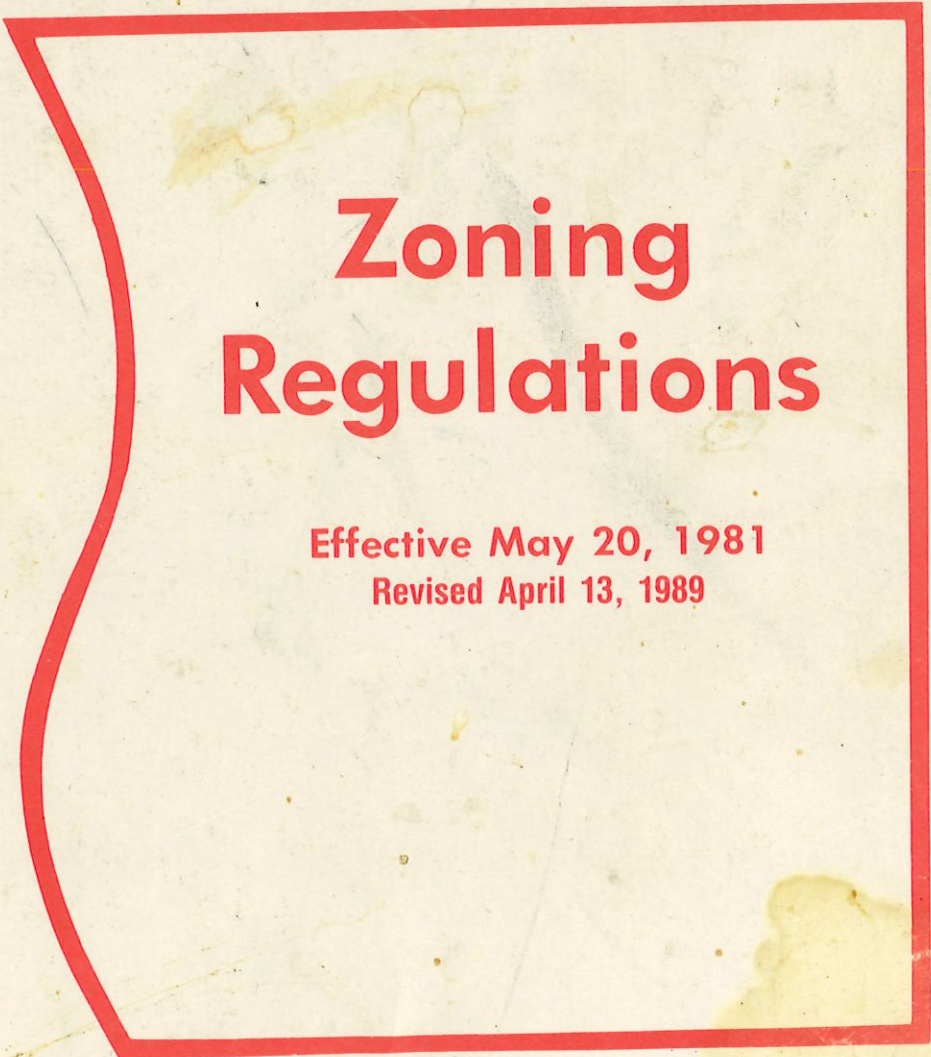


W. J. Sinsmore

Bethel Township-Miami County



Zoning Regulations

Effective May 20, 1981

Revised April 13, 1989



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ARTICLE 1

- 1.01 Be it resolved by the Bethel Township Board of Trustees of Miami County, Ohio that the following amendments and supplements to the Zoning Resolution of Miami County as adopted November, 1956 and thereafter amended, consisting of twenty-five articles and the official map be and the same are hereby adopted.

ARTICLE 2 INTENT AND PURPOSE

This Resolution is based on a Plan, the purpose of which is to lessen the congestion on public streets, to reduce undue hazards due to flooding, and to promote the public health, safety, and general welfare. This above mentioned Plan has been formulated with due consideration, among other things, to the character of each district of the County and its peculiar suitability for particular uses; to the conservation of property values; to the general trend and character of building and population development; to the advancement of social and economic stability; and to the adequate provision of public transportation, streets, highways, sewers, water mains, schools, recreational areas, and other public facilities. It is the further purpose of this Resolution to safeguard the public health, safety, and general welfare.

ARTICLE 3

CONSTRUCTION OF LANGUAGE AND DEFINITIONS

3.01 CONSTRUCTION OF LANGUAGE

For the purposes of this Resolution certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular; the word "shall" is mandatory and the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied", the word "building" includes the word "structure" and the word "dwelling" includes the word "residence"; and the word "lot" includes the words "plot" or "parcel". In case of any difference of meaning or implication between the text of this Resolution and any caption or illustration, the text shall control.

Terms not herein defined shall have the meaning customarily assigned to them.

3.02 DEFINITIONS

1. Accessory Use or Building: Is a use or building on the same lot with, and of a nature customarily incident and subordinate to, those of the main use or building.

2. Adult Entertainment Facility: A facility having a significant portion of its function as adult entertainment which includes the following listed categories:

A. Adult Book Store. An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined or an establishment with a segment or section devoted to the sale or display of such material.

B. Adult Mini Motion Picture Theater. A facility with a capacity for less than fifty (50) persons, used for presenting material distin-

guished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", for observation by patrons therein.

C. ADULT MOTION PICTURE THEATER. A facility with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", for observation by patrons therein.

D. ADULT ENTERTAINMENT BUSINESS. Any establishment involved in the sale or services or products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

E. SPECIFIED SEXUAL ACTIVITIES.

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio;
3. Fondling or other erotic touching of human genitals, pubic regions, buttock or female breasts.

F. SPECIFIED ANATOMICAL AREAS.

1. Less than completely and opaquely covered human genitals, pubic region, buttock and female breasts below a point immediately above the top of the areola;
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

3. Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage,

agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry. It shall not be a nonconforming use for any land owner with less than 5 acres to use said land to raise animals or crops either for consumption, recreation, or sale. Further, in compliance with the revised code of Ohio, Section 519.21, it confers no power on any Board of Township Trustees or Board of Zoning Appeals to prohibit the use of any land for agricultural purposes of the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located and no zoning certificate shall be required for any such building or structure.

4. Alley: Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

5. Alteration: Is any change, addition, or modification in construction or type of occupancy or any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

6. Apartment: A suite of rooms or a room in a multi-family building arranged and intended as a place of residence for a single family or for a group of individuals living together as a single housekeeping unit herein defined.

7. Apartment Hotel: A building designed for or containing both dwelling units and individual guest rooms or suites of rooms, which building may include accessory uses such as a cigar store, coffee shop, etc. when such uses are accessible only from the lobby.

8. Auto Service Station: Is a place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease (for the operation of motor vehicles) are retailed directly to the public on the premises; including the sale of minor accessories and the servicing of and minor repair of automobiles, not including storage of inoperable vehicles.

9. Auto Repair Station: Is a place where, along with the sale of engine fuels, the following services may be carried out: General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame,

or fender straightening and repair; and/or the over-all painting and under-coating of automobiles.

10. Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story except as provided in paragraph 90.

11. Billboard: A free standing advertising structure constructed on wood or steel supports. No billboard shall contain less than sixty-four (64) square feet of advertising-surface area, nor shall the surface area be less than four (4) feet from the ground.

12. Block: Is the property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream or between any of the foregoing and any other barrier to the continuity of development or corporate limits of a municipality.

13. Board of Appeals: Means the Board of Zoning Appeals of Bethel Township, Miami County, Ohio.

14. Boarding House (Rooming House): A building, other than a hotel, where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three or more persons but not exceeding ten sleeping rooms. A rooming house shall be deemed a boarding house for the purposes of this Resolution.

15. Building: Is any structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, chattel, or property of any kind.

16. Building Height: Is the vertical distance measured from the established grade to the highest point of the roof surface. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

17. Building Setback Line: Is a line formed by the face of the building and, for the purposes of this Resolution, a building setback line is the same as a

front setback line.

18. Carry-Out: A place of business where food and beverages are purchased for consumption on or off the premises.

19. Clinic: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or other licensed medical practitioners.

20. Club: Is a non-profit organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like.

21. Conditional Use: A conditional use is a use permitted only after review of an application by the Board of Appeals, such review being necessary because the provisions of this Resolution covering conditions, precedent or subsequent, are not precise enough to apply without interpretation, and such review is required by this Resolution.

A conditional use does not require "undue hardship" in order to be allowable. The conditional uses that are found in this Resolution appear as a "special approval" by the Board of Appeals. These land uses could not be logically allocated to one zone or another or the effects of such uses could not be definitely foreseen as of a given time.

22. Conditional Use Permit: This is a permit issued by the Board of Appeals to allow certain specific developments that would not otherwise be allowed in that particular zoning district where the land is located. These permits are issued only after the applicant has followed the procedures as stated in this Resolution. Development under a Conditional Use Permit differs from a zoning change in that it is much more specific. The applicant submits plans and if approved, he must follow those plans exactly or reapply for a permit before deviating from that plan.

23. Constructed: See Erected.

24. Convalescent or Nursing Home: An establishment which specializes in providing necessary services to those unable to care for themselves.

25. County Commission: Means the Board of County Commissioners of Miami County, Ohio.

26. District: Is a portion of the unincorporated

area of the County within which certain regulations and requirements or various combinations thereof apply under the provisions of this Resolution.

27. Drive-In: Is a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle or within a building or structure on the same premises and devoted to the same purpose as the drive-in service.

28. Dwelling Unit: Is a building or portion thereof, designed for occupancy by one (1) family for residential purposes and having or intended to have cooking facilities.

29. Dwelling, One-Family: Is a building designed exclusively for and occupied exclusively by one (1) family.

30. Dwelling, Two-Family: Is a building designed exclusively for occupancy by two (2) families living independently of each other.

31. Dwelling, Multiple-Family: Is a building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

32. Erected: Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the construction. Excavation, fill, drainage, and the like shall be considered a part of erection.

33. Essential Services: Is the erection, construction, alteration or maintenance by public utilities or units of government of underground, surface, or overhead gas, electrical, telephone, telegraph, steam, fuel or water transmission or distribution systems, collection, supply, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, including only governmental buildings which are necessary for the furnishing of adequate service for the general health, safety or welfare.

34. Excavation: Is any breaking of ground except tilling, common household gardening, and ground care.

35. Family: Is one or two persons or parents with

their direct lineal descendants and adopted children together with not more than two persons not so related or a group of not more than three persons who need not be related living together as a single housekeeping unit in a dwelling unit.

36. Farm: All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager, or tenant farmer by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of more than five (5) acres in area; provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, vineyards, orchards, chicken hatcheries, poultry farms, and apiaries. No farm shall be operated for the disposal of garbage, sewage or sewage by-product, rubbish, offal, or rendering plants.

37. Farm Market: A building located on a farm, which building is used by the owner-operator, or lessee-operator of such farm for the sale of (1) produce and plants raised on such farm, (2) produce and plants raised on other farms operated by such owner or lessee, and (3) produce and plants raised elsewhere but which produce and plants are offered for sale as a replacement of and to the extent of a crop shortage, due to natural causes such as weather, lack of plant development and disease, on such farm or other farms operated by such owner or lessee.

38. Fence: Any structure, other than part of a building of sufficient strength and dimensions to prevent straying from within or intrusion from without.

39. Filling: Is the depositing or dumping of any matter onto or into the ground except common household gardening and ground care.

40. Floor Area: For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls. This floor area measurement is exclusive of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches except finished basements areas designed and used for dwelling or business purposes.

41. Floor Area, Gross: The sum of the gross horizontal areas of all the several floors of a building or buildings including interior balconies and mezzanines. All horizontal measurements are to be made between the exterior faces of walls including the walls of roofed porches having more than one wall. The gross floor area of a building shall include the floor area of accessory buildings, on the same lot, measured the same way.

42. Floor Area: (For the purpose of computing parking) That area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, such as hallways, stairways, and elevator shafts, or for utilities or sanitary facilities shall be excluded from this computation of "Floor Area". Measurements of useable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

43. Frontage: Horizontal distance between side lot lines parallel to the front lot line measured at the depth of the minimum front yard required for the zoning district in which it is located.

44. Garage Parking: A space or structure or series of structures for the temporary storage or parking of motor vehicles.

45. Garage, Private: An accessory building or portion of a main building designed or used solely for the storage of motor driven vehicles, boats and similar vehicles owned or used by the occupants of the building to which it is accessory.

46. Garage, Service: Any premises used for the storage or care of motor-driven vehicles or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

47. Grade (Ground Level): The average of the finished ground level at the center of all walls of a building.

48. Home Occupation: An occupation or activity operated in its entirety by the person or persons residing within a dwelling. Such occupation or activity shall be incidental to and secondary to the residential occupancy, shall not change the residential and/or agricultural character of the

property, shall not involve any alteration or construction not customarily accessory to the residential structure, shall not utilize an area in excess of 200 square feet, shall not create any objectionable external evidence of the operation of the home occupation except for one unanimated, nonilluminated name plate having an area of not more than one (1) square foot.

49. Hospital or Sanitarium: A public or semi-public facility that provides accommodations and continuous service for the sick and injured including obstetrical, medical, and surgical care.

50. Hotel: A building occupied as the more-or-less temporary abiding place of individuals who are lodged with or without meals and in which there are ten (10) or more sleeping rooms with no provision made for cooking in any individual room or apartment. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

51. Junk Yard (Salvage Yard): Is an open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packaged, disassembled, or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes automobile wrecking yards and areas for storage, keeping, or abandonment of junk unless established entirely within enclosed buildings. Two (2) or more unlicensed inoperative or unlicensed (if applicable) vehicles shall be construed to be a junk yard.

52. Kennel: The keeping of dogs, cats or other household pets whether for sale, boarding, or breeding on any lot or premises or contiguous lots under common ownership. Kennel shall also mean the keeping on or in any lot, group of commonly owned contiguous lots, or building of 3 or more dogs, cats or other household pets which are over the age of 6 months.

53. Loading Space: Is an off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

54. Lot: Is a parcel of land occupied or to be occupied by a main building or a group of such buildings or utilized for the principal use and uses accessory thereto together with such open spaces as are required under the provisions of this Resolution. Every lot shall abut upon and

have permanent access to a public street and have a minimum frontage of forty (40) feet thereon. Ownership of more than 1 lot contiguous to or adjoining the principal lot shall be considered as one lot for the purpose of computing square footage for accessory buildings and other uses stating per lot.

55. Lot Area: Is the total horizontal area within the lot lines of the lot.

56. Lot, Corner: A lot which has at least two contiguous sides, each abutting upon a street for its full length.

57. Lot, Interior: Is any lot other than a corner lot.

58. Lot, Through: Is any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, each side of each lot adjacent to a street shall be considered frontage, and front yards shall be provided as required.

59. Lot Coverage: Is the part or percent of the lot occupied by buildings including accessory buildings.

60. Lot Lines: The lines bounding a lot as defined herein.

Front Lot Line: In the case of an interior lot, is that line separating said lot from the right-of-way side line of a street or roadway. In the case of a corner lot, or double frontage lot, is that line separating said lot from either right-of-way side line.

Rear Lot Line: Is that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot. In the case of a corner lot, the rear lot line is opposite the front lot line.

Side Lot Line: Is any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

61. Lot of Record: Is a parcel of land, the dimensions of which are shown on a document or map on file with the County Recorder.

62. Lot Width: Is the horizontal distance between the side lot lines measured at the two points where the building setback line intersects the side lot lines.

63. Main Building: Is a building in which is conducted the principal use of the lot upon which it is situated.

64. Main Use: Is the principal use to which the premises are devoted and the principal purpose for which the premises exist.

65. Major Thoroughfares: Is an arterial street which is intended to serve as a large volume trafficway and which has an existing or proposed right-of-way width of at least eighty (80) feet as shown in the Official Thoroughfare Plan of the Miami County, Ohio.

66. Major Thoroughfare Plan: The Official Thoroughfare Plan of Miami County, as adopted by the Planning Commission, of the major highways and streets on file in the office of the County Recorder, including all amendments and supplements subsequently adopted.

67. Master Plan: Is the Miami County Comprehensive Plan (land use plan, development plan or other similar titled document) as approved by the Planning Commission including graphic and written proposals indicating the general located for streets, park, schools, public buildings, and all physical developments of the County and includes any unit or part of such plan and any amendment to such plan or parts thereof.

68. Mezzanine: Is an intermediate floor in any story occupying not more than two-thirds ($2/3$) of the floor area of such story.

69. Mobile Home: Is a detached single-family dwelling to be located on foundation supports, designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems and designed to be transported after fabrication on its own wheels.

70. Motel: Is a series of attached, semi-detached, or detached rental units containing a bedroom, bathroom, and closet space. Units shall provide for overnight lodging, are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle. It may include all facilities specified under the definition of "Hotel" in item 49.

71. Non-Conforming Building: Is a building or portion thereof lawfully existing at the effective date of this Resolution or amendments thereto and that does not conform to the provisions of the Resolution in the district in which it is located.

72. Non-Conforming Use: Is a use which lawfully occupied a building or land at the effective date of this Resolution or amendments thereto and that does not conform to the use regulations of the district in which it is located.

73. Nursery:

Wholesale: Is a space including accessory building or structure for the growing or storage of live trees, shrubs or plant materials not offered for retail sale on the premises, including products used for gardening or landscaping.

Retail: Is a space, including accessory building or structure or combination thereof, for the storage of live trees, shrubs, or plants often used for gardening or landscaping

74. Off Street Parking Lot: Is a facility providing vehicular parking spaces for more than two (2) vehicles including adequate drives and aisles for maneuvering and proper access for entrance and exit.

75. Open Space: That part of a lot, including courts or yards which is open and unobstructed from its lowest level to the sky and which is accessible to all tenants living on the lot.

76. Open Space, Common: That area either dedicated to the public or commonly owned and/or available to all the residents of a development.

77. Parking Space: Is hereby determined to be a minimum area of two hundred (200) square feet. Said area shall be exclusive of drives, aisles, or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted

vehicles.

78. Planned Unit Development: Land under unified control which is planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots or building sites, site plans, and design principles for all buildings as intended to be located, constructed, used, and related to each other and for other uses and improvements on the land as related to buildings. Development may be a single operation or a definitely programmed series of development operations, including all lands and buildings, with a program for provision, operation, and maintenance of such areas, improvements, and facilities necessary for common use by the occupants of the development.

79. Planning Commission: Means the Planning Commission of Miami County, Ohio.

80. Pool, Swimming: A structure constructed or placed below ground or above ground which is designed to contain water in excess of twenty-four (24) inches in depth and is suitable or utilized for swimming or wading.

81. Public Utility: Is any person, firm or corporation, governmental department, board or commission duly authorized to furnish under federal, state, or local regulations to the public: gas, steam electricity, sewage disposal, telegraph, telephone, transportation or water.

81. Recreational Vehicle: Includes travel trailers, campers, motor homes, truck campers, boats, boat trailers, snowmobiles, wet bikes, etc.

82. Restaurant: An establishment whose primary business is serving food and beverages to patrons for consumption inside the building.

83. Row House or Town House: A two (2) story row of three (3) or more attached one (1) family dwellings, each unit of which extends from the basement to the roof.

84. Rural Zoning Commission: Means the Zoning Commission of Bethel Township, Miami County, Ohio.

85. Seed Dealer, Home: A portion of a residence located upon a farm from which the owner-operator, tenant, or manager of such farm sells farm crop seed, operated as and subject to the limitations of a home occupation, as set forth in item 47 herein-above,

except that such farm crop seed and the equipment utilizing the same is not normally used for purely domestic or household purposes, and such seed may be stored in other buildings on such farm.

86. Sign: A name, identification, description, display or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, parcel, or lot and which directs attention to an object, product, place activity, person, institution, organization or business.

87. Sign, Ground: A detached sign which is solely supported by one or more poles, uprights, or braces in or upon the ground.

88. Sign, Wall: A sign which is attached directly to the wall of a building and which extends nor more than twelve (12) inches from the wall.

89. Sign, Window: A sign either painted on or attached to the interior surface of a window.

90. Story: Is that part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. If the floor level directly above a basement is more than six (6) feet above grade, such basement shall be considered a story.

91. Story, Half: Is an uppermost story lying under a sloping roof having an area of at least one hundred ninety (190) square feet with a clear height of seven feet six inches (7'6"). For the purposes of this Resolution, the usable floor area is only that area having at least four feet (4') clear height between floor and ceiling.

92. Street: Is a dedicated public thoroughfare or roadway which affords the principal means of access to abutting property.

93. Structure: Is anything constructed or erected, the use of which requires location on or in the ground or attachment to something having location on or in the ground. However, for the purposes of this Resolution,

- A. The following structures shall be deemed accessory to permitted uses and shall be exempt from provisions specified in Section 17.11 and 19.04 of this Resolution:

1. Basketball, tennis, or other sport courts.
2. Concrete patio slabs unless they are constructed or intended to be sheltered by an above-ground structure.
3. Decorative yard ornaments.
4. Dog and bird houses.
5. Driveways.
6. Fences.
7. Flag poles.
8. Flower planters.
9. Sidewalks.
10. Tents used for play purposes.
11. Yard lights.
12. Other uses, which in the opinion of the Enforcing Officer, are similar to the above.

B. The following structures shall be deemed accessory to permitted uses and shall be exempt from provisions specified in Section 19.04 of this Resolution:

1. Back yard fireplaces or barbeque pits.
2. Children's play sets.
3. Children's tree or play houses not exceeding sixty four (64) square feet in area.
4. Non-commercial television and radio dishes and discs.
5. Non-commercial television and amateur radio antenna towers.
6. Storage bins for wood.
7. Other uses, which in the opinion of the Enforcing Officer, are similar to the above.

94. Temporary Use or Building: Is a use or building permitted by the Board of Appeals to exist during period of construction of the main building or use or for special events. A mobile home when its intended use is of a temporary nature as interim living quarters until such time as construction or reconstruction of a detached one-family dwelling is completed.

95. Tent: Any structure used for living or sleeping purposes or for sheltering a public gathering; constructed wholly or in part from canvas, tarpaulin, or other similar materials; and including shelter provided for circuses, carnivals, side shows, revival meetings, camp meetings, and all similar meetings or exhibitions in temporary structures.

96. Trailer Court (Mobile Home Park): Any plot of ground upon which two or more mobile homes occupied for dwelling or sleeping purposes may be located.

97. Use: Is the purpose for which land or a building is arranged, designed, or intended or for which land or a building is or may be occupied.

98. Variance: Is a modification of the literal provisions of the Zoning Resolution granted when strict enforcement of the Zoning Resolution would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

99. Vehicle: Any kind of carriage or conveyance; anything by means of which something else is transported.

100. Vehicle, Collector's: Any motor vehicle or agricultural tractor or traction engine of special interest having a fair market value of one hundred dollars or more, whether operable or not, that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation, and that displays current, valid collector's vehicle license tags where applicable.

101. Winery: A building located upon a farm, which building is used for the sale of and production of wine made from grapes grown in a vineyard located upon such farm. In addition, there shall be permitted:

A. The sale of cheese, crackers, bread and soft drinks produced elsewhere but consumed on the premises and sold in connection with a wine tasting room located in such building.

B. For each acre of vineyard which has been planted and cultivated on such farm, for at least three (3) growing seasons, there shall be permitted:

1. The use, for blending purposes, of grapes or grape juice, not grown in such vineyard, not to exceed four and one-half (4-1/2) tons of grapes or its in grape juice, for each of such acre.

2. The use of grapes or grape juice, not grown in such vineyard, to replace and to the extent of a crop shortage due to natural causes such as weather, lack of plant development and disease in such vineyard, provided that the actual grape crop grown in such vineyard plus the grape crop and/or grape juice not grown in such vineyard shall not together exceed four and one-half (4-1/2) tons of grapes, or the equivalent thereof in grape juice, for each such acre.

102. Yards: The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Resolution as defined herein.

Front Yard: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

Rear Yard: Is an open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.

Side Yard: Is an open space between a main building and the side lot line extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the main building.

103. Domestic Sale: A sale conducted on any

portion of the property which offers more than two items of personal property for sale to the general public, to include but not to be limited to, garage sales, patio sales, yard sales, carport sales, basement sales, porch sales, driveway sales, rummage sales and the like.

ARTICLE 4 ZONING DISTRICTS AND MAP

4.01 DISTRICTS

In order to carry out the intent and purpose of this Resolution, Miami County is hereby divided into the following districts:

R-1AAA One Family Residential Dist. .717 acre lots

R-1AA One Family Residential Dist. .5 acre lots

R-1A One Family Residential Dist. 12,000-15,000
square feet

R-1B One Family Residential Dist. 10,000-12,000
square feet

R-1C One Family Residential Dist. 8,000-10,000
square feet

R-2 Two Family Residential Dist. 1 & 2 Family

R-3 Multi-Family Resident. Dist. 3 or more fam.

B-1 Highway Business

B-2 Convenience Shopping District

B-3 Neighborhood Business District

I-1 Light Industrial District

I-2 Heavy Industrial District

F-1 Flood Plain

A-1 Domestic Agricultural District

A-2 General Agricultural District

4.02 DISTRICT BOUNDARIES

The boundaries of the zoning districts listed above in Section 4.01 are shown on the "Zoning Map of Bethel Township". This map together with all explanatory data thereon, including all changes thereof as hereinafter provided, shall be incorporated and made a part of this Resolution.

The official zoning map shall be identified by the signature of the Bethel Township Trustees.

This is to certify that this is the official zoning map referred to in Section 4.02 of the Zoning Resolution of Bethel Township, Miami County, Ohio (including date of adoption). If, in accordance with the provisions of this Resolution, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on a copy of the official zoning map within five (5) normal working days after the effective date of said approved amendment together with an attached entry on the official zoning map as follows: "On (date), by official action of the Board of Trustees, the following change(s) were made" (brief description with reference number to Township proceedings).

The original and one copy of the official map are to be maintained and kept up to date - the copy on public display in the County Safety Building and the original in the vault of the County Treasurer, accessible to the public upon request. The original and attached entries shall be final authority as to the current zoning status of lands, buildings, and other structures in the Township.

4.03 UNCERTAINTY OF BOUNDARY LOCATIONS

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines and, in the event of change in the shore line, shall be construed as moving with the actual shore line; bound-

aries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such lines.

6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map and/or the copy be determined by the scale of the Map.
7. Where physical or cultural features existing on ground are at variance with those shown on the Official Zoning Map and/or the copy or in other circumstances not covered by subsections 1 through 6 above, the Board of Appeals shall interpret the district boundaries.

ARTICLE 5 R-1AAA, R-1AA, R-1A, R-1B, R-1C
ONE FAMILY RESIDENTIAL DISTRICTS

5.01 INTENT

These districts are the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density single unit dwellings plus certain other facilities which serve the residents living in the district.

5.02 PERMITTED PRINCIPAL USES

1. One one-family dwelling and private garage incident thereto, which does not exceed 900 square feet not including house trailer, mobile homes, recreation vehicle or tent dwelling.

2. Churches and similar places of worship; provided such use is adjacent to a school or commercial area and/or access is by means of roads designated as arterial or collector thoroughfares by the Official Thoroughfare Plan.

3. Public community center buildings, parks, playgrounds, and golf courses except miniature golf courses.

4. Public and parochial elementary, junior and senior high schools.

5. Parish houses and convents in conjunction with churches or schools.

6. Agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located as permitted by Section 303.21 of the Ohio Revised Code.

5.03 ACCESSORY USES

1. Private garages and utility buildings when customarily incidental to a one-family dwelling. See Section 7.10, Maximum Floor Area for Accessory Buildings.

2. In any case involving a vacant lot, any accessory building thereon shall be subject to the provisions of Section 7.10.

3. Swimming pools for use by residents and guests only, provided such pools are set back fifteen (15) feet from all lot lines and enclosed with a fence sufficient to make such body of water inaccessible to small children. Such fence shall be not less than five (5) feet above the underlying ground. Above ground pools with at least a five (5) foot high enclosure sufficient to make such body of water inaccessible to small children and with a fold away ladder shall be exempt from additional enclosures.

4. Domestic sales, provided such sale or sales are not conducted for more than six (6) days of each calendar year, except for change of occupancy. See Section 18.07 for sign restrictions.

5. Sleeping Rooms: The renting or leasing of rooms by a resident family, provided, the number of roomers does not exceed two in any dwelling.

6. Signs: No signs will be permitted except as provided in Article 18.

5.04 CONDITIONAL USES

The following uses are allowed in any R-1 residential district provided: A conditional use permit is granted by the Board of Appeals as provided in Section 20.08 of this Resolution, and further provided that all buildings allowed by such conditional use permit shall have the minimum setback requirements of the zoning district in which it is located.

1. Recreation areas or buildings operated by membership clubs for the benefit of their members and not for gain; provided that any principal building, accessory building or out-of-doors swimming pool shall be located not nearer than two hundred (200) feet from any adjoining land zoned for a residential use.

2. Public owned or leased buildings, public utility buildings, telephone exchanges, transformer stations and sub-stations, except garages and maintenance buildings.

3. Private schools, institutions of higher learning and libraries.

4. Cemeteries, when an extension of existing cemeteries.

5. Temporary Mobile Homes shall meet provisions of Article 17.13(6).

6. Beauty and barber shops operated and used as a home occupation.

7. Home occupations.

8. Nursery schools may be permitted in the R-1AAA district only provided there is at least two hundred (200) square feet of outdoor play area for each child, such space having a minimum dimension of at least twenty (20) feet and being enclosed by a fence or wall thirty-six (36) to forty-two (42) inches high.

5.05 YARD REQUIREMENTS

See Section 7.08, Schedule of Yard and Lot Requirements.

5.06 BUILDING HEIGHT REGULATIONS

In any R-1 Residential District no building shall be erected in excess of 2-1/2 stories or thirty-five (35) feet in height.

5.07 ACCESSORY PARKING

Two (2) car spaces for each dwelling unit. Parking for other uses: See Section 17.16.

5.08 DEPTH OF LOT

In any R-1 District no lot shall have an average depth which is more than three (3) times its average width.

5.09 FRONTAGE REQUIREMENT

Every lot located in a residential district shall have a minimum frontage equal to the minimum lot width for the zoning district in which it is located, except a lot located upon a cul-de-sac shall have its minimum frontage measured at the depth of the minimum front yard for the district.

5.10 MINIMUM FLOOR ELEVATION

In any zone no structure intended or used for

residential purposes or human occupancy may hereafter be constructed or moved to a site unless the minimum elevation of the lowest floor is not less than one (1) foot above maximum flood elevation as determined by the Miami Conservancy District.

5.11 SEPTIC TANKS OR WELLS

Any residential construction utilizing wells and/or septic tanks shall be situated on a lot having a minimum site area of 31,250 square feet and a minimum frontage of 125 feet measured at the building setback line.

ARTICLE 6 R2 TWO FAMILY RESIDENTIAL DISTRICT

6.01 INTENT

This district recognizes the existence of older residential areas of the county where larger houses have been or can be converted from single-family to two-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization. This district also allows the construction of new two-family residences where slightly greater densities are permitted.

6.02 PERMITTED PRINCIPAL USES

1. Single family one one (1) two-family dwelling, not including house trailers, mobile homes, recreational vehicles or tent dwellings.

2. Churches and similar places of worship provided such use is adjacent to a school or commercial area and/or access is by means of roads designated as arterial or collector thoroughfares by the Official Thoroughfare Plan.

3. Public community center buildings, parks, playgrounds, and golf courses except miniature golf courses.

4. Public and parochial elementary, junior and senior high schools.

5. Parish houses and convents in conjunction with churches or schools.

6.03 ACCESSORY USES

1. Those accessory buildings and accessory uses customarily incidental to the Permitted Principal Uses in this district.

2. No sign shall be permitted except as provided in Article 18.

3. Private garages and utility buildings when customarily incidental to a one-family or two-family dwelling. See Section 7.10, Maximum Floor Area for Accessory Buildings.

4. Domestic sales, provided such sale or sales are not conducted for more than six (6) days out of each calendar year, except for change of

occupancy. See Section 18.07 for sign restrictions.

6.04 CONDITIONAL USE

1. Recreational areas or buildings operated by membership clubs for the benefit of their members and not for gain, provided that any principal building, accessory building, or out-of-doors swimming pool shall be located not nearer than 200 feet from any adjoining land zoned for a residential use.

2. Public owned or leased buildings, public utility buildings, telephone exchanges and transformer stations and sub-stations excepting garages and maintenance buildings.

3. Private schools, institutions of higher learning and libraries.

4. Cemeteries when an extension of existing cemeteries.

5. Mobile Home Parks.

6. Temporary mobile homes shall meet provisions of Article 17.13(6).

6.05 YARD REQUIREMENT

See Section 7.08, Schedule of Yard and Lot Requirements.

6.06 BUILDING HEIGHT REGULATIONS

In any R2 District no building shall be erected in excess of 2-1/2 stories or 35 feet in height except as provided in Section 17.12.

6.07 ACCESSORY PARKING

1. There shall be provided four off-street parking spaces for each two-family dwelling.

2. All other uses, see Section 17.16.

3. There shall be two off-street parking spaces provided for each one-family dwelling.

ARTICLE 7 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

7.01 INTENT

This district provides for higher density residential areas of the County that may serve to separate areas of more intense uses from areas of less intense uses.

7.02 PERMITTED PRINCIPAL USES

1. Multiple dwelling (3 or more units) including: Apartment house, apartment hotel, boarding house, row house and town house.
2. Churches and similar places of worship.
3. Parish houses and convents in conjunction with churches or schools.
4. Public Community center buildings, parks, playgrounds, golf courses, except miniature golf courses.
5. Public and parochial schools.
6. Public libraries.

7.03 ACCESSORY USES

1. Private garages and utility buildings when customarily incidental to a multi-family dwelling. Garages shall be permitted for storage purposes only, with no repair facilities. See Section 7.10, Maximum Gross Floor Area for Accessory Buildings.
2. Those accessory buildings and accessory uses customarily incidental to the permitted principal uses in this district.
3. No sign shall be permitted except as provided in Article 18.
4. Domestic Sales, provided such sale or sales are not for more than six (6) days out of each calendar year, except for change of occupancy. See Section 18.07 for sign restrictions.

7.04 CONDITIONAL USES

1. Convalescent or nursing homes.

2. Dormitories and group housing.
3. Hospitals, clinics, sanitariums for human care.
4. Motels.

7.05 YARD REQUIREMENTS

See Section 7.08, Schedule of Yard and Lot Requirements.

7.06 BUILDING HEIGHT REGULATIONS

In any R-3 District, no building may be erected in excess of three (3) stories or 40 feet in height except as provided in Article 17.12.

7.07 ACCESSORY PARKING

1. In any R-3 District there shall be provided two off-street parking spaces per dwelling unit.

2. There shall be provided one off-street parking space for each two roomers.

3. For parking space required for other than residential uses, see Section 17.16.

7.08 SCHEDULE OF YARD AND LOT REQUIREMENTS:

District	min. lot area	min. lot width & frontage	min. corner lot width	min. lot depth	min front yard	min. rear yard	min. side yard
R-1AAA	31,250 sq. ft.	125	150	125	50 ¹	50	20
R-1AA	21,780 sq. ft.	100	125	125	50 ¹	50	15
R-1A	12,000 sq. ft.	100	125	100	35 ¹	40	10
R-1B	10,000 sq. ft.	90	110	90	30 ¹	35	10
R-1C	8,000 sq. ft.	70	85	80	25 ¹	30	10
R-2	8,000 sq. ft.	70	85	80	25 ¹	30	10
R-3	10,000 sq. ft. ²	100	125	80	20 ¹	30	10
B-1 ³					25	25	10
B-2 ⁴					20	30	10
B-3 ⁵					25	25	10
I-1 ⁶					25	15	15
I-2 ⁷					25	15	15
F-1		125	150	125	50	50	20
A-1	5.0 acres	125 ¹⁷⁵	150	125	50	50	20
A-2	10.0 acres	125 ¹⁷⁵	150	125	50	50	20

¹ Whenever the frontage of one side of a block is more than 40% developed at the time of enactment of this Resolution, the required setback for new construction or alteration shall be the average of the established setbacks, provided this regulation shall not be so interpreted as to require a front yard of more than 50 feet for a residential use.

² Minimum lot area for a three-family dwelling in this district. For each additional dwelling unit, there shall be an additional 2,500 square feet of lot area.

³ See Section 8.05 for additional yard requirements.

⁴ See Section 9.04 for additional yard requirements.

⁵ See Section 10.04 for additional yard requirements.

⁶ See Section 11.04 for additional yard requirements.

⁷ See Section 12.03 for additional yard requirements.

7.09 MINIMUM FLOOR AREA FOR DWELLING

The minimum total livable floor area per dwelling unit in the various residential zoning districts established by this Zoning Resolution shall be as follows:

R-1AAA	1200 square feet
R-1AA	1100 square feet
R-1A	1100 square feet
R-1B	1000 square feet
R-1C	1000 square feet
R-2	1000 sq. ft. per single unit 900 sq. ft. per double unit
R-3	720 square feet per unit
A-1	1200 square feet

7.10 MAXIMUM GROSS FLOOR AREA FOR ACCESSORY BUILDINGS

Land Area	Maximum for Any One Accessory Building	Total Max. Sq. Footage for all Acces.
.183 -.275 ac.	528 sq. ft. (22'x 24')	672 sq. ft.
.276 -.717 ac.	624 sq. ft. (24'x 26')	768 sq. ft.
.718 - 3 ac	1080 sq. ft. (30' x 36')	1600 sq. ft.
3.001 - 10 ac.	1520 sq. ft. (38' x 40')	1920 sq. ft.

The total maximum square footage for all accessory space shall not be located in more than two accessory buildings per lot. Each accessory building shall be located no closer than 10 feet from another such accessory building and be no higher than the main building.

ARTICLE 8 B-1 HIGHWAY BUSINESS DISTRICT

8.01 INTENT

This district is designed to provide for highway oriented uses and less intensive business types to serve the market of the urban area rather than the neighborhood and is typically mapped along major traffic arteries.

8.02 PERMITTED PRINCIPAL USES

1. Automobile service stations including light repairs and accessory sales and installation.
2. Automobile and mobile home sales and services.
3. Auto Wash facilities.
4. Bars and refreshment stands.
5. Bicycle repair shop and lawn mower repair shop.
6. Building services and supplies, including lumber yard.
7. Carry-outs.
8. Drive-in banks.
9. Drive-in dry cleaning establishments.
10. Drive-in restaurants.
11. Farm implement and lawn and garden equipment sales and service.
12. Fraternal clubs, lodges, and similar establishments.
13. Fruit, florist, nursery stock, produce sales and greenhouses.
14. Household appliance sales, service and repair.
15. Mortuary establishments (a caretaker's residence may be provided within the main building of a mortuary establishment).

16. Motels
17. Open air commercial amusements.
18. Plumbing, electrical and heating shops.
19. Restaurants.
20. Utility trailer sales and rental.
21. Veterinary office limited to the cure & treatment of disease in household pets.
22. Office buildings for any of the following occupations: executive, administrative, professional; accounting; writing; clerical; stenographic; drafting; and sales provided that no interior display shall be visible from the exterior of the building, and the total area devoted to product display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed ten percent (10%) of the usable floor area of any story.
23. Professional and other offices drawing a large number of clients and/or customers such as, but not restricted to:
 - a. Chambers of commerce and automobile clubs.
 - b. Doctors, dentists, lawyers and architects.
 - c. Insurance, realtors, and unions.
 - d. Post offices and utility offices.
 - e. Medical and dental laboratories.
24. Other uses, which in the opinion of the Board of Appeals are similar to the above uses indicated as being permitted.

8.03 ACCESSORY USES

1. Paint & body shop in conjunction with automobile or mobile homes sales and service.

8.04 CONDITIONAL USES

1. Adult Entertainment Facilities:

a. No adult entertainment facility shall be established within 1000 feet of any area zoned for residential use.

b. No adult entertainment facility shall be established within a radius of 1500 feet of any school, library, or teaching facility, whether public or private, governmental or commercial which school, library or teaching facility if attended by persons under eighteen (18) years of age.

c. No adult entertainment facility shall be established within a radius of 1500 feet of any park or recreational facility attended by persons under eighteen (18) years of age.

d. No adult entertainment facility shall be established within a radius of 1500 feet of any other adult entertainment facility or within a radius of 2500 feet of any two (2) of the following establishments.

1. Cabarets, clubs or other establishments which feature topless or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

2. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.

3. Pawn shops.

4. Pool or billiard halls.

5. Pinball palaces, halls or arcades.

6. Dance halls or discotheques.

e. No adult entertainment facility shall be established within a radius of 1500 feet of any church, synagogue, or permanently established place of reli-

gious services which is attended by persons under eighteen years of age.

f. No advertisements, displays or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.

g. All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.

h. No screens, loudspeakers, or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.

i. Off-street parking shall be provided in accordance with Section 17.16 for similar uses, as well as all other standards for permitted uses within the B-1 zoning district as appropriate.

8.05 YARD REQUIREMENTS

In a B-1 Highway Business District the following yard area shall be provided.

1. Front Yards: No less than a 25 foot front yard shall be required excepting, where the frontage on one side of the block is divided between B-1 Highway Business District and a residential district, the front yard of the residential district shall apply to the area in the B-1 Highway Business District.

2. Side Yards: No less than a ten (10) foot side yard shall be required except a yard of not less than twenty (20) feet in width shall be provided where a side lot line of the B-1 Highway Business District abuts a residential district.

3. Rear Yards: No less than a 25 foot rear yard shall be required except, where a rear lot

line of the B-1 Highway Business District abuts a residential district a rear yard of 50 feet shall be provided.

8.06 BUILDING HEIGHT REGULATIONS

No building in the B-1 Highway Business District shall exceed 2 1/2 stories of 35 feet in height.

8.07 ACCESSORY PARKING

Space shall be provided in accordance with the provision of Section 17.16.

8.08 OFF-STREET LOADING

Spaces shall be provided in accordance with the provisions of Section 17.15.

8.09 SIGNS

Wall or ground signs, single or double face, shall not exceed 50 square feet in area for each face. Maximum height above grade at sign shall not exceed thirty-five (35) feet. There shall be permitted one (1) wall sign and one (1) ground sign. No more than two (2) signs shall be permitted for each street front of the lot on which the signs are located. Wall signs shall not extend above or beyond any part of the roof line.

8.10 SCREENING

See Section 17.17 for screening regulations of uses adjoining residential districts.

ARTICLE 9 B-2 CONVENIENCE SHOPPING DISTRICT

9.01 INTENT

This district is designed to provide for a limited range of convenience goods to supply the emergency needs of those living in the immediate vicinity. Size will be approximately one (1) acre and contain three (3) to five (5) uses to serve approximately 2,000 people.

9.02 PERMITTED PRINCIPAL USES

1. Barber and beauty shops.
2. Drug stores.
3. Food stores.
4. Laundry and dry cleaning pickup service and coin-operated washing and dry cleaning facilities.

9.03 ACCESSORY USES

Uses customarily accessory to the above uses.

9.04 YARD REQUIREMENTS

Those yard requirements of the adjacent or surrounding residential district. If more than one residential district is adjacent, the greater yard requirements of the involved residential districts shall be used.

9.05 BUILDING HEIGHT REGULATIONS

Maximum permitted height for buildings in this district shall be 2-1/2 stories or 35 feet.

9.06 ACCESSORY PARKING

As required in Section 17.16.

9.07 OFF-STREET LOADING

Spaces shall be provided as required in Section 17.15.

9.08 SIGNS

Wall or ground signs, single or double face shall not exceed fifty (50) square feet in area for each

face. Maximum height above grade at sign shall not exceed thirty-five (35) feet. There shall be permitted one (1) wall sign and one (1) ground sign. No more than two (2) signs shall be permitted for each street front of the lot on which the signs are located. Wall signs shall not extend above or beyond any part of the roof line.

9.09 SCREENING

See Section 17.17 for screening regulations of uses adjoining residential districts.

ARTICLE 10 B-3 NEIGHBORHOOD BUSINESS DISTRICT

10.01 INTENT

The purpose of this district is to provide an integrated collection of structures and uses designed to provide for a variety of retail stores and related activities and for office buildings and service establishments which serve the comparison, convenience and service needs of the consumer population. The district regulations are designed to provide for properly located major shopping complexes which will be serviced with conveniently located off-street parking areas and safe pedestrian movements but to exclude non-retail uses which generate a large volume of truck traffic.

10.02 PERMITTED PRINCIPAL USES

Any generally recognized retail business, service establishment, or processing use as follows:

1. Apparel shops including specialty shops of all sorts, shoe stores, and similar uses.
2. Auto service station for only the sale of gas lubricants, coolants, and accessories and the performance of incidental service such as tire installation and automobile washing, cleaning and polishing but not major over-haul, bumping or painting.
3. Sale of automobiles.
4. Banks, loan offices, stock exchange offices, and other financial institutions.
5. Commercial recreation facilities such as bowling alleys, movie theater, etc.
6. Medical and dental laboratories.
7. Department stores.
8. Drug stores.
9. Eating and drinking - restaurants, dairy bars or other places serving food and/or beverages.
10. Floral shops, fruit, nursery stock, and produce sales, and greenhouses.
11. Food stores including supermarkets and all

types of specialty food stores, such as bakeries, candy stores and similar uses.

12. Furniture and appliances, including rugs, floor coverings, draperies, sewing machine shops, used furniture, office equipment, supplies, and similar uses.

13. Gift shops, camera shops, record shops, book and stationary stores, jewelry stores, and similar uses.

14. Hardware and such related stores as paint, wallpaper, and similar uses.

15. Hotels and Motels.

16. Office buildings for any of the following occupations: Executive; administrative; professional; accounting; writing; clerical; stenographic; drafting; and sales provided that no interior display shall be visible from the exterior of the building, and the total area devoted to product display, including both the object displayed and the floor space set aside for persons observing the displayed objects, shall not exceed ten (10) percent of the usable floor area of any story.

17. Professional and other offices drawing a large number of clients and/or customers such as, but not restricted to:

- a. Chambers of commerce and automobile clubs.
- b. Doctors, dentists, lawyers and architects.
- c. Insurance, realtors, and unions.
- d. Post offices.
- e. Utility offices.

18. Photographic studios.

19. Publishing and printing establishments not exceeding 1000 square feet in building area.

20. Repair shops such as shoe, watch and bicycle repair.

21. Service shops such as barber, beauty, laundry

cleaning and similar uses including laundry pick-up service and coin operated washing and dry cleaning facilities.

22. Travel agencies.

23. Variety stores.

24. Television and radio facilities including offices, studios, discs, and towers.

Public and semi-public buildings such as, but not restricted to:

1. Churches.
2. Library.
3. Municipal offices.
4. Parking garage.

Other uses, which in the opinion of the Board of Appeals are similar to the above uses indicated as being permitted.

10.03 ACCESSORY USES

Uses customarily accessory to the above.

10.04 YARD REQUIREMENTS

In a Neighborhood Business District the following minimum yard areas shall be provided.

1. Front Yard: A front yard of not less than 25 feet shall be required except:

- a. When the frontage on one side of a block is divided between a Neighborhood Business District and a residential district or is across the street from any residential district, the front yard requirement of the residential district shall apply to the area in the Neighborhood Business District. If more than one residential district is adjacent, the greater yard requirements of the involved residential districts shall be used.

2. SIDE YARD:

- a. A yard not less than 20 feet in width

shall be provided where a side lot line of a Neighborhood Business District abuts a residential district.

- b. In all other cases a side yard of not less than ten (10) feet shall be required.

3. REAR YARD: A rear yard of not less than twenty-five (25) feet shall be required excepting where a rear lot line of Neighborhood Business District abuts a residential district. In such instance, there shall be a minimum rear yard of fifty (50) feet. Such a yard may be measured from the centerline of an intervening alley.

A wall or decorative fence at least five feet six inches (5'6") high shall be placed along the boundary line of a rear yard abutting a residential district.

10.05 BUILDING HEIGHT REGULATIONS

Maximum permitted height for buildings in this district shall be thirty-five (35) feet except as provided in Article 17.12.

10.06 ACCESSORY PARKING

In a Neighborhood Business District parking shall be provided as required in Section 17.16 of this Resolution.

10.07 OFF-STREET LOADING

Spaces shall be provided as required in Section 17.15.

10.08 SIGNS

Wall or ground signs, single or double face shall not exceed 50 square feet in area for each face. Maximum height above grade at sign shall not exceed thirty-five (35) feet. There shall be permitted one (1) wall sign and one (1) ground sign. No more than two (2) signs shall be permitted for each street front of the lot on which the signs are located. Wall signs shall not extend above or beyond any part of the roof line.

Billboards are permitted if they meet the requirements of Article 18.

10.09 SCREENING

See Section 17.17 for screening regulations of uses adjoining residential districts.

ARTICLE 11 I-1 LIGHT INDUSTRIAL DISTRICT

11.01 INTENT

The purpose of this district is to provide for industrial uses with limited objectionable external effects in areas that are suitable for industrial development by reason of location, topography, soil conditions, and the availability of adequate utilities and transportation systems. The intent is to permit most manufacturing, wholesaling, and warehousing activities that can be operated in a clean and quiet manner, subject only to those regulations necessary to prohibit congestion and for the protection of adjacent residential and business activities.

11.02 PERMITTED PRINCIPAL USES

1. Any use charged with the principal function of basic research, design and pilot or experimental product development.
2. Any use charged with the principal function of technical training when such use is operated for profit.
3. Assembly plants except automobile assembly plants or plants of a similar nature.
4. Automobile, truck and mobile home repair, but no commercial wrecking, dismantling or salvage yard.
5. Auto service station.
6. Automobile, truck and boat sales.
7. Bottling works.
8. Builders' supply store.
9. Building and trades, including contractor's yard and utility's storage yard.
10. Carpet cleaning, dry cleaning and dyeing, and laundry.
11. Cold storage plant.

12. Commercial green-house.
13. Dairy products manufacture.
14. Fabrication, processing, packaging, and/or manufacture of food products and condiments excluding fish products, slaughter houses, and rendering and refining of fats, oils, fish, vinegar, yeast and sauerkraut.
15. Fabrications, processing, packaging, and/or manufacture of cosmetics, drugs, perfumes, pharmaceuticals, and toiletries.
16. Fabrication, processing, packaging, and/or manufacture 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.
17. Fabrication, processing, packaging and/or manufacturing of musical instruments, toys, novelties, and rubber or metal stamps.
18. Fabrication, processing, packaging and/or manufacture of ice, cold storage plant, and bottling plant.
19. Farm implements and contractor equipment sales and service.
20. Flammable liquids, underground storage only.
21. Foundry casting light weight non-ferrous metals or electric foundry, not causing noxious fumes or odors.
22. Fuel or coal company.
23. Furniture reupholstering and repair.
24. Industrial research laboratories.
25. Lumber yards including incidental millwork, coal, brick, stone.
26. Monument sales including incidental mechanical operation.
27. Motor freight depot or trucking terminal: Provided, the truck entrances and exits and onto streets whose pavement width is at least thirty

(30) feet between curbs for a distance of 100 feet from the entrance, and such street is approved by the County Engineer.

28. Painting and varnishing shops.

29. Plumbing supply and contracting shops, including storage yards.

30. Poultry killing and dressing.

31. Public garages, motor vehicles and auto repair, paint and body shops.

32. Publishing and printing.

33. Railroad freight stations, but not including switching, storage, freight yards, sidings, or fueling facilities.

34. Repair, rental, and servicing of household appliances.

35. Sign contractor.

36. Stone grinding, dressing and cutting.

37. Storage buildings.

38. Storage yard for building supplies and equipment, food fabrics, hardware, and similar goods when located entirely within a building, provided such buildings shall not be used for wrecking or dismantling of motor vehicles.

39. Tin and sheet metal shop.

40. Tool and die shop, wrought iron shop, and blacksmith or machine shop, excluding drop hammers.

41. Trailer rental and sales.

42. Veterinary clinic or kennels and animal hospital, provided that all animals are housed in buildings or enclosures which are at least one hundred (100) feet from any Residential district.

43. Warehouses.

44. Wholesale distributors.

45. Auction Houses - excludes livestock sales, heavy earth moving equipment and manufacturing

equipment.

46. Flea Market permitted if in completely enclosed building, or the premises on which such use is entirely enclosed within a solid fence or masonry wall not less than six (6) feet in height.

47. Uses similar to the above uses and any manufacturing or industrial enterprise, operation or process, whether making, assembling, repairing, buffing, finishing, plating, polishing, tempering, packing, shipping, or storing; provided that any resulting cinders, dust, fumes, gas, noise, odor, refuse matter, smoke, vapor or vibration is no greater nor more detrimental to the neighborhood than the specified uses, that no extra fire hazard is created, and the proposed use, as determined by the Board of Appeals, is similar in character to one of the specific uses in this Section.

11.03 ACCESSORY USES

Uses customarily accessory to the above uses.

11.04 YARD REQUIREMENTS

In a Light Industrial District the following yards shall be required:

1. FRONT YARDS: Front yards shall be not less than 25 feet in depth excepting, where a Light Industrial District is adjacent to or across a street from any residential district, the required front yard shall be not less than 50 feet. However, if there be a loading dock in the front yard, the front yard shall be not less than 80 feet.

2. SIDE YARDS: Side yards shall be not less than 15 feet in width on each side except where the side yard abuts a residential district it shall be not less than 50 feet. Any portion of a side yard which is in excess of 15 feet from a side lot line may be used for parking.

3. REAR YARDS: Rear yards shall be not less than 15 feet in depth except, where the rear yard abuts an alley, it shall be not less than 30 feet or, where the rear yard abuts a residential district, it shall be not less than 50 feet. Any portion of the rear yard which is in excess of 15 feet from the side lot line may be used for parking.

11.05 BUILDING HEIGHT REGULATIONS

In this district, no building shall exceed three (3) stories or forty (40) feet in height, provided an additional one foot of building height may be allowed for each foot the building or portion thereof is set back from all required yard lines.

11.06 ACCESSORY PARKING

In a Light Industrial District, parking shall be provided as required in Section 17.16.

11.07 OFF-STREET LOADING

Space shall be provided in accordance with the provisions of Section 17.15.

11.08 SIGNS

Wall or ground signs, single or double face shall not exceed 50 square feet in area for each face. Maximum height above grade at sign shall not exceed thirty-five (35) feet. There shall be permitted one (1) wall sign and one (1) ground sign. No more than two (2) signs shall be permitted for each street front of the lot on which the signs are located. Wall signs shall not extend above or beyond any part of the roof line. See Section 18.11 for Industrial Parks.

Billboards are permitted if they meet the requirements of Article 18.

11.09 SCREENING

See Section 17.17 for screening regulations of uses adjoining residential district.

ARTICLE 12 I-2 HEAVY INDUSTRIAL DISTRICT

12.01 INTENT

The purpose of this district is to provide for industrial and other uses that, by virtue of their external effects, should be isolated from residential use. These uses perform essential functions for the County, including employment and should be provided for in areas that are best suited for industrial development by reasons of location, topography, soil conditions, and availability of adequate utilities and transportation systems.

12.02 PERMITTED PRINCIPAL USES

1. Any use permitted in the I-1 Light Industrial District.
2. Alcohol manufacture.
3. Automotive wrecking, junk or salvage yard, if in a completely enclosed building, or the premises on which such use is conducted is entirely enclosed within a solid fence or masonry wall not less than six feet in height.
4. Automotive, tractor, trailer, and farm implement assembly or manufacture.
5. Battery manufacturing, tire recapping or retreading facility.
6. Bleaching, cleaning and dyeing plant.
7. Boiler shops, machine shops, structural steel fabricating shops, and metal working shops.
8. Cement products manufacture.
9. Dextrine, starch, or glucose processing.
10. Electric power manufacture.
11. Emery cloth or sandpaper manufacturing.
12. Enameling, lacquering, or japanning.
13. Flour or grain mill.
14. Glass products, pottery, figurines, or manufacture of similar products using previously

pulverized clay.

15. Paint, linseed oil, shellac, turpentine, lacquer or varnish manufacture.

16. Chemical compounds manufacture.

17. Wholesale storage of petroleum, gasoline and oil.

18. Wire or rod drawing, nut, screw or bolt manufacture.

19. The Board of Appeals may allow any use similar in character to one of the specified uses listed above if such use is equal in harmony with the character of a permitted use within the district.

12.03 ACCESSORY USES

Those uses that are customarily accessory to the above uses.

12.04 CONDITIONAL USES

The following uses may be permitted by the Board of Appeals upon application and approval of a conditional use permit under the provisions of Section 20.08.

1. Acetylene and oxygen manufacture.

2. Acid manufacture including all corrosive acids and materials.

3. Ammonia, chlorine or bleaching powder manufacture.

4. Animal, black, lamp black, or graphite manufacture.

5. Asphalt or asphalt products manufacture or refinishing.

6. Celluloid or proxyline products manufacture or storage.

7. Cement, lime, gypsum or plaster manufacture.

8. Coke ovens.
9. Crematory.
10. Creosote manufacture or treatment.
11. Distillation of coal, petroleum, refuse, grain, wood or bones.
12. Explosives manufacture or storage.
13. Fat rendering.
14. Fertilizer and compost manufacture or storage.
15. Fish curing, smoking or packing.
16. Fish oil manufacture or refining.
17. Forging plants.
18. Garbage, offal, dead animals, refuse and rancid fats incineration, reduction or storage.
19. Gelatin manufacture.
20. Glue manufacture.
21. Landfill or incinerator.
22. Livestock feed lot more market.
23. Petroleum or inflammable liquids production or refining.
24. Ready mix concrete batching plants.
25. Rock crushing.
26. Sand and gravel extraction.
27. Slaughtering of animals.
28. Smelting.
29. Stonequarries.
30. Any other use not previously permitted anywhere in this Resolution that, in the opinion of the Board of Appeals will perform a valuable net benefit to the County or to the general welfare and can be built and operated in such a manner that the property adjacent to the proposed

use will not be adversely affected.

12.05 YARD REQUIREMENTS

In a Heavy Industrial District the following yard shall be required.

1. Front Yards: Front yards shall be provided with a minimum depth of twenty-five (25) feet, excepting where a Heavy Industrial District is adjacent to or across the street from any residential district, the required front yard shall be not less than fifty (50) feet in depth. However, should there be a loading dock in the front yard, the front yard shall be not less than eighty (80) feet.

2. Side Yards: Side yards shall be not less than fifteen (15) feet in width on each side except where the side yards abuts a residential district it shall be not less than 100 feet. Any portion of a side yard which is in excess of fifteen (15) from a side lot line may be used for parking.

3. Rear Yards: Rear yards shall be not less than fifteen (15) feet in depth except where the rear yard abuts an alley, it shall be not less than thirty (30) feet or, where the rear yard abuts a residential district, it shall be not less than fifty (50) feet.

12.06 BUILDING HEIGHT REGULATIONS

The maximum building height shall not be in excess of three stories or forty (40) feet. However an additional one foot of building height may be allowed for each foot the building or portion thereof is set back from the required yard lines.

12.07 ACCESSORY PARKING

In this district parking shall be provided as required in Section 17.16.

12.08 OFF-STREET LOADING

Space shall be provided in accordance with the provisions of Section 17.15.

12.09 SIGNS

Wall or ground signs, single or double face shall not exceed 50 square feet in area for each face.

Maximum height above grade at sign shall not exceed thirty-five (35) feet. There shall be permitted one (1) wall sign and one (1) ground sign. No more than two (2) signs shall be permitted for each street front of the lot on which the signs are located. Wall signs shall not extend above or beyond any part of the roof line. See section 18.11 for Industrial Parks.

12.10 SCREENING

See Section 17.17 for screening regulations of uses adjoining residential districts.

ARTICLE 13 F-1 FLOOD PLAIN DISTRICT

13.01 INTENT

This district is composed of lands that are subject to periodic flooding. It is intended to preserve the existing "flood plain" so as to allow the waterways a place to overflow at high water levels and thus assist in protecting other areas not now subject to flooding. In this district only those uses that would not be extensively damaged by flooding are permitted and, in addition, must meet the requirements and specifications of the Miami Conservancy District.

13.02 PERMITTED PRINCIPAL USES

1. Agriculture and gardening.
2. Parking lots.
3. Public or private recreational facilities including parks, playgrounds, golf courses, boat docks, and driving ranges.
4. Temporary uses - those permitted in Section 17.13.
5. The following uses after review of plans and location by the Planning Commission.
 - a. Animal Shelters.
 - b. Kennels.
 - c. Stables, and Riding Academy.
 - d. Swimming Pools and Customary Accessory Buildings.
 - e. Customary Accessory Building for uses listed under (3) above.
 - f. Farm Market for the sale of produce and plants.

13.03 ACCESSORY USES

Any use customarily accessory or incidental to the above uses except dwellings.

13.04 PROHIBITED USES

The filling of land unless the applicant has furnished a valid written favorable recommendation thereto by the Miami Conservancy District.

13.05 GENERAL FLOODWAY PROVISIONS

1. Any structure permitted shall be designed, constructed, and placed on the lot so as to offer the minimum obstruction to the flow of water and firmly anchored to the site in such a manner as to withstand the force of the expected velocity of flood waters.

2. Where topographic data, engineering studies, or other studies are needed to determine the effects of flooding on a proposed structure and/or the effect of the structure on the flow of water, the applicant shall submit such data or studies. All such required data shall be prepared by technically qualified persons.

3. Bethel Township shall not incur any liability whatsoever by permitting any use within a flood plain.

13.06 CONDITIONAL USE

1. Airport landing field.
2. Amusement park.
3. Extraction of minerals, soil, and gravel.
4. Outdoor theater.
5. Overnight campground.
6. Reclamation of industrial wastes but not within 1,000 feet of any residential district.
7. Rifle or skeet shooting range but not within 1,000 feet of any residential district.
8. Sales lot for cars, trucks, farm and construction equipment, and mobile homes.
9. One (1) single family dwelling provided, however, no request hereunder shall be accepted for consideration by the Enforcing Officer unless the applicant has furnished a valid written favorable recommendation thereto by the Miami Conservancy District. The dwelling shall have a minimum total

livable floor area of twelve hundred (1200) square feet, meet the suggested floor elevation of the Miami Conservancy District, and comply with the Flood Damage Prevention Regulations of Miami County, Ohio.

10. Home occupations.

13.07 YARD REQUIREMENTS

See Section 7.08, Schedule of yard and lot requirements.

13.08 BUILDING HEIGHT REGULATION

In the Flood Plain District, no building shall exceed 2 1/2 stories or thirty-five (35) feet in height.

13.09 ACCESSORY PARKING

In this district, parking shall be provided as required in Section 17.16.

13.10 SIGNS

Wall or ground signs, single or double face shall not exceed fifty (50) square feet in area for each face. Wall signs shall not extend above or beyond any part of the roof line. Maximum height above grade at sign shall not exceed thirty-five (35) feet. Not more than one (1) sign for each street front of the lot on which the sign is located may be used.

Billboards are permitted if they meet the requirements of Article 18.

13.11 SCREENING

See Section 17.17 for screening regulations of uses adjoining residential districts.

14.01 INTENT

This District is composed of certain parcels of land which, due to their size, can be defined neither as purely residential nor purely agricultural in their use. It is the intent of this District to provide for the use of land for either Single Family Residential or Agricultural purposes or the two in combination with either use predominant.

14.02 PERMITTED PRINCIPAL USES

1. Agriculture and gardening.
2. One (1) one-family dwelling and private garage not to exceed 900 square feet in area, except as provided for in Section 14.03, not including house trailer, mobile home, recreational vehicle or tent dwelling.
3. Parks and playgrounds.
4. Public and parochial elementary, junior and senior high schools.
5. Sale of produce and plants raised on the premises.

14.03 ACCESSORY USES

Any use accessory to the permitted uses listed as an accessory use under the R-1 district.

14.04 CONDITIONAL USES

1. Churches and similar places of worship.
2. Parish houses and convents in conjunction with churches or schools.
3. Home occupations.
4. Stables or riding academies.
5. Television and radio towers and discs including one accessory building not larger than one hundred (100 square feet for the housing of equipment only.

6. Commercial storage of boats, recreational vehicles, and/or construction equipment only within the confines of an enclosed building.

7. Additional one family dwelling sited on the parcel to meet zoning provisions of this regulation.

8. Any conditional uses permitted in the R-1 district.

14.05 YARD REQUIREMENTS

See Section 7.08. Schedule of Yard and Lot Requirements.

14.06 BUILDING HEIGHT REQUIREMENTS

In this district no building shall be erected in excess of 2 1/2 stories of thirty five (35) feet in height.

14.07 ACCESSORY PARKING

Two (2) off-street parking spaces for each dwelling unit. Parking for other uses - see Section 17.16.

14.08 SIGNS

See Article 18 for size and location of permitted signs.

14.09 DEPTH OF LOTS

In the A-1 District no lot shall have an average depth which is more than three (3) times its average width, nor shall it have a depth of less than one hundred fifty (150) feet except that whenever a lot fronts upon an exterior curved portion of a street, the centerline radius of which is one hundred (100) feet or less than the required minimum lot depth may be reduced to not less than one hundred (100) feet.

14.10 FRONTAGE REQUIREMENT

No lot located in the A-1 District shall have a minimum frontage less than the minimum lot width allowed in the district, except a lot located upon a cul-de-sac shall have its minimum frontage measured at the depth of the minimum front yard for the district.

ARTICLE 15 A-2 GENERAL AGRICULTURAL DISTRICT

15.01 INTENT

This district is composed of certain land being used for agricultural activities, open recreational uses, and other open land use. Sub-marginal lands having no principal uses also are included in this district.

15.02 PERMITTED PRINCIPAL USES

1. Agricultural and gardening.
2. One (1) one-family dwelling on each parcel.
3. Public or private recreational facilities including parks, playgrounds, golf courses, boat docks, driving ranges, swimming pools, and customary accessory buildings.
4. Sale of produce and plants raised on the premises.
5. Farm market for the sale of produce and plants.
6. Stable and riding academy.
7. Seed dealers.

15.03 ACCESSORY USES

Any use customarily accessory or incidental to the permitted uses.

15.04 CONDITIONAL USE

1. Those uses listed as conditional uses in Section 13.06 of the F-1, Flood Plain District, may be permitted by the Board of Appeals upon application and approval of a conditional use permit under the provisions of Section 20.08.
2. Either an additional one-family dwelling or mobile home sited on the parcel to meet zoning provisions of this zoning regulation.
3. Cemeteries.
4. Churches.
5. Drive-in theaters, fraternal clubs, lodges

and similar organizations.

6. Livestock feed lot.

7. Public and parochial elementary, junior, and senior high schools.

8. Beauty and barber shops operated and used as a home occupation except for having a separate entrance.

9. Home occupation.

10. Television and radio towers and discs including one accessory building not larger than 100 square feet in area for the housing of equipment only.

11. Veterinary clinic or kennel and animal hospital, provided that all animals are housed in buildings or enclosures which are at least 100 feet from any residential district.

12. Wineries.

13. Farm market structure - structure located upon a farm used for the sale of plants and produce which use is operated like a farm market, except that plant and produce offered for sale are to be supplemented by offering for sale produce and plants which are grown and/or produced elsewhere. The primary purpose of such use must remain the sale of produce and plants permitted to be sold in a farm market.

14. Fur dealers.

15. Commercial storage of boats, recreational vehicles, and/or construction equipment only within the confines of an enclosed building.

16. Private schools, institutions of high learning and libraries.

17. Disposal of refuse or garbage.

18. Billboards if located per Article 18.08 and are located a minimum of 1500 feet from another billboard.

15.05 YARD AND LOT REQUIREMENTS

1. Required Yards:

See Section 7.08, Schedule of yard and lot requirements.

2. Minimum lot area:

The minimum lot area shall be not less than 10 acres with a minimum frontage throughout of not less than 175 feet.

15.06 BUILDING HEIGHT REQUIREMENTS

In the General Agricultural District, no building shall exceed 2-1/2 stories or 35 feet in height.

15.07 ACCESSORY PARKING

In the Agricultural District parking shall be provided as required in Section 17.16.

15.08 SIGNS

Wall or ground signs, single or double face, shall not exceed 144 square feet in area for each face. Wall signs shall not extend above or beyond any part of the roof line. Maximum height above grade at sign shall not exceed thirty-five (35) feet. Not more than one (1) sign for each street front of the lot on which the sign is located may be displayed.

Billboards are permitted if they meet the requirement of Article 18.

ARTICLE 16 PLANNING UNIT DEVELOPMENT

16.01 INTENT

The purpose of this Section is to permit creation of new Planned Unit Developments permitted as Conditional Uses where maximum variations of design may be allowed on application and approval of specific and detailed plans, where tracts suitable in location and character for the uses and structures proposed are adapted to unified planning and development as units. Such areas, after approval, are to be clearly identified on the zoning map by appropriate markings. Applications for Conditional Use Permits for Planned Unit Developments will be granted only when the plan for the project is such that the public health, safety and morals will not be jeopardized by a departure from the restrictions on corresponding uses in the standard zoning district.

16.02 TYPES OF PLANNED DEVELOPMENT

- PD - 1 Planned Residential Development
- PD - 2 Planned Business Development
- PD - 3 Planned Industrial Development

16.03 STANDARDS FOR PLANNED DEVELOPMENT

Approval of an application for a Conditional Use Permit for a Planned Unit Development shall be based on specific case, based on the particular evidence presented, which support conclusions that:

1. The proposed development is consistent in all respects with the purpose and intent of this Zoning Resolution.
2. The Plan is in conformity with the Comprehensive Plan.
3. The proposed development advances the general welfare of the community and the immediate vicinity.
4. The Planned Unit Development can be substantially completed within the time specified in the schedule of development submitted by the developer.

5. The site will be accessible from public thoroughfares adequate to carry the traffic which will be imposed upon them by the proposed development, and the streets and driveways on the site of the proposed or occupants of the proposed development.

6. The development will not impose an undue burden on public services and facilities, including fire and police protection.

7. The location and arrangement of structures parking areas, walks, lighting and appurtenant facilities will be compatible with the surrounding land uses, and any part of a Planned Unit Development not used for structures, accessways, parking and loading areas will be landscaped or otherwise improved.

16.04 PLANNED UNIT DEVELOPMENT PROCEDURES

1. Pre-Application Meeting: Prior to application for a Conditional Use Permit to allow a Planned Unit Development, the developer shall establish a meeting with the County Engineer, County Sanitary Engineer and the Planning Director. The purpose of the meeting will be to discuss a preliminary site plan showing the proposed location of structures indicating unit density, types and total number of units in a residential plan, or in the case of a business or industrial plan, a statement identifying the principal types of office, business and/or industrial uses that are to be included in the proposed development; also the proposed provision of water, sanitary sewer, and surface drainage including engineering studies showing feasibility or other evidence of reasonableness; also the proposed traffic circulation pattern, including public or common open space, parking, walks, school sites and recreational facilities, indicating their relationship to topography, streets, etc., and the proposed relationship of the development plan to existing and future land services and other public improvements, in the surrounding area.

2. Application: The owner or owners of a tract of land may request a Conditional Use Permit to allow a Planned Unit Development in the R-1 through R-3 Residential Districts, B-1 and B-3 Business Districts, and I-1 and I-2 Industrial Districts in accordance with Section 20.08 (4) of this resolution. No application for a Conditional

Use Permit for a Planned Unit Development shall be considered by the Board of Appeals until the plan has been submitted by the applicant to the Rural Zoning Commission and the Rural Zoning Commission has approved the plan.

3. Development Plan: The following are to be submitted to the Rural Zoning Commission:

- a. Three copies of a survey of the tract that is to be developed showing existing features of the property including thoroughfares, easements, utility lines, existing land use, general topography and physical features.
- b. A statement of the percentage of the development which is to be occupied by the structures and evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all the ownership and interests in the tract of land and the proposed development.
- c. Three (3) copies of final site plan indicating exact location and/or uses of items in 1. above in addition to the proposed schedule of development and construction and including sketches and other material indicating design principles, concepts, and landscape treatment. When a Planned Unit Development provides for common open space, the open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Unit Development as the stages or units completed or under development bear to the entire Planned Unit Development.
- d. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Unit Development.
- e. When a Planned Unit Development includes provisions for a common open space, or recreational facilities, a statement describing the provision that is to be made for the care and maintenance thereof. 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 shall be submitted.

4. Plat: No use shall be established or changed and no structure shall be constructed in any portion of a Planned Unit Development until the final subdivision plat for that portion has been approved by the Planning Commission and recorded in compliance with the requirements of the Planning Commission Regulations. Such plat shall show or include the following:

- a. Site arrangement, water, sewer, streets, and other public utilities and/or facilities; land to be publicly or commonly owned and maintained.
- b. Deed restrictions, protective covenants and other legal statements or devices to be used to control use, development and maintenance.

16.05 ACTION BY BOARD OF APPEALS

The Board of Appeals shall consider the application for a Conditional Use Permit for a Planned Unit Development in accordance with Section 20.08 (4) of this Resolution.

The Board of Appeals shall require performance bonds or irrevocable letters of credit in amounts equal to the developer's share of estimated cost of construction of utilities, accessways, parking areas, landscaping or other improvements which the Board may deem necessary.

The approval of the Development Plan of a single stage Planned unit development shall become null and void unless within two (2) years the Subdivision Plat shall have been recorded in the records of the County Recorder.

When the recording of the Subdivision Plat for the successive stages of a multi-stage Planned Unit Development falls more than two (2) years behind schedule submitted, approval of the Development Plan shall become null and void as to that portion of the tract for which no Subdivision Plat shall have been recorded.

Appropriate markings shall be placed on the Zoning Map to clearly identify areas approved for a

Planned Unit Development and removed when and if approval becomes null and void.

16.06 PD - PLANNED RESIDENTIAL DEVELOPMENT

1. Permitted Uses

- a. Those uses included as permitted and accessory uses in R-1 and R-3 Residential Districts developed in a unified manner in accordance with the approved Development Plan.
- b. Convenience establishments as accessory uses which have been established as necessary for the proper development of the community and to be so located, designed and operated to service primarily the needs of the persons within the Planned Unit Development if specifically approved as part of the Development Plan. Uses shall be generally limited to those uses permitted in the B-2 Business District with no direct access or advertising signs for such uses to be visible from the exterior of the development.
- c. Mobile Home Parks constructed in conformity with County, State and National, Environmental Protection Agency Regulation.

2. Area Requirements

The minimum land area required for a Planned Residential Development shall be ten (10) acres.

3. Land Use Intensity

To be determined by the Rural Zoning Commission. The calculation of residential density shall meet the required minimum lot requirements but may include all areas dedicated for recreation or open space uses either dedicated to the public or commonly owned by all the residents of the Planned Unit Development area except it shall exclude street right-of-way and land used for convenience establishments as permitted in 16.06 - (b) under Permitted Uses.

4. Building Height Regulations

Those that apply in the Zoning District in which the land is located.

5. Accessory Parking

See Section 17.16.

6. Signs

See Article 18 for size and location of permitted signs.

7. Site Planning

Yards with a minimum width of fifty (50) feet shall be provided along all property lines, and maintained in landscaping to the extent of twenty (20) feet along such property lines, except where it adjoins a Business or Industrial District.

Where lots in Residential Districts front on a residential street at the boundary of a Planned Business Development, the nearest thirty (30) feet to the right-of-way within the Development Plan shall be maintained in landscaping and no off-street parking shall be permitted in such area.

8. Loading and Unloading Areas

See Section 17.15.

9. Screening

See Section 17.17.

16.07 PD - 2 PLANNED BUSINESS DEVELOPMENT

1. Permitted Uses

Those uses included as permitted and accessory uses in B-1 and B-3 Business Districts developed in accordance with the approved Development Plan.

2. Area Requirements

The minimum land area for a Planned Business Development shall be two (2) acres.

3. Land Occupancy by Buildings

To be determined by the Rural Zoning Commission.

4. Building Height Regulations

Those that apply in the Zoning District in which the land is located unless otherwise limited by the Rural Zoning Commission.

5. Accessory Parking

See Section 17.16.

6. Signs

See Article 18 for size and location of permitted signs.

7. Site Planning

Yards with a minimum width of fifty (50) feet shall be provided along all property lines, and maintained in landscaping to the extent of twenty (20) feet along such property lines, except where it adjoins a Business or Industrial District.

Where lots in Residential Districts front on a residential street at the boundary of a Planned business Development, the nearest thirty (30) feet to the right-of-way within the Development Plan shall be maintained in landscaping and no off-street parking shall be permitted in such areas.

8. Loading and Unloadiang Areas

See Section 17.15.

9. Screening

See Section 17.17.

16.08 PD - 3 PLANNED INDUSTRIAL DEVELOPMENT

1. Permitted Uses

Those uses including as permitted and accessory uses in the I-1 and I-2 Industrial Districts developed in accordance with the approved Development Plan.

2. Area Requirements

The minimum land area for a Planned Industrial Development shall be ten (10) acres.

3. Land Occupancy by Buildings

To be determined by the Rural Zoning Commission.

4. Building Height Regulations

Those that apply in the Zoning District in which the land is located unless otherwise limited by the Rural Zoning Commission.

5. Accessory Parking

See Section 17.16.

6. Signs

See Article 18 for size and located of permitted signs.

7. Site Planning

Yards with a minimum width of one hundred (100) feet shall be provided along all property lines and maintained in landscaping to the extent of thirty (30) feet along such property lines, except where it adjoins a Business or Industrial District.

Where lots in Residential Districts front on a residential street at the boundary of a Planned Industrial Development, the nearest fifty (50) feet to the right-of-way within the Development Plan shall be maintained in landscaping and no off-street parking shall be permitted in such area.

8. Loading and Unloading Areas

See Section 17.15.

9. Screening

See Section 17.17.

ARTICLE 17 GENERAL PROVISIONS

17.01 GENERAL REGULATIONS

Except as herein provided no building or structure shall be erected, converted, enlarged, reconstructed, moved, etc.

1. Except for a purpose permitted in the district in which the building or land is located.

2. Except in conformance with the height or bulk limits established herein for the district in which the building or use is located.

3. Except in conformance with the yard and lot regulations of the district in which the building or use is located.

4. Except in conformance with the off-street parking and off-street loading space regulations of the district in which the building or use is located.

5. Unless such building or structure is located on a lot as herein defined and, in no case, shall there be more than one main building on a lot except as specifically provided hereinafter.

17.02 YARDS REQUIRED FOR CORNER AND THROUGH LOTS

1. In any district, the side yard of a corner lot that abuts the side street shall have the same setback requirements as the front yards.

2. A rear yard shall be provided parallel to and opposite from the front yard.

3. On through lots the front yard requirements shall apply to all street frontages.

17.03 CORNER LOT ACCESSORY BUILDINGS

In no case shall a corner lot accessory building project beyond the building to which it is accessory, be closer than five (5) feet to a common lot line nor be located closer than ten (10) feet to the rear lot line of the lot on which it is to be located.

17.04 LOTS ADJOINING ALLEYS

In calculating the area of a lot that adjoins an

alley, for the purpose of applying lot area requirements of this Resolution, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.

17.05 ACCESSORY BUILDINGS

In any residential zone, no garage or other accessory building shall be erected within the front yard.

No garage or accessory building shall be constructed in the required side yards except that a garage or accessory building erected entirely to the rear of the main dwelling may not be located less than five (5) feet from the side or rear lot line or any dedicated easement.

No detached garage or accessory building in the residential and business districts shall exceed the height of the main building.

17.06 HEIGHT OF FENCES

1. Side and rear fences: Fences constructed within a side or rear yard shall not be higher than six (6) feet except as provided herein.

2. Planting, Fences, and Walls in the Front Yard: No fence, wall, or hedge planting shall interfere with visibility from a driveway. The Enforcing Officer is hereby empowered to cause all such obstructions to be moved in the interest of the public safety.

17.07 REMOVAL OF SOIL, SAND OR OTHER MATERIAL

The use of land for the removal of topsoil, sand or other material, other than materials from basement excavations, is not permitted in any zone unless otherwise provided. When permitted as a conditional use, a bond or letter of credit will be required to assure that such removal will not cause stagnant water to collect or leave the surface of the land in an unstable condition, unfit for the growing of turf, or for other land uses permitted in the district in which such removal occurs.

17.08 ESSENTIAL SERVICES

Essential services shall be allowed in any district insofar as permitted, authorized, or regulated by law or other Resolutions. Buildings

required by a public utility in conjunction with an essential service may be permitted in any district when approved by the Planning Commission. In granting such permission, the Planning Commission shall consider the location, size, use, and effect such building will have upon adjacent land and buildings.

17.09 EXTERNAL EFFECTS

No land, building, or structure in any district shall be used or occupied in any manner so as to be unsightly or create any dangerous, injurious, noxious, or otherwise objectionable vibration; smoke, dust, fumes, odor, or other forms of air pollution; heat, cold, or dampness; electrical or electronic disturbances; nuclear radiation; or any other condition detrimental to persons or property not located on the premises on which such building, structure or use is located. Such uses, when lawfully permitted under the provisions of this Resolution, shall be operated in a manner so as to insure that the property rights of all other parcels of land will not be adversely effected to the extent of reducing the enjoyment of property rights thereon.

17.10 OUTDOOR STORAGE AND WASTE DISPOSAL

Every use shall be operated in accordance with the following provisions:

1. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground except in a Light or Heavy industrial District. Tanks or drums of fuel directly connected with heating devices or appliances located on the same lot are excluded from this provision.

2. All outdoor storage facilities for fuel, raw materials and products shall be enclosed and concealed by a fence or wall.

3. No materials or wastes shall be deposited upon a lot in such form or manner as to allow such materials or wastes to be transferred off the lot by wind, flood, or natural causes or forces.

4. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible or attractive to rodents or insects shall not be stored outdoors except in closed containers constructed of an impervious material.

17.11 PROJECTIONS INTO REQUIRED YARDS

1. Chimneys, flues, sills, pilasters, cornices, caves, gutters, roof overhangs, and other similar features may project into a required side yard a maximum of twelve (12) inches.
2. No structure may be constructed, placed or project into a required front yard.
3. No structure may project into a required side yard except that, where a single lot under one ownership existed in a residential district at the time of passage of this resolution, and such lot is of insufficient width to meet the side yard requirements of this Resolution, the Board of Appeals may grant a minimum variance to permit the construction of a one-family residence.

17.12 EXCEPTIONS TO HEIGHT LIMITATIONS

Chimneys, domes, spires, necessary mechanical appurtenant, and radio and television towers may exceed district height limitations, provided:

1. Public, semi-public, or public service buildings, hospitals, institutions, or schools, where permitted, may be erected to a height not exceeding ninety (90) feet when the required side and rear yards are each increased by one (1) foot for each foot of additional building height above the height regulations for the district in which the building is located.
2. Commercial radio and television towers shall be located centrally on a continuous parcel having a dimension at least equal to the height of the tower measured from the center of the base of the tower to all point on each property.
3. Radio towers for licensed amateur radio stations which exceed the allowable height of structures in the residentially zoned districts shall be limited in height from their base to the distance from the base to the nearest property line.

17.13 TEMPORARY USES

In any district, subject to the conditions stated below, the Enforcing officer may issue a permit for the following temporary uses. Fee to be twenty-five (\$25.00) dollars for the specified time so stated.

1. Temporary office buildings, or yard for construction material or equipment, provided such use is adjacent to the construction site. Each permit shall be valid for one (1) year and may be renewed if conditions warrant such renewal.

2. Temporary office incidental and necessary to real estate sales and rentals. Each permit shall be valid for a period of two (2) years and may be renewed for two (2) additional years if conditions warrant such renewal. In no instance should a temporary office be located in a structure used for human habitation.

3. Building and yards locations shall be subject to such conditions and safeguards as the Enforcing Officer may deem necessary to preserve the character of the surrounding area.

4. Gathering under canvas or in the open for a religious service, show, meeting, exhibition, bazaar, carnival, or circus except that, if located within four hundred (400) feet of any residential area, no permit will be issued unless there is first filed with the Enforcing Officer the written consent of the owners of sixty percent (60%) of all residentially used property with four hundred (400) feet of location of such gathering. Temporary permit may be issued for up to thirty (30) days.

5. Temporary signs in accordance with Section 18.06.

6. Temporary Mobile Home: A mobile home located in the R-1, R-2, F-1, A-1, or A-2 district when its intended use is of a temporary nature as interim living quarters until such time as construction or reconstruction of a detached one-family or two-family dwelling is completed.

Before issuance of a temporary permit, the applicant must submit to the office of the Enforcing Officer:

a. Health Department approval,

b. a bond or letter of credit in the amount of five hundred dollars (\$500) to secure the cost of removal of the temporary mobile home under the provisions of this section,

c. a plot plan indicating placement of both the permanent dwelling and the temporary mobile home;

and

d. construction/reconstruction plans of the proposed detached one-family dwelling and have said plans approved by the Building Inspector.

Location of the temporary mobile home shall be exempt from the applicable yard requirements during the length of the temporary permit. The Enforcing Officer shall determine location in regards to property lines and right-of-way.

The temporary permit shall be valid for eighteen (18) months, with construction to commence within ninety (90) days after issuance of the required permits. Any request for extension of the eighteen (18) month period must be made to the Board of Appeals for its consideration as a conditional use.

Said mobile home must be removed within thirty (30) days after completion of the permanent unit. Completion date will be the final inspection of the dwelling by the Building Inspector.

No request hereunder will be accepted for consideration within the F-1, Flood Plain District, unless the applicant has furnished a valid written favorable recommendation thereto by the Miami Conservancy District and complies with the Flood Damage Prevention Regulations of Miami County, Ohio.

17.14 MAJOR STREET SETBACKS

Any building or structure shall hereafter be constructed in accordance with the required front yard setback in the district in which it is to be located, measured from the required right-of-way line of a proposed or existing arterial or collector street designated as such on the official Thoroughfare Plan.

17.15 OFF-STREET LOADING REGULATIONS

On the same premises with every building structure or part thereof erected and occupied for commerce, industry, public assembly, or other uses involving the receipt of distribution by vehicles of materials or merchandise, there shall be provided and permanently maintained adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets or alleys in conformance with the

following:

1. General Provisions

a. Screening: Off-street loading spaced that adjoin or are across a street or alley from property zoned for any residential use shall have a dense evergreen planting, fence, masonry wall, or such other screening, as may be determined by the Planning Commission. The Planning Commission shall also determine the height, location, and density of screening used to provide adequate protection to adjoining property.

b. Entrances and Exits: Off-street loading spaces shall be provided with entrances and exits not less than twelve (12) feet in width and so located as to minimize traffic congestion.

c. Dimensions: Each off-street loading spaces shall be not less than ten (10) feet in width, twenty-five (25) feet in length, and fifteen (15) feet in height, exclusive of access drives.

d. Projection into Yards: Off-street loading space may occupy all or any part of any required rear yard space.

2. Amount of Loading Space Required

Adequate amounts of off-street loading space shall be provided. An area adequate for maneuvering, ingress, and egress shall be provided in addition to required loading space.

17.16 OFF-STREET PARKING REGULATIONS

Hereafter, no building shall be erected or altered and no land used unless there is provided adequate off-street parking space or spaces for the needs of tenants, personnel, and patrons together with means of ingress or egress.

1. General Provisions

a. Residential off-street parking spaces are designed and shall be used only for the parking of passenger type vehicles. Such spaces shall consist of a parking strip, driveway, garage, or combination thereof, shall be located on the premises they are intended to serve.

b. Any area once designed as required

off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.

c. Off-street parking existing at the effective date of this Resolution in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

d. Two or more building or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of requirements for the several uses computed separately.

e. Where operating hours of buildings do not overlap, the Board of Appeals may grant an exception to allow the dual function of off-street parking spaces.

f. The storage or sale of merchandise or the repair of vehicles is prohibited on required off-street parking spaces.

g. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use the Board of Appeals considers as being similar in type.

h. A suitable means of vehicular ingress and egress to premises used for parking shall be provided and shall open directly from and to a public street, alley or highway. The width of any exit or entrance adjoining property or opposite property zoned for residential uses shall be approved by the County Engineer or Planning Commission prior to obtaining any permit therefore. The County Engineer or Planning Commission may require the owner to provide acceleration and/or deceleration lanes where traffic volumes indicate the need.

i. Fencing, wheel stops, or other physical barriers shall be provided for all boundaries of the parking area except at points of ingress and egress to prevent encroachment of vehicles.

j. All parking lots shall be surfaced with a hard or semi-hard dust free surface in conformance with the standards of the County Engineer.

k. If the parking lot is to be open for use

after dark, it shall be provided with not less than two (2) lumens of light per square foot of parking lot surface. Lights shall be shielded so as not to shine directly or in an offensive manner on adjoining residential property.

1. When a parking lot abuts a residential zone, there shall be permanently maintained along such boundary, screening as provided in Section 17.17.

m. Prior to constructing an accessory parking lot, the owner or person in charge of the land to be used for parking shall submit a plot plan to the Enforcing Officer who will submit same to the Planning Commission, County Engineer, and other agencies for their consideration and recommendations. Such plot plan shall show the boundaries of the property, location of adjacent houses, parking spaces, circulation patterns, drainage plan and construction plan for boundary walls and planting plan. The circulation patterns shall include adequate barriers to prevent the cross cutting of the parking area.

n. The Board of Appeals may permit accessory parking within an adjacent lot zoned for residential uses, providing:

1. Such lot is necessary for the public convenience and will not have an adverse effect on adjacent properties.

2. A public hearing is held in accordance with the procedure given in Section 20.08.

3. All provisions of Section 17.16 of this Resolution are complied with.

4. No parking shall be permitted between the street line and the building line prevailing in the zone in which the proposed parking area is to be located. The resulting open area shall be planted in grass, or otherwise landscaped to create a permanent great area.

5. A dense evergreen planting with a minimum height of four (4) feet and a mature height of at least 5'6", or a solidly constructed decorative fence shall be permanently maintained along the mutual boundary of the restricted accessory parking area and adjacent land zoned for

residential uses except for the portion of such boundary located within a required front yard.

6. Whenever a lot located in a residential zone is used for accessory parking purposes and is located across the street from residentially zoned land, that portion of the lot used for parking purposes shall be screened from the street as specified in paragraph 5 above except for access drive. Such screening shall be placed along the setback line.

7. Ingress and egress for vehicles to any premises used for parking under conditional use permit by the Board of Appeals shall be by means of streets or alleys through business or industrial areas, not by means of streets or alleys through residential areas.

o. Drive-In Service Establishments: Establishments that, by their nature, create periodic lining up of customers in automobiles waiting to be serviced shall provide off-street areas for these waiting customers.

Those establishments that can normally serve their customer in three (3) minutes or less shall provided at least five (5) off-street waiting spaces per window.

Where normal customer servicing time is greater than three (3) minutes per car, additional spaces shall be provided on the basis of one (1) additional space per additional minute of waiting time.

Quick Auto Wash shall provide at least ten (10) off-street waiting spaces.

p. Barriers to Encroachment: No off-street parking, storage, or display of vehicles for sale or rent shall be permitted within any required yard.

2. Amount of Off-Street Parking Space Required

The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following minimum parking provisions, provided that no parking area shall project into a required front yard in any district.

a. One Family Dwelling: Two spaces for each family unit plus one space for each roomer, one of which may project into the required front yard.

b. Two Family Dwellings: Two parking spaces for each family, plus one space for each two roomers, one of which may project into the required front yard.

c. Multiple Family: Two parking spaces per dwelling unit plus one space for each employee.

d. Apartment Hotel: One space per apartment, plus one for each employee.

e. Housing for the Elderly: One parking space for each two units, plus one space for each employee.

f. Boarding House: One parking space for each sleeping room.

g. Hotel or Motel: One parking space per unit, plus one for each employee.

h. Church: One parking space for each three seats in the main auditorium.

i. Hospital: One for each two beds, plus one for each staff doctor and one for each two full time employees on shift, including nurses.

j. Sanitarium, Convalescent Home or Children's Home: One for each two beds, plus one for each two employees.

k. Elementary and Junior High School: One parking space for each employee, plus one parking space for each 80 square feet in the main auditorium not containing fixed seats or one space for six fixed seats in the main auditorium, whichever is greater.

l. Senior High School: One parking space for each employee, plus one parking space for each ten students, one parking space for each 80 square feet of floor area in the main auditorium not containing fixed seats, or one parking space for each six fixed seats in the main auditorium, whichever is greater.

m. College and Business University: One for each two students, plus one for each three

students.

n. Libraries, Museum, or Art Galleries: One for each 600 square feet of floor area, plus one for each four employees.

o. Post Office: One for each 500 square feet of floor area, plus one for each three (3) employees.

p. Private Club and Lodge: One parking space for each three (3) persons allowed by fire, health, or building code.

q. Bowling Alley: Five (5) parking spaces for each alley.

r. Public Golf Course: Six (6) parking spaces for each golf hole, plus one space for each employee.

s. Sports Arena, Auditorium, Theater, Assembly Hall, other than in Schools: One (1) parking space for each four (4) persons allowed by the fire code up to 1000 seats, plus one (1) parking space for each three (3) persons allowed by the fire code over 1000 seats, plus one (1) for each two (2) employees.

t. Stadium, Sports Arena or Similar Place of Outdoor Assembly: One parking space for each three (3) seats.

u. Professional Offices, Medical Clinics: One (1) parking space for each 150 square feet of floor area. Provided that an office, when used as a home occupation, shall provide one (1) parking space for each 100 square feet, or major fraction thereof, of office area in addition to that required for the residing family or families.

v. Office Building: One parking space for each 200 square feet of gross floor area excluding any floor space used for parking.

w. Bank, Dry Cleaning, Laundry, and Similar Service Business: One (1) parking space for each 250 square feet of floor area.

x. Drive-In Bank: Five (5) for each teller window, plus one (1) for each employee if no inside customer service is provided.

y. Auto Service Station: Four spaces.

z. Automobile Sales and Service Garage: One (1) parking space for each 200 square feet of floor area in the main display room.

aa. Used Car Lot: One space for each 1500 square feet of lot area.

bb. Barber Shop and Beauty Parlor: One (1) parking space for each chair, plus one (1) for each employee.

cc. Drive-In Eating Establishment: One (1) parking space for 60 square feet of floor area, but not less than 20 spaces.

dd. Furniture and Appliances, Household Equipment, Decorator, Electrician, and Shoe Repair: One (1) parking space for each 800 square feet of floor area, plus one (1) space for each two (2) employees.

ee. Laundromat: One (1) space for each two (2) washing machines.

ff. Mortuary or Funeral Home: One (1) parking space for each fifty (50) square feet of floor area in the slumber rooms, parlors, or individual funeral service rooms.

gg. Restaurant, Tavern and Drive-In Eating Establishment with Inside Service: One (1) parking space for each four (4) seats, plus one (1) space for each two (2) employees.

hh. Retail Store: Including Rental Service Store: One (1) parking space for each 200 square feet of gross floor area, excepting a self-service establishment or supermarket shall provide one (1) parking space for each 100 square feet of gross floor area.

ii. Contractor's Yard or Plant Storage Yard: One (1) space for each three (3) employees.

jj. Warehouse and Wholesale Store: One (1) parking space for each 800 square feet of floor area.

kk. Manufacturing Plant or Research Laboratory: One (1) space for each one and one-half (1 1/2) employees per largest work shift.

In the case of a use not specifically mentioned,

the requirements for off-street parking shall be the same as for a similar use specifically mentioned. Similarity to be determined by the Enforcing Officer.

17.17 SCREENING

Hereafter no buildings or structures shall be erected, altered, or enlarged nor shall land be used for any non-residential use on a lot that adjoins or faces any residential district until a plan for screening has been submitted and approved by the Planning Commission.

1. Screening shall be provided for one or more of the following purposes:

a. Visual barrier to partially or completely obstruct the view of unattractive structures or activities.

b. As an acoustic screen to aid in absorbing or deflecting noise.

c. For the containment of debris and litter.

2. Screening may be one of the following or a combination of two or more:

a. A solid masonry wall.

b. A solidly constructed decorative fence.

c. Louvered fence.

d. Dense evergreen plantings.

e. Deciduous trees and shrubs.

3. Whenever any non-residential use abuts a residential district, a visual screening wall, fence, or planting shall be erected or placed along such mutual boundary lines.

4. Visual screening walls, fences, or plantings shall be at least five feet, six inches (5'6") high except in required front yards where maximum height shall meet the requirements of Section 17.06.

5. Screening for purposes of absorbing or deflecting noise shall have a depth of at least

fifteen (15) feet of dense plantings or a solid masonry wall in combination with decorative plantings.

6. Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles.

17.18 NON-CONFORMITIES

Within the districts established by this Resolution or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this Resolution was passed or amended, but are or may be prohibited, regulated, or restricted under the terms of this Resolution or future amendment. It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their continuance. Such uses are declared by this Resolution to be incompatible with permitted uses in the districts involved. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except by appeal to the Board of Appeals for approval of specific plans.

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution. Actual building construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

1. Non-Conforming Lots of Record:

In any district in which single-family dwellings are permitted, notwithstanding other limitations imposed by other provisions of this Resolution, a single-family dwelling and customary accessory building may be erected on any single

lot of record at the effective date of adoption or amendment of this Resolution.

2. Non-Conforming Uses of Land:

Where, at the effective date of adoption or amendment of this Resolution a lawful use of land exists that is made no longer permissible under the terms of this Resolution as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land that was occupied at the effective date of adoption or amendment of this Resolution except as provided.

b. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Resolution.

c. If any such non-conforming use of land is voluntarily discontinued for two (2) years or more, any future use of such land shall be in conformity with Section 303.01 to 303.25, inclusive of the Ohio Revised Code and this Resolution.

d. Where a non-conforming use of the land, by the nature of the use, requires expansion or enlargement of the land area so used in order to continue in operation such as removal of sand, earth, stone, minerals, etc., continuance of such operations following the adoption or amendment of this Resolution shall be deemed a violation unless a conditional use for such purpose has been granted by the Board of Appeals.

3. Non-Conforming Structures:

Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reasons of area restrictions, lot coverage, building height, yards, or other characteristics of the structure of its location on the lot, such structure may be continued so long as it remains otherwise lawful.

4. Non-Conforming Uses of Structures:

If a lawful use of a structure or of structure and premises in combination exists at the effective date of adoption or amendment of this Resolution, the lawful use may be continued so long as it remains otherwise lawful subject to the following:

a. If no structural alterations are made, any non-conforming use of a structure, or structures and premises, may be changed to another non-conforming use provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.

b. Any structure or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.

c. If any such non-conforming use of a structure or structure and premises in combination is voluntarily discontinued for two (2) years or more, any future use of such structure or structure and premises in combination shall be in conformity with Section 303.01 to 303.25, inclusive, of the Ohio Revised Code and this Resolution.

d. When a non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

5. Repairs and Maintenance:

On any building devoted in whole or in part to any non-conforming use, ordinary repairs and repair or replacement of walls, fixtures, wiring, or plumbing are permitted.

6. Restoring Buildings

When a building or structure, the use of which does not conform to the provisions of this Resolution, has been damaged by explosion, fire, Act of God, or the public enemy to the extent of

twice its assessed value for tax purposes, it shall not be restored or reconstructed or in any way used except in conformity with the district regulations of the district in which the building is situated. When a non-conforming use qualifies for such reconstruction, a building permit shall be secured for that purpose within one (1) year from the date of occurrence of such damage, and such reconstruction shall be diligently prosecuted and completed without delay. Failure to comply with the above restrictions shall cause such non-conforming uses to lapse, and the premises shall conform thereafter to the established district regulations therein.

7. Violations not Rendered Non-Conforming:

A use, structure, or lot in violation of the provisions of the Resolution shall not become non-conforming upon the adoption of an amendment to the Resolution.

Nothing in this resolution shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

17.19 MOBILE HOME & RECREATION VEHICLE

1. No person shall occupy a recreational vehicle as a residence in any district. No person shall occupy a mobile home as a residence outside an approved and licensed mobile home park or trailer court except as provided in the A-2 general agricultural district.

2. No mobile home may be stored or parked in any residential district outside an approved and licensed mobile home park or trailer court.

3. No mobile home, mobile home classified as a recreation vehicle, or boat may be stored or parked in any required front yard of any residential district.

17.20 MODULAR HOME

Modular homes will be permitted if meeting square footage requirements of the district involved and placed on a permanent foundation and made part of the real estate.

17.21 DECORATIVE DRIVEWAY ENTRANCES

Decorative entrance structures for driveways shall be permitted in any district.

ARTICLE 18 SIGN REGULATIONS

18.01 INTENT

It is the intent of this article to establish reasonable regulations governing the size, character, and location of signs within Miami County in the interest of the safety and general welfare of its citizens, business concerns, and other affected sections of the County. Within this framework, these regulations are adopted to achieve the following objectives:

1. To minimize the possibility that sign size, location, or character will create hazards adversely affecting the public safety.

2. To establish sign limitations which allow a reasonable capability for advertisement, but which prevents the escalation of sign competition to levels which are non-productive and create unnecessarily high entrepreneurial costs.

3. To provide sign regulations which are directly related to land use and, therefore, to the functional and economic need for signs of varying sizes, types, and locations.

4. To create a more aesthetically pleasing environment without unreasonable limiting the right of individuals to employ signs in the legitimate use of their property.

18.02 SCOPE OF REGULATIONS

The regulations herein set forth shall apply to and govern signs in all districts:

1. All signs shall be erected or maintained in compliance with the regulations governing size and height for the district in which it is located, unless such sign is otherwise specifically regulated by a temporary permit, or variance granted by the Board of Appeals.

2. All signs shall be erected in conformity with the respective zoning district yard requirements unless otherwise specified. No sign shall be erected so as to prevent free ingress to or egress from any door, window on any other exitway required by the Ohio or Miami County Building

Code, and amendments thereto, or by other adopted codes or regulations.

3. Signs which become obsolete due to cessation of the business, activity, product, or service advertised thereon for any other reason shall be completely removed from the premises within sixty (60) days after such obsolescence is established by the Enforcing Officer, unless said sign is converted to another lawful and contemporary use within that sixty (60) day period. The supporting structure for obsolete signs must be completely removed with a sixty (60) day period after obsolescence is established unless a new and lawful sign is established thereon.

4. Where illumination of signs is permitted, such illumination shall be neither flashing nor intermittent and shall be designed and constructed so as to concentrate the illumination upon the area of the sign and prevent glare upon the street or adjacent property. Such illumination shall be turned off no later than 11:00 p.m. or at the end of the business day, whichever is later.

5. No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision, at any location where, by reasons of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or which makes use of the words "stop", "look", "drive-in", "danger", or any other words, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.

6. It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent, or immoral matter.

7. Any sign is limited in subject matter to the name, design, picture, or trademark of the owner, operator, builder, sales agent, managing agent, lessor, or lessee of the premises or of the activities (including merchandise handles or services rendered) on the premises on which such sign is located and does not include any general commercial advertising unrelated to or extending in substantial degree beyond the enumerated permitted subjects.

8. Signs either free standing or wall shall be designed as to be similar in character with regard to materials, color, and size to conforming signs designed or located on the same lot and on adjoining lots in order to equalize the attention they are meant to attract and to produce an overall unified effect, all in accordance with the other requirements of this Article.

9. All signs must be maintained in good repair and appearance by the owner at all times.

18.03 PROHIBITED SIGNS

1. All blinding, flashing, or intermittent lighting is prohibited unless by approval of a conditional use permit by the Board of Appeals.

2. Pennants, banners, streamers, searchlights, spinning and similar type devices are prohibited except when allowed as a temporary sign.

3. Any signs which rotate, revolve, or have any visible moving parts are prohibited. Prohibition of moving signs and signs of intermittent lighting shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations, or similar devices.

4. No sign shall be placed in the public right-of-way with the exception of those signs permitted under Article 18.04.

5. No signs shall be located along any public thoroughfare right-of-way within 100 feet of any other public thoroughfare intersection, unless otherwise exempted.

6. No beam, beacon, or flashing light of a red, blue or amber color.

7. No bare bulb illumination.

8. No flame as a source of light.

9. No roof signs.

10. No wall signs, any part of which extends above the lowest point of the roof line.

11. No signs shall be attached to a utility pole, fence post, fence, tree, or accessory

building nor shall any sign be erected so as to impair access to a roof.

12. No portable street signs except when permitted as a temporary sign.

13. No signs shall be painted on a building or accessory building with the exception of a building used for agricultural purposes unless an application has been filed and approval granted by the Board of Zoning Appeals.

18.04 EXEMPTIONS

Signs that are exempt from the provision of these regulations shall not extend or be placed in a required right-of-way, provided they are not illuminated nor animated unless as specifically provided:

1. Real estate signs not exceeding five (5) square feet in area in any R district (32 square feet in any other district) which advertise the sale, rental or lease of the premises on which said signs are located and limited to not more than one such sign per use per each street front of the lot on which the sign is located.

2. Professional or occupational name plates not exceeding one (1) square foot in area and limited to not more than one such sign per use per each street front of the lot on which the sign is located.

3. Occupational signs not exceeding two (2) square feet in area denoting only the name and profession of an occupant in a commercial building, public institutional building, or multiple dwelling and limited to not more than one such sign per use per each street front of the lot on which the sign is located.

4. Temporary signs not exceeding thirty-two (32) square feet in area denoting the architect, engineer, or contractor when placed upon work under construction, to be removed upon completion of the building and to be limited to not more than one such sign per use per each street front of the lot on which the sign is located.

5. Memorial signs or tablets, names of buildings, and date of erection when cut in to any masonry surface or when constructed of bronze or other noncombustible materials and limited to not

more than one such sign per use per each street front of the lot on which the sign is located.

6. Traffic signs, legal notices, railroad crossing signs, and temporary emergency signs. Non-advertising signs may be authorized by the Board of Appeals.

7. The flag, pennant, or insignia of any nation, state, city or other political unit or any political educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event.

8. "No trespassing" signs or other such signs regulating the use of a property such as "no hunting", "no fishing", etc. of not more than two (2) square feet in area and located no closer than 100 feet from another such sign.

9. Changing of the advertising copy or message of an approved painted or printed sign.

10. No more than two (2) menu boards in conjunction with a restaurant drive-thru service window. Such boards may be illuminated internally or by reflected light provided the source of light is not directly visible.

11. Poster signs when exhibited from inside a window.

12. Temporary political signs may be erected upon private property under the following conditions:

a. The person or organization for the erection or distribution of such sign or the owner, or his agent, of the property upon which such signs may be located shall cause the removal thereof within fifteen (15) days after the primary or special election to which they are appurtenant unless such signs shall continue to be appurtenant to a general election to be held within thirty (30) days. The person or organization responsible for the erection or distribution of any such signs or the owner, or his agent, of the property on which such signs may be located shall cause the removal thereof within fifteen (15) days after the general election to which they are appurtenant.

b. Temporary political signs shall not be posted more than thirty (30) days prior to the election to which the sign related.

13. Parking or directional signs not over two (2) square feet in area provided the sign contains no advertising matter and is limited to not more than one (1) such sign per use per each street front of the lot on which the sign is located.

14. Bulletin boards and signs for a church, schools, community or other public or semi-public institutional building and multiple dwelling containing eight (8) or more units shall not exceed fifteen (15) square feet in area for a wall or ground sign with a maximum height of six (6) feet above grade for ground signs and located not less than ten (10) feet from the street right-of-way line. Such bulletin boards and signs may be illuminated but only from a concealed light source.

15. A seed dealer sign provided to the dealer by a supplier, not exceed four (4) square feet in area and located only in the General Agricultural District.

16. Non-illuminated residential name plate not exceeding two (2) square feet in area and containing one (1) or more of the following:

- 1) Street name and/or number
- 2) Name of the family residing on premises
- 3) Identification name of property
- 4) Any such similar contents as determined by the Enforcing Officer

17. A sign not exceeding four (4) square feet in area advertising the sale of produce and vegetables raised on the premises where such sale is permitted.

18. Agricultural production identification signs not exceeding eight (8) square feet.

19. Signs erected or place by private farmers to indicate the specific breed of livestock being raised or kept on the premises.

18.05 SUBDIVISION SIGNS

1. Upon approval of the Board of Appeals, a permit may be issued as a special exception to the terms of this Article allowing a land sale sign provided that:

- a. The sign shall not be illuminated.
- b. The sign shall advertise the sale or development of a recorded subdivision.
- c. The sign shall be erected only upon the property for sale or being developed.
- d. Not more than one (1) such sign shall be placed along single road frontage of any property in single and separate ownership, and provided that not more than two (2) such signs may be permitted in any single development.
- e. A permit for the erection, construction, or maintenance of said sign shall be valid for a period of one year and may be renewed annually by the Board of Appeals.
- f. Such sign or signs shall be removed upon completion of the subdivision of any section thereof as determined by the Enforcing Officer.

2. Upon approval of the Board of Appeals, a permit may be issued to allow the construction of a permanent sign and supporting decorative structure to depict the recorded subdivision name. Not more than one (1) such sign shall be placed along single road frontage of any property in single and separate ownership constituting the recorded subdivision.

18.06 TEMPORARY SIGNS

1. Certain temporary signs and attention-getting devices may be permitted for promoting special events or activities subject to the following provisions:

a. A temporary permit must be approved by the Enforcing Officer.

b. Such attention-getting devices shall be limited to an exposure period not to exceed thirty (30) days in any calendar year.

2. All other temporary signs are prohibited in all areas unless specifically exempted or permitted elsewhere in this Article.

18.07 DOMESTIC ADVERTISING SIGNS

Domestic advertising signs are permitted in any zoning district. The total message area of

domestic advertising signs on a lot may not exceed four (4) square feet. Because domestic advertising signs are often incompatible with the character of the surrounding neighborhood, they are permitted on a temporary basis only. No person shall display a domestic advertising sign for more than a total of two (2) weeks out of each calendar year. Signs may be considered domestic advertising signs only if they are located on the same lot as the goods which are offered for sale.

18.08 BILLBOARDS

Billboards shall be permitted provided that:

1. Location:

a. Billboards shall be permitted only in the A-2, per Article 15.04-16, B-1, B-3, F-1, I-1 and I-2 zoning districts.

b. Billboards shall be so located as not to project into the public right-of-way.

c. No billboards shall be located within 250 feet of an exit or entrance to a limited or controlled access highway.

d. No billboards shall be located along any public thoroughfare right-of-way within 100 feet of any other public thoroughfare right-of-way.

e. No billboards shall be located within 200 feet of any residential district.

2. Maximum size: No billboards shall contain more than 1600 square feet of surface area nor shall the surface area be less than six (6) feet from the ground.

3. Construction: All free standing billboards shall be constructed on steel or wood supports.

4. Spacing: No billboards shall be located within 1500 feet of another billboard.

5. Obsolescence: Billboards which become obsolete due to cessation of the business, activity, product or service advertised thereon or for any other reason shall be completely removed from the premises within 60 days after such obsolescence is established by the Enforcing

Officer unless such billboard is converted to another lawful and contemporary use within that 60 day period. The supporting structure for obsolete billboards must be completely removed within a period of one (1) year after obsolescence is established, unless a new and lawful billboard is established thereon.

18.09 BUSINESS AND INDUSTRIAL SIGNS

All signs and advertising structures in the business and industrial districts may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. Where such illuminated signs exceed fifty (50) square feet in area, they shall not be placed nearer than fifty (50) feet to an adjacent residential lot line and where such illuminated signs exceed one hundred (100) square feet in area and face any lot in a residential district, they shall be placed not nearer than one hundred (100) feet from the front lot line.

18.10 SHOPPING CENTER SIGNS

A shopping center located on a single parcel of land, having a minimum frontage of 200 feet, shall be entitled to one (1) free standing ground sign utilizing the following criteria:

1. Neighborhood shopping center (one which contains 20,000 to 99,999 square feet of floor space) shall be entitled to one (1) free standing ground sign not to exceed 100 square feet per face. Such a sign shall be permitted to display both the name and address of the shopping center, the names of its individual tenants, and periodically changing information relative to activities, events, and/or sales occurring within the shopping center.

2. Community shopping center (one which contains 100,000 to 399,999 square feet of floor space) shall be entitled to one (1) free standing ground sign not to exceed 200 square feet per face. Such sign shall be permitted the same contents as indicated for a neighborhood shopping center sign.

3. Regional shopping center (one which contains 400,000 or more square feet of floor area) shall be entitled to two (2) free standing ground signs, each of which shall not be permitted to exceed 300 square feet per face. Such signs shall be permitted the same contents as indicated for a neighborhood shopping center sign. Each establishment located as a part of the shopping center shall be permitted one (1) wall-mounted sign on the face of the building.

18.11 INDUSTRIAL PARK SIGNS

For industrial parks in single ownership or under unified control, with a minimum frontage of 200 feet, each industry shall be permitted one (1) wall-mounted sign on the face of the building. In addition, the park shall be entitled to one (1) free standing ground sign utilizing the following criteria:

1. An industrial park containing a total of 20,000 to 99,999 square feet of floor space shall be entitled to one (1) free standing ground sign not to exceed 100 square feet per face. Such a sign shall be permitted to display both the name and address of the industrial park and the names of its individual industries.

2. An industrial park containing a total of 100,000 to 399,999 square feet of floor space shall be entitled to one (1) free standing ground sign not to exceed 200 square feet per face. Such a sign shall be permitted to display both the name and address of the industrial park and the names of its individual industries.

3. An industrial park containing a total of 400,000 or more square feet of floor area shall be entitled to two (2) free standing ground signs, each of which shall not be permitted to exceed 300 square feet per face. Such signs shall be permitted to display both the name and address of the industrial park and the names of its individual industries.

18.12 CONDITIONAL USE PERMIT

Any sign that does not clearly fit into one of the sign regulations in this Resolution shall not be permitted except through issuance of a Conditional Use Permit obtained from the Board of Appeals. This includes all signs that have flashing or pulsating illumination, animation, rotation,

excessive dimensions or height, temporary construction signs in excess of thirty-two (32) square feet, or signs in excess of five (5) square feet advertising the sale, rental or lease of lots and/or buildings.

18.13 SIGNS ASSOCIATED WITH NON-CONFORMING USES

In the case of legal non-conforming land use, the total sign area of all signs associated with such land use shall be no greater than that which would be allowed if the non-conforming use were located in the most restrictive zoning district allowing such land use. Further, no new signs associated with non-conforming land uses may be erected, except replacements which are the same or smaller in size than the sign being replaced. In the event that a sign associated with a non-conforming land use is moved, its new location must conform to the set-back requirements of the district in which it is located, as if it were a building.

18.14 SIGN PERMIT APPLICATION AND FEES

No sign regulated by this Resolution may be erected, painted, installed, or otherwise established in Miami County without a permit therefore. Such permit shall be obtained through the office of the Enforcing Officer. There shall be a minimum fee of \$5.00 for all sign permits. All permits shall bear a fee of fifty cents (\$.50) for each square foot of message area. However, permits issued for signs already in place at the time of permit application shall bear a fee of \$1.00 for each square foot of message area with a minimum fee of \$10.00. No permit shall be required for real estate signs of five (5) square feet or less, domestic advertising signs or temporary political signs.

18.15 ENFORCEMENT RESPONSIBILITY

Enforcement of the sign regulations shall be the responsibility of the Enforcing Officer and such other appropriate personnel as may be designated by the Trustees of Bethel Township.

18.16 REMOVAL OF UNLAWFUL SIGNS

1. Any sign which violates the provisions of this Resolution is a public and private nuisance, and the Enforcing Officer, shall give ten (10) days notice by registered or certified mail to the owner or lessee of the land on which

such sign is located to remove such sign.

2. If any such sign has not been removed on or before the expiration of ten (10) days following the receipt of said notice by the owner or lessee of the land upon which the sign is located, the Enforcing Officer or any of his duly authorized agents may enter upon the premises and remove, obliterate or abate the sign. The cost of such removal, obliteration, or abatement shall be then certified to the County Prosecutor for collection by civil action against the owner and/or lessee of the land upon which the sign is located.

3. Notice to the owner or lessee shall not be required prior to the removal of an unlawful sign which, in the opinion of the Enforcing Officer, creates an immediate or potential danger to persons or property due to structural deficiencies or inadequate maintenance, nor shall notice be required prior to the removal of a sign which, in the opinion of the County Engineer, creates an immediate or potential danger to persons or property because of its location.

ARTICLE 19 ENFORCEMENT AND PENALTIES

19.01 ENFORCING OFFICER

The Township Zoning Inspector is hereby designated as the Enforcing Officer of this Resolution. The Enforcing Officer is hereby authorized to enforce, issue order to prevent and stop violations and administer the provisions of this Resolution. He may be assisted by such personnel as the Township Trustees may authorize.

19.02 BUILDING PERMIT

No building or other structure shall be erected, moved, added to, or structurally altered without a Building Permit therefore issued by the Enforcing Officer. No building permit shall be issued except in conformity with the provisions of this Resolution.

19.03 CERTIFICATE OF HEALTH OFFICER

In every instance when a lot is not serviced with public water and/or the disposal of sanitary wastes by means of public sewers, a Certificate of Approval by the County Health Officer of the proposed method of water supply and/or disposal of sanitary wastes must be obtained.

19.04 CERTIFICATE OF ZONING COMPLIANCE

In accordance with Section 519.17 of the Ohio Revised Code, it shall be a violation of this Resolution to locate, erect, construct, reconstruct, enlarge or structurally alter or occupy a building or structure within the territory included in this Zoning Resolution or to change the use of the land even though such use will not require any buildings until a Certificate of Zoning Compliance shall have been issued therefore by the Enforcing Officer stating that the proposed use of the building or land/or the plans for the proposed building or structure fully comply to the requirements of this Resolution. This provision shall apply to all buildings except those specifically exempted by the Revised Code. A Certificate of Zoning Compliance shall be void if construction is not underway six (6) months after date of issue. Fee for such certificate shall be determined as follows:

1. There shall be a minimum fee of ten

dollars (\$10.00) for residential structures, plus one dollars (\$1.00) for each additional one hundred (100) square feet or fraction thereof in excess of one thousand (1,000) square feet including living areas, garages, breezeways and porches.

2. There shall be a minimum fee of thirty dollars (\$30.00) for the first two thousand (2,000) square feet for any non-residential structure, plus seventy-five cents (\$.75) for each additional one thousand (1,000) square feet or fraction thereof.

3. In every instance where a proposed structure will require direct vehicular access to a dedicated thoroughfare, a drive-way permit shall be obtained from the appropriate designated authority prior to the issuance of a Certificate of Zoning Compliance for construction of said structure.

4. Temporary Use Permit fee not so specified by direct definition shall be twenty-five dollars (\$25).

5. If the use of any land or building is changed or if alteration, construction or enlargement of any building is begun without zoning and/or building permit as required by this Resolution, an administrative penalty fee of \$25.00 shall be collected prior to the issuance of each required permit.

6. No fee collected in accordance with this section shall be refunded, in whole or in part, except as the result of an administrative error.

19.05 REMEDIES

If any building or land is used, altered, constructed or enlarged in violation of the provisions of this Resolution or any amendment or supplement thereto, the Enforcing Officer or any person or property owner damaged by or subject to damage by such violation, in addition to other remedies provided by law, are hereby empowered or authorized to institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, enlargement, change maintenance, or use.

19.06 OTHER ACTION

Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

19.07 PENALTIES

Violation of any provision of the Resolution or any amendment or supplement thereto or failure to comply with any of the requirements of this Resolution shall constitute a misdemeanor. Any person, firm or corporation violating any of the provisions of this Resolution, or any amendment thereto or failing to comply with any of the supplements thereto, shall, upon conviction be fined not less than twenty five (25) dollars nor more than two hundred (200) dollars or imprisoned for not more than thirty (30) days or both, and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

19.08 AFFECTED PARTIES

The owner or tenant of any building, structure, premises, or part thereof and any architect, engineer, surveyor, builder, contractor, agent or other person who commits, participates in, assists in, or maintains a violation may be found guilty of a separate offense and suffer the penalties herein provided.

19.09 VIOLATION, NUISANCE PER SE: ABATEMENT

Buildings erected, altered, razed or converted or uses carried on in violation of any provision of this Resolution are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner or agent in charge of such building or land shall be adjudged guilty of maintaining a nuisance per se.

19.10 DISPLAY OF PERMIT CARDS

The Zoning Compliance and Building Permit cards shall be so displayed as to be seen from the road or street. The permit cards shall remain on display until the work for which the permit cards were issued is completed. This shall apply to all permits issued. Failure to display said permit cards shall constitute a violation of this Resolution.

ARTICLE 20 BOARD OF APPEALS

20.01 CREATION

A Board of Appeals is created in accordance with Section 519.13 of the Ohio Revised Code.

20.02 MEMBERSHIP AND APPOINTMENT

The Board shall consist of five (5) members appointed by the Township Trustees. The Township Trustees may remove any member of the Board for cause upon written charges and after public hearing. Vacancies shall be filled by the appointing authority for the unexpired term of the member affected. Board members shall serve a five (5) year term and shall be eligible for reappointment.

20.03 ORGANIZATION

The Board of Appeals shall elect its own officers annually and shall adopt the rules necessary to the conduct of its affairs. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Three (3) members of the Board of Appeals shall constitute a quorum for the conducting of business. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings and records shall be open to the public. A concurring vote of three (3) members is required on any action.

20.04 OFFICIAL ACTION

The Board of Appeals shall act by resolution or motion and shall keep minutes of its proceedings showing the vote of each member upon each question and indicating the absence or failure to vote of any member. The minutes shall also include a statement of the facts of each appeal considered by the Board and the applicable section or sections by this Resolution where applicable which the Board has considered in approving or disapproving any petition or other matter brought before the Board.

20.05 RIGHT OF PETITION OR APPEAL

Any person, property owner, tenant, or any governmental officer, department, board, or bureau may apply for a conditional use permit or a

variance from the strict application of the terms of this Resolution or appeal a decision of the Enforcing Officer to the Board of Appeals.

An appeal of a ruling of the Enforcing Officer shall stay all proceedings unless the Enforcing Officer certifies that, by reason of facts pertaining to the matter in question, a stay in his opinion would cause imminent peril to life and property. When such certification is made, proceedings shall not be stayed except by a restraining order granted by the Board of Appeals or by the Court of Common Pleas.

20.06 FEE

Each application for a variance, conditional use, change of use, expansion of a non-conformity, appeal, or opinion shall be accompanied by a fee of seventy-five dollars (\$75) and under no conditions shall such sum or part thereof be refunded.

20.07 HEARING

The Board of Appeals shall fix a reasonable time for the hearing of any application, petition, or appeal. It shall give at least ten (10) days notice of the time and place of such hearing to the Enforcing Officer and to the owners of record of property within three hundred (300) feet of the premises in question, such notice to be delivered personally or by mail addressed to the respective owners at the address given on the last assessment roll and by one publication in one or more newspapers of general circulation in the county. Any party may appear at such hearing in person, by agent, or by attorney. The Board shall decide the application or appeal within a reasonable time.

20.08 POWERS AND DUTIES

The Board of Appeals shall have all the appropriate power and duties prescribed by law and by this Resolution. The Board shall have the following duties and powers:

1. Administrative Review: To hear and decide appeals only in such cases where it is alleged there is an error in any order, requirements, decision, or determination made by the Enforcing Officer in the enforcement of this Resolution. The concurring vote of a majority of those members of the Board present and voting

shall be necessary to reverse any order, requirements, decision, or determination of the Enforcing Officer or to decide in favor of the applicant on any matter upon which the Board is required to pass under the terms of this Resolution.

2. Determination of Similar Uses: To determine if uses not specifically mentioned in this Resolution are similar to uses permitted within a district.

3. Determination of District Boundary Location: To determine the exact location of any district boundary if there is uncertainty as to exact location thereof. In making such determination the Board shall be guided by the provisions of Section 4.03.

4. Conditional Use Permits: To hear and decide only such conditional uses as the Board of Appeals is specifically authorized to pass on under the terms of this Resolution or to deny conditional use permits when not in harmony with the intent and purpose of this Resolution or the Comprehensive Master Plan. The following requirements shall be complied with prior to any approval or denial of a conditional use permit by the Board of Appeals.

a. A written application for a conditional use is submitted indicating the section of this Resolution under which the conditional use is sought and stating the grounds on which it is requested.

b. A public hearing shall be held as specified in Section 20.07 of this Resolution.

c. The Board of Appeals shall determine:

aa. Authority: If it has the authority to grant the request.

bb. Adverse Affect: That the granting of the conditional use will not adversely affect the neighborhood in which the conditional use is to be located.

cc. Master Plan: That the conditional use is not one which is contrary to the Comprehensive Master Plan of Miami County.

d. Conditions: In granting any conditional use permit, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity to the provisions of this Resolution.

The Board of Appeals shall require a performance bond or letter of credit to assure conformance to such conditions and safeguards as may be necessary. Violation of such conditions and safeguards shall cause the aforementioned performance bond to be forfeited or a draft to be drawn on the full amount of the letter of credit and shall be deemed a violation of this Resolution and punishable under Section 19.07.

A conditional use permit shall expire in one (1) year after it is issued unless actual construction has taken place or is underway except as provided elsewhere in this Resolution. A conditional use permit issued for other than construction shall expire in six (6) months after it is issued unless the actual use has been established. The validity of a conditional use permit will continue until such use is terminated by the discontinuance of the use, by special conditions set forth by the Board of Appeals, or by change of ownership of the property on which such use is located. However, change of property ownership shall not invalidate a conditional use permit issued for a dwelling constructed as a second residence in the A-2 General Agricultural District.

e. In every instance where approval has been granted by the Board of Appeals for the development of a Mobile Home Park as a Conditional Use under Section 20.08, paragraph (4), all requirements of the Mobile Home Park Regulations of Bethel Township, Ohio shall be complied with.

5. Variances: To vary the strict application of any of the requirements of this Resolution in the case of exceptionally irregular, narrow, shallow or deep lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship - not economic in nature - that would deprive the owner of the reasonable use of the land or building involved but in no other case. The fact that another use would be more profitable is not a valid basis for legally granting a variance. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands,

structures or buildings in other districts shall be considered grounds for the issuance of a variance. No variance in the strict application of this Resolution shall be granted by the Board of Appeals unless and until the applicant submits, and the Board concurs with the following:

a. Conditions and Circumstances: That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.

b. Property Rights: That literal interpretation of the provisions of this Resolution would deprive the applicant of property rights commonly enjoyed by other properties in the same district under the terms of this Resolution.

c. Applicant Not at Fault: That the special conditions and circumstances do not result from the actions of the applicant, his agents, or prior property owners.

d. No Special Privilege: That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.

e. Harmony with Locality: That the variance requested shall not alter the essential character of the locality nor be in conflict with the Comprehensive Master Plan.

6. Procedure for Consideration of Petitions for Variance:

a. The Board of Appeals shall make a finding that the reasons set forth in the application are valid and justify the granting of the variance. The Board shall also determine if the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.

b. Under no circumstances shall the Board of Appeals grant a variance which will permit a use which is not permitted in the district involved.

c. Conditions: The Board of Appeals may prescribe appropriate conditions and

safeguards in conformity with this Resolution. The Board of Appeals shall require a performance bond or irrevocable letter of credit to assure conformance to such conditions and safeguards as the Board may require.

d. Violation: Violation of such conditions and safeguards when such are made a party of the terms under which a variance is granted, shall cause the aforementioned performance bond to be forfeited or a draft to be drawn on the full amount of the letter of credit and shall be deemed in violation of this Resolution punishable under Section 19.07.

e. Public Hearings: Prior to taking action on a request for a variance, the Board of Appeals shall hold a public hearing and give notice to property owners as in Section 20.07 of this Resolution.

7. Effective Date: The decision of the Board of Appeals shall not become final until the expiration of five (5) days from the date of entry of such order unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.

20.09 WITHDRAWAL PROCEDURE

Any application for a variance, conditional use, change of use, expansion of a non-conformity or appeal may be withdrawn up to seven (7) days before the scheduled public hearing thereon. Such request must be in writing, signed by the applicant and filed in the office of the Enforcing Officer holding such hearing. Such withdrawal shall void said application and cancel all future proceedings upon said application. If said withdrawal is not properly and timely filed, Article 21.03 of the Zoning Resolution shall apply to any future applications. In no case shall application fees be refunded, either in part or in whole, regardless of the proceedings or lack thereof, after the filing of any such application for a variance, conditional use or appeal.

ARTICLE 21 AMENDMENT

The Township Trustees may from time to time amend, supplement, change, or repeal this Resolution in the manner prescribed by Section 519.12 of the Ohio Revised Code and in accordance with the following:

21.01 RIGHT OF AMENDMENT

A proposed amendment may be initiated by the Rural Zoning Commission, the Township Trustees, or by the filing of an application by the owners or lessee of property within the area proposed to be changed. All such proposals originating with the Township Trustees shall be certified to the Rural Zoning Commission.

The Township Zoning Commission shall set a public hearing date on the proposal and refer the matter to the Planning Commission for a recommendation for approval or denial. Such recommendation shall be considered at the hearing held by the Rural Zoning Commission.

21.02 RECOMMENDATION OF RURAL ZONING COMMISSION

The Rural Zoning Commission, after public hearing, shall recommend the approval, denial or modification of the proposed amendment and submit such recommendation and the recommendation of the Planning Commission to the Township Trustees.

The Township Trustees shall, upon receipt of such recommendation, set a public hearing date on the proposed amendment. In the event the Township Trustees after public hearing denies or modifies the recommendation of the Township Zoning Commission, the unanimous vote of the Township Trustees shall be required.

21.03 APPLICATION FREQUENCY LIMITATION

For any parcel of property or portion thereof only one zoning amendment shall be filed for consideration during any consecutive twelve (12) month period: Zoning Amendment, Conditional Use Permit, and Variance.

21.04 FEE

When a petition for a change, amendment,

supplement, repeal, or modification is filed, and before any action shall be taken as provided in this section, any person desiring such action shall be required to pay a fee of one hundred twenty five dollars (\$125.00) and under no condition shall such sum or part thereof be refunded.

21.05 WITHDRAWAL PROCEDURE

Any application for an amendment may be withdrawn up to seven (7) days before the first scheduled public hearing or seven (7) days before the second scheduled public hearing thereon. Such request must be in writing, signed by the applicant and filed in the office of the Enforcing Officer holding such hearing. Such withdrawal shall void said application and cancel all future proceedings upon said application. If said withdrawal is not properly and timely filed, Article 21.03 of the Zoning Resolution shall apply to any future applications. In no case, shall application fees be refunded, either in part or in whole, regardless of the proceedings or lack thereof, after the filing of any such application for an amendment.

ARTICLE 22 VALIDITY AND SEVERABILITY

Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE 23 INTERPRETATION AND CONFLICT

In its interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, and the general welfare. Wherever the requirements of this Resolution are at variance with the requirements of any other lawfully adopted rules, regulations, or Resolutions, the most restrictive or that imposing the highest standards shall govern.

ARTICLE 24 REPEAL OF CONFLICTING RESOLUTIONS

All Resolutions or parts of Resolutions in conflict with this Resolution or inconsistent with the provisions of this Resolution are hereby repealed and declared null and void and of no effect.

ARTICLE 25 EFFECTIVE DATE

1. Date of Public Hearing - July 13, 1973
2. Date of Publication - June 20, 1973
3. Date of Adoption by
the County Commission - Sep. 24, 1973
4. Date and Time this
Resolution Shall Take
Effect - Oct. 24, 1973
 - 9:10 p.m.
5. Amended Effective - Apr. 13, 1989
Articles 3,4,5,6,7,
Articles 8,11,13,14
Articles 15,17,19,20
Articles 21

