



Planning Commission ~Agenda~

<http://www.ci.moraine.oh.us/>

Clerk of Council
937-535-1005

September 16, 2025

6:00 PM

- I. Call to Order**
- II. Approval of Minutes**
 - A. Planning Commission Meeting Minutes - September 2, 2025
- III. Business**
- IV. Public Hearing**
 - A. R-04-2025 - 6869 Germantown Pike: Zoning District Change Request from R-2 to B-1
- V. Other Business**
- VI. Adjournment**

RECORD OF PROCEEDINGS

Minutes of Planning Commission

Held September 2, 2025

Call to Order

Meeting called to order at 6:00 PM.

Roll Call:

Caleb Stapleton	Chair	Present
Kevin Howard	Member	Present
Tom Watts	Member	Absent
Gina Delph	Member	Absent
Stephen Noel	Member	Present

Staff Members Present: City Planner Nick Sorice, Building and Zoning Administrator Brent Carpenter, Clerk of Council Karen Powell

City Planner Nick Sorice reported that Mr. Watts and Mrs. Delph are recused from this Case; therefore, they are not present at the meeting as Case R-02-2025 is the only item of business.

Approval of Minutes

Planning Commission Meeting Minutes - August 19, 2025

Mr. Noel moved to approve the August 19, 2025, meeting minutes; Mr. Stapleton seconded the motion.

RESULT: Passed (*Yes 3, No 0, Abstained 0*)
MOVER: Stephen Noel
AYES: Caleb Stapleton, Kevin Howard, Stephen Noel
NAYS: None
ABSTAIN: None

Business

Public Hearing

R-02-2025 (TABLED) - 3305 Main Street Zoning District Change from R-2 to B-2

Mr. Noel moved to take Case R-02-2025 from the table; Mr. Howard seconded the motion.

Mr. Stapleton opened the Public Hearing for Case R-02-2025.

Clerk of Council Karen Powell administered an Oath to all present who would be speaking at the meeting.

Mr. Sorice provided a review of the Zoning District Change request. He stated Mr. Omar Shaker requested a Zoning District Change for 3305 Main Street, Lot No. 2152. He noted the current zoning for the property is R-2, single-family residential. He said the building was constructed in 1945 prior to Moraine becoming a City. He said the building has always been a commercial use which has been grandfathered in throughout the years. He said the property has been vacant for approximately seven years. He stated the applicant is looking to use the building for tobacco sales, and the only use group for that in the Zoning Code is B-2. Mr. Sorice noted the property had been a vape store previously. He reported that due to the Zoning Code, when a business is vacant for two years or longer, the land use has to be brought up to code.

RECORD OF PROCEEDINGS

Minutes of Planning Commission

Held September 2, 2025

Mr. Omar Shaker said the property has a very small building which is not meant to be residential. He stated when he and the other investors purchased the property, they were unaware of the two-year rule and that is why he is before the Planning Commission.

Hearing no public comments, Mr. Stapleton closed the Public Hearing.

Mr. Stapleton clarified with Mr. Sorice that if the business had been closed less than two years, the building could still be used for commercial use or mercantile.

Mr. Noel asked if the Zoning District Change to B-2 becomes permanent?

Mr. Sorice replied yes. He said someone could apply for a Zoning District Change in the future. Mr. Sorice noted that regardless of the outcome, this case will require a Public Hearing before Council, and Council can overturn the Commission's decision with a majority vote.

Mr. Stapleton asked how the commission can tell someone who wants to start a business that they cannot start a business when the last thing in the property was a smoke shop?

Mr. Noel asked if the expectation is that other businesses will have to update as well?

Mr. Stapleton replied yes if the businesses sit empty for more than two years.

Mr. Sorice stated a correction has been made to the Zoning Map. He reported the Family Market property is Zoned B-1 but is shown as R-2 on the map.

Mr. Noel moved to approve the Zoning District Change from R-2 to B-2; Mr. Howard seconded the motion.

RESULT: Passed (*Yes 3, No 0, Abstained 0*)
MOVER: Stephen Noel
AYES: Caleb Stapleton, Kevin Howard, Stephen Noel
NAYS: None
ABSTAIN: None

Other Business - None

Adjournment

Meeting adjourned at 6:10 PM.



Technical Review Committee

Michael Davis, City Manager
Nick Sorice, City Planner
Doug Hatcher, Fire Inspector
Lauren Alvarado, City Engineer
Brent Carpenter, Building & Zoning Administrator
Beth Waters, Community Development Secretary

Planning Commission

Staff Report

R-04-2025

A Moraine Resident, Jeffrey Hamilton, requests for the property that he resides at, 6869 Germantown Pike, encompassing 4.6293 acres, for a Zoning District Change of R-2 (Single-Family Zoning District) to B-1 (Neighborhood Business District).

As shown on the Moraine Zoning Map, the boundaries of land requested are shown, along with local zoning districts. At 6869 Germantown Pike, there is currently a single-family dwelling of 1,960 sq. ft. and an auxiliary pole barn building that consists of 2,480 sq. ft. per County Records. On the Zoning Map, there are B-1 districts to the south-east of Germantown Pike, as well as additional B-1 districts on S. Union Road which is where Ellerton Cemetery and the 2 church properties currently are located at. Looking at the Comprehensive Plan for Future Land Use at that parcel, it indicates it as a Single Family Detached Dwelling or an R-2 District, as shown in your packets. Any letter(s) that The Community Development Department has received up to the start of this meeting, will be read. After reading the letters, I would like for the applicant, Jeffrey Hamilton, to come up and speak regarding his reasoning for the Zoning District Change.

Thank you,

Nick Sorice
City Planner

City of Moraine Planning Commission

Application for Zoning District Change

Revised 1/2006

Reviewed by Nick Sorice 08/18/2025 *Nick Sorice*

Office Use (This Section only)

Date Received: 08/18/2025 Application No.: R-04-2025 Fee: \$200.00 **PAID 08-21-25**
RCPT # 7051

Proposed Zoning District: B-1 PUD Application? N/A PUD Spec. Site Plan? N/A

Location Information - General

City Lot Number(s): J44228227 0004

Total Area: 5 acres Subdivision: N/A

Street: Germantown Pike Sect: 27 Town: 3 Range: 5

Applicant(s) - Please include additional owners or applicants on back of application

Owner: JEFFREY DAVID HAMILTON

Address: 6869 Germantown Pike 45342 Phone: 937-371-2540

Developer (if other): N/A

Address: N/A Phone: N/A

Zoning Data

Present Use: Residential and agriculture

Present Zoning Dist.: R-2 Proposed Zoning Change: B1

Proposed Use(s): Business - Retail

Supporting Information

Your Application must include the following information. This information should be provided as an attachment to this application at the time of its filing. Failure to provide such information may delay the processing of your application.

- Vicinity Map, showing property lines, streets, existing and proposed zoning
- List of owners for all property within 200 feet of any property included in this application. This includes properties immediately contiguous, across any streets, or properties that are non-adjacent but within the 200 foot radius.
- If applying for PUD approval, include all materials and information required by MCO Chapters 1155.05(c) and/or 1155.06(d), as applicable.

Jeffrey D. Hamilton 8/18/25
Applicant Signature Date

www.ci.moraine.oh.us

Telephone 937.535.1000

Fax 937.535.1284

Nick Sorice



**R-04-2025
LEGAL NOTICE**

An application for a Zoning District Change in accordance with Moraine Codified Ordinances (MCO) Chapter 1127 was submitted through the Community Development Department.

A Planning Commission Meeting for a Zoning District Change will be held on Tuesday, September 16, 2025 at 6 p.m.

The agenda for this Zoning District Change is a request submitted by Jeffrey Hamilton for the premises located at 6869 Germantown Pike. 6869 Germantown Pike is City Lot Number 5257.

This is a request for a Zoning District Change from R-2 (Single-Family Residential District) to B-1 (Neighborhood Business District).

Any person interested in or affected by this public hearing may appear and be heard at said public meeting. The meeting convenes at 6 p.m. at the Payne Recreation Center: 3800 Main St. Moraine, OH 45439.

Additional information regarding this proposal may be obtained by visiting the Community Development Department or by contacting Nick Sorice, City Planner, at 937-535-1037.

Nick Sorice



**PLANNING COMMISSION R-04-2025
LEGAL NOTICE**

Dear Property Owner,

As a property owner located within 200 feet of a property whose representative is requesting a Zoning District Change in accordance with Moraine Codified Ordinances (MCO) Chapter 1127, the City is notifying you of a public hearing where the case will be heard. You are invited to attend or send someone as your representative. Below is the description of the case and the time and location of the public hearing.

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The agenda for this Zoning District Change is a request submitted by Jeffrey Hamilton for the premises located at 6869 Germantown Pike. 6869 Germantown Pike is City Lot Number 5257.

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Any person interested in or affected by this public hearing may appear and be heard at said public meeting. The meeting convenes at 6 p.m. at the Payne Recreation Center: 3800 Main St. Moraine, OH 45439.

Additional information regarding this proposal may be obtained by visiting the Community Development Department or by contacting Nick Sorice, City Planner, at 937-535-1037. Contact can be made as well by email at: nsorice@moraineoh.org

Nick Sorice
City Planner
City of Moraine

Residents who were mailed within the 200' radius of 6869 Germantown Pike

Mailed letters were submitted on 09/02/2025 *Mike Soni*

HAMILTON JEFFREY
6869 GERMANTOWN PIKE
MIAMISBURG OH 45342

ARNOLD GREGORY G
28 HOME AVE
DAYTON OH 45449

GARRISON ORPHEUS L JR
5571 SHEPHARD RD
MIAMISBURG OH 45342

BOEHRINGER JONATHON K AND RYAN K
4417 S UNION RD
MIAMISBURG OH 45342

ISBILL JEFFREY P
4463 S UNION RD
MORAINE OH 45342

BRETT SCOTT
1318 E DOROTHY LN
KETTERING OH 45419

MONCADA AUTUMN B
4423 S UNION RD
DAYTON OH 45439

MCGUIRE CONNERY R
4464 S UNION RD
MIAMISBURG OH 45342

GETTER MARY L S
6891 GERMANTOWN PKWY
MIAMISBURG OH 45342

RUSSELL ARNOLD
4449 S UNION RD
MIAMISBURG OH 45342

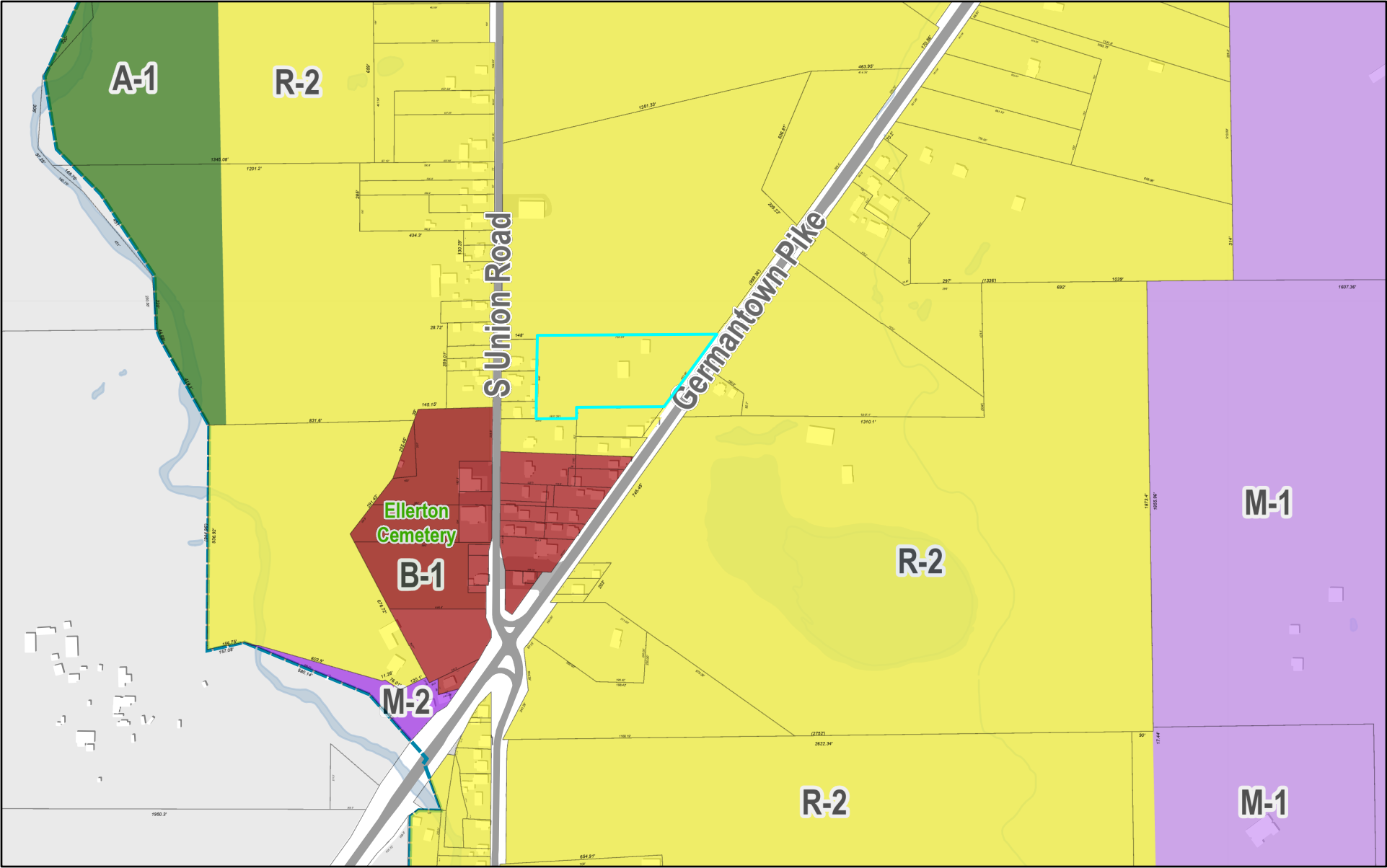
WALKUP-KING KATHY D AND ARTHUR L KING
4488 S UNION RD
MIAMISBURG OH 45342

MORTER CAROL C
820 PEACH LEAF DR
DAYTON OH 45458

BYRNE MIKE AND ERNESTINE
4510 UNION RD S
MIAMISBURG OH 45342

BERRY LAURA J
4544 S UNION RD
MIAMISBURG OH 45342

City of Moraine



8/21/2025, 9:51:26 AM

3

Parks-3

Parcels

A-1

R-2

Agricultural District

Single Family Residential

B-1

M-1

M-2

Neighborhood Business

Light Industrial

General Industrial

00.050.10.2

00.070.150.3

mi

km

City of Kettering, Montgomery County, Ohio, City of Kettering GIS

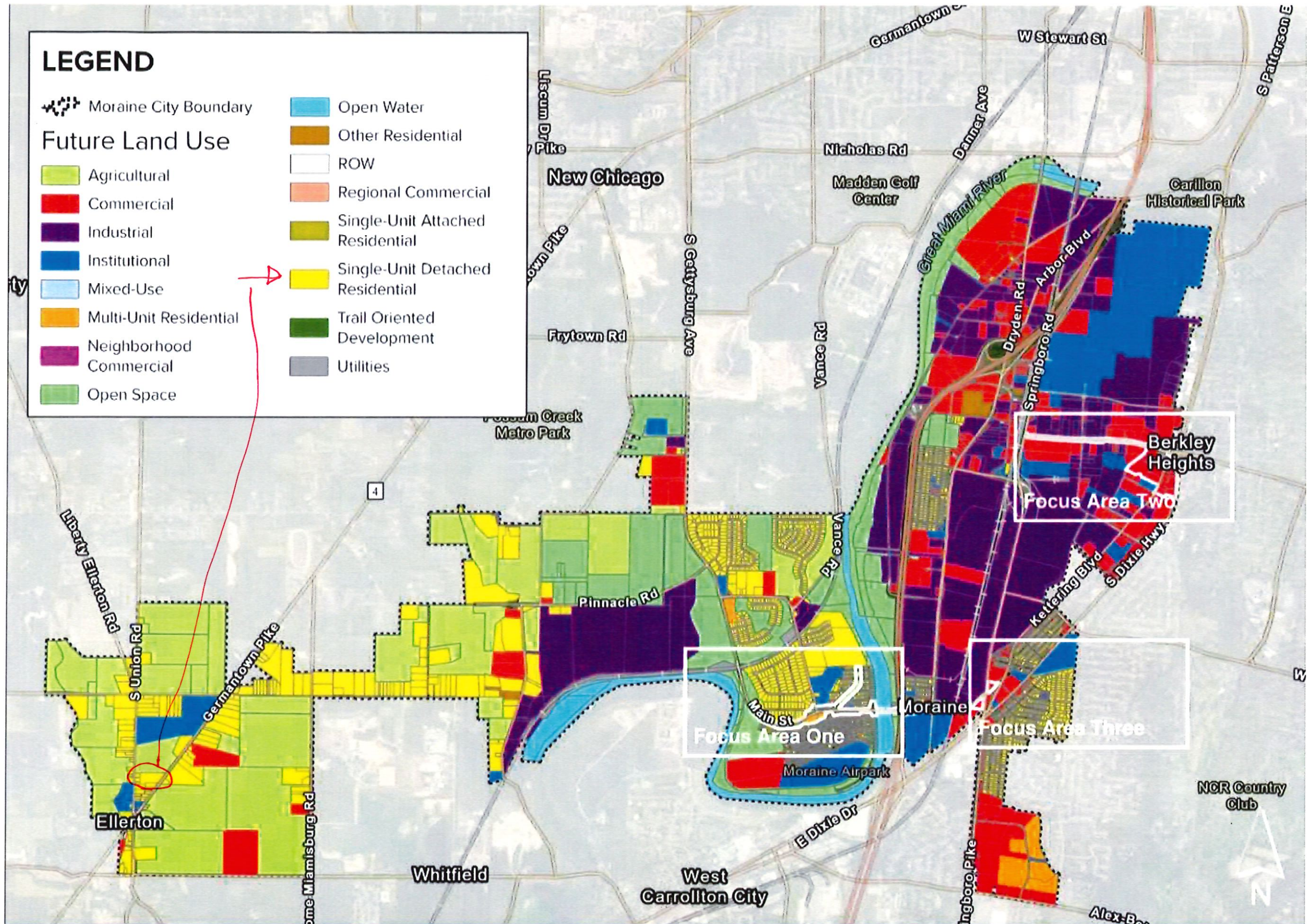
LEGEND

 Moraine City Boundary

Future Land Use

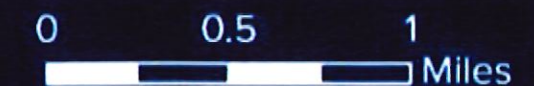
-  Agricultural
-  Commercial
-  Industrial
-  Institutional
-  Mixed-Use
-  Multi-Unit Residential
-  Neighborhood Commercial
-  Open Space

-  Open Water
-  Other Residential
-  ROW
-  Regional Commercial
-  Single-Unit Attached Residential
-  Single-Unit Detached Residential
-  Trail Oriented Development
-  Utilities



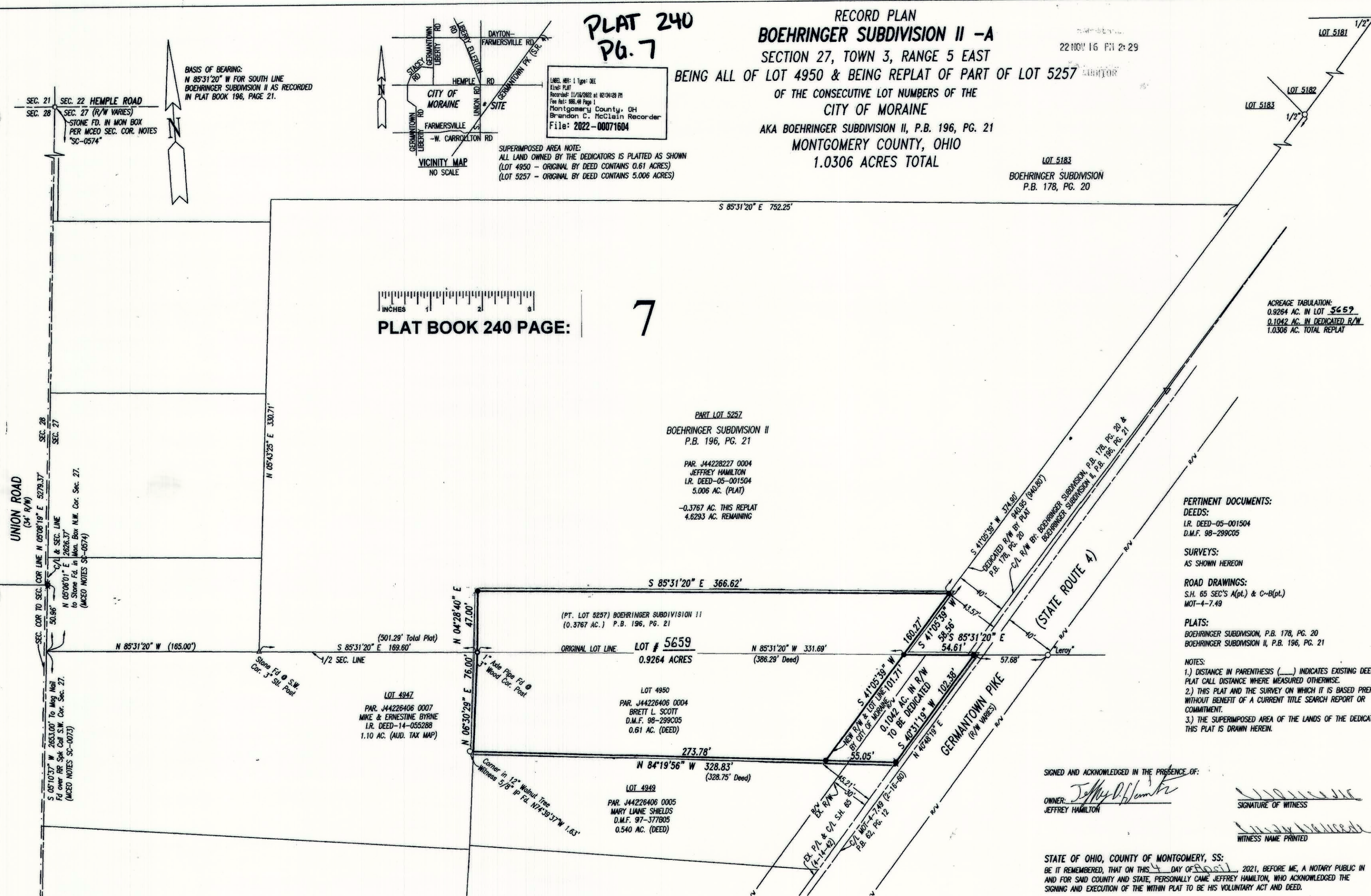
FUTURE LAND USE MAP

City of Moraine Comprehensive Plan



6869 Germantown Pike





MONUMENTATION LEGEND		
SYMBOL	DESCRIPTION	ABBREVIATION
○	IRON PIN FOUND	IP FD
○	IRON PIPE FOUND	IP FD
○	R.R. SPIKE FOUND	RR SPK FD
○	CROSS FOUND	X FD
○	STONE FOUND	STN FD
○	MAG OR PK NAIL FOUND	MAG OR PK FD
○	MONUMENT FOUND	MON FD
○	IRON PIN & CAP SET	IP & CAP SET
○	R.R. SPIKE SET	RR SPK SET
○	CROSS SET	X SET
○	MAG NAIL SET	MAG SET
○	MON SET	MON SET
○	3/4" IP SET W/2" CAP	IP & CAP SET

NOTE: ALL FOUND IRON PINS ARE TO BE REBAR IN GOOD CONDITION UNLESS NOTED.

NOTE: ALL FOUND IRON PIPES ARE 3/4" I.D. IN GOOD CONDITION UNLESS NOTED.

NOTE: ALL SET IRON PINS ARE TO BE REBAR WITH A PLASTIC CAP STAMPED 'LGR' & ASSOC. ENGLEWOOD, OH UNLESS NOTED.

ABBREVIATIONS:
C/L - CENTERLINE
P/L - PROPERTY LINE
R/W - RIGHT-OF-WAY
MCO - MONTGOMERY COUNTY ENGINEER'S OFFICE

PLAT 240
Pg. 7

RECORD PLAN
BOEHRINGER SUBDIVISION II -A
SECTION 27, TOWN 3, RANGE 5 EAST
BEING ALL OF LOT 4950 & BEING REPLAT OF PART OF LOT 5257
OF THE CONSECUTIVE LOT NUMBERS OF THE
CITY OF MORAIN
AKA BOEHRINGER SUBDIVISION II, P.B. 196, PG. 21
MONTGOMERY COUNTY, OHIO
1.0306 ACRES TOTAL

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MORAIN, OHIO
ON THIS DAY 12th OF OCTOBER, 2021.
[Signature]
COMMISSION CHAIRMAN

APPROVED FOR DESCRIPTION
[Signature] 5-2-22
MONTGOMERY COUNTY, ENGINEER DATE
CHECKED BY: SKS
2021 - 0204
FILE NUMBER

APPROVED BY THE ENGINEERING DEPARTMENT OF THE CITY OF MORAIN, OHIO
ON THIS DAY 25 OF OCTOBER, 2021.
[Signature]
CITY ENGINEER

DESCRIPTION:
THE WITHIN PLAT IS A SUBDIVISION OF 1.0306 ACRES, BEING ALL OF LOT 4950 AND PART OF LOT 5257 OF THE CONSECUTIVE LOT NUMBERS OF THE CITY OF MORAIN, OHIO, AKA BOEHRINGER SUBDIVISION II RECORDED IN P.B. 196 PG. 21, COMPRISING ALL OF THE LAND CONVEYED TO BRETT L. SCOTT BY DEED RECORDED IN D.M.F. 98-299005 AND BEING 0.3767 TAKEN OUT OF SAID LOT 5257 CONVEYED TO JEFFREY HAMILTON BY DEED RECORDED IN L.R. DEED-05-001504 ALL IN THE DEED RECORDS OF MONTGOMERY COUNTY, OHIO.

THE AREA OF THIS SUBDIVISION IS COMPRISED OF 0.9264 ACRES IN LOT (1) AND 0.1042 ACRES IN DEDICATED RIGHT-OF-WAY.

CERTIFICATION:
I HEREBY CERTIFY THAT THE BOUNDARY SURVEY OF THIS SUBDIVISION WAS PREPARED IN ACCORDANCE WITH OHIO ADMINISTRATIVE CODE CHAPTER 4733-37 AND CONFORMS TO OHIO REVISED CODE CHAPTER 711. ALL MONUMENTATION IS OR WILL BE SET AS SHOWN.

LUIS G. RIANCHO AND ASSOCIATES, INC.
140 WEST WENGER ROAD
ENGLEWOOD, OHIO 45322-2727
(937) 836-1585
[Signature] DATE: 12/13/2021
LUIS G. RIANCHO REGISTERED SURVEYOR
STATE OF OHIO #5287

DEDICATION:
WE, THE UNDERSIGNED, BEING ALL THE OWNERS AND LIENHOLDERS OF THE LAND BEING SUBDIVIDED DO HEREBY ACKNOWLEDGE THE MAKING AND SIGNING OF THIS PLAT TO BE OUR VOLUNTARY ACT AND DEED AND DO HEREBY DEDICATE 0.0800 ACRES AS PUBLIC RIGHT-OF-WAY AND RESERVE THE EASEMENTS AS SHOWN WITHIN THE PLAT TO THE PUBLIC USE FOREVER.

EASEMENTS SHOWN WITHIN THE PLAT ARE FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT OR REMOVAL OF WATER, SEWER, GAS, ELECTRIC, TELEPHONE OR OTHER UTILITY LINES OR SERVICES AND FOR THE EXPRESS PRIVILEGES OF REMOVING ANY AND ALL TREES OR OTHER OBSTRUCTIONS TO THE FREE USE OF SAID UTILITIES, AND FOR PROVIDING INGRESS TO AND EGRESS FROM THE PREMISES FOR SAID PURPOSES, AND ARE TO BE MAINTAINED AS SUCH FOREVER.

SIGNED AND ACKNOWLEDGED IN THE PRESENCE OF:
OWNER: *[Signature]* CYNTHIA L. NAUCEER
BRETT L. SCOTT
My Commission Expires Dec. 2, 2023
STATE OF OHIO
NOTARY PUBLIC
WITNESS NAME PRINTED: *[Signature]*

STATE OF OHIO, COUNTY OF MONTGOMERY, SS:
BE IT REMEMBERED, THAT ON THIS 12th DAY OF OCTOBER, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY CAME BRETT L. SCOTT, WHO ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE WITHIN PLAT TO BE HIS VOLUNTARY ACT AND DEED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL ON THE DAY AND DATE ABOVE WRITTEN.
NOTARY PUBLIC IN AND FOR STATE OF OHIO
MY COMMISSION EXPIRES:

OWNER'S STATEMENT:
DATE: 12-13-2021
STATE OF OHIO, COUNTY OF MONTGOMERY, S.S.
BRETT L. SCOTT, BEING DULY SWORN, SAYS THAT ALL PERSONS AND CORPORATIONS, TO THE BEST OF THEIR KNOWLEDGE, INTERESTED IN THIS DEDICATION, EITHER AS OWNERS OR LIENHOLDERS, HAVE UNITED IN ITS EXECUTION.
[Signature]
BRETT L. SCOTT

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL ON THE DAY AND DATE ABOVE WRITTEN.
NOTARY PUBLIC IN AND FOR STATE OF OHIO
MY COMMISSION EXPIRES:

PROTECTIVE COVENANTS AND RESTRICTIONS:
1. LOT SHALL COMPLY WITH THE CITY OF MORAIN ZONING REGULATIONS.

CLIENT: BRETT SCOTT
DATE OF SURVEY: JUNE 2021
PREPARED BY: **LGR**
LUIS G. RIANCHO & ASSOCIATES, INC.
SURVEYING
JOB # 21024
DRAWING: 21024RP.DWG
JUNE 2021
PLOT DATE: 10-12-2021
GRAPHIC SCALE
SCALE 1"=40'
TEL 937 836-1585
FAX 937 836-9974
LGR@RIANCHOWH.COM
140 WEST WENGER ROAD
ENGLEWOOD, OHIO 45322-2727

CHAPTER 1137

R-2 Single-Family Residence District

1137.01 Purpose.

1137.02 Uses.

1137.03 Site development regulations; permitted uses only.

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1115

Accessory buildings and uses - see P. & Z. 1181.01, 1181.04

Supplemental regulations - see P. & Z. Ch. 1185

1137.01 PURPOSE.

The R-2 Single-Family Residence District is provided to accommodate single family residential development of a moderately low density character within areas of similar development and within areas of similar physical character generally located within the peripheral areas of the City. (Ord. 1203-97. Passed 7-10-97.)

1137.02 USES.

(a) Permitted Uses.

- (1) Single-family dwellings;
- (2) Nursery schools and child care centers are permitted accessory uses when located not less than twenty (20) feet from any other lot in any R District; provided there is established and maintained in connection therewith, a completely fenced and screened play lot; and
- (3) All permitted and accessory uses as provided within the A-1 District, but not including animal and poultry husbandry on any lands used or platted for residential purposes. Regulations governing accessory facilities and uses are specified in Chapter 1181.

(b) Special Uses. The following special uses are subject to review and regulation in accordance with Chapter 1117.

- (1) Micro Antenna or wireless communication antenna attached to a pole located in the right-of-way provided the antenna does not exceed more than twenty feet above the highest point of the separate antenna structure and the transmission and receiving equipment is limited to five cubic feet and located in an underground vault and positioned parallel to the road, and is situated on the non-road way side of the pole. Also provided that said facilities meet all standards as set in Chapter 1117 for "Telecommunications: Commercial Mobile Radio, Television and Radio Service Facilities". (Ord. 1203-97. Passed 7-10-97.)
- (2) Cemeteries. (Ord. 1802-11. Passed 5-26-11.)

1137.03 SITE DEVELOPMENT REGULATIONS; PERMITTED USES ONLY.

(a) Lot Requirements.

- (1) Minimum lot area
 - A. 1 and 1 1/2 stories 7,500 square feet
 - B. 2 and 2 1/2 stories 7,500 square feet
- (2) Minimum lot area per family
 - A. 1 and 1 1/2 stories 7,500 square feet
 - B. 2 and 2 1/2 stories 7,500 square feet
- (3) Minimum lot frontage
 - A. 1 and 1 1/2 stories 60 feet
 - B. 2 and 2 1/2 stories 60 feet

(b) Yard Requirements.

- (1) Minimum front yard depth
 - A. 1 and 1 1/2 stories 25 feet*
 - B. 2 and 2 1/2 stories 25 feet*
- (2) Minimum rear yard depth
 - A. 1 and 1 1/2 stories 40 feet
 - B. 2 and 2 1/2 stories 40 feet
- (3) Minimum side yard least width
 - A. 1 and 1 1/2 stories 8 feet
 - B. 2 and 2 1/2 stories 10 feet
- (4) Minimum side yard sum of least width
 - A. 1 and 1 1/2 stories 20 feet
 - B. 2 and 2 1/2 stories 25 feet

(Ord. 1203-97. Passed 7-10-97; Ord. 1587-05. Passed 7-14-05.)

(c) Structural Requirements.

- (1) Maximum building height 30 feet
- (2) Maximum 2 1/2 story structure

(d) Parking Requirements.

- (1) See Chapter 1187 for off-street parking and loading space requirements.

(e) Signs.

- (1) See Chapter 1189 for size and location of permitted signs.

*The front yard depth shall be measured from the established right-of-way lines as shown on the Official Thoroughfare Plan. (Ord. 1203-97. Passed 7-10-97.)

CHAPTER 1141

R-2A Single-Family Residence District

1141.01 Purpose.

1141.02 Uses.

1141.03 Site development regulations; permitted uses only.

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1115

Accessory buildings and uses - see P. & Z. 1181.01, 1181.04

Supplemental regulations - see P. & Z. Ch. 1185

1141.01 PURPOSE.

The R-2A Single-Family Residence District is provided to accommodate single family residential development at a somewhat higher density than the R-2 District, generally within the expansion areas of the City as well as within areas of similar residential character. (Ord. 1203-97. Passed 7-10-97.)

1141.02 USES.

(a) Permitted Uses.

- (1) All permitted and accessory uses as permitted within the R-2 District. Regulations governing accessory facilities and uses are specified in Chapter 1181.

(b) Special Uses. The following special uses are subject to review and regulation in accordance with Chapter 1117.

- (1) All special uses as provided within the R-2 District.
- (2) Micro Antenna or wireless communication antenna attached to a pole located in the right-of-way provided the antenna does not exceed more than twenty feet above the highest point of the separate antenna structure and the transmission and receiving equipment is limited to five cubic feet and located in an underground vault and positioned parallel to the road, and is situated on the non-road way side of the pole. Also provided that said facilities meet all standards as set in Chapter 1117 for "Telecommunications: Commercial Mobile Radio, Television and Radio Service Facilities". (Ord. 1203-97. Passed 7-10-97.)

1141.03 SITE DEVELOPMENT REGULATIONS; PERMITTED USES ONLY.

(a) Lot Requirements.

(1) Minimum lot area

- A. 1 and 1 1/2 stories 7,000 square feet
- B. 2 and 2 1/2 stories 7,000 square feet

(2) Minimum lot area per family

- A. 1 and 1 1/2 stories 7,000 square feet
- B. 2 and 2 1/2 stories 7,000 square feet

(3) Minimum lot frontage

- A. 1 and 1 1/2 stories 60 feet
- B. 2 and 2 1/2 stories 60 feet

(b) Yard Requirements.

(1) Minimum front yard depth

- A. 1 and 1 1/2 stories 25 feet*
- B. 2 and 2 1/2 stories 25 feet*

(2) Minimum rear yard depth

- A. 1 and 1 1/2 stories 40 feet
- B. 2 and 2 1/2 stories 40 feet

(3) Minimum side yard least width

- A. 1 and 1 1/2 stories 7 feet
- B. 2 and 2 1/2 stories 8 feet

(4) Minimum side yard sum of least width

- A. 1 and 1 1/2 stories 16 feet
- B. 2 and 2 1/2 stories 18 feet

(c) Structural Requirements.

- (1) Maximum building height 35 feet
- (2) Maximum 2 1/2 story structure

(d) Parking and Loading Requirements.

- (1) See Chapter 1187 for off-street parking and loading space requirements.

(e) Signs.

- (1) See Chapter 1189 for size and location of permitted signs.

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

(Ord. 1203-97. Passed 7-10-97.)

CHAPTER 1143

R-3 One and Two Family Residence District

1143.01 Purpose.

1143.02 Uses.

1143.03 Site development regulations; permitted uses only.

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1115

Accessory buildings and uses - see P. & Z. 1181.01, 1181.04

Supplemental regulations - see P. & Z. Ch. 1185

1143.01 PURPOSE.

The R-3 One and Two Family Residence District is provided to accommodate single family development at a relatively high density, reflecting the present density of the majority of single family development within the City. These Districts would be located within the intermediate and originally developed neighborhoods of the City.

Provision is also made within this District for the construction of two (2) family units. (Ord. 1203-97. Passed 7-10-97.)

1143.02 USES.

(a) Permitted Uses.

- (1) One and two-family dwellings;
- (2) Alterations and conversions into two-family dwellings in accordance with the lot area, frontage and yard requirements, as required in Chapter 1143 to 1171; and (Ord. 1203-97. Passed 7-10-97.)
- (3) All permitted and accessory uses as provided within the R-2A District, but not including commercial kennels. Regulations governing accessory facilities and uses are specified in Chapter 1181.
(Ord. 1790-11. Passed 1-27-11.)

(b) Special Uses. The following special uses are subject to review and regulation in accordance with Chapter 1117.

- (1) Micro Antenna or wireless communication antenna attached to a pole located in the right-of-way provided the antenna does not exceed more than twenty feet above the highest point of the separate antenna structure and the transmission and receiving equipment is limited to five cubic feet and located in an underground vault and positioned parallel to the road, and is situated on the non-road way side of the pole. Also provided that said facilities meet all standards as set in Chapter 1117 for "Telecommunications: Commercial Mobile Radio, Television and Radio Service Facilities". (Ord. 1203-97. Passed 7-10-97.)

1143.03 SITE DEVELOPMENT REGULATIONS; PERMITTED USES ONLY.

(a) Lot Requirements.

(1) Minimum lot area

- A. One-Family
 1. 1 and 1 1/2 stories 6,000 square feet
 2. 2 and 2 1/2 stories 6,000 square feet
- B. Two-Family
 1. 1 and 1 1/2 stories 8,000 square feet
 2. 2 and 2 1/2 stories 8,000 square feet

(2) Minimum lot area per family

- A. One-Family
 1. 1 and 1 1/2 stories 6,000 square feet
 2. 2 and 2 1/2 stories 6,000 square feet
- B. Two-Family
 1. 1 and 1 1/2 stories 4,000 square feet
 2. 2 and 2 1/2 stories 4,000 square feet

(3) Minimum lot frontage

- A. One-Family
 1. 1 and 1 1/2 stories 50 feet
 2. 2 and 2 1/2 stories 50 feet
- B. Two-Family
 1. 1 and 1 1/2 stories 65 feet
 2. 2 and 2 1/2 stories 65 feet

(b) Yard Requirements.

(1) Minimum front yard depth

A. One-Family

1. 1 and 1 1/2 stories 25 feet*
2. 2 and 2 1/2 stories 25 feet*

B. Two-Family

1. 1 and 1 1/2 stories 25 feet*
2. 2 and 2 1/2 stories 25 feet*

(2) Minimum rear yard depth

A. One-Family

1. 1 and 1 1/2 stories 35 feet
2. 2 and 2 1/2 stories 35 feet

B. Two-Family

1. 1 and 1 1/2 stories 35 feet
2. 2 and 2 1/2 stories 40 feet

(3) Minimum side yard least width

A. One-Family

1. 1 and 1 1/2 stories 7 feet
2. 2 and 2 1/2 stories 8 feet

B. Two-Family

1. 1 and 1 1/2 stories 8 feet
2. 2 and 2 1/2 stories 10 feet

(4) Minimum side yard sum of least widths

A. One-Family

1. 1 and 1 1/2 stories 16 feet
2. 2 and 2 1/2 stories 18 feet

B. Two-Family

1. 1 and 1 1/2 stories 18 feet
2. 2 and 2 1/2 stories 22 feet

(c) Structural Requirements.

- (1) Maximum building height 30 feet
- (2) Maximum 2 1/2 story structure

(d) Parking Requirements.

- (1) See Chapter 1187 for off-street parking and loading requirements.

(e) Signs.

- (1) See Chapter 1189 for size and location of permitted signs.

*The front yard depth shall be measured from the established right-of-way lines as shown on the official Thoroughfare Plan.

(Ord. 1203-97. Passed 7-10-97.)

CHAPTER 1145

R-4 Multi-Family Residence District

1145.01 Purpose.

1145.02 Uses.

1145.03 Site development regulations; permitted uses only.

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1115

Accessory buildings and uses - see P. & Z. 1181.01, 1181.04

Supplemental regulations - see P. & Z. Ch. 1185

1145.01 PURPOSE.

The R-4 Multi-Family Residence District is intended to accommodate both new and existing conventional multi-family housing as well as selected types of higher density housing types at a "suburban apartment density" similar to most of the City's existing multi-family development. This District reflects most developed multi-family areas as well as areas which could serve a transitional function between single family neighborhoods and commercial areas. Certain areas located in proximity to larger open space areas would be suitable for this zoning classification as well. (Ord. 1203-97. Passed 7-10-97.)

1145.02 USES.

(a) Permitted Uses.

- (1) Multiple-family dwellings;
- (2) Boarding and lodging houses;
- (3) Hospitals and clinics for human care; and
- (4) All permitted and accessory uses as provided within the R-3 District; other accessory uses not otherwise prohibited, customarily incidental to any permitted principal use; storage garages, where the lot is occupied by a multiple-dwelling, hospital or institutional building.

(b) Special Uses. The following special uses are subject to review and regulation in accordance with Chapter 1117:

- (1) All special uses as provided within the R-3 District.
- (2) Micro Antenna or wireless communication antenna attached to a pole located in the right-of-way provided the antenna does not exceed more than twenty feet above the highest point of the separate antenna structure and the transmission and receiving equipment is limited to five cubic feet and located in an underground vault and positioned parallel to the road, and is situated on the non-road way side of the pole. Also provided that said facilities meet all standards as set in Chapter 1117 for "Telecommunications: Commercial Mobile Radio, Television and Radio Service Facilities".
- (3) Condominiums. (Ord. 1203-97. Passed 7-10-97.)

1145.03 SITE DEVELOPMENT REGULATIONS; PERMITTED USES ONLY.

(a) Lot Requirements.

(1) Minimum lot area.

A. One-family dwellings

1. 1 and 1 1/2 stories 6,000 square feet
2. 2 and 2 1/2 stories 6,000 square feet

B. Two-family dwellings

1. 1 and 1 1/2 stories 6,500 square feet
2. 2 and 2 1/2 stories 6,500 square feet

C. Multi-family and Other Permitted Uses

1. 1 and 1 1/2 stories 10,000 square feet
2. 2 and 2 1/2 stories 10,000 square feet
3. 3 stories 10,000 square feet

(2) Minimum lot area per family.

A. One-family dwelling

1. 1 and 1 1/2 stories 6,000 square feet
2. 2 and 2 1/2 stories 6,000 square feet

B. Two-family dwelling

1. 1 and 1 1/2 stories 3,250 square feet
2. 2 and 2 1/2 stories 3,250 square feet

C. Multi-family and other permitted uses

1. 1 and 1 1/2 stories 2,500 square feet
2. 2 and 2 1/2 stories 2,500 square feet
3. 3 stories 2,500 square feet

(3) Minimum lot frontage.

A. One-family dwelling

1. 1 and 1 1/2 stories 50 feet
2. 2 and 2 1/2 stories 50 feet

B. Two-family dwelling

1. 1 and 1 1/2 stories 55 feet
2. 2 and 2 1/2 stories 55 feet

C. Multi-family and other permitted uses

1. 1 and 1 1/2 stories 75 feet
2. 2 and 2 1/2 stories 75 feet
3. 3 stories 80 feet

(b) Yard Requirements.

(1) Minimum front yard depth.

- A. One-family dwelling
 - 1. 1 and 1 1/2 stories 25 feet*
 - 2. 2 and 2 1/2 stories 25 feet*
- B. Two-family dwelling
 - 1. 1 and 1 1/2 stories 25 feet*
 - 2. 2 and 2 1/2 stories 25 feet*
- C. Multi-family and other permitted uses
 - 1. 1 and 1 1/2 stories 25 feet*
 - 2. 2 and 2 1/2 stories 25 feet*
 - 3. 3 stories 25 feet*

(2) Minimum rear yard depth.

- A. One-family dwelling
 - 1. 1 and 1 1/2 stories 35 feet
 - 2. 2 and 2 1/2 stories 35 feet
- B. Two-family dwelling
 - 1. 1 and 1 1/2 stories 35 feet
 - 2. 2 and 2 1/2 stories 35 feet
- C. Multi-family and other permitted uses
 - 1. 1 and 1 1/2 stories 40 feet
 - 2. 2 and 2 1/2 stories 40 feet
 - 3. 3 stories 50 feet

(3) Minimum side yard least width.

- A. One-family dwelling
 - 1. 1 and 1 1/2 stories 7 feet
 - 2. 2 and 2 1/2 stories 8 feet
- B. Two-family dwelling
 - 1. 1 and 1 1/2 stories 7 feet
 - 2. 2 and 2 1/2 stories 8 feet
- C. Multi-family and other permitted uses
 - 1. 1 and 1 1/2 stories 8 feet
 - 2. 2 and 2 1/2 stories 8 feet
 - 3. 3 stories 10 feet

(4) Minimum side yard sum of least widths.

- A. One-family dwelling
 - 1. 1 and 1 1/2 stories 16 feet
 - 2. 2 and 2 1/2 stories 18 feet
- B. Two-family dwelling
 - 1. 1 and 1 1/2 stories 16 feet
 - 2. 2 and 2 1/2 stories 18 feet
- C. Multi-family and other permitted uses
 - 1. 1 and 1 1/2 stories 18 feet
 - 2. 2 and 2 1/2 stories 20 feet
 - 3. 3 stories 25 feet

(c) Structural Requirements.

- (1) Maximum building height 40 feet

(d) Parking Requirements.

- (1) See Chapter 1187 for off-street parking requirements.

(e) Signs.

- (1) See Chapter 1189 for size and location of permitted signs.

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

(Ord. 1203-97. Passed 7-10-97.)

CHAPTER 1151

B-1 Neighborhood Business District

1151.01 Purpose.

1151.02 Uses.

1151.03 Site development regulations.

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1115

Accessory buildings and uses - see P. & Z. 1181.02, 1181.05

Supplemental regulations - see P. & Z. Ch. 1185

1151.01 PURPOSE.

The B-1 Neighborhood Business District is intended to provide for relatively small business and service establishments in suitable locations primarily to serve the daily staple needs of residents. (Ord. 1203-97. Passed 7-10-97.)

1151.02 USES.

(a) Permitted Uses.

- (1) Minor B-1 District which is entirely surrounded by R Districts and which district, including the streets, contains less than five acres.
 - A. Any use permitted and as regulated in the R-4 District;
 - B. Retail sales and services including any local convenience retail and for service uses including: grocery, fruit or vegetable store, meat market, drug store, shoe repair shop, hardware and paint stores, barber and beauty shops, dry cleaning and laundry pickup stations, laundromats;
 - C. Business and professional offices, supplying commodities or performing services primarily for residents of the neighborhood;
 - D. Restaurant, cafe, not including dancing or live entertainment;
 - E. Automobile service station, minor repair and storage garages; and
 - F. Commercial parking lots for passenger vehicles except as otherwise provided in the Zoning Code;
 - G. Accessory building incidental to the principal use. Regulations governing accessory facilities and uses are specified in Chapter 1181.
- (2) Major B-1 District. The following uses are allowed, provided no such use shall be permitted in a minor B-1 District.
 - A. Any local retail business or service establishment such as an electrical appliance shop, plumbing and heating shop, printing shop, furniture shop, interior decorating shop, and upholstery shop including automobile, boat and like upholstery;
 - B. Theaters, not including drive-ins;
 - C. Hotel; and
 - D. Garage for general automobile repair; but not including major body and fender work, overall painting and steam cleaning;
 - E. Accessory buildings incidental to the principal use. Regulations governing accessory facilities and uses are specified in Chapter 1181.

(b) Special Uses. The following special uses are subject to review in accordance with Chapter 1117.

- (1) Micro Antenna or wireless communication antenna attached to a pole located in the right-of-way provided the antenna does not exceed more than twenty feet above the highest point of the separate antenna structure and the transmission and receiving equipment is limited to five cubic feet and located in an underground vault and positioned parallel to the road, and is situated on the non-road way side of the pole. Also provided that said facilities meet all standards as set in Chapter 1117 for "Telecommunications: Commercial Mobile Radio, Television and Radio Service Facilities". (Ord. 1203-97. Passed 7-10-97.)

1151.03 SITE DEVELOPMENT REGULATIONS.

(a) Lot Requirements.

- (1) Minimum lot area 5,000 square feet
- (2) Minimum lot frontage 60 feet

(b) Yard Requirements.

(1) Minimum front yard depth.

- A. Dwellings: Same as permitted in R-4 District.
- B. Permitted Uses: 40 feet*

(2) Minimum rear yard depth.

- A. Dwellings: Same as permitted in R-4 District.
- B. Permitted Uses: 40 feet

(3) Minimum side Yard width.

- A. Dwellings: Same as permitted in R-4 District.
- B. Permitted Uses: None required except adjoining any R-District in which case, not less than 10 feet.

(c) Structural Requirements.

- (1) Maximum building height shall be forty (40) feet.
 - (d) Parking and Loading Requirements.
 - (1) See Chapter 1187 for off-street parking and loading requirements.
 - (e) Signs.
 - (1) See Chapter 1189 for size and location of permitted signs.
 - (f) Supplementary Regulations.
 - (1) All permitted businesses, services or processing shall be conducted wholly within a completely enclosed building except for the sale of automotive fuel, lubricants and fluids at service stations and except for off-street automobile parking and loading.
 - (2) Within a major B-1 District all principal permitted buildings shall be located at least fifty (50) feet from any lot in any R District.
 - (3) In any B-1 District fronting directly across the street from any R-2 or R-3 District, the parking and loading facilities shall be distant at least twenty- five (25) feet from the established right-of-way line, and the buildings or the structures at least seventy-five (75) feet from the established right of way.
 - (4) Goods shall consist primarily of new merchandise.
 - (5) Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water-carried waste.
 - (g) See Chapter 1185 for additional provisions for commercial facilities.
 - (h) Special uses shall comply with all pertinent development standards contained in Chapter 1117.
- *The front yard depth shall be measured from the established right-of-way line as shown on the Official Thoroughfare Plan.
- (Ord. 1203-97. Passed 7-10-97.)

Re: Meeting 9/16/25

From Laura Berry <kensee1986@att.net>

Date Tue 9/9/2025 1:26 PM

To Nicholas Sorice <Nsorice@moraineoh.org>

Route four is a dangerous road!

Route 4 and Union Road has the most accidents on this road ! Just in the past two months we have had four accidents there!

To try to change from a residential area to a business area would be the dumbest idea ever!

There have been multiple recent accidents on and near the intersection of Route 4 and Union Road, including

Three weeks ago One of the vehicles is a school transportation vehicle, with signage for Valley View Schools.

The Moraine Police Department reports a sedan traveling east on S. Union Road failed to yield at a stop sign, colliding with the school van as it traveled north on Germantown Pike.

Officials say four people were injured and transported to local hospitals. Two of those individuals were passengers in the school van, one of whom was a student. Just last weekend sept 6 there was three motorcycles involved in an accident right here at Union and route four.

This poses safety risks, especially for children, pedestrians, cyclists, and local wildlife.

Negative Impact on Property Values: Studies have shown that the introduction of stores into rural residential areas can lower nearby property values, making it harder for residents to protect their investment.

Erosion of Rural Character: The peaceful, low-density nature of our community would be disrupted by extended business hours, bright signage, and noise from deliveries and customers.

Precedent for Further Commercial Development: Rezoning for this project could open the door for additional commercial enterprises, fundamentally changing the identity and desirability of our neighborhood.

There are more appropriate commercially zoned areas within the city limits that could accommodate such a store without compromising the character and safety of a residential neighborhood. I urge you to protect our community by denying any rezoning requests or special use permits for this project.

Thank you Laura Berry

Sent from my iPhone

On Sep 9, 2025, at 9:09 AM, Nicholas Sorice <Nsorice@moraineoh.org> wrote:

Good morning Laura,