

LOSTCREEK
TOWNSHIP
ZONING
RESOLUTION

<u>ARTICLE 1</u>	
1.01	
1.02	
<u>ARTICLE 2 INTENT AND PURPOSE</u>	<u>1</u>
<u>ARTICLE 3 CONSTRUCTION OF LANGUAGE AND DEFINITIONS</u>	<u>1</u>
<u>ARTICLE 4 ZONING DISTRICTS AND MAPS</u>	<u>14</u>
4.02 DISTRICT BOUNDARIES	15
4.03 UNCERTAINTY OF BOUNDARY LOCATION	16
<u>ARTICLE 5 R-IAAA, R-IAA, R-IA, R-IB, R-IC, ONE FAMILY RESIDENTIAL DISTRICT</u>	<u>17</u>
5.01 INTENT	17
5.02 PERMITTED PRINCIPAL USES	17
5.03 ACCESSORY USES	17
5.04 CONDITIONAL USES	18
5.05 YARD REQUIREMENTS	18
5.06 BUILDING HEIGHT REGULATIONS	18
5.07 ACCESSORY PARKING	18
5.08 SIGNS	19
5.09 DEPTH OF LOTS	19
5.10	19
<u>ARTICLE 6 R-2 TWO FAMILY RESIDENTIAL DISTRICT</u>	<u>20</u>
6.01 INTENT	20
6.02 PERMITTED PRINCIPAL USES	20
6.03 ACCESSORY USES	20
6.04 CONDITIONAL USES	20
6.08 SIGNS	20
<u>ARTICLE 7 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT</u>	<u>21</u>
7.01 INTENT	21
7.02 PERMITTED PRINCIPAL USES	21
7.03 ACCESSORY USES	21
7.04 CONDITIONAL USES	21
7.05 YARD REQUIREMENTS	21
7.06 BUILDING HEIGHT REGULATIONS	21
7.07 ACCESSORY PARKING	22
<u>ARTICLE 8 R-4 MULTI-FAMILY RESIDENTIAL DISTRICT</u>	<u>23</u>
8.01 INTENT	23
8.02 PERMITTED PRINCIPAL USES	23
8.03 ACCESSORY USES	23
8.04 CONDITIONAL USES	23
8.05 YARD REQUIREMENTS	23
8.06 BUILDING HEIGHT REGULATION	24
8.07 ACCESSORY PARKING	24
8.08 SIGNS	24
8.09	24
8.10 MINIMUM FLOOR AREA FOR DWELLING	25
<u>ARTICLE 9 8-1 HIGHWAY BUSINESS DISTRICT</u>	<u>26</u>
9.01 INTENT	26
9.02 PERMITTED PRINCIPAL USES	26
9.03 ACCESSORY USES	26
9.04 YARD REQUIREMENTS	26
9.05 BUILDING HEIGHT REGULATIONS	27
9.06 ACCESSORY PARKING	27

9.07 OFF-STREET LOADING:	27
9.08 SIGNS:	27
9.09 SCREENING:	27
<u>ARTICLE IO B-2 CONVENIENCE SHOPPING DISTRICT</u>	<u>28</u>
10.01 INTENT:	28
10.04 YARD REQUIREMENTS:	28
10.05 BUILDING HEIGHT REGULATIONS:	28
10.06 ACCESSORY PARKING:	28
10.07 OFF STREET LOADING:	28
10.08 SIGNS:	28
10.09 SCREENING:	29
<u>ARTICLE 11 8-3 NEIGHBORHOOD BUSINESS DISTRICT</u>	<u>30</u>
11.01 INTENT:	30
11.02 PERMITTED PRINCIPAL USES:	30
11.03 ACCESSORY USES:	32
11.05 BUILDING HEIGHT REGULATIONS:	32
11.06 ACCESSORY PARKING:	33
11.07 OFF-STREET LOADING:	33
11.08 SIGNS:	33
11.09 SCREENING:	33
<u>ARTICLE 12 RP RESEARCH PARK DISTRICT</u>	<u>34</u>
12.01 INTENT:	34
12.02 PERMITTED PRINCIPAL USES:	34
12.03 ACCESSORY USES:	34
12.04 YARD REQUIREMENTS:	34
12.05 BUILDING HEIGHT REGULATIONS:	35
12.06 ACCESSORY PARKING:	35
12.07 OFF-STREET LOADING:	35
12.08 SIGNS:	35
12.09 SCREENING:	35
<u>ARTICLE 13 I-1 LIGHT INDUSTRIAL DISTRICT</u>	<u>36</u>
13.01 INTENT:	36
13.02 PERMITTED PRINCIPAL USES:	36
13.03 ACCESSORY USES:	38
13.04 YARD REQUIREMENTS:	38
13.05 BUILDING HEIGHT REGULATIONS:	38
13.06 ACCESSORY PARKING:	38
13.07 OFF-STREET LOADING:	38
13.08 SIGNS:	38
13.09 SCREENING:	39
<u>ARTICLE 14 I-2 HEAVY INDUSTRIAL DISTRICT</u>	<u>40</u>
14.01 INTENT:	40
14.02 PERMITTED PRINCIPAL USES:	40
14.03 ACCESSORY USES:	40
14.04 CONDITIONAL USES:	41
14.05 YARD REQUIREMENTS:	41
14.06 BUILDING HEIGHT REGULATIONS:	42
14.07 ACCESSORY PARKING:	42
14.08 OFF-STREET LOADING:	42
14.09 SIGNS:	42
14.10 SCREENING:	42
<u>ARTICLE 15 F-1 FLOOD PLAIN DISTRICT</u>	<u>43</u>
15.01 INTENT:	43
15.02 PERMITTED PRINCIPAL USES:	43
15.03 ACCESSORY USES:	43
15.04 PROHIBITED USES:	43

15.05	<u>GENERAL FLOODWAY PROVISIONS</u>	<u>43</u>
15.06	<u>CONDITIONAL USES</u>	<u>44</u>
15.07	<u>YARD REQUIREMENTS AND LOT COVERAGE</u>	<u>44</u>
15.08	<u>BUILDING HEIGHT REGULATIONS</u>	<u>44</u>
15.09	<u>ACCESSORY PARKING</u>	<u>44</u>
15.10	<u>SIGNS</u>	<u>45</u>
15.11	<u>SCREENING</u>	<u>45</u>
<u>ARTICLE 16 A-1 DOMESTIC AGRICULTURE DISTRICT /Amended Juh 16, 1999</u>		<u>46</u>
16.01	<u>INTENT</u>	<u>46</u>
16.02	<u>PERMITTED PRINCIPAL USES</u>	<u>46</u>
16.03	<u>ACCESSORY USES</u>	<u>46</u>
16.04	<u>CONDITIONAL USES</u>	<u>46</u>
16.05	<u>YARD REQUIREMENTS</u>	<u>47</u>
16.06	<u>BUILDING HEIGHT REQUIREMENTS</u>	<u>47</u>
16.07	<u>ACCESSORY PARKING</u>	<u>47</u>
16.08	<u>SIGNS</u>	<u>47</u>
16.09	<u>DEPTH OF LOTS</u>	<u>47</u>
16.10	<u>FRONTAGE REQUIREMENT</u>	<u>47</u>
<u>ARTICLE 17 A-2 General Agriculture District</u>		<u>48</u>
17.01	<u>INTENT</u>	<u>48</u>
17.02	<u>PERMITTED PRINCIPAL USES</u>	<u>48</u>
17.03	<u>ACCESSORY USES</u>	<u>48</u>
17.04	<u>CONDITIONAL USES</u>	<u>48</u>
17.05	<u>YARD AND LOT REQUIREMENTS</u>	<u>49</u>
17.06	<u>BUILDING HEIGHT REGULATIONS</u>	<u>49</u>
17.07	<u>ACCESSORY PARKING</u>	<u>49</u>
17.08	<u>SIGNS</u>	<u>49</u>
<u>ARTICLE 18 PLANNED DEVELOPMENT</u>		<u>50</u>
18.01	<u>INTENT</u>	<u>50</u>
18.02	<u>TYPES OF PLANNED DEVELOPMENT</u>	<u>50</u>
18.03	<u>STANDARDS FOR PLANNED DEVELOPMENT</u>	<u>50</u>
18.04	<u>PLANNED DEVELOPMENT PROCEDURES</u>	<u>51</u>
18.041	<u>Application</u>	<u>51</u>
18.042	<u>Development Plan</u>	<u>51</u>
18.043	<u>Plat</u>	<u>52</u>
18.05	<u>ACTION BY BOARD OF APPEALS</u>	<u>52</u>
18.06	<u>PP-PLANNED RESIDENTIAL DEVELOPMENT</u>	<u>53</u>
18.061	<u>Permitted Uses</u>	<u>53</u>
18.062	<u>Area Requirements</u>	<u>53</u>
18.063	<u>Land Use Intensit</u>	<u>53</u>
18.064	<u>Building Height Regulations</u>	<u>54</u>
18.065	<u>Accessory Parking</u>	<u>54</u>
18.066	<u>Signs</u>	<u>54</u>
18.067	<u>Site Planning</u>	<u>54</u>
18.068	<u>Loading and Unloading Areas</u>	<u>54</u>
18.069	<u>Screening</u>	<u>54</u>
18.07	<u>PD-2 PLANNED BUSINESS DEVELOPMENT</u>	<u>54</u>
18.071	<u>Permitted Uses</u>	<u>54</u>
18.072	<u>Area Requirements</u>	<u>54</u>
18.073	<u>Land Occupancy by Buildings</u>	<u>54</u>
18.074	<u>Building Height Regulations</u>	<u>54</u>
18.075	<u>Accessory Parking</u>	<u>55</u>
18.076	<u>Signs</u>	<u>55</u>
18.077	<u>Site Planning</u>	<u>55</u>
18.078	<u>Loading and Unloading Areas</u>	<u>55</u>
18.079	<u>Screening</u>	<u>55</u>

<u>18.08 PD-3 PLANNED INDUSTRIAL DEVELOPMENT</u>	<u>55</u>
<u>18.081 Permitted Uses</u>	<u>55</u>
<u>18.082 Area Requirements</u>	<u>55</u>
<u>18.083 Land Occupancy by Buildings</u>	<u>56</u>
<u>18.084 Building Height Regulation</u>	<u>56</u>
<u>18.085 Accessory Parking</u>	<u>56</u>
<u>18.86 Signs</u>	<u>56</u>
<u>18.87 Site Planning</u>	<u>56</u>
<u>18.88 Loading and Unloading Areas</u>	<u>56</u>
<u>18.89 Screening</u>	<u>56</u>
<u>ARTICLE 19 GENERAL PROVISIONS</u>	<u>57</u>
<u>19.01 GENERAL REGULATIONS</u>	<u>57</u>
<u>19.02 YARDS REQUIRED FOR CORNER AND THROUGH LOTS</u>	<u>57</u>
<u>ARTICLE 20 ENFORCEMENT AND PENALTIES</u>	<u>77</u>
<u>ARTICLE 21 ZONING COMMISSION</u>	<u>80</u>
<u>ARTICLE 22 BOARD OF APPEALS</u>	<u>81</u>
<u>ARTICLE 23 AMENDMENT</u>	<u>87</u>
<u>ARTICLE 24 VALIDITY AND SEVERABILITY</u>	<u>88</u>
<u>ARTICLE 25 INTERPRETATION AND CONFLICT</u>	<u>88</u>
<u>ARTICLE 26 REPEAL OF CONFLICTING RESOLUTIONS</u>	<u>88</u>
<u>ARTICLE 27 EFFECTIVE DATE</u>	<u>89</u>

ARTICLE 1

1.01

Be it resolved by the Board of Township Trustees of Lostcreek Township, Miami County, Ohio that the following amendments and supplements to the Zoning Resolution of Lostcreek Township, as adopted in 1965 and thereafter amended, consisting of Twenty-Six (26) articles and the official map be and the same are hereby adopted.

1.02

This Resolution shall take effect and be in force from and after the earliest date permitted by law.

ARTICLE 2 INTENT AND PURPOSE

This Resolution is based on a Plan, the purpose of which is to lessen the congestion on the 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 Township 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 prevention of undue concentration of population; to the advancement of social and economic stability; to the facilitation of adequate provision of public transportation, streets, highways, sewers, water mains, schools, recreation 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

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, 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"; 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.

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 of building.
2. 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 landowner with less than ten acres to use said land to raise animals or crops either for consumption, recreation, or sale. Further in compliance with the Ohio Revised Code, Section 519.21, this Resolution confers no power on any Board of Township Trustees or Board of Zoning Appeals to prohibit the use of any land for 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, and no zoning certificate shall be required for any such building or structure.
3. Alley: Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.
4. Alterations: Is any change, addition, or modification in construction or type of occupancy, 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."
5. Apartment: A suite of rooms or a room in a multifamily building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit as herein defined.
6. 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 cigar store, coffee shop, etc., when such uses are accessible only from the lobby.

7. 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 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.

8. 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; over-all painting and under-coating of automobiles.

9. 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 85.

10. 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 lines of a municipality.

11. Board of Appeals: Means the Board of Zoning Appeals of Lostcreek Township, Miami County, Ohio.

12. 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 or a furnished room house shall be deemed a boarding house for the purposes of this Resolution.

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

14. Building Height: Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located

on an average slope of more than fifteen (15) percent, the ground level of the grade at the building wall from which the height may be measured shall be defined by the Enforcing officer.

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

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

17. Clinic: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professions.

18. Club: Is an organization of persons for special purposes or for the promulgation or sports, arts, sciences, literature, politics, or the like, but not operated for profit.

19. 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 all applications without interpretation, and such review is required by the 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 "special approval" on review by the Planning Commission and 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.

20. 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 re-apply for a permit before deviating from that plan.

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

22. District: Is a portion of the unincorporated are of the township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Resolution.

23. 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.
24. Dwelling Unit: Is a building, or a portion thereof, designed for occupancy of one (1) family for residential purposes and having cooking facilities.
25. Dwelling, One-Family: Is a building designed exclusively for and occupied exclusively by one (1) family.
26. Dwellin2: Two-Family: Is a building designed exclusively for occupancy by two (2) families living independently of each other.
27. 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.
28. 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.
29. Essential Services: Is the erection, construction alteration or maintenance by public utilities or governmental departments of underground, surface, or overhead gas, electrical, telephone, telegraph, steam, fuel, or water transmission or distribution systems, collection, communication, 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, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.
30. Excavation: Is any breaking of ground, except common household gardening and ground care.
31. Family: Is one to 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.

32. Farm: All of the contiguous neighboring or associated land operated as a single unit on which bonafide 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 ten (10) acres or more in area; provided further, farms may be considered as including establishments operated as bona-fide greenhouses, nurseries, 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 or for the slaughtering of animals.

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

34. Filling: Is the depositing or dumping of any matter on to or into the ground, except common household gardening and ground care.

35. 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. The floor measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches, except basement areas designed and used for dwelling or business purposes.

36. 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.

37. 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 for "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.

38. Frontage- Horizontal distance between side lot lines parallel to the front lot line measured at depth of the minimum front yard required for the zoning district in which it is located. (Amended July 16, 1999)

39. Front Lot Line: In 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. (Amended July 16, 1999)

40. Garage, Parking: A space or structure or series of structures for the temporary storage or parking of motor vehicles, not primarily of commercial vehicles or for dead storage of vehicles, having no public shop or service in connection therewith other than for the supplying of motor fuels and lubricants, air, water and other operating commodities wholly within the buildings to the patrons of the garage only and not readily visible from or advertised for sale on the exterior of the building.

41. Garage, Private: An enclosed or unenclosed accessory building or portion of a main building (including carport) 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.

42. 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.

43. Grade (Ground Level): The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, the above ground level shall be measured at the sidewalk, unless otherwise defined herein.

44. Home Occupation: Any occupation operated in its entirety within the principal dwelling and only by the person or persons maintaining a dwelling there; not having a separate entrance from outside the building; not involving alteration or construction not customarily found in dwelling; not utilizing more than twenty-five (25) percent of the total actual floor area of any one story; not utilizing any equipment except that which is used normally for purely domestic or household purposes; not displaying or creating outside the structure any external evidence of the operation of the home occupation except for one unanimated, non-illuminated, name place having an area of not more than one (1) square foot.

45. 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.

46. Hotel: A building occupied as the more-or-less temporary abiding place of individuals, who are lodged with or without meals, in which there are ten (10) or more sleeping rooms and 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.

47. Junk Yards (Salvage Yards): 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 includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings. Two (2) or more inoperative or unlicensed vehicles shall be construed to be a junkyard.

48. Kennel: Any lot or premises used for the sale, boarding or breeding of dogs, cats, or other household pets. Kennel shall also mean the keeping on, or in, any lot or building of three or more dogs, cats or other household pets which are over the age of six (6) months.

49. Landscaping: Is grading and the planting of grass, shrubs, and trees.

50. 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.

51. Lot: Is a parcel of land occupied, or to be occupied, by a main building or a group of such buildings and accessory 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, have permanent access to the public street, and have a minimum frontage of fifty (50) feet thereon.

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

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

54. Lot, Interior: Is any lot other than a comer lot.

55. Lot, Through: Is any interior lot having frontages on two more or less parallel streets as distinguished from a comer lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front years shall be provided as required.

56. Lot Coverage: Is the part or percent of the lot occupied by buildings including accessory buildings.
57. Lot Lines: The lines bounding a lot as defined herein.
58. Front Lot Line: In the case of an interior lot, is that line separating said lot from the right-of-way side line. In the case of a corner lot, or double frontage lot, is that line separating said lot from either right-of-way side line.
59. 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 of least dimensions.
60. 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 Width
- (a) Width: Is the horizontal distance between the side lot lines measured where the building setback line intersects the side lot lines. (Amended July 16, 1999)
- (b) Depth: Is the distance mid point of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
(Amended July 16, 1999)
62. Lot of Record: Is a parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by City or County Officials and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.
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 Thoroughfare: Is an arterial street which is intended to serve as a large volume trafficway for both the immediate area and the region beyond and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the thoroughfare plan. Any street with a width, existing or proposed, of eighty (80) feet shall be considered a major thoroughfare.

66. Major Thoroughfare Plan: The official plan, 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 comprehensive plan approved by the Planning Commission, including graphic and written proposals indicating the general location for streets, parks, school, public buildings, and all physical development of the Township 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 no more than two-thirds (2/3) the floor area of such story.

69. Motel: Is a series of attached, semi-detached or detached rental units containing a bedroom, bathroom, and closet space, with no provisions made for cooking in any individual rental unit. Units shall provide for overnight lodging and 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 44.

70. 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.

71. 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.

72. Nursery:

(a) Plant Material: 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.

- (b) Retail: Is a space including accessory building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping.
73. Off-Street Parking Lot: Is a facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) vehicles.
74. Open Space: That part of a lot, including courts or yards, which is open and unobstructed from its lowest level to the sky and accessible to all tenants upon the lot.
75. Open Space (Common): That area either dedicated to the public or commonly owned and/or available to all the residents of Planned Development area.
76. Parkin!!Space: Is hereby determined to be a minimum area of two hundred (200) square feet. 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.
77. Patio (Terrace): A relatively level paved or planted unenclosed recreation area that adjoins a dwelling.
78. Planned Development: Land under unified control, 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 building. 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 with side walls in excess of twenty-four (24) inches in depth and is suitable for swimming or wading. The pool must be 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 not be less than five (5) feet above the ground.

An above ground pool 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 type ladder shall be exempt from additional enclosures. All swimming pools installation must be approved by Miami County Building Department to meet all Local and National Codes. (Amended July 16, 1999)

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

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. Setback Line: Is a line that is formed by the face of the main building intersecting the side lot lines with the minimum lot width for the district continuous from street or roadway right-of- way to the setback line. (Amended July 16, 1999)

85. 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.

86. Sign (Ground): A sign which is supported by one or more poles, uprights, or braces in or upon the ground, which are not a part of the building.

87. Sign (Wall): A sign which is attached directly to the wall of a building and which extends not more than twelve (12) inches from the wall, including window signs.

88. 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 the basement is more than six (6) feet above grade, such basement shall be considered a story.

89. 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.

90. Street: Is a public thoroughfare, which affords the principal means of access to the abutting property.

91. Structure: Is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

92. Temporary Use or Building: Is a use or building permitted by the Board of Appeals to exist during periods of construction of the main building or use or for special events.

93. 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 shall include: shelter provided for circuses, carnivals, side shows, revival meetings, camp meetings, and all similar meetings or exhibitions in temporary structures.

94. Trailer:

(a) Mobile Home (House Trailer) means any self-propelled and nonself-propelled vehicle so designed, constructed, reconstructed or added to by means of accessories in such a manner as will permit the use and occupancy thereof for human habitation when connected to indicated utilities, whether resting on wheels, jacks, or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public streets or highways.

(b) Travel Trailer (Recreational Vehicle) means a vehicular portable structure built on a chassis and not exceeding a gross weight of four thousand, five hundred pounds when factory equipped for the road or an over-all length of thirty feet and designed to be used as a temporary dwelling for travel, recreational and vacation uses.

(c) Modular Home or Unit means a structure on wheels so designed, reconstructed, or added to by means of accessories in such a manner as will permit the use and occupancy thereof for human habitation, when connected to indicated utilities, which is drawn by a vehicle to a site where it is to be connected to a like structure by removing from one side a covering temporarily used during transit, bolting that side to the exposed side of a like structure, and making both units weather-tight.

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

96. Trustees: Means the Board of Trustees of Lostcreek Township, Miami County, Ohio.

97. Use: Is the purpose for which land or 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. 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.

(a) 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.

(b) 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.

(c) 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 side lot line to the nearest point of the main building.

100. Zoning Commission: Means the Zoning Commission of Lostcreek Township, Miami County, Ohio.

ARTICLE 4 ZONING DISTRICTS AND MAPS

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

- R-1AAA One Family Residential District
- R-1AA One Family Residential District
- R-1A One Family Residential District
- R-1B One Family Residential District
- R-1C One Family Residential District
- R-2 Two Family Residential District (1 & 2 Family)
- R-3 Multi-Family Residential District (3 & 4 Family)
- R-4 Multi-Family Residential District (5 or More Families)
- B-1 Highway Business District
- B-2 Convenience Shopping District
- B-3 Neighborhood Business District
- RP Research Park District
- 1-1 Light Industrial District
- 1-2 Heavy Industrial District
- F-1 Flood Plain District
- A-1 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 Lostcreek Township, Miami County, Ohio." 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 Township Trustees attested by the Clerk of the Township and bearing the seal of the Township Trustees under the following words: "This is to certify that this is the official zoning map referred to in Section 4.02 of the Zoning Resolution of Lostcreek 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 matters portrayed on the official zoning map, such changes shall be made on the official zoning map within (5) normal working days after the amendment has been approved by the Township Trustees together with an entry on the official zoning map as follows: "On (date), by official action of the Township Trustees, the following change (s) were made" (brief description with reference number to proceedings).

The original and one copy of the official map are to be maintained and kept up to date - one copy on public display in the Township Building and the original in the Clerk's office - accessible to the public and shall be final authority as to the current zoning status of lands, building, and other structures in the Township.

4.03 UNCERTAINTY OF BOUNDARY LOCATION

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 centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
- (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 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; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center 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 shall be determined by the scale of the map.
- (7) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map 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-18, R-1C, ONE FAMILY RESIDENTIAL DISTRICT:

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-family dwellings, not including trailer 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 primary or secondary thoroughfares by the Major 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 garage: for storage of vehicles of residents and employees.
- (2) Home occupations:
- (3) Pools: Swimming pools for use by residents and guests only, provided, such pools are set back 15 feet from all lot lines and enclosed with a fence 5 feet high.
- (4) Rooms-Sleepinij: The renting or leasing of rooms by a resident family provided the number of roomers does not exceed two in any dwelling unit.
- (5) Signs, Permitted as Accessory Uses: See Permitted Signs, General Provisions (Section 19.20).

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 for in Section 22.08 of this Resolution and, further provided, that all buildings allowed by such conditional use permit shall be set back from all lot lines a minimum of three feet for each one foot of building height.

- (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 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 extension of existing cemeteries.
- (5) TEMPORARY MOBILE HOME: A mobile home when its intended use is of a temporary nature as interim living quarters until such time as construction of a one family dwelling is completed. This permit shall be valid for a period not to exceed twelve (12) months. An extension of the aforementioned permit for an additional six (6) months may be granted upon resubmission to the Board of Zoning Appeals. Said mobile home must be removed sixty (60) days after the date of completion of the permanent dwelling unit. The permanent unit completion date shall be determined by the Enforcing Officer.
- (6) Beauty and barber shops operated and used a home occupation except for having a separate entrance.

5.05 YARD REQUIRMENTS

See Section 8.09, 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 35 feet in height.

5.07 ACCESSORY PARKING

Two car spaces for each dwelling unit. Parking for other uses: see Section 18:16

5.08 SIGNS

See Section 19.20 for size and location of permitted signs.

5.09 DEPTH OF LOTS:

In any R-1AAA 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, then the required minimum lot depth may be reduced to not less than one hundred (100) feet.

5.10

Every lot 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 its minimum frontage measured at the depth of the minimum front yard for the district. (Amended July 16, 1999)

ARTICLE 6 R-2 TWO FAMILY RESIDENTIAL DISTRICT

6.01 INTENT:

This district recognizes the existence of older residential areas of the township 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) Two-family dwellings.
- (2) Those uses permitted in R-1 Districts
- (3) Nursery school, provided there is at least 200 square feet of outdoor play area for each child, such space having a minimum dimension of at least 20' and being enclosed by a fence or wall 36 to 42 inches high.

6.03 ACCESSORY USES:

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

6.04 CONDITIONAL USES:

- (1) Those Conditional Uses permitted in R-1 Districts.
- (2) Mobile home courts.
- (3) Offices of surgeons, physicians, dentists and other similar professional persons cor each one-family dwelling.
- (3) All other uses: see Section 18.16.

6.08 SIGNS:

See Section 18.20 for size and location of permitted signs.

ARTICLE 7 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

7.01 INTENT:

This district provides for medium density residential areas of the township that may serve to separate areas of more intense use from areas of lower intensity of uses.

7.02 PERMITTED PRINCIPAL USES:

- (1) Those uses permitted in R-2.
- (2) Multi-family dwellings (3 or 4 families).
- (3) Boarding houses.
- (4) Row houses.
- (5) Town houses.

7.03 ACCESSORY USES:

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

7.04 CONDITIONAL USES:

- (1) Those Conditional Uses permitted in R-2.
- (2) Convalescent or nursing homes.
- (3) Dormitories and group housing.
- (4) Fraternities, sororities, club, lodges, social or recreation buildings, or properties not for profit.
- (5) . Hospitals, clinics, and sanitariums for human care.
- (6) Mortuaries.
- (7) Motels.

7.05 YARD REQUIREMENTS:

See Section 8.09, Schedule of Yard and Lot Requirements.

7.06 BUILDING HEIGHT REGULATIONS:

In any R-3 District, no building shall be erected in excess of thirty-five (35) feet in height.

7.07 ACCESSORY PARKING:

See Section 8.07.

7.08 SIGNS;_

See Section 19.20 for size and location of permitted signs.

ARTICLE 8 R-4 MULTI-FAMILY RESIDENTIAL DISTRICT

8.01 INTENT:

The purpose of this district is to allow construction of apartment buildings and related uses.

8.02 PERMITTED PRINCIPAL USES:

- (1) Two family dwellings.
- (2) Apartment house and apartment hotels.
- (3) Multiple dwellings.
- (4) Boarding houses.
- (5) Churches and similar places of worship.
- (6) Parish houses and convents in conjunction with churches or schools.
- (7) Public community center buildings, parks, playgrounds, and golf courses.
- (8) Public and parochial schools.
- (9) Public libraries.
- (10) Row houses.
- (11) Town houses.

8.03 ACCESSORY USES:

- (1) Garages shall be permitted for storage purposes only with no repair facilities.
- (2) Those accessory buildings and accessory uses customarily incidental to the Permitted Principal Uses in this district.

8.04 CONDITIONAL USES:

- (1) Those Conditional Uses permitted in R-3.
- (2) Offices in which the personnel will be employed for work in executive, administrative, writing, clerical, stenographic, accounting, insurance, or similar enterprises.

8.05 YARD REQUIREMENTS:

See Section 8.09, Schedule of Yard and Lot Requirements

8.06 BUILDING HEIGHT REGULATION:

In any R-4 District, no building shall be erected in excess or thirty-five (35) feet in height.

8.07 ACCESSORY PARKING:

- (1) In any R-3 District or R-4 District, there shall be provided two parking spaces per dwelling unit.
- (2) There shall be provided one parking space for each two roomers.
- (3) For parking space required for other than residential uses, see Section 19.16.

8.08 SIGNS:

See Section 19.20 for size and location of permitted signs.

8.09		⌋	•	⬥	⬠	⬠	⬠	⬠	
R-1AAA	1.5-3 ACRES	200'	200'	50'	50'	20'	40'		All
R-1AA	21780 SQ FT	100	125	35	40	15	20		All
R-1A	12000 SQ FT	100	125	35	40	8	20		1 1/2
R-1B	10000 SQ FT	90	110	30	35	10	25		2 1/2
R-1C	8000 SQ FT	70	85	25	30	8	20		1 1/2
R-2	8000 SQ FT*	70	85	25	30	10	25		2 1/2
R-J	8000 SQ FT**	80	95	20	30	6	15		1 1/2
R4	10000 SQ FT***	100	125	25	30	8	20		2 1/2
A-1 DOMESTIC AGRICULTURE		200'	200'	50'	50'	8	20		All
A-2 GENERAL AGRICULTURE		200'	200'	50'	50'	8	20		All
I-1, I-2, B-1, B-2, B-3, RP (Amended September 21, 2003)		200'	200'						

*Minimum lot area for one-family dwelling in this district. For each additional dwelling unit there shall be an additional 2,000 square feet of lot area.

** Minimum lot area for a two-family dwelling in this district. For each additional dwelling unit there shall be an additional 2,000 square feet of lot area.

*** Minimum lot area for a two-family dwelling in this district. For each additional dwelling unit there shall be an additional 2,000 square feet of lot area. At no time shall the lot area be less than 2,500 square feet per unit.

**** Whenever the frontage of one side of a block is more than forty percent (40%) developed at the time of enactment of this resolution, the required set-back for new construction or alteration shall be the average of the established set-backs, provided, this regulation shall not be so interpreted as to require a front yard of more than fifty (50) feet for a residential use.

***** Maximum sq. Ft. For attached garage is 625 sq. ft. plus 25 sq. ft. for each additional 100 sq. Ft. of dwelling livable floor area over 1200 sq. Ft. (Amended July 16, 1999)

8.10 MINIMUM FLOOR AREA FOR DWELLING

The minimum total livable floor area for dwellings in the various zoning districts established by this Zoning Resolution shall be as follows:

ZONING DISTRICTS:

R-1AAA	1200 sq. ft.
R-1AA	1200 sq. ft.
R-1A	1200 sq. ft.
R-1B	1100 sq. ft.
R-1C	1000 sq. ft.
R-2	1000 sq. ft. for single unit 900 sq. ft. for each unit-2 family dwelling
R-3	720 sq. ft.
R-4	720 sq. ft.
A-1	1200 sq. ft. (Amendment #41 6/19/94)
A-2	1200 sq. Ft. (Amended July 16, 1999)

ARTICLE 9

B-1 HIGHWAY BUSINESS DISTRICT:

9.01 INTENT:

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

9.02 PERMITTED PRINCIPAL USES:

- (1) Automobile service stations including light repairs and accessory sales and installation.
- (2) Automobile sales and service (new or used).
- (3) Auto wash facilities, which are at least partially enclosed in a building.
- (4) Bars and refreshment stands.
- (5) Building services and supplies, including lumber yard.
- (6) Carry-outs.
- (7) Drive-in banks.
- (8) Drive-in restaurants.
- (9) Farm implement and lawn and garden equipment sales and service.
- (10) Fruit, florist, nursery stock, and produce sales.
- (11) Household appliances repair.
- (12) Mortuary establishments (a caretaker's residence may be provided within the main building of the mortuary establishment).
- (13) Motels.
- (14) Open air commercial amusements.
- (15) Plumbing and heating shops.
- (16) Restaurants.
- (17) Utility trailer sales and rental.

9.03 ACCESSORY USES:

Uses customarily accessory to the above uses.

9.04 YARD REQUIREMENTS:

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

- (1) Front yards: a 25 foot front yard shall be required excepting, where the frontage on one side of the block is divided between the 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: side yards shall not be required except a yard of not less than 15 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: rear yards shall not be required except, where a rear lot line of the B-1 Highway Business District abuts a residential district, a rear yard of 30 feet shall be provided.

9.05 BUILDING HEIGHT REGULATIONS:

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

9.06 ACCESSORY PARKING:

Space shall be provided in accordance with the provision of Section 18.16.

9.07 OFF-STREET LOADING:

Spaces shall be provided in accordance with the provisions of Section 19.15.

9.08 SIGNS:

See Section 19.20 for size and location of permitted signs.

9.09 SCREENING:

See Section 19.17 for screening regulations for uses adjoining residential districts.

ARTICLE 10

B-2 CONVENIENCE SHOPPING DISTRICT

10.01 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 acre and contain three to five uses to serve about 2,000 people.

10.02 PERMITTED PRINCIPAL USES

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

10.03 ACCESSORY USES

Uses customarily accessory to the above uses.

10.04 YARD REQUIREMENTS:

Those yard requirements of the adjacent and surrounding residential district.

10.05 BUILDING HEIGHT REGULATIONS:

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

10.06 ACCESSORY PARKING:

As required in Section 19.16 of this Resolution.

10.07 OFF-STREET LOADING:

Spaces shall be provided as required in Section 19.15.

10.08 SIGNS:

See Section 19.20 for size and location of permitted signs.

10.09 SCREENING:

See Section 19.17 for screening regulations for uses adjoining residential districts.

**ARTICLE 11
DISTRICT:**

B-3 NEIGHBORHOOD BUSINESS

11.01 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.

11.02 PERMITTED PRINCIPAL USES:

- (1) Any generally recognized retail business, service establishments, or processing uses as follows:
 - (a) Apparel shops, including specialty shops of all sorts, shoe stores, and similar uses.
 - (b) 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 overhaul, bumping or painting.
 - (c) Sale of new automobiles, provided service access be available from a side street or alley.
 - (d) Banks, loan offices, stock exchange office and other financial institutions.
 - (e) Commercial recreation facilities such as bowling alleys and movie theatres.
 - (f) Department store.
 - (g) Drug store.
 - (h) Eating and drinking - restaurants, dairy bar or other places serving food and/or beverage.
 - (i) Floral shop, fruit, nursery stock, and produce sales.

- G) Food stores including supermarkets and all types of specialty food stores such as bakeries, candy stores, and similar uses.

- (k) Furniture and appliances, including rugs, floor coverings, drapery, sewing machine shops, used furniture, office equipment, supplies, and similar uses.

- (l) Gift shops, camera shops, record shops, book and stationery stores, jewelry stores, and similar uses.

- (m) Hardware and related stores such as paint, wallpaper, and similar uses.

- (n) Hotels and motels.

- (o) Professional and other offices drawing a large number of clients and/or customers such as, but not restricted to:
 - (1) Chamber of Commerce and automobile clubs.
 - (2) Doctors, dentists, lawyers and architects.
 - (3) Insurance, realtors and unions.
 - (4) Post office.
 - (5) Utility office.

- (p) Photographic studios

- (q) Publishing and printing.

- (r) Repair shops, such as shoe and watch repair.

- (s) Service shops such as barber, beauty, laundry, cleaner, and similar uses including laundry pick-up service and coin operated washing and dry cleaning facilities.

- (t) Travel agencies.

- (u) Variety stores.

- (2) Public and semi-public buildings, such as but not restricted to:
 - (a) Churches.
 - (b) Fraternal organizations.
 - (c) Library.
 - (d) Parking garage.

(3) Other uses, which, in the opinion of the Zoning Commission, are similar to the above uses, indicated as being permitted.

11.03 ACCESSORY USES:

Uses customarily accessory to the above uses.

11.04 YARD REQUIREMENTS

In a neighborhood business district the following minimum yard areas shall be provided:

(1) Front yards: a front yard of 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.

(2) Side yards: side yards shall not be required excepting:

(a) A yard not less than 15 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, no side yard shall be required for a business, but, if such a yard is voluntarily provided, it shall be not less than 6 feet in width.

(3) Rear yards: rear yards shall not be required excepting where a rear lot line of a neighborhood business district abuts a residential district. In such instance, there shall be a rear yard of twenty-five feet for a one or two story building. Such a yard may be measured from the centerline of an intervening alley. An additional one foot of rear yard shall be provided for each two feet of height over twenty-five feet.

(a) 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.

11.05 BUILDING HEIGHT REGULATIONS:

Maximum permitted height for buildings in this district shall be thirty-five feet.

11.06 ACCESSORY PARKING:

In a Neighborhood Business District, parking shall be provided as required in Section 19.16 of this Resolution.

11.07 OFF-STREET LOADING:

Spaces shall be provided as required in Section 19.15.

11.08 SIGNS:

See Section 19.20 for size and location of permitted signs.

11.09 SCREENING:

See Section 19.17 for screening regulations for uses adjoining residential districts.

ARTICLE 12

RP RESEARCH PARK DISTRICT

12.01 INTENT:

This district is designed to provide for research facilities and to exclude therefrom such incongruous uses as residential, business, and industrial. The RP District is further designated to provide for new construction of clean, inoffensive, business office and professional buildings compatible with the research activities.

12.02 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 as a non-profit use.
- (3) Dental laboratories.
- (4) 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 (10) percent of the usable floor area of either story.

12.03 ACCESSORY USES:

Those uses and building customarily incidental to the principal uses permitted in this District.

12.04 YARD REQUIREMENTS:

In a Research Park District the following yards shall be required:

- (1) Front yards shall be not less than 25 feet in depth excepting, where a Research Park District is adjacent or across a street from any residential district, the required front yard shall be not less than 50 feet.
- (2) 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 property line, may be used for parking.

(3) 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, and it shall be not less than 50 feet.

12.05 BUILDING HEIGHT REGULATIONS:

In this district no building shall exceed 35 feet in height.

12.06 ACCESSORY PARKING:

In a Research Park District, parking shall be provided as required in Section 19.16.

12.07 OFF-STREET LOADING:

Space shall be provided in accordance with the provisions of Section 19.15.

12.08 SIGNS:

See Section 19.20 for size and location of permitted signs.

12.09 SCREENING:

See Section 19.17 for screening regulations for uses adjoining residential district.

ARTICLE 13

1-1 LIGHT INDUSTRIAL DISTRICT

13.01 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 regulation necessary to prohibit congestion and for the protection of adjacent residential and business activities.

13.02 PERMITTED PRINCIPAL USES:

- (1) Assembly plants except automobile assembly plants or plants of similar nature.
- (2) Automobile repair, but no commercial wrecking, dismantling or salvage yard.
- (3) Auto service station.
- (4) Automobile, truck, and boat sales.
- (5) Bottling works.
- (6) Builders' supply store.
- (7) Building and trades, including contractor's yard and utilities storage yard.
- (8) Carpet cleaning, dry cleaning, dyeing, and laundry.
- (9) Cold storage plant.
- (10) Commercial green-house.
- (11) Dairy products manufacture.
- (12) 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.
- (13) Fabrication, processing, packaging, and/or manufacture of cosmetics, drugs, perfumes, pharmaceuticals, and toiletries.
- (14) Fabrication, processing, packaging, and/or manufacture of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feather, felt, fiber, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, textiles, tobacco, wax, wood, and yam.
- (15) Fabrication, processing, packaging, and/or manufacturing of musical instruments, toys, novelties, rubber, or metal stamps.
- (16) Fabrication, processing, packaging, and/or manufacture of ice, cold storage plant, or bottling plant.
- (17) Farm implements and contractor equipment sales and service.
- (18) Foundry casting light weight non-ferrous metals or electric foundry not causing noxious fumes or odors.

- (19) Fuel or coal company.
- (20) Furniture reupholstering and repair.
- (21) Industrial research laboratories.
- (22) Inflammable liquids, underground storage only.
- (23) Lumber yards including incidental millwork, coal, brick, and stone.
- (24) Monument sales including incidental mechanical operations.
- (25) Motor freight depot or trucking terminal, provided the truck entrances and exits are onto streets whose pavement width is at least thirty feet between curbs for a distance of 100 feet from the entrance, and such street is approved by the County Engineer.
- (26) Painting and varnishing shops.
- (27) Plumbing supply and contracting shops including storage yards.
- (28) Poultry killing and dressing.
- (29) Public garage, motor vehicle and bicycle repair shops, auto paint, and body shops.
- (30) Publishing and printing.
- (31) Railroad freight stations, but not including switching, storage, freight yards, sidings, or maintenance or fueling facilities.
- (32) Repair, rental, and servicing for appliances and equipment.
- (33) Sign contractor.
- (34) Stone grinding, dressing, and cutting.
- (35) Storage yard for building supplies and equipment, contractors' 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.
- (36) Television and radio broadcasting towers.
- (37) Tin and sheet metal shop.
- (38) Tool and die shop, wrought iron shop, blacksmith or machine shop, excluding drop hammers.
- (39) Trailer rental and sales.
- (40) Veterinary clinic or kennels, animal hospital, provided that all animals are housed in buildings or enclosures which are at least two hundred feet from and "R" District.
- (41) Warehouses.
- (42) Wholesale distributors.
- (43) Uses similar to the above uses and any other 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, flashing, fumes, gas, noise, odor, refuse matter, smoke, vapor, or vibration is no greater or 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.

13.03 ACCESSORY USES:

Uses customarily accessory to the above uses.

13.04 YARD REQUIREMENTS:

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

- (1) Front yards shall be not less than 25 feet in depth excepting, where a Light Industrial District is adjacent 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 yard, the front yard shall be not less than 80 feet.
- (2) 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 property line, may be used for parking.
- (3) Rear yards shall be not less than 15 feet in depth except, where the rear yard abuts and alley, it shall be not less than 30 feet or, where the rear yard abuts a residential district, and it shall be not less than 50 feet. Any portion of the rear yard, which is in excess of 15 feet from the side property line, may be used for parking.

13.05 BUILDING HEIGHT REGULATIONS:

In this district, no building shall exceed 35 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 the required yard lines.

13.06 ACCESSORY PARKING:

In a Light Industrial District, parking shall be provided as required in Section 19.16.

13.07 OFF-STREET LOADING:

Space shall be provided in accordance with the provisions of Section 19.15.

13.08 SIGNS:

See Section 19.20 for size and location of permitted signs.

13.09 SCREENING:

See Section 19.17 for screening regulations for uses adjoining residential district.

ARTICLE 14

1-2 HEAVY INDUSTRIAL DISTRICT

14.01 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 uses. These uses perform essential functions for the township including employment and should be provided for in areas that are best suited for industrial development by reasons of location, topography, soil conditions, and the availability of adequate utilities and transportation systems.

14.02 PERMITTED PRINCIPAL USES:

- (1) Any use first permitted in the 1-1 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 manufacture and tire recapping or retreading.
- (6) Bleaching, cleaning, and dyeing plant.
- (7) Boiler shops, machine shops, structural steel fabricating shops, or 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, or oil.
- (18) Wire or rod drawing nut and screw or bolt manufacturing.
- (19) The Board of Appeals may allow any use similar in character to one of the specified uses listed above if such use is equally in harmony with the character of the district as a permitted use.

14.03 ACCESSORY USES:

Those uses that are customarily accessory to the above uses.

14.04 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 21.08.

- (1) Acetylene or oxygen manufacture.
- (2) Acid manufacture including all corrosive acid materials.
- (3) Ammonia, chlorine, or bleaching powder manufacture.
- (4) Animal black, lamp black, or graphite manufacture.
- (5) Asphalt or asphalt products, manufacture, or refining.
- (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 or 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 Zoning Commission, will perform a valuable net benefit to the township or the general welfare and can be built and operated in such a manner that that property adjacent to the proposed use will not be adversely affected.

14.05 YARD REQUIREMENTS:

In a Heavy Industrial District, the following yards shall be required.

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

(2) Side yards shall not be required except, where the side lot line of a Heavy Industrial Zone is adjacent to any residential district, the required side yards shall be not less than 100 feet along such lot line. Any portion of a side yard, which is in excess of 15 feet from a property line, may be used for parking.

(3) 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.

14.06 BUILDING HEIGHT REGULATIONS:

The maximum building height shall not be in excess of 35 feet, provided 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.

14.07 ACCESSORY PARKING:

In this district parking shall be provided as required in Section 19.16.

14.08 OFF-STREET LOADING:

Space shall be provided in accordance with the provisions of Section 19.15.

14.09 SIGNS:

See Section 19.20 for size and location of permitted signs.

14.10 SCREENING:

See Section 19.17 for screening regulations for uses adjoining residential districts.

ARTICLE 15

F-1 FLOOD PLAIN DISTRICT

15.01 INTENT:

This district is composed of lands that are subject to periodic flooding. It is intended to preserve the existing "flood plains" 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 are temporary, seasonal in nature, or would not be extensively damaged by flooding are permitted and, in addition, must meet the requirements and specifications of the Miami Conservancy District.

15.02 PERMITTED PRINCIPAL USES:

- (1) Agriculture and gardening.
- (2) Parking lots.
- (3) Public or private recreation facilities including parks, playgrounds, golf courses, boat docks, and driving ranges.
- (4) Temporary uses: see Section 19.13.
- (5) The following uses after review of plans and location by the Zoning Commission:
 - (a) animal shelters.
 - (b) kennels.
 - (c) stables and riding academy.
 - (d) storage yards for materials and equipment not subject to removal by flood waters.
 - (e) swimming pools and customary accessory buildings.
 - (f) customary accessory buildings for uses listed under (3) above.

15.03 ACCESSORY USES:

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

15.04 PROHIBITED USES:

- (1) Structures for human habitation.
- (2) The filling of land.

15.05 GENERAL FLOODWAY PROVISIONS:

- (1) Any structure permitted shall be designed, constructed, and placed on the lot 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 floodwaters.

(2) Where topographic data, engineering studies, or other studies are needed to determine the effect of flooding on a proposed structure and/or the effect of the structures 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) Lostcreek Township shall not incur any liability whatsoever by permitting certain uses within any flood plain district.

15.06 CONDITIONAL USES:

The following uses may be permitted by the Board of Appeals upon application and approval of a conditional use permit under the provision of Section 21.08.

- (1) Airport landing field.
- (2) Amusement park.
- (3) Extraction of minerals, soil, sand, and gravel.
- (4) Outdoor theater.
- (5) Reclamation of industrial wastes but not within 1,000 feet of any residential district.
- (6) Rifle or skeet shooting range but not within 1,000 feet of any residential district.
- (7) Sales lot for cars, trucks, farm and construction equipment, and mobile homes.
- (8) Uses similar in character to those permitted in this district.

15.07 YARD REQUIREMENTS AND LOT COVERAGE:

- (1) In the Flood Plain District, minimum front, side, and rear yards shall be 30 feet for each yard.
- (2) Structures existing at the time of passage of this Resolution occupying 10% or more of the lot shall not be enlarged.
- (3) Any new main structure together with its accessory building shall not occupy more than 10% of the lot.

15.08 BUILDING HEIGHT REGULATIONS:

In the Flood Plain District, no building shall exceed 2 1/2 stories or 35 feet is height.

15.09 ACCESSORY PARKING:

In this district, parking shall be provided as required in Section 19.16.

15.10 SIGNS:

See Section 19.20 for size and location of permitted signs.

15.11 SCREENING:

See Section 19.17 for screening regulation for uses adjoining residential district.

**ARTICLE 16 A-1 DOMESTIC AGRICULTURE DISTRICT
(Amended July 16, 1999)**

16.01 INTENT

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

16.02 PERMITTED PRINCIPAL USES

- 1) Agriculture and gardening.
- 2) One (1) one-family dwelling.
- 3) Public and parochial elementary, junior and senior high schools.
- 4) Sale of produce and plants raised on the premises.

16.03 ACCESSORY USES

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

16.04 CONDITIONAL USES

- 1) Churches and similar places of worship.
- 2) Stables or riding academies
- 3) Television and radio towers and discs including one accessory building not larger than one hundred (100) square feet for the housing of equipment only.
- 4) Commercial storage of boats, recreational vehicles, and/or construction equipment only within the confines of an enclosed building.
- 5) Parks and playgrounds, golf courses and public community center buildings.
- 6) Temporary mobile home (A mobile home when its intended use is of temporary nature as interim living quarters until such time as construction of a one family dwelling is completed. This permit shall be

valid for a period not to exceed twelve (12) months. An extension of the aforementioned permit for an additional six (6) months may be granted upon resubmission to the Board of Zoning Appeals. Said mobile home must be removed sixty (60) days after the date of completion of the permanent dwelling unit. The permanent unit completion date shall be determined by the enforcing officer.)

16.05 YARD REQUIREMENTS

- 1) See Section 8.09. Schedule of Yard and Lot Requirements.
- 2) Minimum Lot Area: The minimum lot area shall be between 3 acres and 10 acres. The lot width shall be maintained throughout the depth of the lot at a minimum of 200 feet from the front lot line to the rear lot line.

16.06 BUILDING HEIGHT REQUIREMENTS

In this district, no building shall be erected in excess of two and one-half (2 ½) stories or thirty-five (35) feet in height.

16.07 ACCESSORY PARKING

Two (2) off-street parking spaces for each dwelling unit. Parking for other uses-See Section 19.16.

16.08 SIGNS

See Article 19 for size and location of permitted signs.

16.09 DEPTH OF LOTS

In the A-1 District no lot shall have a lot depth which is no more than three (3) times its lot 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. (Amended July 16, 1999)

16.10 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 frontage for the district. (Amended July 16, 1999)

ARTICLE 17

A-2 General Agriculture District

17.01 INTENT:

This district is composed of certain land being used for agricultural activities, open recreational uses, and other open land uses. Sub-marginal lands having no principal use also are included in this district. It is the intent of this district to protect open area from the encroachment of scattered urban type uses until the area is ready for more intense development.

17.02 PERMITTED PRINCIPAL USES:

- (1) Agriculture and gardening including animal shelters.
- (2) Home occupation (see Section 3.02).
- (3) One one family dwelling, not including trailer or tent allowed.
- (4) Public or private recreation facilities including parks, playgrounds, golf courses, boat docks, driving ranges, and swimming pool.
- (5) Sale of produce and plants raised on the premises.

17.03 ACCESSORY USES:

Any use customarily accessory or incidental to the permitted uses.

17.04 CONDITIONAL USES:

- (1) Those uses listed as conditional uses in Section 15.06 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 21.08.
- (2) An additional one-family dwelling, not including trailer or tent dwellings.
- (3) Cemeteries.
- (4) Churches.
- (5) Disposal of refuse or garbage by the township.
- (6) Drive-in theatres.
- (7) Livestock feed lot.
- (8) Public and parochial elementary, junior, and senior high schools.
- (9) Public or private facilities for over-night or short term camping for a fee.
- (10) Beauty and barber shop operated and used as a home occupation except for having a separate entrance.
- (11) TEMPORARY MOBILE HOME: A mobile home when its intended use is of temporary nature as interim living quarters until such time as construction of a one family dwelling is completed. This permit shall be valid for a period not to exceed twelve (12) months. An extension

of the aforementioned permit for an additional six (6) months may be granted upon resubmission to the Board of Zoning Appeals. Said mobile home must be removed sixty (60) days after the date of completion of the permanent dwelling unit. The permanent unit completion date shall be determined by the enforcing officer. (Amended June 21, 1992)

17.05 YARD AND LOT REQUIREMENTS:

(1) Required yards:

- (a) Front yards shall be not less than 40 feet in depth.
- (b) Side yards shall be not less than 15 feet on each side.
- (c) Rear yards shall be not less than 40 feet in depth.

(2) Minimum Lot Area:

The minimum lot area shall be 10+ acres. The lot width shall be maintained throughout the depth of the lot at a minimum of 200 feet from the front lot line to the rear lot line. (Amended July 16, 1999)

17.06 BUILDING HEIGHT REGULATIONS:

In the Agricultural District, no building shall be erected in excess of 2 1/2 stories or 35 feet in height.

17.07 ACCESSORY PARKING:

In the Agricultural District, parking shall be provided as required in Section 19.16.

17.08 SIGNS:

See Section 19.20 for size and location of permitted signs.

ARTICLE 18

PLANNED DEVELOPMENT

18.01 INTENT:

The purpose of this section is to permit creation of new planned developments permitted as Conditional Uses where maximum variations of design may be allowed on application and approval of specific and detailed plans and 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 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.

18.02 TYPES OF PLANNED DEVELOPMENT

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

18.03 STANDARDS FOR PLANNED DEVELOPMENT

Approval of an application for a Conditional Use Permit for a Planned Development shall be based on specific findings of fact, in each 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 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 development will be adequate to serve the residents 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 development not used for structures, accessways, parking, and loading areas will be landscaped or otherwise improved.

18.04 PLANNED DEVELOPMENT PROCEDURES

18.041 Application

The owner or owners of a tract of land may request a Conditional Use Permit to permit a Planned Development in R-1 through R-4 Residential Districts, B-1 and B-3 Business Districts, RP Research Park District, and 1-1 and 1-2 Industrial Districts in accordance with Section 21.08 (4) of this Resolution. No application for a Conditional Use Permit for a Planned Development shall be considered by the Board of Appeals until the plan has been submitted by the applicant to the Lostcreek Township Zoning Commission and the Zoning Commission has approved the plan.

18.42 Development Plan

The following are to be submitted to the Lostcreek Township Zoning Commission:

- (1) Three copies of a survey of the tract to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography, and physical features.
- (2) Three copies of preliminary site plan showing the proposed location of structures indicating unit density, or in the case of a business or industrial plan, a statement identifying the principal types of office, business, and/or industrial uses 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 ownership of streets, 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 use, street system, community facilities, services, and other public improvements in the surrounding area.
- (3) A statement of the percentage of the development which is to be occupied by 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.

- (4) Three copies of final site plan indicating exact locations and/or uses of items required in 2 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 development provides for common open space, the total area of common 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 Development as the stages or units completed or under development bear to the entire Planned Development.
- (5) Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development.
- (6) When a Planned Development includes provisions for 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 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 of such entity shall be submitted.

18.43

Plat

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

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

18.05

ACTION BY BOARD OF APPEALS

The Board of Appeals shall consider the application for a Conditional Use Permit for a Planned Development in accordance with Section 22.08 (4) of this Resolution.

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

The approval of the Development Plan of a single stage Planned 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 the multi-stage Planned Development falls more than two (2) years behind the 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 Development and removed when and if approval becomes null and void.

18.06 PP-PLANNED RESIDENTIAL DEVELOPMENT

18.061 Permitted Uses

(1) Those uses included as permitted and accessory uses in R-1 through R-4 Residential Districts developed in a unified manner in accordance with the approved Development Plan.

(2) 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 serve primarily the needs of the persons within the Planned 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.

18.062 Area Requirements

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

18.063 Land Use Intensity

To be determined by the 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 Planned Development area, except it shall exclude street right-of-way and land used for convenience establishments as permitted in 18.061 (2).

18.064 Building Height Regulations

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

18.065 Accessory Parking

See Section 19.16

18.066 Signs

See Section 19.20 for size and location of permitted signs.

18.067 Site Planning

Where the Planned Residential Development adjoins a One-family Residential District without an intervening secondary or major thoroughfare or an intervening permanent open space at least fifty (50) feet wide, the developer shall provide such a permanent open space at least fifty (50) feet wide adjoining a One Family Residential District.

18.068 Loading and Unloading Areas

See Section 19.15

18.069 Screening

See Section 19.17

18.07 PD-2 PLANNED BUSINESS DEVELOPMENT

18.071 Permitted Uses

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

18.072 Area Requirements

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

18.073 Land Occupancy by Buildings

To be determined by the Zoning Commission.

18.074 Building Height Regulations

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

18.075 Accessory Parking

See Section 19.16

18.076 Signs

See Section 19.20 for size and location of permitted signs.

18.077 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.

18.078 Loading and Unloading Areas

See Section 19.15

18.079 Screening

See Section 19.17

18.08 PD-3 PLANNED INDUSTRIAL DEVELOPMENT

18.081 Permitted Uses

Those uses included as permitted and accessory uses in the RP Research Park District and I-1 and I-2 Industrial Districts developed in accordance with the approved Development Plan.

18.082 Area Requirements

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

18.83 Land Occupancy by Buildings

To be determined by the Zoning Commission.

18.84 Building Height Regulation

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

18.85 Accessory Parking

See Section 19.16

18.86 Signs

See Section 19.20 for size and location of permitted signs.

18.87 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.

18.88 Loading and Unloading Areas

See Section 19.15

18.89 Screening

See Section 19.17

ARTICLE 19 GENERAL PROVISIONS

19.01 GENERAL REGULATIONS:

Except as herein provided, no building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building or land be used:

- (1) Except for a purpose permitted in the district in which the building or land is located.
- (2) Except in conformance to the height or bulk limits established herein for the district in which the building or use is located.
- (3) Except in conformance to the yard and lot regulations of the district in which the building or use is located.
- (4) Except in conformance to the off-street parking and off-street loadline 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.

19.02 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 yard.
- (2) A rear yard shall be provided parallel to the opposite from the front yard.
- (3) On through lots, the front yard requirements shall apply to all street frontages.

19.03 CORNER LOT ACCESSORY BUILDING:

When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot to the rear of such corner lot.

19.04 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.

19.05ACCESSORY BUILDINGS:

Accessory buildings in any residential zone shall be subject to the following regulations:

- (1) Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Resolution applicable to a main building.
- (2) Accessory buildings shall not be erected in any required yard, except a rear yard.
- (3) An accessory building not exceeding one (1) story or fourteen (14) feet in height may occupy not more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any non-required rear yard. The maximum total floor area for all accessory buildings shall not exceed one thousand nine hundred twenty (1920) square feet. There shall be no more than two (2) accessory buildings per lot. (Amended September 21, 2003)
- (4) No detached accessory building shall be located closer than ten (10) feet to any other building nor shall it be located closer than five (5) feet to a side or rear lot line. In those instances where the rear lot line is contiguous with an alley right-of-way, the accessory building shall not be closer than twenty (20) feet to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.
- (5) This provision shall apply to any structures with 150 sq. ft. or larger and uses except those specifically exempted by the Ohio Revised Code. (Amended July 16, 1999)

19.06HEIGHT 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) PLANTS, FENCES, AND WALLS IN FRONT YARD: No fence, wall, or hedge shall rise over two (2) feet in height in any required front yard. No fence, wall, hedge planting shall interfere with visibility from a driveway. The Enforcing Officer is hereby empowered to cause all such obstructions to be removed in the interest of the public safety.
- (3) CORNER CLEARANCE: No fence, wall, shrubbery, sign or other obstruction to vision above a height of two (2) feet from the established street grade shall be permitted within the triangular area formed at the intersection of any street right-of-way lines at a distance along each line to twenty-five (25) feet from their point of intersection.

19.07REMOVAL OF SOIL, SAND, OR OTHER MATERIAL:

The use of land for the removal of topsoil, sand, or other material from the land, other than materials from basement excavations, is not permitted in any zone except under a temporary permit from the Board of Appeals. This permit may be denied or issued in appropriate cases after the agreement or bond that such removal will not cause stagnant water to

collect or leave the surface of the land, at the expiration of such permit, in an unstable condition or unfit for the growing of turf or for other land uses permitted in the district in which such removal occurs.

19.0BESSENTIAL SERVICES:

Essential services shall be allowed in any district insofar as permitted, authorized or regulated by law or other Resolution. Buildings required in conjunction with an essential service may be permitted in any district when approved by the Zoning Commission. In granting such permission, the Zoning Commission shall take into consideration the location, size, use, and effect such building will have on the adjacent land and buildings.

19.09 EXTERNAL EFFECTS:

No land, building, or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise, brilliant light, or vibration; smoke, dust, fumes, odor, or other form of air pollution; heat, cold, or dampness; electrical or electronic disturbances, nuclear radiation, or any other condition, substance, or element objectionable to any person or property outside of 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.

19.10 OUTDOOR STORAGE AND WASTE DISPOSAL:

Every use shall be operated in accord 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 as the tanks or drums of fuel are excluded from this provision.
- (2) All outdoor storage facilities for fuel, raw materials, and products shall be enclosed by a fence, wall, or planting to conceal such facilities from adjacent residential property.
- (3) No non-agricultural materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by wind, flood, or natural causes or forces to the detriment of adjacent property.
- (4) All materials or wastes which might cause fumes or dust, which constitute a fire hazard, or which may be edible or attractive to rodents or insects shall be stored outdoors only in closed containers constructed of impervious material.

19.11 PROJECTIONS INTO REQUIRED YARDS:

- (1) Chimneys, flues, sills, pilasters, cornices, eaves, gutters, and other similar features may project into a required side yard a maximum of eighteen inches.
- (2) Front Yards: No structure may project into a required front yard. However, unroofed porches and steps may extend from the dwelling into the required front yard a maximum of ten (10) feet.
- (3) No structure may project into a required side yard except that, where a single lot under one ownership existed of record 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 variance to permit the construction of a one-family residence so as to allow a reasonable use of the lot. The granting of such a variance may be subject to appropriate conditions prescribed by the Board of Appeals.

19.12 EXCEPTIONS TO HEIGHT LIMITATIONS:

Chimneys, domes, spires, necessary mechanical appurtenances, and radio and television towers may exceed district height limitations.

- (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, provided, however, that prior to the issuance of a zoning permit for any structure which is planned to exceed thirty-five feet in height, the Zoning Commission shall make a finding that any such excessive height will not be detrimental to the public safety, light, air, or privacy of any other structure or use currently existing or approved for construction.
- (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 to all points on each property line.
- (3) Radio towers for licensed amateur radio stations in the residentially zoned districts shall be limited in height from their base to the distance from the base to the nearest property line.
- (4) Chimneys shall be constructed to a minimum height of three (3) feet above the highest point of the roof to which the chimney is attached.

19.13 TEMPORARY USES:

In any district, subject to the conditions stated below, the Enforcing Officer may issue a permit for the following temporary uses:

(1) Temporary building or yard for construction office material or equipment, provided such use is adjacent to the construction site and removed when construction is so completed. Each permit shall be valid for six (6) months and may be renewed if construction is underway. The temporary use shall be removed when construction is completed or discontinued for more than thirty (30) days.

(2) Temporary office incidental and necessary to real estate sales and rentals. Each permit shall be valid for one (1) year and may be renewed for one (1) additional year if conditions warrant such renewal.

(3) Building and yard 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) Gatherings under canvas or in the open: religious service, show, meeting exhibition, bazaar, carnival, or circus, except that, if located within 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 within 400 feet from the place of such meeting.

19.14 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. Said setback shall be measured from the required right-of-way line on major streets and secondary streets designated as such on the Major Thoroughfare Place.

19.15 OFF-STREET LOADING REGULATIONS:

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

(1) GENERAL PROVISIONS

(a) Screening: Off-street loading spaces 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 Zoning Commission. The Zoning 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 space may occupy all or any part of any required rear yard space.

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

(2) AMOUNT OF LOADING SPACE REQUIRED:

Adequate amount 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. The Enforcing Officer may refer to the table below as a guide (only) for determining the minimum amounts of off-street loading that shall be provided.

<u>Square Feet of Gross Floor Area</u>	<u>Required No. of Spaces</u>
(a) Up to 10,000 sq. ft.	1
(b) 10,001 to 20,000 sq. ft.	2
(c) 20,001 to 40,000 sq. ft.	3
(d) 40,001 to 75,000 sq. ft.	4
(e) 75,001 to 125,000 sq. ft.	5
For each additional 50,000 sq. ft. additional loading space	1

19.160FF-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 shall consist of a parking strip, driveway, garage, or combination thereof located on the premises they are intended to serve and

subject to the provision of Section 18.03 and of this Resolution.

(b) Any area once designated 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 in connection with the operation of an existing building or use at the effective date of this resolution, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

(d) Two or more buildings 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 the requirements for the several individual uses computed separately.

(e) Dual function of off-street parking spaces: The Board of Appeals may require, as a condition to the granting of such an exception, that said exception be effective only while uses and operating hours of both buildings remain the same. A change in use or hours will automatically invalidate the exception granted.

(f) The storage or sale of merchandise or the repair of vehicles is prohibited.

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

(h) Ingress and egress: A suitable means of ingress and egress for vehicles 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 Zoning Commission prior to obtaining any permit therefore. The County Engineer or the Zoning Commission may require the owner to provide acceleration and/or deceleration lanes where traffic volumes indicate the need.

(i) Wheel stops shall be provided for all boundaries of the parking area to prevent encroachment of vehicles, except at points of ingress and egress.

G) Pavement: All parking lots shall be surfaced with a hard or semi-hard dust free surface in conformance to the standards of the County.

(k) Lighting: 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.

Light shall be shielded so as not to shine directly or in an offensive manner on the adjoining residential property.

(l) Screening: When a parking lot abuts a residential zone, there shall be, permanently maintained along such boundary, screening as provided in Section 18.17.

(m) Plot plan to be filed: Prior to construction 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 Zoning Inspector who will submit same to the Zoning Commission, County Engineer, and other agencies for their consideration and recommendation. Such plot plan shall show the boundaries of the property, location of adjacent houses, parking spaces, circulation patterns, drainage plan, construction plan for boundary walls, and planting plan.

(n) Restricted accessory parking areas: 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 22.07.

(3) All provisions of section 19.16 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 green area.

(5) A dense evergreen planting with a minimum height for four (4) feet and mature height of at least five feet, six inches (5'6") or 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 land in a residential zone, that portion of the lot used for parking purposes shall be screened from the street by a dense evergreen planting or solidly constructed decorative fence with a maximum height of two (2) feet permanently maintained along the setback line.

(7) Ingress and egress for vehicles to any premises used for parking under a 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.

(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 residential district or be permitted between the curb line and property line in any district, except as hereinafter noted:

- (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 DWELLING: Two parking spaces for each family plus one space for each roomer.
- (c) MULTIPLE FAMILY: Two parking spaces per dwelling unit plus one space per 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 space per unit plus one for each employee.
- (h) CHURCHES: One parking space for each three seats in the main auditorium.
- (i) HOSPITALS: One for each two beds plus one for each staff doctor plus one for each two full time employees on shift, including nurses.
- (j) SANITARIUMS.CONVALESCENT HOMES. OR CHILDREN'S HOMES: One for each two beds plus one for each two employees.
- (k) ELEMENTARY AND JUNIOR HIGH SCHOOLS: 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 seated in the main auditorium, whichever is greater.
- (1) SENIOR HIGH SCHOOLS: One parking space for each employee plus one parking space for each ten students, one parking space for each 80 sq. 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 employees plus one for each three students.

(n) LIBRARIES: One for each 600 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 employees.

(p) PRIVATE-CLUBS OR LODGES: One parking space for each three persons allowed by fire, health, or building code.

(q) BOWLING ALLEYS: Five parking spaces for each alley.

(r) PUBLIC GOLF COURSES: Six parking spaces for each golf hole plus one space for each employee.

(s) SPORTS ARENAS. AUDITORIUMS. THEATERS. AND ASSEMBLY HALLS OTHER THAN IN SCHOOLS: One parking space for each four persons allowed by the fire code up to 1000 seat, one parking space for each three persons allowed by the fire code over 1000 seats, and one for each two employees.

(t) STADIUM. SPORTS ARENA. OR SIMILAR PLACE OF OUTDOOR ASSEMBLY: One parking space for each three seats.

(u) PROFESSIONAL OFFICES OR MEDICAL CLINIC: One parking space for each 150 square feet of floor area, provided that professional offices when used as a home occupation, shall provide one 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 BUILDINGS: One parking space for each 200 square feet of gross floor area excluding any floor space used for parking.

(w) BANKS. DRY CLEANERS. LAUNDRIES. AND SIMILAR SERVICE BUSINESSES: One parking space for each 250 square feet of floor area.

(x) DRIVE-IN BANKS WITH INSIDE CUSTOMER SERVICE: Five for each teller window plus one for each employee. Without inside customer service, one space for each employee.

(y) AUTO SERVICE STATION: Four spaces.

(z) AUTOMOBILE SALES AND SERVICE GARAGE: One parking space for each 200 square feet of floor area in the main display room plus one space for each employee.

- (aa) USED CAR LOT: One space for each 1500 square feet of lot area.
- (ab) BARBER SHOPS AND BEAUTY PARLORS: One for each chair plus one for each employee.
- (ac) DRIVE-IN-EATING ESTABLISHMENTS: One parking space for each 60 square feet of floor area but not less than 20 spaces.
- (ad) FURNITURE AND APPLIANCES, HOUSEHOLD EQUIPMENT DECORATOR, ELECTRICIAN, OR SHOE REPAIR: One parking space for each 800 square feet of floor area plus one space for each two employees.
- (ae) LAUNDROMATS: One space for each two washing machines.
- (af) MORTUARIES OR FUNERAL HOMES: One parking space for each fifty square feet of floor area in the slumber rooms, parlors, or individual funeral service rooms.
- (ag) RESTAURANT WITH ONLY INSIDE SERVICE OR TAVERN: One parking space for each four seats plus one space for each two employees.
- (ah) RETAIL STORES (including rental service stores): One parking space for each 200 square feet of gross floor area, excepting self-service or supermarket which shall provide one parking space for each 100 square feet of gross floor area.
- (ai) CONTRACTORS YARD OR PLANT STORAGE YARD: One space for each three employees.
- (aj) WAREHOUSES OR WHOLESALE STORES: One parking space for each 800 square feet of floor area.
- (ak) MANUFACTURING PLANTS OR RESEARCH LABORATORIES: One space for each one of one-half employees per largest work shift.
- (al) In the case of a use not specifically mentioned, the requirements for off-street parking shall be the same as for a similarity to be determined by the Enforcing Officer.

19.17 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 Enforcing Officer or Zoning Commission.

- (1) PURPOSE OF SCREENING: Screening shall be provided for one or more of the following purposes:

- (a) 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 activities.
 - (c) For the containment of debris and litter.
- (2) TYPES OF SCREENING: 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) LOCATION OF SCREENING: Whenever any non-residential use abuts a residential district, a visual screening wall, fence, or a planting shall be erected or placed along such mutual boundary lines.
- (4) HEIGHT OF SCREENING: Visual screening walls, fences, or plantings shall be at least five feet, six inches (5'6") high except in required front yards when maximum height shall meet the requirements of Section 19.06 (2).
- (5) DEPTH OR WIDTH OF SCREENING: 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) PROTECTION: 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.

19.18 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 floor elevation is not less than one (1) foot above the water level as indicated on the Flood Plain map.

19.19 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 65340 square feet and a minimum frontage of 200 feet measured at the building line. (Amended July 16, 1999)

19.20 PERMITTED SIGNS:

- (1) SCOPE OF REGULATIONS:
- (a) The regulations herein set forth shall apply and govern in all districts. No sign shall be erected or maintained unless it is in

compliance with regulations for the district in which it is located. No sign shall be erected or continued in operation in any manner constituting a nuisance because of glare, focus, animation, flashing, or danger to the public caused by either electrical or structural deficiencies.

(b) All signs hereafter erected, constructed, or modified shall comply with yard and setback requirements of the districts in which it is located.

(c) 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 the end of the business day, whichever is later, when such sign is within 200' of any R-1, R-2 or R-3 district.

(d) No sign shall be erected, relocated, or maintained to prevent free ingress to or egress from any door, window, or fire escape.

(e) 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 reason 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.

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

(g) No sign shall be erected or maintained in Residential, Business, Flood Plain, and Agricultural districts unless the sign complies with all of the following conditions:

- (1) Is erected and maintained for a permitted use for the district in which the sign is located.
- (2) Is clearly incidental, customary to, and commonly associated with the operation of the use.
- (3) Is limited in location to the premises on which the use is located.
- (4) Is limited in subject matter to the name, design, picture, or trade mark of the owner, operator, builder, sales agent, managing agent, lessor, or lessee of the premises or of the activities (including merchandise handled or services rendered) on the premises on which such sign is located and does not include any general commercial advertising unrelated to or extended in substantial degree beyond the enumerated permitted subjects.

(h) Portable signs shall not be hereafter erected or maintained unless in compliance with the regulations for the district in which they are located.

(i) All signs, both conforming and nonconforming, shall be maintained so as to not constitute a nuisance because of glare, focus, animation, flashing, or danger to the public caused by either electrical or structural deficiencies. The Enforcing Officer shall order the elimination of any such nuisance. If the property owner fails to comply, the Enforcing Officer shall order the removal of any sign deemed a nuisance. Any and all costs incurred by such removal shall be the responsibility of the property owner. Any sign erected after removal shall be in compliance with the regulations for the district in which it is located.

(2) EXEMPTIONS: The provisions and regulations of this Resolution shall not apply to the following signs provided they are neither illuminated nor animated and that there is no more than one such sign per use per each street front of the lot on which the sign is located:

(a) Real estate signs not exceeding four and one half (4 1/2) square feet in area which advertise the sale, rental, or lease of the premises on which said signs are located only.

(b) Professional or occupational name plates not exceeding one square foot in area.

(c) Occupational signs denoting only the name and profession of an occupant in a commercial building, public institutional building, or multiple dwelling and not exceeding two square feet in area.

(d) Temporary signs denoting the architect, engineer, or contractor when placed upon work under construction and not exceeding thirty two (32) square feet in area to be removed upon completion of the building.

(e) Memorial signs or tablets, names of building, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.

(f) Traffic or other municipal signs, legal notices, railroad crossing signs, and such temporary emergency or non-advertising signs as may be authorized by the Township Trustees.

(g) 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 to be removed within 10 days after conclusion of the event.

(h) The banner of any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event may be hung after approval of the Enforcing Officer. Said banner shall be hung at a minimum height

not less than fifteen (15) feet above grade and supported by means sufficient to maintain its weight. After approval of the Enforcing Officer, the banner shall be hung no more than thirty (30) days prior to the event and shall be removed within ten (10) days after conclusion of the event.

(i) Political signs provided:

(1) No more than twelve (12) sq. ft. in area.

(2) Shall not be posted by the candidate more than ninety (90) days prior to the election to which the sign relates and shall be removed by the candidate within fifteen (15) days after the election to which the sign relates.

G) Parking or directional signs not over two (2) square feet in area provided the sign contains no advertising matter.

(k) Bulletin boards and signs for a church, school, community, or other public or semi-public institutional building and multiple dwellings containing eight (8) or more units shall not exceed fifteen (15) square feet in area for wall or ground signs 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. May be illuminated but only from a concealed light source.

(l) Subdivision signs: Upon application to the Board of Appeals, a permit may be issued as a special exception to the terms of this Resolution allowing a landsale sign provided that:

(1) The sign shall not be illuminated.

(2) The sign shall advertise the sale or development of a recorded lot subdivision.

(3) The sign shall not be in excess of forty (40) square feet.

(4) The sign shall be erected only upon the property for sale or being developed.

(5) Not more than one (1) such sign shall be placed along single road frontage of any property in single and separate ownership provided that not more than two (2) such signs may be permitted in any single development.

(6) A permit for the erection, construction, or maintenance of said sign shall expire within one (1) year.

(m) Billboards shall be permitted provided that:

(1) Location:

(a) Billboards shall be permitted only in the A-1, B-1, B-2, F-1, and 1-1 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 ft. of an exit or entrance to a limited or controlled access highway.

- (d) No billboards shall be located along any Federal or State Highway right-of-way within 100 ft. of any other public road right-of-way.
- (e) No billboards shall be located within 200 feet of any "R" district.
- (t) Billboards shall be set back a minimum of 25 feet from the intersection of property line.
- (2) Maximum size: No billboard shall contain more than 1600 square feet of surface area nor be elevated to a height less than 6 feet from the ground.
- (3) Construction: All free standing billboards shall be constructed on steel and wood supports.
- (4) Spacing: No billboard shall be located within 750 feet of another billboard.
- (n) A-1, F-1, B-1, and B-2 Districts: Wall or ground signs, single or double face, shall not exceed fifty (50) square feet in area for each face except that, where the sign is used for two or more uses, the area shall not exceed one hundred (100) square feet. Maximum height above grade at sign shall not exceed forty (40) feet. One sign for each street front of the lot on which the use is located may be used.
- (o) B-3 District: Wall or ground sign, single or double face, on a street front shall not exceed one hundred (100) square feet in area plus one (1) square foot for each foot of building width over fifty (50) feet. Maximum height above grade at sign shall not exceed forty (40) feet. Not more than two (2) signs for each street front of the lot on which the sign is located may be used.
- (p) RP, 1-1, and 1-2 Districts: Wall or ground sign, single face, shall not exceed one hundred (100) feet in length and not be located within one hundred (100) feet of any other ground sign except when separated by an intervening building or when adjoining at a right angle or less measured on the backs of the sign. Not more than two (2) signs for each street front of the lot on which the sign is located may be used.
- (q) All signs and advertising structures in the business, research, 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 sign 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 feet from the front lot line.

(3) CONDITIONAL USE PERMIT: Any sign that does not clearly fit into one of the sign regulations in Section 19.20 of 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, or excess dimensions, temporary construction signs in excess of sixteen (16) square feet, or signs in excess of four and one-half (4 1/2) square feet advertising lots and/or buildings in a subdivision.

(4) ENFORCEMENT: Legal non-conforming signs may be continued unless discontinued for a two (2) year period in which case they may not again be used except in conformity with this Resolution. Illegal non-conforming signs shall be removed forthwith by the owner or lessee or the Enforcing Officer shall cause the removal of said signs and assess the owners and/or lessees of such signs the costs of removal.

19.21 NON-CONFORMITIES:

Within the districts established by this Resolution or amendments that may later be adopted, there exists lots, structures, and uses of land and structures which were lawful before this Resolution was passed or amended but which would be prohibited, reregulated, or restricted under the terms of this Resolution or future amendment. It is the intent of the 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 ground 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. Expansions of existing non-conforming uses, where allowed by the Board of Appeals, may be made only on property owned by the applicant as of the effective date of this Resolution. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises or by the addition of other uses of

a nature which would be prohibited generally in the district involved.

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 and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner except that, 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 OR 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 subject to the following conditions.
 - (a) If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution and if all or part of the lots do not meet the requirements for lot width and area as established by this Resolution, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Resolution nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Resolution.
- (2) NON-CONFORMING USE OF LAND: Where, at the effective date of adoption or amendment of this Resolution, 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 than 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 ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.
- (d) Where a non-conforming use of land, by the nature of the use, requires expansion or enlargement or 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.

(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 reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure, it 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 provisions:

- (a) If no structural alternations are made, any non-conforming use of a structure or structure 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. In permitting such change, the Board of Appeals in collaboration with the Zoning Commission may require appropriate conditions and safeguards in accord with the provisions of this Resolution.
- (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) When a non-conforming use of a structure or structure and premises in combination is discontinued or abandoned for twenty four (24) consecutive months or for twenty-seven (27) months during any three (3) year period, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- (d) When 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, work may be done on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing.
- (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 uses 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 year from the date of occurrence of such damage and such reconstruction shall be diligently prosecuted and completed without delay. Failure to comply as above set forth shall cause such non-conforming use 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 which was in violation of the provisions of the Resolution which this Resolution amends shall not be validated or become non-conforming upon the adoption of this Resolution.
- (8) RESTORATION TO SAFE CONDITION: 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.

- (1) No person shall occupy any trailer or mobile home as a residence in any district outside an approved and licensed mobile home part or trailer court except as a conditional use in the A-1 Agricultural District.
- (2) No mobile home may be stored or parked in any residential district outside an approved and licensed mobile home part or trailer court.
- (3) No trailer classed as a recreation vehicle or boat may be stored or parked in any required front yard of any residential district.

19.23 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. This includes such activities as:

- Drive-in banks
 - Quick auto wash
 - Drive-in service and repair drop station for such items as clothing, appliances, equipment, etc.
- (1) Those establishments that can normally serve their customer in three minutes or less shall provide at least five (5) off-street waiting spaces per window.
 - (2) Quick auto wash shall provide at least ten (10) off-street waiting spaces.
 - (3) Where normal customer servicing time is greater than three minutes per car, additional spaces shall be provided on the basis of one additional space per additional minute of waiting time.

19.24 BARRIERS TO ENCROACHMENT:

Hereafter any lot used for parking, storage, or display of vehicles for sale or rent including boats, trailers, mobile homes, and trucks, where such use is permitted to come within three (3) feet of any property line separating said lot from any property held by any other ownership including public land, such property lines shall be protected from encroachment by the installation of wheel stops so placed and erected as to prevent vehicles from projecting over said lines except at approved points of ingress and egress.

ARTICLE 20 ENFORCEMENT AND PENALTIES:

20.01 ENFORCING OFFICER:

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

20.02 BUILDING PERMIT:

No building or other structure shall be erected, moved, added to, or structurally altered without a building permit therefore issued by the Chief Enforcement Officer. No building permit shall be issued except in conformity with the provisions of this Resolution. This section becomes operative upon the addition of a Building Code.

20.03 CERTIFICATE OF HEALTH OFFICER:

In every instance where a lot is not service with public water and/or public sewerage services, preliminary approval or a certificate of approval by the County Health Department or by the Ohio Environmental Protection Agency of the proposed method of water supply and/or disposal of sanitary wastes must be obtained, prior to the issuance of a zoning permit. (Amended July 16, 1999)

20.04 DRIVEWAY PERMIT:

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

20.05 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, enlarge, or structurally alter any building or structure within the un-incorporated portion of the township or to change the use of 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 and/or the plans for the proposed building or structure fully comply to the requirements of this Resolution. This provision shall apply to all buildings and uses except those specifically exempted by the Revised Code. Fee for such certificate shall be determined as follows:

- (a) Fifty (\$50.00) dollars fee per residential structure. (Amended September 21, 2003).
- (b) There shall be a minimum fee of \$50.00 for business or industrial structures plus \$.50 for each additional 1000 square feet or fraction thereof in excess of 200 sq. ft. (Amended September 21, 2003).

20.06 REMEDIES:

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

20.07 OTHER ACTION:

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

20.08 PENALTIES:

Violation of any provision of this 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 requirements of this Resolution or any amendment of supplement 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.

20.09 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.

20.10 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 of land shall be adjudged guilty or maintaining a nuisance per se.

ARTICLE 21 ZONING COMMISSION

21.01 CREATION:

A Zoning Commission is created in accordance with Section 519.04 of the Ohio Revised Code.

21.02 MEMBERSHIP AND APPOINTMENT:

The Zoning Commission shall be composed of five (5) members who reside in the unincorporated area of the township, to be appointed by the Township Trustees, and the terms of the members shall be of such length and so arranged that the term of one member will expire each year. The Township Trustees may appoint qualified members of the county or regional planning commission to serve on the Zoning Commission. Each member shall serve until his successor is appointed and qualified.

Members of the Zoning Commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the Trustees, upon written charges being filed with the Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten days prior to the hearing, either personally, by registered mail, or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

Vacancies shall be filled by the Township Trustees and shall be for the unexpired term. Members of the Zoning Commission existing at the time of adoption of this Resolution shall complete their appointed terms of office.

21.03 ORGANIZATION:

The Zoning Commission shall organize, adopt rules for the transaction of its business, keep a record of its actions and determinations, and elect its own officers annually. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. Three (3) members of the Zoning Commission shall constitute a quorum for the conducting of business.

Members of the Zoning Commission may be allowed their expenses, or such compensation, or both, as the Trustees may approve and provide. No Township Trustee shall be employed by the Zoning Commission of his township. The Zoning Commission may, within the limits of the moneys appropriated by the Trustees for the purpose, employ or contract with such planning consultants and executive and other assistants as it deems necessary.

The Zoning Commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies and such officials, department, and agencies having information, maps, and data pertinent to township zoning shall make them available for the use of the Zoning Commission.

21.04 OFFICIAL ACTION:

The Zoning Commission shall act by resolution or motion, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact.

ARTICLE 22 BOARD OF APPEALS:

22.01 CREATION:

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

22.02 MEMBERSHIP AND APPOINTMENT:

The Board shall consist of five (5) members appointed by the Township Trustees who 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. Members of the Board of Appeals existing at the time of adoption of this Resolution shall complete their appointed terms of office.

22.03 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.

22.04 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 or, if absent or failing to vote, indicating such facts, a statement of the facts of each appeal considered by the Board, and the section of this Resolution, where applicable, which the Board has considered in approving or disapproving any petition or other matter brought before the Board,

22.05 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, a variance from the strict applications of the terms of this resolution, or appeal a decision of the Enforcing Officer to the Board of Appeals.

Any 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.

22.06 FEE:

- (1) Each application for a variance shall be accompanied by a fee of one hundred fifty dollars (\$150.00). (Amended September 21, 2003)
- (2) Each application for a conditional use permit shall be accompanied by a fee of one hundred fifty dollars (\$150.00). (Amended September 21, 2003)
- (3) Application fees shall not be refunded in any case.

22.07 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 property of record within three hundred 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 Township. 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.

22.08 POWERS AND DUTIES:

The Board of Appeals shall have all the appropriate powers 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 error in any order, requirement, decision, or determination made by the Enforcing Officer in the enforcement of this Resolution. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Enforcing Officer or to decide in favor of the applicant on any matter upon which they are 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 22.07 of this Resolution.
- (c) The Board of Appeals shall determine:
 - (1) Authority: If it has the authority to grant the request.
 - (2) Adverse Affect: That the granting of the conditional use will not adversely affect the neighborhood in which the condition use is to be located.
 - (3) Master Plan: That the conditional use is not one, which is contrary to the Comprehensive Master Plan of Miami County. In making this determination, the Board shall be advised by the recommendation of the Planning Commission.
- (d) In granting any conditional use permit, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity to the provisions of this Resolution and the recommendation of the Planning Commission. The Board of Appeals may require a bond to assure conformance to such conditions and safeguards as may be necessary. Violation of such conditions and safeguards shall cause the performance bond mentioned above to be forfeited and shall be deemed a violation of this Resolution and punishable under Section 20.08. 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.
- (5) VARIANCES: To vary the strict application of any of the requirements of this Resolution in the case of exceptionally irregular, narrow, shallow, deep, 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 neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings or a variance. No variance in the strict application of this Resolution shall be granted by the Board of Appeals unless and shall be granted by the

Board of Appeals unless and until the applicant submits and the Board concurs with the following:

- (a) Condition 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. In making this determination, the Board of Appeals shall be advised by the recommendation of the Planning Commission.

(6) PROCEDURE FOR CONSIDERATION OF PETITIONS FOR VARIANCES:

- (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 and the recommendation of the Zoning Commission. The Board of Appeals may require a bond or irrevocable letter of credit to assure conformance to such conditions and safeguards as the Board may require.

- (d) Violation of such conditions and safeguards, when such are made a part of the terms under which a variance is granted, shall cause the bond mentioned in (c) above to be forfeited and shall be deemed in violation of this Resolution and punishable under Section 20.08 of this Resolution.
 - (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 22.07 of this Resolution.
- (7) EXCEPTIONS TO THE REGULATIONS ON NONCONFORMING USES:
- (a) INTENT:
 Certain uses which, by their record performance over the years, have proven to be the exception to the general rule that isolated commercial uses in residential areas are generators of flight should be given recognition for such performance and proven service to the neighborhood. Those uses that are permitted in B-2 Convenience Shopping Districts may be eligible for permit by exception provided:
 - (1) The use has been in continuous operation for ten (10) years or more.
 - (2) The building or structure is in sound, well maintained condition.
 - (3) There are no dilapidated residential structures within three hundred (300) feet of said use.
 - (4) Said use has no more than four (4) full time employees.
 - (5) That the structures containing such uses continue to be well maintained, yards kept clean, and refuse kept in enclosures so as to be out of sight from adjoining residential properties.
 - (6) Parking requirement as specified in Section 19.16 shall be complied with.
 - (7) Screening requirements as specified in Section 19.17 shall be complied with
 - (8) Sign regulations as specified in Section 19.20 shall be complied with.
 - (9) Yards, lot coverage, and height limitations of the district in which such use is located are complied with.
 - (b) PROCEDURE:
 - (1) No application for a permit by exception shall be considered for approval by the

Board of Appeals until the foregoing items (1) -(9) have been furnished to the Zoning Commission and a written opinion is given by the Zoning Commission on each of said items.

- (2) Public hearing: Prior to taking action on a request for an exception, the Board of Appeals shall hold a public hearing and give notice to property owners as prescribed in Section 22.07.
- (8) 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 right and shall so certify on the record.

ARTICLE 23 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 accord with the following:

23.01 Right of Amendment:

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

23.02 Recommendation of Zoning Commission:

The Zoning Commission after public hearing, shall recommend the approval, denial, or modification 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 Zoning Commission, the unanimous vote of the Township Trustees shall be required.

23.03 Amendment Limitation:

Petitions for zoning amendment, conditional use permits, or variances concerning any parcel of property, portion thereof, or use thereon shall not be accepted for consideration more than once during any consecutive twelve (12) month period.

23.04 Fee:

When a petition for 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 two hundred dollars (\$200.00) plus a filing fee as required by the Miami County Recorders Office and under no conditions shall such sum or part thereof be refunded.
(Amended September 21, 2003)

ARTICLE 24 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 25 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 26 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 27 EFFECTIVE DATE:

- (1) Date of public hearing: May 22, 1975 _____
- (2) Date of publication May 5, 1975 _____
- (3) Date of adoption by the Township Trustees
 May 22, 1975, _____
- (4) Date and time this Resolution shall take effect:
 JUNE 22, 197_5_____