and if it should fall or collapse it will be contained within the confines of the property on which it is installed.
10. Machinery repair, welding and similar activities relating to maintenance and repair of agriculture equipment, when such equipment is owned and operated by the property owner.
11. Churches, parish halls and temples in existence as of the effective date of these regulations provided the standards of Section 16-8 of these regulations are met.
12. One (1) accessory dwelling unit ("ADU" or "ADUs," as the case may be), subject to the performance standards listed in paragraph (12)(B) of this section.

A. Purpose. Accessory dwelling units are allowed in certain situations to:

- i. Create new housing units while respecting the appearance and scale of single-family dwellings;
- ii. Support more efficient use of existing housing stock and infrastructure; and
- iii. Provide housing that responds to changing family needs, smaller households, and increasing housing costs, accessible housing for seniors, and persons with disabilities.

Allowing ADUs is not intended to replace duplex and other multi-family zoning districts and dwellings. An ADU is different from a duplex in that typically the two (2) units that make up a duplex are attached to each other, are relatively equal in size and height, and one (1) unit usually does not dominate the other. In contrast, an ADU may or may not be attached and is subordinate in size, location, and appearance to the principal dwelling that it

accompanies. Additionally, both duplex units may be rented while an ADU or its accompanying principal dwelling shall be owner-occupied.

B. Performance Standards:

- i. The accessory dwelling unit shall be constructed within, attached to, or detached from an existing principal dwelling.
- ii. An attached accessory dwelling unit shall be physically connected to the principal dwelling.
- iii. A detached accessory dwelling unit shall be located within 200 feet of the principal dwelling and shall have continuous driveway access provided to the ADU for fire safety.
- iv. A detached accessory dwelling unit shall not be located in front of the principal dwelling.
- v. The property owner shall reside in either the principal dwelling or the accessory dwelling unit. A deed restriction shall be signed by the property owner and recorded with the Miami County Register of Deeds, providing notice that the ADU is located on the property and must be used in compliance with the requirements of the Miami County Zoning Regulations, and that the lawful existence of the ADU is subject to the occupancy of the property owner in either the principal dwelling or accessory dwelling unit. Violation of the ADU regulations may result in the property owner being responsible for removal of the ADU.
- vi. Construction of an accessory dwelling unit in an existing garage of the principal dwelling shall not relieve the requirement of providing a garage or comparable non-residential accessory structure for the principal dwelling as noted in the parking regulations of this article.
- vii. The entryway to an attached accessory dwelling unit shall be oriented away from the main street, and/or be located on a different facade and/or building plane, and be smaller with less detail than the principal dwelling's main entrance.
- viii. The minimum required total floor area of the accessory dwelling unit shall be 250 square feet.
- ix. The maximum allowed total floor area of the accessory dwelling unit shall be the lesser of 50% of the total floor area of the principal dwelling, excluding the principal dwelling's garage, or 900 square feet.

- x. The Accessory Dwelling Unit shall not be allowed within or attached to a mobile home but may be allowed within or attached to a manufactured home.
- xi. The accessory dwelling unit shall use the same driveway entrance as the principal dwelling. A second driveway entrance accessing the accessory dwelling unit shall not be allowed.
- xii. The accessory dwelling unit may have to be served with an on-site wastewater system separate from that of the principal dwelling if the existing on-site wastewater system is inadequate per code to serve the accessory dwelling unit.
- xiii. The accessory dwelling unit shall complement the architecture and design patterns of the neighborhood in which it is located.
- xiv. The accessory dwelling unit shall meet all other applicable development codes and regulations of the county.
- xv. An ADU shall be located on a lot, tract, or parcel no smaller than two (2) acres in size unless both the principal dwelling and accessory dwelling unit are able to connect to public sewer.
- xvi. The proposed ADU must gain approval from the appropriate utility companies, including but not limited to electric, gas, water, and sewer/wastewater for the additional use.
- xvii. The ADU or principal dwelling cannot be used as a short-term rental or bed and breakfast unless approved with a conditional use permit.
- xviii. If there is a conditional use permit in effect on the subject property, then an ADU shall only be allowed if reviewed and approved by the planning commission.
- xix. The ADU shall have a minimum of one (1) parking space made available on the subject property.

13. Radio towers, television towers, cellular communication towers, and microwave transmitting and/or receiving towers and appurtenant facilities if the following standards can be met.

A. A tower may be permitted under the following height and location restrictions.

- i. A tower may be located within 660 feet of the right-of-way of any road designated by the 1995 Miami County Comprehensive Transportation Plan, or any subsequent

revisions to the plan, as "collector" provided it shall not exceed a height of 130 feet and all other standards noted below are met.

ii. A tower may be located within 660 feet of the right-of-way of any road designated by the 1995 Miami County Comprehensive Transportation Plan, or any subsequent revisions to the plan, as "arterial" provided it shall not exceed a height of 150 feet and all other standards noted below are met.

iii. A tower may be located within 660 feet of the right-of-way of the following highways: U.S. Highway 69, U.S. Highway 169, Interstate-35, K-68 and K-7 provided it shall not exceed a height of 199 feet and all other standards noted below are met.

iv. Towers located outside of these locations or exceeding these heights shall not be permitted without receiving approval of a conditional use permit.

B. The tower shall not be lighted. Only security lighting for ground equipment shall be permitted and shall be arranged, located or screened to direct light away from adjoining or abutting properties, shall be limited to ten (10) feet in height, and shall utilize a fixture that directs light downward and prevents light from traveling out above a horizontal plane relative to the bulb.

C. All building exteriors shall be brick or concrete block / prefabricated concrete with an aggregate or stucco finish. Metal clad buildings shall be prohibited.

D. If the tower is located on a leased parcel which is a portion of a larger legal parcel, the tower shall be setback from the property lines of the parent parcel a minimum distance of two times the tower height except that the setback adjacent to any highway right-of-way, as listed above, shall be no less than one time the tower height.

E. If the tower will be located on a parcel owned by the company or entity that will maintain the tower and not leased within a larger parcel, then the parcel on which the tower will be located will be required to comply with the lot size standards of this zoning district, as well as the setback standards of this section.

F. The tower shall be designed and constructed as a monopole type structure and shall be designed to accommodate at least one (1) additional pcs/cellular or other similar platform.

G. The tower shall not be located within two linear miles of an existing tower.

H. The tower shall comply with all of the height restrictions of Article 13, Airport Zoning regulations.

I. Any tower that is no longer in use for its original purpose shall be removed at the owner's expense. The owner shall have ninety (90) days from the date operations cease in which to remove the tower and all appurtenant buildings from the property. In case of multiple users of a single tower, this provision shall not become effective until all users cease operations. A bond in the amount of \$50,000 shall be placed with Miami County for the life of the tower via forms prescribed by the Planning Department to ensure that the tower is removed when its use has ceased for a period of more than ninety (90) consecutive days.

J. If these standards cannot be met, then a conditional use permit may be requested.

14. Retail sales of raw and/or processed agricultural products where an agricultural use is established and where the processed products are produced offsite from the raw materials grown or raised on the property where the agricultural use is established.

15. Accessory uses, non-residential structures, and structures customarily associated with the normal operation of the above uses. (Res. R16-11-040 (Exh. A); Res. R20-12-002 (Exh. A))

5-2.02 In the Countryside District, the following uses may be allowed upon the approval of a conditional use permit, in accordance with the provisions outlined in Article 14:

1. Public or private airports and/or landing fields.
2. Athletic fields and baseball fields.
3. Cemeteries.
4. Exposition centers and/or buildings.
5. Fairgrounds.
6. Fire stations, public safety, and protection facilities. Notwithstanding any other provisions of these Zoning Regulations, none of these uses shall be required to comply fully with the lot size and height regulations of this zoning district, except as may be recommended by the Planning Commission and approved by the Board of County Commissioners to meet the standards of this article.
7. Contractors' shops and/or yards (refer to Section 14-2 for minimum development standards).
8. Greenhouses, nurseries and/or hydroponic farms operated as a retail business where products not raised, grown, or otherwise produced on the premises are sold.

9. Commercial WECS that exceed 150 feet in height (refer to Section 14-2 for minimum development standards).
10. Radio or television towers, communication towers, microwave transmitting and/or receiving towers and/or stations, radio antennas, commercial satellite earth stations and similar appurtenances (refer to Section 14-2 for minimum development standards).
11. Amateur station antenna structures to be used by amateur radio operators, which exceed 40 meters (131.234 feet) in height and are set back from property lines 1.1 times the total structure height.
12. Preschool nurseries, day-care centers or day-care homes (refer to Section 14-2 for minimum development standards).
13. Recreational vehicle parks, permanent or temporary (refer to Section 14-2 for minimum development standards).
14. Commercially operated recreational or sports-related facilities, whether operated by a public or private entity. This shall include, but not be limited to, such uses as: recreational lakes, camps, golf courses, country clubs, golf driving ranges, miniature golf courses, swimming pools, tennis courts, racquetball courts, commercial stables, shooting ranges, ice and roller skating rinks, race tracks for horses and dogs, bowling alleys and fee fishing lakes.
15. Boat and recreational vehicle storage, open or enclosed, for one (1) or more boats or recreational vehicles, which are not the property of the landowner (refer to Section 14-2 for minimum development standards).
16. Public utility stations, as well as buildings, structures, and premises for public utility services or public service corporations, including water treatment facilities, water towers or storage facilities, electric utility substations, power generation plants, sewage treatment facilities, or any other like facility. Notwithstanding any other provisions of these Zoning Regulations, none of these uses shall be required to comply fully with the lot size and height regulations of this zoning district, except as may be recommended by the Planning Commission and approved by the Board of County Commissioners to meet the standards of this Article.
17. Veterinary and small animal hospitals.
18. Kennels (refer to Section 14-2 for minimum development standards).
19. The keeping of wild animals, as defined in these Regulations (refer to Section 14-2 for minimum development standards).
20. Bed and Breakfast facilities (refer to Section 14-2 for minimum development standards).

21. The adaptive reuse of public and semi-public buildings, such as, but not limited to, church buildings, township halls, school buildings, and other historically significant structures for limited commercial and limited industrial operations that would be compatible with surrounding uses (refer to Section 14-2 for minimum development standards).
22. Community centers, public libraries and museums.
23. Schools.
24. Churches, parish halls and temples constructed after the effective date of these regulations or when such has exceeded the limits of expansion set forth in Section 16-8 of these regulations; convents and monasteries (refer to Section 14-2 for minimum development standards).
25. Research or development activities and pharmaceutical preparations related to veterinary services or other animal services.
26. Retail Sale of Agricultural Equipment (refer to Section 14-2 for minimum development standards).
27. Public facilities.
28. Other uses determined by the Planning Commission to be consistent with the intent and purpose of this zoning district, except for those uses listed as prohibited uses in Article 15. (Res. R17-03-006 (Exh. A))

Section 5-3. Parking Regulations

5-3.01 Two (2) off-street parking spaces shall be provided for each dwelling unit. All dwellings shall be provided with either a one-car garage, either attached to or detached from the main dwelling, or a detached, fully enclosed accessory structure at least 200 square feet in floor area. Said garage or accessory structure shall be located within 200 feet of the dwelling unit.

5-3.02 Driveway Access: For those parcels and lots fronting on a county maintained public road or an approved private road, any new entrance shall be located along that portion of the public or private road immediately in front of the subject property and not through another property. Two properties may share one common entrance at the shared property line as long as the center of the driveway is within ten feet of the shared property line.

5-3.03 Additional parking requirements are contained in Article 17 of these Zoning Regulations.

Section 5-4. Sign Regulations

5-4.01 Sign regulations are contained in Article 18 of these Zoning Regulations.

Section 5-5. Height, Area and Yard Regulations

5-5.01 Height: Buildings or structures, other than those actually used for agricultural purposes, shall not exceed thirty-five feet (35') and/or two and one-half (2 1/2) stories in height.

5-5.02 In the Countryside District, the minimum lot area, dimensions of lots and yards shall be as follows:

1. Lot Area: Every dwelling or residence established shall be located on a lot that shall have frontage on a dedicated public street that meets Miami County access requirements. Lot area shall be according to the following types of subdivisions:

A. Standard Subdivisions: With an overall density of one (1) dwelling per 15 acres of gross land area, including any rights-of-way, an individual lot shall maintain a minimum gross lot area of 15 acres.

B. Conservation Subdivisions: Conservation subdivisions shall be approved only by the Planning Commission via a request for a preliminary and final plat. With an overall density of one (1) dwelling per ten (10) acres of gross land area, including any rights-of-way, an individual lot shall be a minimum of two (2) acres. A minimum of 30% of the land area of the subdivision, excluding any proposed or required on-site or off-site rights-of-way, shall be set aside for common, natural, or public open space. Most or all of the open space should be sensitive land, which shall be designated as natural open space, and shall always take priority over nonsensitive land for meeting the overall open space requirement. Open space may be in the form of, but not limited to, wetlands, floodways, slopes exceeding 12%, agricultural fields, parks, trails, recreational fields, or undisturbed natural areas. All sensitive lands of an area proposed for a conservation subdivision shall be identified and prioritized as to their level of sensitivity first, and then the subdivision shall be designed around those sensitive lands. The open space shall either be held in common by all property owners within the subdivision, be dedicated to the county or other public entity for recreational use in the form of public parks and/or public trail corridors or be granted to a public land trust as a conservation/open space easement. Solid, view-obscuring fences or walls shall not enclose the open space.

C. Agricultural Preservation Subdivisions: With an overall density of one (1) dwelling per fifteen (15) acres of gross land area, including any rights-of-way, an individual lot shall be a minimum of two (2) acres, and at least one (1) parcel shall be preserved for agricultural use. The preserved parcel may contain a farm dwelling, and shall be a minimum of 75% of the

total land area of the subdivision, excluding any proposed or required on-site or off-site rights-of-way.

2. Lot Dimensions: The minimum width of a lot shall be 330 feet in Standard and Conservation Subdivisions, and 220 feet in Agricultural Preservation Subdivisions. The minimum depth of a lot shall be 330 feet in Standard and Conservation Subdivisions and 150 feet in Agricultural Preservation Subdivisions. There shall not be a lot depth-to-width ratio greater than 4:1 (i.e., the depth of a lot cannot be greater than 4 times its width), except for the parcel being preserved for agricultural use in an Agricultural Preservation Subdivision, which shall not exceed 8:1. In the event of unusual lot configurations, the Planning Director shall determine whether the lot dimensions meet the spirit and intent of these requirements.
3. Front Yard: The depth of the front yard shall be at least 50 feet.
4. Side Yard: The depth of the side yard shall be at least 20 feet.
5. Rear Yard: The depth of the rear yard shall be at least 20 feet. (Res. R17-12-044 (Exh. A); Res. R18-02-007 (Exh. A); R18-10-036 (Exh. A); Res. R19-02-008)