

# BUTLER COUNTY, OHIO RURAL ZONING RESOLUTION



In effect for the following Townships:

Hanover  
Lemon  
Madison  
Milford  
Oxford  
Ross

Butler County Commissioners  
Charles R. Furmon - Michael A. Fox - Gregory V. Jolivette

Butler County Administrative Center, 130 High Street, Hamilton, Ohio 45011  
Phone: (513) 887-3204  
Effective: April 21, 2006

# **BUTLER COUNTY, OHIO RURAL ZONING RESOLUTION**

## **BOARD OF COUNTY COMMISSIONERS**

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Gregory V. Jolivette, Commissioner

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Amended by the Board of County Commissioners

September 5, 1974  
June 3, 1976  
June 16, 1983  
June 20, 1991  
July 29, 1993  
July 19, 1997  
November 5, 1998  
April 7, 1999  
May 12, 1999  
September 22, 1999  
March 11, 2000  
February 11, 2004  
April 21, 2006

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## ARTICLE 1

### PURPOSE

- 1.0 This Resolution is enacted for the purpose of promoting public health, safety, morals, comfort and general welfare; conserving and protecting property and property values; securing the most appropriate use of land, and facilitating adequate and economical provisions for public improvement, all in accordance with a comprehensive plan for the desirable future development of the County, and providing a method of administration and prescribing penalties for the violations of provisions hereafter described - all as authorized by the provisions of Chapter 303 and the Sections thereunder of the Ohio Revised Code.





**ARTICLE 2**

**TITLE**

2.0 This Resolution shall be known and may be cited and referred to as the "Butler County, Ohio, Rural Zoning Resolution."



### **ARTICLE 3**

#### **INTERPRETATION OF STANDARDS**

- 3.0 In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Where this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolution, the provisions of this Resolution shall control.



## ARTICLE 4

### DEFINITIONS

- 4.00 Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the Resolution; and words used in the present tense include the future; the singular number shall include plural, and the plural the singular; the word “building” shall include the word “structure”, the word “used” shall include “arranged,” “designed,” “constructed,” “altered,” “converted,” “rented,” “leased,” or “intended to be used;” and the word “shall” is mandatory and not directory; and the word “may” is permissive.
- 4.01 ACCESSORY BUILDING. Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property subordinate to the principal use of the building on the same lot and serving a purpose customarily incidental to the use of the principal building and erected at the same time or after the construction of the principal building. An accessory building is to be considered attached to a principal building when connected to the principal building in a substantial manner by walls and a roof.
- 4.02 ACCESSORY STRUCTURE. Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground which serves a subordinate use to the principal use of the building on the same lot and serving a purpose customarily incidental to the use of the principal building and erected at the same time or after the construction of the principal building.
- 4.03 ACCESSORY USE. A use subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.
- 4.04 ADULT ARCADE. An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, computer hardware or software, video cassettes, slides, or other photographic reproductions which are characterized by the depiction of specified sexual activities or specified anatomical areas.
- 4.05 ADULT BOOK AND OR VIDEO STORE. An establishment whose principal business purpose, or significant stock in trade of more than twenty (20) percent, or significant portion of its floor area of more than twenty (20) percent, is allocated to adult material; or having more than twenty (20) percent of their gross receipts derived from adult material.
- 4.06 ADULT CABARET. A nightclub, bar, restaurant, “bottle club”, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:
- a. person(s) who appear nude or in a state of nudity or semi-nude; or
  - b. live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or

c. films, motion pictures, video cassettes, computer hardware or software, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by the depiction or description of specified sexual activities or specified anatomical areas.

4.07 ADULT ENTERTAINMENT. Any establishment which regularly features or as a continuing course of conduct has performances by a topless and/or bottomless dancer, stripper or similar entertainer(s), where such performances are characterized by the display or exposure of specified anatomical areas.

4.08 ADULT ENTERTAINMENT FACILITY. Any Adult Arcade , Adult Book/Video Store, Adult Cabaret, Adult Mini Motion Picture Theater, Adult Motel, Adult Motion Picture Theater, Adult Massage Establishment, Adult Nude Model Studio, Adult Escort Agency, or any other business providing Adult Material, Adult Entertainment or Adult Services.

4.09 ADULT MASSAGE. A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching or vibrating with the hand or any instruments for pay.

4.10 ADULT MASSAGE ESTABLISHMENT. Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as part of in connection with specified sexual activities, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. The definition of adult entertainment facilities shall not include the practice of massage in any licensed hospital, nursing home or medical clinic, nor by any licensed physician, surgeon, chiropractor, osteopath, physical therapist or massage therapist nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program, nor barbershop or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder.

4.11 ADULT MATERIAL. Any book, novelties, sexual paraphernalia, magazine, periodicals, newspaper, pamphlet, poster, print picture, slide, transparency, figure, image, description, motion picture film, video, phonographic record or tape, computer hardware or software, or other tangible thing, that is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

4.12 ADULT MINI MOTION PICTURE THEATER. An enclosed building with a capacity of less than fifty (50) persons where films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

4.13 ADULT MOTEL. A motel, hotel, or similar commercial establishment which:  
A. offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides

or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or

B. offers a sleeping rooms for rent for a period of time less than ten (10) hours; or

C. allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.

- 4.14 ADULT MOTION PICTURE THEATER. An enclosed building with a capacity of fifty (50) or more persons where films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- 4.15 ADULT NUDE MODEL STUDIO. Any place where a person, who regularly appears in a state of nudity or displays specified anatomical areas, is provided money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.
- 4.16 ADULT NUDE OR STATE OF NUDITY. The showing, representation, or depiction of human male or female genitals, bare buttock, anus, or the areola or nipple of the female breast with less than a full, opaque covering of any portion thereof below the top of the areola, or of uncovered male genitals in a discernible turgid state.
- 4.17 ADULT, SEMI-NUDE. A state of dress in which clothing covers no more than the genitals, pubic region, the areola of the female breast, as well as portions of the body covered by the supporting straps or devices.
- 4.18 ADULT SERVICE. Any service which is distinguished or characterized by an emphasis on specified sexual activities, specified anatomical areas, sexual excitement, or human bodily functions of elimination.
- 4.19 ADULT, SPECIFIED ANATOMICAL AREAS. less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; human male genitals in a discernible turgid state even if completely and opaquely covered.
- 4.20 ADULT, SPECIFIED SEXUAL ACTIVITIES. Human genitals in a state of sexual stimulation or arousal; human acts, real or simulated, of masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts; bestiality.
- 4.21 AGRICULTURE. The use of the land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry

husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

- 4.22 ALLEY. A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.
- 4.23 BASEMENT. A story whose floor is more than twelve (12) inches, but not more than half of its story height below the average level of the adjoining ground (as distinguished from a "cellar," which is a story more than one-half (1/2) below such level). A basement, when used as a dwelling, shall be counted as a story for purposes of height measurement and as a half-story for purposes of side yard determination.
- 4.24 BED AND BREAKFAST. A residential facility that serves as a single-family unit for a permanent family and also includes temporary sleeping rooms for tourists and transient guests.
- 4.25 BEGINNING OF CONSTRUCTION. The incorporation of labor and material within the walls of the building or buildings.
- 4.26 BILLBOARD OR SIGNBOARD. Any structure or portion thereof situated on private premises, on which lettered, figured, or pictorial matter is displayed for advertising purposes, other than the name and occupation or the user of the premises or the structure of the business conducted thereon or the products primarily sold or manufacture thereon.
- 4.27 BOARD. The Board of Zoning Appeals of Butler County, Ohio.
- 4.28 BOARDING OR LODGING HOUSE. A dwelling or part thereof, other than a hotel or restaurant, where meals and/or lodging are provided for compensation for three (3) or more persons and where no cooking or dining facilities are provided in individual rooms.
- 4.29 BUFFER. A landscaped area adjoining or surrounding a land use and unoccupied in its entirety by any building, structure, paving, or portion of such land use, for the purpose of screening and softening the effects of the land use.
- 4.30 BUILDING. Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.
- 4.31 BUILDING, HEIGHT OF. The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of flat roof or the deck line of a mansard roof, or to the main height level between eaves and the ridge for gable hip or gambrel roofs.
- 4.32 CELLAR. A story the floor of which is more than one-half (1/2) of its story height below the average contact ground level at the exterior walls of the building. A cellar shall be counted as a story, for the purpose of height regulations, only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.



- 4.33 CHURCH. A building used principally for religious worship. The word "church" shall not include or mean an undertaker's chapel of a funeral building. Churches shall exist as a place of assembly, and as such, shall meet state and local building codes.
- 4.34 CLEAR AND CONVINCING EVIDENCE. A measure of proof which will produce a firm belief as to the truth of allegations sought to be established.
- 4.35 CLUB. A building owned or rented by a non-profit association made up of bona fide members paying dues, the use of which is restricted to said members and their guests.
- 4.36 COMMISSION, PLANNING. County Planning Commission of Butler County, Ohio.
- 4.37 COMMISSION, ZONING. County Rural Zoning Commission of Butler County, Ohio.
- 4.38 COMMISSIONERS, COUNTY. Board of County Commissioners of Butler County, Ohio.
- 4.39 CONDITIONAL USE. A use that is permitted only by application and approval by the Butler County Board of Zoning Appeals.
- 4.40 CONFERENCE CENTER. A facility designed to provide space for meetings, presentations and seminars. Such facility may also include kitchen facilities and recreational amenities, and not more than 25 percent of the square footage of the structure(s) may be used for sleeping accommodations.
- 4.41 COURT. An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.
- 4.42 COURT, OUTER. A court which extends directly to and opens for its full length on a street or other permanent open space or yard at least twenty-five (25) feet wide.
- 4.43 DAY CARE CENTER. A place where child day care is provided, with or without compensation, for a daily average of five (5) or more infants, pre-school or school-age children (outside of school hours). This number shall exclude children of the owner or administrator of the center.
- 4.44 DENSITY. The number of dwelling units per gross area.
- 4.45 DISTRICT. A portion of the territory of Butler County in which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this ordinance. The term "R-District" shall mean any R-1, R-1A, R-2, R-3, R-4, R-MHP or R-PUD District; the term "B-District" shall mean any B-1, B-2, B-3 or B-4, B-PUD District; the term "M-District" shall mean any M-1 or M-2 District; the term F-1 shall mean flood plain district.
- 4.46 DISTRICT, MORE RESTRICTED OR LESS RESTRICTED. Each of the districts in the following listing shall be deemed more restricted than any of the other districts succeeding it, and each shall be deemed to be less restricted than any of the other districts preceding it: R-1, R-1A, R-2, R-3, R 4, R-PUD, R-MHP, A-1, B-1, B-2, B-3, B-4, M-1, M-2, F-1.

- 4.47 DWELLING. Any building or portion thereof designed or used as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or trailer coach, or a room in a hotel or motel.
- 4.48 DWELLING, ACCESSORY. A second dwelling located within a principal structure or on the same lot as a principal structure where such accessory dwelling is without full kitchen facilities and is clearly incidental to the principal dwelling.
- 4.49 DWELLING, SINGLE-FAMILY. A building designed for or used exclusively for residence purposes by one (1) family or housekeeping unit.
- 4.50 DWELLING, TWO-FAMILY. A building designed or used exclusively by two (2) families or housekeeping units.
- 4.51 DWELLING, MULTI-FAMILY. A building or portion thereof designed for or used by three (3) or more families or housekeeping units.
- 4.52 DWELLING UNIT. One room or suite of two or more rooms, designed for or used by one family for living or sleeping purposes and having only one (1) kitchen or kitchenette.
- 4.53 ENGINEER. Any person registered to practice professional civil engineering by the State of Ohio Board of Registration as specified in Section 4733.14 of the Ohio Revised Code.
- 4.54 EROSION. The process by which the land surface is worn away by the action of water, wind, ice, or gravity.
- 4.55 FAMILY. A person living alone, or two or more persons living together as a single housekeeping unit.
- 4.56 FARM ANIMAL. Any animal used in conjunction with a permitted agricultural use.
- 4.57 FARM DWELLING. A residential dwelling on a lot which is five (5) acres in size or larger, used for agricultural purposes and on which the dwelling serves an incidental and subordinate purpose to the agricultural use of the lot.
- 4.58 FENCE. A structure, other than a building, comprised of customary building materials, which serves to form a barrier or boundary for the means of protection, privacy, confinement, or used for decorative purposes.
- 4.59 FLOOD PLAIN. Lands in Butler County which would be subject to inundation if the characteristics of the 1913 Miami River flood should be repeated, taking into account the flood control and defense works provided since, based on information available from the Miami Conservancy District, and as defined by and subject to the regulations of the Federal Emergency Management Agency (FEMA).
- 4.60 FRATERNITY. A club or social activity officially associated with a recognized national association and supervised by an institution for higher education whose membership is limited exclusively to students of said institution and/or association.

- 4.61 GARAGE, PRIVATE. A detached accessory building or a portion of the principal building used only for the storage of self-propelled passenger vehicles or trailers and incidental personal property by the families resident upon the premises.
- 4.62 GARAGE, PUBLIC. A structure or portion thereof, other than a private garage used for the storage, sale, hire, care, repair or refinishing of self-propelled vehicles or trailers; except that a structure or part thereof used only for storage or display of self-propelled passenger vehicles, but not for transients, and at which automobile fuels or oils are not sold and motor driven vehicles are not equipped, repaired or hired, shall not be deemed to be a public garage.
- 4.63 HIGHWAY, PRIMARY. An officially designated, federal or state numbered highway or a county or other road designated as a primary thoroughfare on the official Land Use Plan and/or the official Thoroughfare Plan for Butler County, Ohio.
- 4.64 HIGHWAY, SECONDARY. A county or other road designated as a secondary thoroughfare on the official Land Use Plan and/or the Official Thoroughfare Plan for Butler County, Ohio.
- 4.65 HOME OCCUPATION. Any occupation or profession customarily carried on in a residential dwelling by a member of the immediate family residing on the premises. One (1) non-family member may be employed. Such activity shall be clearly incidental to the residential use and shall cause no changes to the exterior of the dwelling.
- 4.66 HOSPITAL. An establishment for the medical, surgical or psychiatric care of bed patients for a continuous period longer than twenty-four (24) hours, which is open to the general public twenty-four (24) hours each day for emergency care, has a minimum of ten (10) patient beds, an average of two thousand (2,000) patient days per annum, and has on duty a registered nurse twenty-four (24) hours each day.
- 4.67 HOUSE VEHICLE. Motorized recreational type vehicle designed to be used as temporary living quarters.
- 4.68 INOPERABLE VEHICLE. Any transportation device which is unfit for use due to not being currently licensed for use on roads in the State of Ohio or is unfit for travel due to the lack of a part or parts so as to make it not road worthy according to the Ohio Revised Code.
- 4.69 JUNK. Waste, discarded or compiled: metal; paper; tires; building materials or equipment; bottles; glass; appliances; furniture; fixtures; rags; rubber; inoperable: motor vehicles, recreational vehicles, farm equipment or implements not used in conjunction with a permitted farm operation, boats, or parts thereof; except when processed as part of a recycling operation as defined and regulated in the Resolution.
- 4.70 JUNK, AUTOMOBILE. See Inoperable Vehicle.
- 4.71 JUNK YARD. A place where waste and/or discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including house wrecking yards, used lumber yards and places or yards for storage or salvaged house wrecking and structural steel materials and equipment; but not including such places where uses are conducted entirely

within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations.

- 4.72 KENNEL. Any structure or premises on which five (5) or more dogs and/or cats that are more than five (5) months of age are kept.
- 4.73 LAND USE PLAN. The long-range plan for the desirable use of land in Butler County as officially adopted, and as amended from time to time, by the Planning Commission; the purpose of such plan being, among other purposes, to serve as a guide in the zoning and progressive changes in the zoning of land to meet changing community needs, in the appropriate subdividing and development of undeveloped land, and in the acquisition of rights-of-way or sites for such public facilities as streets, parks, schools and other public buildings.
- 4.74 LOT. A piece or parcel or tract of land occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this Resolution, and having frontage on an improved public street.
- 4.75 LOT, CORNER. A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the “corner.”
- 4.76 LOT COVERAGE. That portion of a lot which may be covered with structures including all principal and accessory structures.
- 4.77 LOT, FRONTAGE. That portion of a lot running along the right-of-way line of any adjoining unlimited access public thoroughfare. Where the lot is located on a curve in the road, the lot frontage may be measured along the curved building line provided that the side property lines run radial to the curve.
- 4.78 LOT, INTERIOR. A lot other than a corner lot.
- 4.79 LOT, AREA. The computed area contained within the lot lines.
- 4.80 LOT, DEPTH. The mean horizontal distance between the front and rear lot lines.
- 4.81 LOT, LINES. The property lines bounding the lot.
- 4.82 LOT LINE, FRONT. The line separating the lot from a street.
- 4.83 LOT LINE, REAR. The lot line opposite and most distant from the front lot line.
- 4.84 LOT LINE, SIDE. Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

- 4.85      LOT LINE, STREET OR ALLEY. A lot line separating the lot from a street or alley.
- 4.86      LOT WIDTH. The mean width of the lot measured at right angles to its depth.
- 4.87      MANUFACTURED HOME. Any non-self-propelled vehicle more than thirty (30) feet long, so designed for transportation after fabrication on streets, highways, land, air or water, and arriving at the site where it is to be occupied as a one-family dwelling unit complete and ready for occupancy as such except for minor and incidental unpacking and assembly operations and fixed to the ground with appropriate tie-downs and supports, connections to utilities and the like in an approved, manufactured home park. Not including travel trailers.
- 4.88      MANUFACTURED HOME PARK. An area of land divided into three (3) or more sites with foundations laid out to provide sites for manufactured homes permanently affixed to the land for a period of time exceeding sixty (60) days; including any building or structure, fixture or equipment that is used or intended to be used in connection with providing that accommodation, including provision of sewer, water, electric and any other similar facilities required to permit occupancy of such manufactured home parks thereon.
- 4.89      MINERAL EXTRACTION. Means all or any part of a process followed in the removal or production of minerals from the earth or from the surface of the land by mechanical surface excavation methods, such as, but not limited to, open pit mining, dredging, placering, or quarrying, and includes the removal of overburden for the purpose of determining the location, quantity, or quality of mineral deposits. Mineral extraction does not include: test or exploration boring; mining operations carried out beneath the surface by means of shafts, tunnels, or similar mine openings; the extraction of minerals, other than coal, by a landowner for his own use where such material is extracted and used in an unprocessed form on the same tract of land; the extraction of minerals, other than coal, from borrow pits for highway construction purposes, provided that the extraction is performed under a bond, a contract, and specifications that substantially provide for and require reclamation practices consistent with the requirements of Ohio Revised Code Chapter 1514, the removal of minerals incidental to construction work, provided that the owner or person having control of the land upon which the construction occurs, the contractor, or the construction firm possesses a valid building permit; activity whose sole purpose is maintenance, is of limited duration, and does not adversely affect adjacent properties.
- 4.90      MINERALS. Means sand, gravel, clay, shale, gypsum, halite, limestone, dolomite, sandstone, other stone, metalliferous or nonmetalliferous ore, or other material or substance of commercial value excavated in a solid state from natural deposits on or in the earth, but does not include coal or peat.
- 4.92      MOTEL. A building, or group of buildings, comprising individual sleeping or living units for the accommodation of transient guests, not containing individual cooking or kitchen facilities.
- 4.93      NON-CONFORMING USE. A building, structure or premises legally existing and/or used at the time of adoption of this Resolution, or any amendment thereto, and which does not conform with the use regulations prescribed by this resolution for the district in which located.

- 4.94 OFFICES FOR MEDICAL AND ALLIED HEALTH CARE. A building, structure, or premises used by licensed, professional health care providers for the healing arts and counseling of persons on an out-patient basis. Such offices shall not contain patient beds, nor shall they be used as emergency trauma treatment centers.
- 4.95 OUTDOOR ADVERTISING/BILLBOARDS. Any sign used on the exterior of a building or as a freestanding sign which is over 1,100 square feet in surface area.
- 4.96 OVERBURDEN. Means all of the earth and other materials that cover a natural deposit of minerals and also means such earth and other materials after removal from their natural state.
- 4.97 OWNER. One who hold a right of possession and title to a parcel or tract of land.
- 4.98 PARKING AREA, PRIVATE. An open area for the same uses as a private garage.
- 4.99 PARKING AREA, PUBLIC. An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.
- 4.100 PARKING SPACE. A permanently surfaced area of not less than one hundred sixty (160) square feet, either with a structure or in the open, exclusive of driveways or access drives, required for the parking of one (1) motor vehicle.
- 4.100.5 PENAL OR CORRECTIVE INSTITUTIONS. Any building, dwelling or dwelling unit, boarding or lodging house, day care center, group home, half-way house, hospital, motel, nursing home, rest home or other structure used for the housing or care of one or more persons who are either:
- 1) in the custody or control of the Ohio Department of Rehabilitation and Correction, or a similar agency of another state, by virtue of sentence for commission of crime(s) or other order of a court,
  - 2) in the custody or control of the Ohio Department of Youth Services, or a similar agency of another state, by virtue of commitment by a juvenile division of a court of common pleas, or a court of competent jurisdiction of another state, because such person(s) has been found to have committed any act(s) that would constitute a crime if committed by an adult;
  - 3) subject to placement in any facility by order of detention prior to disposition by, or by disposition order of , a juvenile division of a court of common please, or a court of competent jurisdiction of another state, because such person(s) has been found to have committed any act(s) that would constitute a crime if committed by an adult.
- 4.101 PERSON. Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, township, county, state agency, the federal government, or any combination thereof.
- 4.102 PLANNED UNIT DEVELOPMENT. A development that is planned to integrate a variety of uses with collateral uses, in which lot size, setback lines, yard areas, and building types may be varied and modified to achieve particular design objectives and make provision for open spaces, common areas, utilities, public improvements, and collateral uses.

4.103 PUBLIC BUILDING. Any structure owned by a government entity or public agency for use as a public building.

4.104 PUBLIC UTILITY. An enterprise, whether public or private, possessing the attributes of a public utility. In order to be deemed a “public utility” exempt from this Zoning Resolution, the enterprise seeking that designation must establish to the satisfaction of the Zoning Administrator or the Board of Zoning Appeals that, in the conduct of its business activities, it satisfies both the “public service” and “public concern” attributes of all public utilities. In considering whether a particular enterprise possesses these attributes and is therefore a public utility, the Zoning Administrator and Board of Zoning Appeals shall consider all of the following characteristics of public utilities:

- (a) whether the enterprise possesses the power of eminent domain;
- (b) whether the enterprise reasonably and without discrimination provides an essential good or service to the general public, which good or service the general public has a legal right to demand or receive;
- (c) whether the enterprise conducts its operation in such a manner as to be a matter of public concern because it occupies a monopolistic or oligopolistic position in the marketplace;
- (d) whether the enterprise’s rates, charges and methods are subject to regulation by governmental authority, the fact that an enterprise is regulated by a governmental body, including a public utilities commission, is not dispositive of the question of whether that business is a public utility, but is evidence of that status;

The burden is upon the enterprise seeking public utility status to satisfy the Zoning Inspector and the Board of Zoning Appeals that it meets these tests.

Where an enterprise alleges an error in any order, requirement, decision, grant or refusal made by the Zoning Inspector or administrative official in the interpretation of these provisions, the enterprise may file an appeal with the Board of Zoning Appeals as provided in Article 26.8 of this Zoning Resolution.

4.105 RECREATIONAL VEHICLES PARK. An area of land containing two (2) or more travel trailers or providing space where two (2) or more travel trailers are harbored or parked or intended to be harbored or parked for a period of sixty (60) days or less, either free of charge or for remuneration purposes, and shall include any building, structure, tent, vehicle or enclosure, used or intended for use as a part of the equipment of such park, and providing sewer, water, electric or other similar facilities required to permit occupancy of such travel trailers.

4.106 RECREATIONAL VEHICLES. Any vehicle or mobile structure less than forty (40) feet long which is designed for highway travel on wheels, skids, rollers, or blocks, designed to be pulled, pushed, or carried by motor vehicle; and any house car, camp car, "piggy-back" camper, or self-propelled motor vehicle which is designed for sleeping or commercial purposes, complete and ready for occupancy as such except for minor and incidental unpacking and assembly operations, location on jacks, connections to utilities, and the like.

4.107 REST HOMES/NURSING HOMES. An establishment that provides full-time convalescent or chronic care or both for three (3) or more individuals who are not related by blood or

marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. Neither care for the acutely ill nor surgical or obstetrical services shall be provided in such a home; a hospital shall not be construed to be included in this definition.

- 4.108 ROAD. See "street."
- 4.109 ROADSIDE STAND. A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which a stand is located.
- 4.110 ROW HOUSE. See "Town House."
- 4.111 SECOND-STORY RESIDENTIAL. A dwelling unit or units above a first-story commercial use.
- 4.112 SCHOOL, PRIMARY, SECONDARY, COLLEGE, OR UNIVERSITY. Any primary, secondary, college or university school, or seminary, technical or vocational institute, having regular sessions with regularly employed instructors teaching subjects which are fundamental and essential for a general academic education, under the supervision of, and in accordance with, the applicable statutes of the State of Ohio.
- 4.113 STABLE, PRIVATE. A structure wherein an owner or occupant of the premises may keep such horses and ponies as said owner or occupant owns, and no others.
- 4.114 STABLE, PUBLIC. A structure for the keeping of horses and ponies that is used by the general public either free of charge or for remuneration purposes as a commercial establishment.
- 4.115 STORY. That portion of a building, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.
- 4.116 STORY, HALF. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that any partial story used for residence purposes, other than for a janitor or caretaker and his family, shall be deemed a full story.
- 4.117 STORY, FIRST. The lowest story or the ground story of any building the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes, other than for a janitor or caretaker and his family, shall be deemed the first story.
- 4.118 STREET. The public right-of-way sixty (60) feet or more in width which provides means of access to abutting property or any such right-of-way more than thirty (30) feet and less than fifty (50) feet in width provided it existed prior to the enactment of this Resolution. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.



- 4.119 STRUCTURE. Anything constructed, the use of which requires permanent location on the ground, or attachment or something having a permanent location on the ground.
- 4.120 STRUCTURE, PRINCIPAL. A building in which the primary use of the lot on which the building is located, is conducted.
- 4.121 STRUCTURAL ALTERATION. Any change in the structural members of a building, such as walls, columns, beams or girders.
- 4.122 THOROUGHFARE PLAN. The official Thoroughfare Plan was adopted, and as amended from time to time, by the Planning Commission of Butler County, Ohio, establishing the general location and official right-of-way width of the primary and secondary highways and thoroughfares in Butler County, on file in the office of the County Recorder and the County Planning Commission.
- 4.123 TOURIST HOME. A building or part thereof, other than a hotel, boarding house, lodging house or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.
- 4.124 TOWN HOUSE. A structure containing three (3) or more attached single-family dwellings in a continuous row, each such dwelling designed and erected as a unit on an individual lot and separated from adjoining units by an approved fire separation wall or walls.
- 4.125 TRAILER. A structure standing on wheels, or meant to stand on wheels, that is towed or hauled by another vehicle. For the purpose of this Resolution the term "trailer" shall include: utility trailers and construction trailers.
- 4.126 TRAILER, CONSTRUCTION. A vehicular type portable structure, without permanent foundation, primarily designed to be used as an on-site construction office and or to store or haul construction machinery, tools and equipment.
- 4.127 TRAILER, TRAVEL. See Recreational Vehicle.
- 4.128 TRAILER, UTILITY. A trailer designed or intended to carry, haul or transport materials, goods, boats, motorcycles, objects, animals or equipment.
- 4.129 USE, FIRST PERMITTED IN "X" DISTRICT. A use which in the sequence of successively; less restricted districts occurs as a permitted use for the first time in the "X" district.
- 4.130 WIRELESS AND CELLULAR ALTERNATIVE TOWER STRUCTURE. An alternative design mounting structure that is used to camouflage or conceal the presence of antennas or towers, including man-made trees, clock towers, bell steeples or light poles.
- 4.131 WIRELESS AND CELLULAR ANTENNA. Any exterior apparatus designed for telephonic, radio, television, or other electronic communications, through the transmission, relay or receiving of electromagnetic waves.

- 4.132 WIRELESS AND CELLULAR CO-LOCATION. The process of providing space for more than one user within a facility or on a tower, or the act of placing new or additional wireless and cellular equipment on existing antennas or towers.
- 4.133 WIRELESS AND CELLULAR EQUIPMENT. Any antenna, satellite dish communication device or equipment which is used for transmitting, relaying or receiving communication signals, except equipment preempted from regulations by the Telecommunications Act of 1996 (P.L. 104-104), as amended.
- 4.134 WIRELESS AND CELLULAR HEIGHT. The distance measured from the ground to the highest point on a tower, structure or antenna.
- 4.135 WIRELESS AND CELLULAR EQUIPMENT BUILDING. Any structure located on a tower site which houses the electronic transmitting, receiving or relay equipment for a Wireless and Cellular Telecommunication Facility.
- 4.136 WIRELESS AND CELLULAR TELECOMMUNICATION FACILITIES. Any cables, wires, lines, wave guides, antennas, equipment or structures associated with the transmission or reception of communications as authorized by the Federal Communications Commission (FCC) which an applicant seeks to locate, or has installed, upon a tower or existing structure.
- 4.137 WIRELESS AND CELLULAR TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, monopole towers, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative tower structures.
- 4.138 YARD, FRONT. An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward as hereinafter specified.
- 4.139 FRONT YARD, LEAST DEPTH. The shortest distance, measured horizontally, between any part of a building other than such parts hereinafter excepted, and the front lot line.
- 4.140 FRONT YARD, LEAST DEPTH, HOW MEASURED. Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line); provided however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way, line of such street as designated on said Thoroughfare Plan.
- 4.141 YARD, REAR. An open space extending the full width of the lot between a building and the rear lot line unoccupied and unobstructed from the ground upward except as hereinafter specified.
- 4.142 REAR YARD, LEAST DEPTH. The shortest distance, measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the rear lot line.

- 4.143 YARD, SIDE. An open space extending from the front yard to the rear yard between a building and nearest side lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.
- 4.144 SIDE YARD, LEAST WIDTH. The shortest distance measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the nearest side lot line.
- 4.145 SIDE YARD, LEAST WIDTH, HOW MEASURED. Such widths shall be measured from the nearest side lot line and, in case the nearest lot line is a side street lot line from the right of way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as designed on the Thoroughfare Plan.
- 4.146 VARIANCE. A modification of one or more requirements of this Resolution for a particular property approved by the Butler County Board of Zoning Appeals.
- 4.147 ZONING CERTIFICATE. A document issued by the Zoning Inspector authorizing buildings, structures or uses consistent with the terms of this Resolution and for the purpose of carrying out and enforcing its provisions.
- 4.148 ZONING INSPECTOR. The Zoning Inspector or his authorized representative, appointed by the County Commissioners of Butler County, Ohio.
- 4.149 ZONING MAP. The Zoning Map or Maps of Butler County, Ohio, dated November 17<sup>th</sup>, 1956, together with all amendments subsequently adopted.
- 4.150 ZONING PLAN. The Zoning Resolution of Butler County, Ohio, dated November 17<sup>th</sup>, 1956, together with all amendments and updates subsequently adopted.

**ARTICLE 5**

**DISTRICTS AND BOUNDARIES THEREOF**

5.0 For the purposes of this Resolution the unincorporated territory of Butler County, Ohio, is hereby divided into the following categories of zoning districts:

A-1	“Agricultural District”
A-2	“Agricultural District”
A-3	“Agricultural District”
A-5	“Agricultural District”
A-10	“Agricultural District”
A-20	“Agricultural District”
R-1	“Suburban Residence District”
R-1A	“Suburban Residence District”
R-2	“Single-Family Residence District”
R-3	“One and Two Family Residence District”
R-4	“Multi-Family Residence District”
PUD	“Planned Unit Development District”
PCD	“Planned Conservation Development District”
SPD	“Special Purpose Development District)
R-MHP	“Mobile Home Park District”
B-1	“Neighborhood Business District”
B-2	“Community Business District”
B-3	“General Business District”
B-4	“Office District”
M-1	“Light Industrial District”
M-2	“General Industrial District”
MUO	“Mixed Use Overlay District”
F-1	“Flood Plain District”

5.1 The boundaries of these districts are hereby established as shown on the Zoning Map or Maps of the unincorporated territory of Butler County, Ohio, which map or maps are hereby made a part of this Resolution. The said Zoning Map or Maps and all notations and reference and other matters shown thereon, shall be and are hereby made part of this Resolution. Said Zoning Map or Maps, properly attested, shall be and remain on file in the Office of the Zoning Inspector, County Commissioners and Rural Zoning Commission, Butler County, Ohio.

5.2 Except where referenced on said map to a street line or other designated line by dimensions shown on said map or maps, the district boundary lines are intended to follow property lines, lot lines or the center lines of streets or alleys as they existed at the time of the adoption of this Resolution but where a district line obviously does not coincide with the property lines, lot lines or such center lines or where it is not designated by dimensions, it shall be deemed to be one hundred twenty (120) feet back from the nearest street line in case it is drawn parallel with a street line or its location shall be determined by scaling in other cases.

5.3 Where a district boundary line as established in this Section or as shown on the Zoning Map or Maps divides a lot which was in a single ownership and of record at the time of enactment of this Resolution, the use authorized thereon and the other district requirements applying to the

least restricted portion of such lot under this Resolution shall be considered as extending to the entire lot, provided the more restricted portion or such lot is entirely within fifty (50) feet of said dividing district boundary lines. The use so extended shall be deemed to be conforming.

- 5.4 Question concerning the exact location of a district boundary line shall be determined by the Board as provided in subsection 26.7 and in accordance with rules and regulations which may be adopted by it.
- 5.5 Whenever any street or other public way is vacated by official action as provided by law, the zoning districts adjoining the side of such public way shall be automatically extended depending on the side or sides to which such lands revert, to include the right-of-way of the public way thus vacated, which shall thenceforth be subject to all resolutions of the extended district or districts.
- 5.6 In every case where territory has not been specifically included within a district, or where territory becomes a part of the unincorporated area of Butler County by the dis-incorporation of any village, town, city, or portion thereof, such territory shall automatically be classified as it was previously, until otherwise classified.

## ARTICLE 6

### GENERAL PROVISIONS

- 6.01 CONFORMANCE REQUIRED. Except as hereinafter specified, no land, building, structure, or premises shall hereafter be used, and no building or part thereof, or other structure, shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the District in which it is located.
- 6.02 CONTINUING EXISTING USES. Except as hereinafter specified, any use, building or structure, existing as the time of the enactment of this Resolution may be continued, even though such use, building or structure may not conform with the provisions of this Resolution for the District in which it is located.
- 6.03 AGRICULTURE. Nothing contained in this Resolution shall 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 use, building, or structure.
- 6.04 RETAIL ESTABLISHMENTS AND PLACES OF ENTERTAINMENT. Nothing contained in this Resolution shall confer any power to prohibit the sale or use of alcoholic beverages in the areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.
- 6.05 PUBLIC SEWER AND WATER SERVICE. All uses on lots less than one (1) acre shall be provided with public water and sewer service. Where lots are not serviced by public water and sewer service they shall be serviced through private methods that are approved by the County Board of Health.
- 6.06 OUTDOOR ADVERTISING. Outdoor advertising shall be classified as a business use and shall be permitted in all districts zoned for industry and business, trade, or lands used for agricultural purposes, subject to the provisions of Section 23.02 and the applicable district regulations.
- 6.07 FLOOD PLAIN DISTRICT. Nothing herein provided shall be so construed as to prohibit the owner or lands within in "F-1" District from lawfully filling, draining, constructing levees or otherwise improving his land, so as to eliminate or reduce the danger of flood or erosion, in ways that are consistent with applicable FEMA Regulations. The Board shall determine the type and height of any material used.
- 6.08 NON-CONFORMING USES OR BUILDINGS. No existing building or premises devoted to a use not permitted by this Resolution in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted or structurally altered, unless the use thereof is changed to a use permitted in the district in which such building or premises is located, and except as follows:
- 6.081 SUBSTITUTION OR EXTENSIONS. When authorized by the Board, in accordance with the provisions of subsection 26.5, the substitution for a non-conforming use may be made if the new

or extended use is more consistent with the provisions of this Resolution for the district in which the use is located, as determined by the Board of Zoning Appeals pursuant to Section 26.41 of this code.

- 6.0811 Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.
- 6.0812 When authorized by the Board in accordance with the provisions of subsection 26.5, a non-Amended conforming use may be extended throughout those parts of a building premises which were 7/29/93 manifestly designed or arranged for such use prior to the date when such use or building became non-conforming, if no structural alterations, except those required by law are made therein.
- 6.082 DISCONTINUANCE. No building, structure or premises where a non-conforming use has ceased for two (2) years or more shall again be put to a non-conforming use.
- 6.083 REPLACING DAMAGED BUILDINGS. Any non-conforming building or structure damaged by fire, flood, explosion, wind, earthquake, war, riot or other calamity or Act of God may be restored or reconstructed and used as before such happening provided that it shall be done within twelve (12) months of such happening and building size not increased.
- 6.084 REPAIRS AND ALTERATIONS. Such repairs and maintenance work as required to keep it in a sound condition may be made to a non-conforming building, or structure, provided no structural alterations shall be made except such as are required by law or authorized by the Board.
- 6.09 CONVERSION OF DWELLINGS. The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Resolution, and only where the resulting occupancy will comply with the requirements governing new construction in such district.
- 6.10 ACCESSORY DWELLINGS. Deleted 3-11-00.
- 6.11 YARD REQUIREMENTS ALONG ZONING BOUNDARY LINE IN THE LESS RESTRICTED DISTRICTS. Along any zoning boundary line, on a lot adjoining such boundary line in the less restricted district, any abutting side yard, rear yard or court, unless subject to greater restrictions or requirements stipulated by other provisions of this Resolution, shall have a minimum width and depth equal to the average of the required minimum widths or depths for such side yards, rear yards or courts in the two districts on either side of such zoning boundary line. In cases where the height of a proposed structure on such lot in the less restricted district is greater than the maximum height permitted in the adjoining more restricted district, the minimum width or depth of the side yard, rear yard or court for such structure shall be determined by increasing the minimum width or depth required for the highest structure permitted in such more restricted district by one (1) foot for each two (2) feet by which the proposed structure exceeds the maximum height permitted in said more restricted district.
- 6.12 ACCESSORY BUILDINGS, LARGER THAN TWO HUNDRED (200) SQUARE FEET, IN R-DISTRICTS AND RECORDED RESIDENTIAL SUBDIVISIONS. One (1) accessory

building per lot, not to exceed five hundred and seventy-six (576) square feet in size, may be erected detached from the principal building on any lot less than one (1) acre in size. One (1) accessory building per lot, not to exceed 1,500 square feet in size, may be erected detached from the principal building on any lot one (1) acre in size, or larger, but less than three (3) acres in size.

One (1) accessory building per lot, not to exceed 2,500 square feet in size, may be erected detached from the principal building on any lot three (3) acres in size, or larger, but less than five (5) acres in size. One (1) accessory building per lot, not to exceed 3,500 square feet in size, may be erected detached from the principal building on any lot five (5) acres in size or larger. In no case may the combined area of all accessory buildings and structures exceed fifty percent (50%) of the area of any yard. Accessory buildings may not be used for a residential dwelling.

- 6.121 In any R-District or recorded residential subdivision where a corner lot adjoins the rear yard of a lot fronting on the side street, no part of an accessory building on such corner lot shall be nearer a side street lot line than the least depth of front yard required along such side street for a dwelling on such adjoining lot, and in no case shall any part of such accessory building be nearer to the side street lot line than the least width of the side yard required for the principal building to which it is accessory.
- 6.122 **Front Yard.** An Accessory Building may be located in the front yard of any lot five (5) acres in size or larger and shall be no closer than 200 feet from the right-of-way of any public or private street and shall be no closer to the side lot line than the minimum distance required for the Principle Structure and shall be at least six (6) feet from any residential dwelling or other accessory building situated on the same lot, unless an integral part thereof.
- 6.123 **Side Yard.** An Accessory Building, if located in a side yard, shall be no closer to the side lot line than the minimum distance required for the Principal Structure and shall be at least six (6) feet from any residential dwelling or other accessory building situated on the same lot, unless an integral part thereof.
- 6.124 **Rear Yard.** An Accessory Building, if located in a rear yard, shall be no closer than 10 feet from the rear lot line, no closer to the side lot line than the minimum distance required for the principal structure and shall be at least six (6) feet from any residential dwelling or other accessory building situated on the same lot, unless an integral part thereof.
- 6.13 **STREET FRONTAGE REQUIRED.** Except as permitted by other provisions of this Resolution, no lot shall contain any building used in whole or part for residential purposes unless such lot abuts for at least the minimum required distance of the applicable zoning district. There shall be no more than one (1) principal use for such frontage.
- 6.131 On a cul-de-sac roadway, of a dedicated public street, the required frontage may be reduced to forty (40) feet. The required forty (40) foot street frontage shall be measured at the street right-of-way completely on the ball of the cul-de-sac.
- 6.132 Frontage along limited-access, interstate roadways shall not be considered as part of the required street frontage in any zoning district.
- 6.133 In any A-, or R-District, a parcel, adjacent to a recorded subdivision, adjoining a stubbed street or adjoining a lot that has been designated for a future street, may use the end of the existing or



proposed right-of-way as the required frontage, provided that only one (1) single-family dwelling be allowed on said parcel and provided said parcel meets all other requirements of the District in which it is located.

- 6.14 TRAFFIC VISIBILITY ACROSS CORNER LOTS. In any R-District or recorded residential subdivision on any corner lot, no fence, structure or planting shall be erected or maintained within twenty (20) feet of the "corner" so as to interfere with traffic visibility across the corner.
- 6.15 COURT REQUIREMENTS. Where a court is provided for the purpose of furnishing light and air to rooms, such court shall be an outer court, the least dimensions of which shall be as follows:
- 6.1511 Least Width: Sum of heights of buildings opposite one another, but less than fifty (50) feet.
- 6.1512 Least Length: One and one-half (1 ½) times the width.
- 6.16 REQUIRED AREA OR SPACE CANNOT BE REDUCED. No lot, yard, court, parking or other space shall be reduced in area or dimensions so as to make said area or dimensions less than the minimum required by this Resolution; and, if already less than the minimum required by this Resolution, said area or dimensions shall not be further reduced. No part of a yard, court, parking area, or other space provided about, or for, any building or structure for the purpose of complying with the provisions of this Resolution, shall be included as part of a yard, court, parking area or other space required under the Resolution for another building or structure.
- 6.17 OFF-STREET PARKING AND LOADING. In any district, spaces for off-street parking and for loading and unloading, shall be provided in accordance with the provisions of Section 23.01 of this Resolution.
- 6.171 The parking of any travel trailers, boats and house vehicles in an accessory private garage, building or in a rear yard in any district shall be permitted provided no living quarters shall be maintained or any business conducted while vehicle is so parked.
- 6.18 UNSAFE BUILDINGS. Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.
- 6.19 PENDING APPLICATIONS FOR BUILDING PERMITS. Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building structure or part thereof, for which official approvals and required building permits have been granted before the enactment of this Resolution, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Resolution and completion thereof carried on in a normal manner within the subsequent six- (6) month period, and not discontinued until completion, except for reasons beyond the builders' control.
- 6.20 MINIMUM LOT WIDTH. Any lot used for residential purposes may reduce the lot width to not less than twenty-five (25) feet so long as the lot meets the frontage requirement of the District in which it is located and such required frontage width shall extend for not less than fifty (50) feet perpendicular to the right-of-way.
- 6.22 Deleted 4-21-06.

- 6.21 LIMITATION ON PRINCIPAL STRUCTURES. In any A- or R-District, unless otherwise provided, no more than one (1) Principal Structure may be constructed per lot.
- 6.23 ACCUMULATION OF JUNK PROHIBITED. Unless otherwise permitted by this Resolution, no inoperable vehicle, unlicensed trailer or junk shall be permitted to remain exposed on any lot for more than ten (10) days unless stored in a completely enclosed building. Specific demolition and rehabilitation projects requiring the placement of a dumpster, temporary and portable storage units on the lot shall be exempted from these regulations so long as they remain on the lot no longer than thirty (30) days.
- 6.24 PENAL OR CORRECTIVE INSTITUTIONS shall be prohibited from all Agricultural Districts and all Residential Districts.



## ARTICLE 7

### A-1 AGRICULTURAL DISTRICT

- 7.01 PURPOSE. The intent of the A-1 Agricultural District is to reserve land exclusively for agricultural cultivation, very low density residential development and other activities that are basically rural in character.
- 7.02 PRINCIPAL PERMITTED USES.
- 7.0201 Agricultural and Farms including any customary agricultural use, building or structure, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, nurseries and greenhouses not including garden stores or supply centers; provided that any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District or recorded residential subdivision.
- 7.0202 Deleted 3-11-00.
- 7.0203 One-family and two-family detached dwellings.
- 7.0204 Churches, and other similar places of worship.
- 7.0205 Schools and colleges located not, less than fifty (50) feet from any lot in an R-District or a recorded residential subdivision.
- 7.0206 Neighborhood and community park land, open space; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any lot in an R-District or a recorded residential subdivision.
- 7.0208 Riding stables; provided that any building or enclosure in which animals are kept shall comply with the distance requirements in subsection 7.0408.
- 7.0209 Public buildings and properties of an administrative, cultural, recreational or service type; not including repair garages, storage or repair yards or warehouses; provided that any such building shall be located not less than twenty-five (25) feet from any other lot in any R-District or a recorded residential subdivision.
- 7.0210 Wireless and Cellular Telecommunication Facility.
- 7.03 CONDITIONAL USES REQUIRING BOARD APPROVAL. These conditional uses are subject to the additional regulations found in Section 26.41 and 26.5 of this Resolution.
- 7.0301 Country clubs, golf courses and other recreation areas and facilities including swimming pools, provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R-District or a recorded residential subdivision.
- 7.0302 Hospitals, religious or charitable institutions not including penal or corrective institutions.
- 7.0303 Clubs, Fraternities, lodges, conference centers and other meeting places of similar organization, not including any use that is customarily conducted as a gainful business.

- 7.0304 Travel Trailer Parks for transients.
- 7.0305 Cemeteries.
- 7.0306 Deleted 3-11-00.
- 7.0307 Airports and landing fields.
- 7.0308 Commercial hog, fur, or other commercial animal farms.
- 7.0309 Commercial mines, quarries and gravel pits, temporary sawmill cutting timber grown on the premises.
- 7.0310 Waste disposal, sanitary landfills or disposal of garbage after prior approval of the Board of County Commissioners and subject to the provisions specified in subsection 26.4 & 26.5.
- 7.0311 Animal hospitals and veterinary clinics.
- 7.0312 Nursing Homes.
- 7.0313 Child Care Facilities.
- 7.0314 Garden stores or garden supply centers.
- 7.0315 Deleted 7-29-93.
- 7.0316 Bed and Breakfast.
- 7.0317 Storage and sale of grain, livestock feed or fuel.
- 7.0318 Deleted 3-11-00.
- 7.0319 Home Occupations, subject to the provisions of Article 26.
- 7.0320 Kennels, subject to the provisions of Article 26.
- 7.04 ACCESSORY USES. Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted or conditional uses, subject to the restrictions in Article 6, including:
  - 7.0401 A private garage or off-street parking area, subject to the requirements of Article 6 and Article 23.
  - 7.0402 Roadside stands, offering for sale only agricultural products produced on the premises or in the vicinity.
  - 7.0403 Temporary real estate, political and small announcement signs, subject to the provisions specified in Article 23.

- 7.0404 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.
- 7.0405 Deleted 3-11-00.
- 7.0406 ACCESSORY BUILDINGS LARGER THAN TWO HUNDRED (200) SQUARE FEET. On any lot used principally for residential purposes, two (2) Accessory Buildings per lot, not to exceed 2,500 square feet in size each, may be erected detached from the principal building on any lot less than five (5) acres in size which is not in a recorded subdivision. Two (2) Accessory Buildings per lot, not to exceed 3,500 square feet in size each, may be erected detached from the principal building on any lot five (5) acres in size or larger. Accessory buildings shall meet all of the front, side and rear yard requirements of the Principal Structure. Accessory buildings may not be used for a residential dwelling.
- 7.0407 KEEPING OF ANIMALS. The keeping of up to four (4) animals customarily considered house pets shall be allowed provided that such animals are not vicious, as determined by the Butler County Dog Warden, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, nor shall these regulations prohibit the keeping of any number of fish in aquaria.
- 7.0408 KEEPING OF FARM ANIMALS. On any lot used principally for residential purposes the keeping of farm animals is considered an accessory use subject to the following conditions: on any parcel with two hundred (200) feet or more of frontage and a minimum of two (2) acres, one farm animal per acre is allowed. Any building in which five (5) or less farm animals, including fowl, are kept shall be located not less than seventy-five (75) feet from any lot line. Any building in which more than five (5) farm animals are kept shall be located not less than two (200) feet from any other lot in any R-District, recorded residential subdivision or lot containing a dwelling other than a farm dwelling.
- 7.0409 SWIMMING POOLS. In-ground swimming pools may be located in a rear yard no closer than ten (10) feet from any lot line, and shall be fenced as specified in Article 24.
- 7.05 REQUIRED CONDITIONS.
- 7.051 Deleted 3-11-00.
- 7.052 HEIGHT REQUIREMENTS. No structure in this district shall be more than 2½ stories or 30 feet in height, except as provided in Section 24.03.
- 7.053 AREA, FRONTAGE AND YARD REQUIREMENTS. The following requirements shall be observed, except as modified by provisions of Article 24.

A-1 AGRICULTURAL DISTRICT

Lot						
Frontage	Front	Side	Yard	Widths	Rear	
Per Principal	Yard	One		Both	Yard	Lot

<u>Lot Areas</u>	<u>Building</u>	<u>Depths</u>	<u>Side Yd.</u>	<u>Side Yds.</u>	<u>Depth</u>	<u>Coverage</u>
Customary Agricultural uses, as specified in subsection 7.0201; other principal permitted uses where larger area not specified herein-above -- 5 acres.	300 ft.	40 ft.	50 ft.	100 ft.	50 ft.	10%
Single- and two family dwellings, churches, public buildings -- 1 acre (1) (2).	200 ft.	40 ft.	25 ft.	50 ft.	50 ft.	25%
Recreation Vehicle Parks -- 5 acres minimum.	200 ft.	40 ft.	50 ft.	100 ft.	50 ft.	---
All other permitted and conditionally permitted uses -- 1 acre (2).	200 ft.	40 ft.	50 ft.	100 ft.	50 ft.	20%

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(1) Deleted 2-11-04.

(2) The Health Officer of Butler County, Ohio, may require Lot Areas to be enlarged to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.

## ARTICLE 7A

### A-2 AGRICULTURAL DISTRICT

- 7A.01 PURPOSE. The intent of the A-2 Agricultural District is to reserve land exclusively for agricultural cultivation, very low density residential development and other activities that are basically rural in character.
- 7A.02 PRINCIPAL PERMITTED USES.
- 7A.0201 Agricultural and Farms including any customary agricultural use, building or structure, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, nurseries and greenhouses not including garden stores or supply centers; provided that any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District or recorded residential subdivision.
- 7A.0202 Deleted 3-11-00.
- 7A.0203 One-family and two-family detached dwellings.
- 7A.0204 Churches, and other similar places of worship.
- 7A.0205 Schools and colleges located not, less than fifty (50) feet from any lot in an R-District or a recorded residential subdivision.
- 7A.0206 Neighborhood and community park land, open space; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any lot in an R-District or a recorded residential subdivision.
- 7A.0208 Riding stables; provided that any building or enclosure in which animals are kept shall comply with the distance requirements in subsection 7A.0408.
- 7A.0209 Public buildings and properties of an administrative, cultural, recreational or service type; not including repair garages, storage or repair yards or warehouses; provided that any such building shall be located not less than twenty-five (25) feet from any other lot in any R-District or a recorded residential subdivision.
- 7A.0210 Wireless and Cellular Telecommunication Facility.
- 7A.03 CONDITIONAL USES REQUIRING BOARD APPROVAL. These conditional uses are subject to the additional regulations found in Section 26.41 and 26.5 of this Resolution.
- 7A.0301 Country clubs, golf courses and other recreation areas and facilities including swimming pools, provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R-District or a recorded residential subdivision.
- 7A.0302 Hospitals, religious or charitable institutions not including penal or corrective institutions.



- 7A.0303 Clubs, Fraternities, lodges, conference centers and other meeting places of similar organization, not including any use that is customarily conducted as a gainful business.
- 7A.0304 Travel Trailer Parks for transients.
- 7A.0305 Cemeteries.
- 7A.0306 Deleted 3-11-00.
- 7A.0307 Airports and landing fields.
- 7A.0308 Commercial hog, fur, or other commercial animal farms.
- 7A.0309 Commercial mines, quarries and gravel pits, temporary sawmill cutting timber grown on the premises.
- 7A.0310 Waste disposal, sanitary landfills or disposal of garbage after prior approval of the Board of County Commissioners and subject to the provisions specified in subsection 26.4 & 26.5.
- 7A.0311 Animal hospitals and veterinary clinics.
- 7A.0312 Nursing Homes.
- 7A.0313 Child Care Facilities.
- 7A.0314 Garden stores or garden supply centers.
- 7A.0315 Deleted 7-29-93.
- 7A.0316 Bed and Breakfast.
- 7A.0317 Storage and sale of grain, livestock feed or fuel.
- 7A.0318 Deleted 3-11-00.
- 7A.0319 Home Occupations, subject to the provisions of Article 26.
- 7A.0320 Kennels, subject to the provisions of Article 26.
- 7A.04 ACCESSORY USES. Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted or conditional uses, subject to the restrictions in Article 6, including:
  - 7A.0401 A private garage or off-street parking area, subject to the requirements of Article 6 and Article 23.
  - 7A.0402 Roadside stands, offering for sale only agricultural products produced on the premises or in the vicinity.
  - 7A.0403 Temporary real estate, political and small announcement signs, subject to the provisions specified in Article 23.

- 7A.0404 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.
- 7A.0405 Deleted 3-11-00.
- 7A.0406 ACCESSORY BUILDINGS LARGER THAN TWO HUNDRED (200) SQUARE FEET. On any lot used principally for residential purposes, two (2) Accessory Buildings per lot, not to exceed 2,500 square feet in size each, may be erected detached from the principal building on any lot less than five (5) acres in size which is not in a recorded subdivision. Two (2) Accessory Buildings per lot, not to exceed 3,500 square feet in size each, may be erected detached from the principal building on any lot five (5) acres in size or larger. Accessory buildings shall meet all of the front, side and rear yard requirements of the Principal Structure. Accessory buildings may not be used for a residential dwelling.
- 7A. 0407 KEEPING OF ANIMALS. The keeping of up to four (4) animals customarily considered house pets shall be allowed provided that such animals are not vicious, as determined by the Butler County Dog Warden, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, nor shall these regulations prohibit the keeping of any number of fish in aquaria.
- 7A.0408 KEEPING OF FARM ANIMALS. On any lot used principally for residential purposes the keeping of farm animals is considered an accessory use subject to the following conditions: on any parcel with two hundred (200) feet or more of frontage and a minimum of two (2) acres, one farm animal per acre is allowed. Any building in which five (5) or less farm animals, including fowl, are kept shall be located not less than seventy-five (75) feet from any lot line. Any building in which more than five (5) farm animals are kept shall be located not less than two (200) feet from any other lot in any R-District, recorded residential subdivision or lot containing a dwelling other than a farm dwelling.
- 7A.0409 SWIMMING POOLS. In-ground swimming pools may be located in a rear yard no closer than ten (10) feet from any lot line, and shall be fenced as specified in Article 24.
- 7A.05 REQUIRED CONDITIONS.
- 7A.051 Deleted 3-11-00.
- 7A.052 HEIGHT REQUIREMENTS. No structure in this district shall be more than 2½ stories or 30 feet in height, except as provided in Section 24.03.
- 7A.053 AREA, FRONTAGE AND YARD REQUIREMENTS. The following requirements shall be observed, except as modified by provisions of Article 24.

A-2 AGRICULTURAL DISTRICT

Lot						
Frontage	Front	Side	Widths	Rear		
Per Principal	Yard	One	Both	Yard	Lot	

<u>Lot Areas</u>	<u>Building</u>	<u>Depths</u>	<u>Side Yd.</u>	<u>Side Yds.</u>	<u>Depth</u>	<u>Coverage</u>
Customary Agricultural uses, as specified in subsection 7A.0201; other principal permitted uses where larger area not specified herein-- above -- 5 acres.	300 ft.	40 ft.	50 ft.	100 ft.	50 ft.	10%
Single- and two family dwellings, churches, public buildings -- 2 acres (1) (2).	200 ft.	40 ft.	25 ft.	50 ft.	50 ft.	25%
Recreation Vehicle Parks -- 5 acres minimum.	200 ft.	40 ft.	50 ft.	100 ft.	50 ft.	---
All other permitted and conditionally permitted uses -- 2 acres (2).	200 ft.	40 ft.	50 ft.	100 ft.	50 ft.	20%

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(1) Deleted 2-11-04.

(2) The Health Officer of Butler County, Ohio, may require Lot Areas to be enlarged to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.

## ARTICLE 7B

### A-3 AGRICULTURAL DISTRICT

- 7B.01 PURPOSE. The intent of the A-3 Agricultural District is to reserve land exclusively for agricultural cultivation, very low density residential development and other activities that are basically rural in character.
- 7B.02 PRINCIPAL PERMITTED USES.
- 7B.0201 Agricultural and Farms including any customary agricultural use, building or structure, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, nurseries and greenhouses not including garden stores or supply centers; provided that any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District or recorded residential subdivision.
- 7B.0202 Deleted 3-11-00.
- 7B.0203 One-family and two-family detached dwellings.
- 7B.0204 Churches, and other similar places of worship.
- 7B.0205 Schools and colleges located not, less than fifty (50) feet from any lot in an R-District or a recorded residential subdivision.
- 7B.0206 Neighborhood and community park land, open space; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any lot in an R-District or a recorded residential subdivision.
- 7B.0208 Riding stables; provided that any building or enclosure in which animals are kept shall comply with the distance requirements in subsection 7B.0408.
- 7B.0209 Public buildings and properties of an administrative, cultural, recreational or service type; not including repair garages, storage or repair yards or warehouses; provided that any such building shall be located not less than twenty-five (25) feet from any other lot in any R-District or a recorded residential subdivision.
- 7B.0210 Wireless and Cellular Telecommunication Facility.
- 7B.03 CONDITIONAL USES REQUIRING BOARD APPROVAL. These conditional uses are subject to the additional regulations found in Section 26.41 and 26.5 of this Resolution.
- 7B.0301 Country clubs, golf courses and other recreation areas and facilities including swimming pools, provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R-District or a recorded residential subdivision.
- 7B.0302 Hospitals, religious or charitable institutions not including penal or corrective institutions.
- 7B.0303 Clubs, Fraternities, lodges, conference centers and other meeting places of similar organization, not including any use that is customarily conducted as a gainful business.

- 7B.0304 Travel Trailer Parks for transients.
- 7B.0305 Cemeteries.
- 7B.0306 Deleted 3-11-00.
- 7B.0307 Airports and landing fields.
- 7B.0308 Commercial hog, fur, or other commercial animal farms.
- 7B.0309 Commercial mines, quarries and gravel pits, temporary sawmill cutting timber grown on the premises.
- 7B.0310 Waste disposal, sanitary landfills or disposal of garbage after prior approval of the Board of County Commissioners and subject to the provisions specified in subsection 26.4 & 26.5.
- 7B.0311 Animal hospitals and veterinary clinics.
- 7B.0312 Nursing Homes.
- 7B.0313 Child Care Facilities.
- 7B.0314 Garden stores or garden supply centers.
- 7B.0315 Deleted 7-29-93.
- 7B.0316 Bed and Breakfast.
- 7B.0317 Storage and sale of grain, livestock feed or fuel.
- 7B.0318 Deleted 3-11-00.
- 7B.0319 Home Occupations, subject to the provisions of Article 26.
- 7B.0320 Kennels, subject to the provisions of Article 26.
- 7B.04 ACCESSORY USES. Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted or conditional uses, subject to the restrictions in Article 6, including:
  - 7B.0401 A private garage or off-street parking area, subject to the requirements of Article 6 and Article 23.
  - 7B.0402 Roadside stands, offering for sale only agricultural products produced on the premises or in the vicinity.
  - 7B.0403 Temporary real estate, political and small announcement signs, subject to the provisions specified in Article 23.
  - 7B.0404 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.

- 7B.0405 Deleted 3-11-00.
- 7B.0406 ACCESSORY BUILDINGS LARGER THAN TWO HUNDRED (200) SQUARE FEET. On any lot used principally for residential purposes, two (2) Accessory Buildings per lot, not to exceed 2,500 square feet in size each, may be erected detached from the principal building on any lot less than five (5) acres in size which is not in a recorded subdivision. Two (2) Accessory Buildings per lot, not to exceed 3,500 square feet in size each, may be erected detached from the principal building on any lot five (5) acres in size or larger. Accessory buildings shall meet all of the front, side and rear yard requirements of the Principal Structure. Accessory buildings may not be used for a residential dwelling.
- 7B.0407 KEEPING OF ANIMALS. The keeping of up to four (4) animals customarily considered house pets shall be allowed provided that such animals are not vicious, as determined by the Butler County Dog Warden, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, nor shall these regulations prohibit the keeping of any number of fish in aquaria.
- 7B.0408 KEEPING OF FARM ANIMALS. On any lot used principally for residential purposes the keeping of farm animals is considered an accessory use subject to the following conditions: on any parcel with two hundred (200) feet or more of frontage and a minimum of two (2) acres, one farm animal per acre is allowed. Any building in which five (5) or less farm animals, including fowl, are kept shall be located not less than seventy-five (75) feet from any lot line. Any building in which more than five (5) farm animals are kept shall be located not less than two (200) feet from any other lot in any R-District, recorded residential subdivision or lot containing a dwelling other than a farm dwelling.
- 7B.0409 SWIMMING POOLS. In-ground swimming pools may be located in a rear yard no closer than ten (10) feet from any lot line, and shall be fenced as specified in Article 24.
- 7B.05 REQUIRED CONDITIONS.
- 7B.051 Deleted 3-11-00.
- 7B.052 HEIGHT REQUIREMENTS. No structure in this district shall be more than 2½ stories or 30 feet in height, except as provided in Section 24.03.
- 7B.053 AREA, FRONTAGE AND YARD REQUIREMENTS. The following requirements shall be observed, except as modified by provisions of Article 24.

A-3 AGRICULTURAL DISTRICT

<u>Lot Areas</u>	<u>Lot Frontage Per Principal Building</u>	<u>Front Yard</u>	<u>Side Yard One Depths Coverage</u>	<u>Side Yd.</u>	<u>Widths Both</u>	<u>Rear Yard Side Yds.</u>	<u>Lot Depth</u>
Customary Agricultural uses, as specified in subsection 7B.0201; other principal permitted uses where larger area not specified herein-above -- 5 acres.	300 ft.	40 ft.	50 ft.		100 ft.	50 ft.	10%
Single- and two family dwellings, churches, public buildings -- 3 acres (1) (2).	200 ft.	40 ft.	25 ft.		50 ft.	50 ft.	25%
Recreation Vehicle Parks -- 5 acres minimum.	200 ft.	40 ft.	50 ft.		100 ft.	50 ft.	---
All other permitted and conditionally permitted uses -- 3 acres (2).	200 ft.	40 ft.	50 ft.		100 ft.	50 ft.	20%

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(1) Deleted 2-11-04.

(2) The Health Officer of Butler County, Ohio, may require Lot Areas to be enlarged to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.

## ARTICLE 7C

### A-5 AGRICULTURAL DISTRICT

- 7C.01 PURPOSE. The intent of the A-5 Agricultural District is to reserve land exclusively for agricultural cultivation, very low density residential development and other activities that are basically rural in character.
- 7C.02 PRINCIPAL PERMITTED USES.
- 7C.0201 Agricultural and Farms including any customary agricultural use, building or structure, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, nurseries and greenhouses not including garden stores or supply centers; provided that any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District or recorded residential subdivision.
- 7C.0202 Deleted 3-11-00.
- 7C.0203 One-family and two-family detached dwellings.
- 7C.0204 Churches, and other similar places of worship.
- 7C.0205 Schools and colleges located not, less than fifty (50) feet from any lot in an R-District or a recorded residential subdivision.
- 7C.0206 Neighborhood and community park land, open space; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any lot in an R-District or a recorded residential subdivision.
- 7C.0208 Riding stables; provided that any building or enclosure in which animals are kept shall comply with the distance requirements in subsection 7C.0408.
- 7C.0209 Public buildings and properties of an administrative, cultural, recreational or service type; not including repair garages, storage or repair yards or warehouses; provided that any such building shall be located not less than twenty-five (25) feet from any other lot in any R-District or a recorded residential subdivision.
- 7C.0210 Wireless and Cellular Telecommunication Facility.
- 7C.03 CONDITIONAL USES REQUIRING BOARD APPROVAL. These conditional uses are subject to the additional regulations found in Section 26.41 and 26.5 of this Resolution.
- 7C.0301 Country clubs, golf courses and other recreation areas and facilities including swimming pools, provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R-District or a recorded residential subdivision.
- 7C.0302 Hospitals, religious or charitable institutions not including penal or corrective institutions.



- 7C.0303 Clubs, Fraternities, lodges, conference centers and other meeting places of similar organization, not including any use that is customarily conducted as a gainful business.
- 7C.0304 Travel Trailer Parks for transients.
- 7C.0305 Cemeteries.
- 7C.0306 Deleted 3-11-00.
- 7C.0307 Airports and landing fields.
- 7C.0308 Commercial hog, fur, or other commercial animal farms.
- 7C.0309 Commercial mines, quarries and gravel pits, temporary sawmill cutting timber grown on the premises.
- 7C.0310 Waste disposal, sanitary landfills or disposal of garbage after prior approval of the Board of County Commissioners and subject to the provisions specified in subsection 26.4 & 26.5.
- 7C.0311 Animal hospitals and veterinary clinics.
- 7C.0312 Nursing Homes.
- 7C.0313 Child Care Facilities.
- 7C.0314 Garden stores or garden supply centers.
- 7C.0315 Deleted 7-29-93.
- 7C.0316 Bed and Breakfast.
- 7C.0317 Storage and sale of grain, livestock feed or fuel.
- 7C.0318 Deleted 3-11-00.
- 7C.0319 Home Occupations, subject to the provisions of Article 26.
- 7C.0320 Kennels, subject to the provisions of Article 26.
- 7C.04 ACCESSORY USES. Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted or conditional uses, subject to the restrictions in Article 6, including:
  - 7C.0401 A private garage or off-street parking area, subject to the requirements of Article 6 and Article 23.
  - 7C.0402 Roadside stands, offering for sale only agricultural products produced on the premises or in the vicinity.

- 7C.0403 Temporary real estate, political and small announcement signs, subject to the provisions specified in Article 23.
- 7C.0404 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.
- 7C.0405 Deleted 3-11-00.
- 7C.0406 ACCESSORY BUILDINGS LARGER THAN TWO HUNDRED (200) SQUARE FEET. On any lot used principally for residential purposes, two (2) Accessory Buildings per lot, not to exceed 3,500 square feet in size each, may be erected detached from the principal building on any lot five (5) acres in size or larger. Accessory buildings shall meet all of the front, side and rear yard requirements of the Principal Structure. Accessory buildings may not be used for a residential dwelling.
- 7C. 0407 KEEPING OF ANIMALS. The keeping of up to four (4) animals customarily considered house pets shall be allowed provided that such animals are not vicious, as determined by the Butler County Dog Warden, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, nor shall these regulations prohibit the keeping of any number of fish in aquaria.
- 7C.0408 KEEPING OF FARM ANIMALS. On any lot used principally for residential purposes the keeping of farm animals is considered an accessory use subject to the following conditions: on any parcel with two hundred (200) feet or more of frontage and a minimum of two (2) acres, one farm animal per acre is allowed. Any building in which five (5) or less farm animals, including fowl, are kept shall be located not less than seventy-five (75) feet from any lot line. Any building in which more than five (5) farm animals are kept shall be located not less than two (200) feet from any other lot in any R-District, recorded residential subdivision or lot containing a dwelling other than a farm dwelling.
- 7C.0409 SWIMMING POOLS. In-ground swimming pools may be located in a rear yard no closer than ten (10) feet from any lot line, and shall be fenced as specified in Article 24.
- 7C.05 REQUIRED CONDITIONS.
- 7C.051 Deleted 3-11-00.
- 7C.052 HEIGHT REQUIREMENTS. No structure in this district shall be more than 2½ stories or 30 feet in height, except as provided in Section 24.03.
- 7C.053 AREA, FRONTAGE AND YARD REQUIREMENTS. The following requirements shall be observed, except as modified by provisions of Article 24.

A-5 AGRICULTURAL DISTRICT

Lot						
Frontage	Front	Side	Yard	Widths	Rear	
Per Principal	Yard	One		Both	Yard	Lot

<u>Lot Areas</u>	<u>Building</u>	<u>Depths</u>	<u>Side Yd.</u>	<u>Side Yds.</u>	<u>Depth</u>	<u>Coverage</u>
Customary Agricultural uses, as specified in subsection 7C.0201; other principal permitted uses where larger area not specified herein-- above -- 5 acres.	300 ft.	40 ft.	50 ft.	100 ft.	50 ft.	10%
Single- and two family dwellings, churches, public buildings -- 5 acres (1) (2).	200 ft.	40 ft.	25 ft.	50 ft.	50 ft.	25%
Recreation Vehicle Parks -- 5 acres minimum.	200 ft.	40 ft.	50 ft.	100 ft.	50 ft.	---
All other permitted and conditionally permitted uses -- 5 acres (2).	200 ft.	40 ft.	50 ft.	100 ft.	50 ft.	20%

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(1) Deleted 2-11-04.

(2) The Health Officer of Butler County, Ohio, may require Lot Areas to be enlarged to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.

## ARTICLE 7D

### A-10 AGRICULTURAL DISTRICT

- 7D.01 PURPOSE. The intent of the A-10 Agricultural District is to reserve land exclusively for agricultural cultivation, very low density residential development and other activities that are basically rural in character.
- 7D.02 PRINCIPAL PERMITTED USES.
- 7D.0201 Agricultural and Farms including any customary agricultural use, building or structure, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, nurseries and greenhouses not including garden stores or supply centers; provided that any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District or recorded residential subdivision.
- 7D.0202 Deleted 3-11-00.
- 7D.0203 One-family and two-family detached dwellings.
- 7D.0204 Churches, and other similar places of worship.
- 7D.0206 Neighborhood and community park land, open space; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any lot in an R-District or a recorded residential subdivision.
- 7D.0208 Riding stables; provided that any building or enclosure in which animals are kept shall comply with the distance requirements in subsection 7D.0408.
- 7D.0209 Public buildings and properties of an administrative, cultural, recreational or service type; not including repair garages, storage or repair yards or warehouses; provided that any such building shall be located not less than twenty-five (25) feet from any other lot in any R-District or a recorded residential subdivision.
- 7D.0210 Wireless and Cellular Telecommunication Facility.
- 7D.03 CONDITIONAL USES REQUIRING BOARD APPROVAL. These conditional uses are subject to the additional regulations found in Section 26.41 and 26.5 of this Resolution.
- 7D.0301 Country clubs, golf courses and other recreation areas and facilities including swimming pools, provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R-District or a recorded residential subdivision.
- 7D.0302 Hospitals, religious or charitable institutions not including penal or corrective institutions.
- 7D.0303 Clubs, Fraternities, lodges, conference centers and other meeting places of similar organization, not including any use that is customarily conducted as a gainful business.
- 7D.0304 Travel Trailer Parks for transients.

- 7D.0305 Cemeteries.
- 7D.0306 Deleted 3-11-00.
- 7D.0307 Airports and landing fields.
- 7D.0308 Commercial hog, fur, or other commercial animal farms.
- 7D.0309 Commercial mines, quarries and gravel pits, temporary sawmill cutting timber grown on the premises.
- 7D.0310 Waste disposal, sanitary landfills or disposal of garbage after prior approval of the Board of County Commissioners and subject to the provisions specified in subsection 26.4 & 26.5.
- 7D.0311 Animal hospitals and veterinary clinics.
- 7D.0312 Nursing Homes.
- 7D.0313 Child Care Facilities.
- 7D.0314 Garden stores or garden supply centers.
- 7D.0315 Deleted 7-29-93.
- 7D.0316 Bed and Breakfast.
- 7D.0317 Storage and sale of grain, livestock feed or fuel.
- 7D.0318 Deleted 3-11-00.
- 7D.0319 Home Occupations, subject to the provisions of Article 26.
- 7D.0320 Kennels, subject to the provisions of Article 26.
- 7D.04 ACCESSORY USES. Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted or conditional uses, subject to the restrictions in Article 6, including:
  - 7D.0401 A private garage or off-street parking area, subject to the requirements of Article 6 and Article 23.
  - 7D.0402 Roadside stands, offering for sale only agricultural products produced on the premises or in the vicinity.
  - 7D.0403 Temporary real estate, political and small announcement signs, subject to the provisions specified in Article 23.
  - 7D.0404 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.

- 7D.0405 Deleted 3-11-00.
- 7D.0406 ACCESSORY BUILDINGS LARGER THAN TWO HUNDRED (200) SQUARE FEET. On any lot used principally for residential purposes, two (2) Accessory Buildings per lot, not to exceed 3,500 square feet in size each, may be erected detached from the principal building on any lot ten (10) acres in size or larger. Accessory buildings shall meet all of the front, side and rear yard requirements of the Principal Structure. Accessory buildings may not be used for a residential dwelling.
- 7D. 0407 KEEPING OF ANIMALS. The keeping of up to four (4) animals customarily considered house pets shall be allowed provided that such animals are not vicious, as determined by the Butler County Dog Warden, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, nor shall these regulations prohibit the keeping of any number of fish in aquaria.
- 7D.0408 KEEPING OF FARM ANIMALS. On any lot used principally for residential purposes the keeping of farm animals is considered an accessory use subject to the following conditions: on any parcel with two hundred (200) feet or more of frontage and a minimum of two (2) acres, one farm animal per acre is allowed. Any building in which five (5) or less farm animals, including fowl, are kept shall be located not less than seventy-five (75) feet from any lot line. Any building in which more than five (5) farm animals are kept shall be located not less than two (200) feet from any other lot in any R-District, recorded residential subdivision or lot containing a dwelling other than a farm dwelling.
- 7D.0409 SWIMMING POOLS. In-ground swimming pools may be located in a rear yard no closer than ten (10) feet from any lot line, and shall be fenced as specified in Article 24.
- 7D.05 REQUIRED CONDITIONS.
- 7D.051 Deleted 3-11-00.
- 7D.052 HEIGHT REQUIREMENTS. No structure in this district shall be more than 2½ stories or 30 feet in height, except as provided in Section 24.03.
- 7D.053 AREA, FRONTAGE AND YARD REQUIREMENTS. The following requirements shall be observed, except as modified by provisions of Article 24.

A-10 AGRICULTURAL DISTRICT

<u>Lot Areas</u>	<u>Lot Frontage Per Principal Building</u>	<u>Front Yard</u>	<u>Side Yard One Depths</u> <u>Side Yd.</u> <u>Coverage</u>	<u>Widths Both</u>	<u>Rear Yard Side Yds.</u>	<u>Lot Depth</u>
Customary Agricultural uses, as specified in subsection 7D.0201; other principal permitted uses where larger area not specified herein-above -- 10 acres.	300 ft.	40 ft.	50 ft.	100 ft.	50 ft.	10%
Single- and two family dwellings, churches, public buildings -- 10 acres (1) (2).	200 ft.	40 ft.	25 ft.	50 ft.	50 ft.	25%
Recreation Vehicle Parks -- 10 acres minimum.	200 ft.	40 ft.	50 ft.	100 ft.	50 ft.	---
All other permitted and conditionally permitted uses -- 10 acres (2).	200 ft.	40 ft.	50 ft.	100 ft.	50 ft.	20%

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(1) Deleted 2-11-04.

(2) The Health Officer of Butler County, Ohio, may require Lot Areas to be enlarged to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.

## ARTICLE 7E

### A-20 AGRICULTURAL DISTRICT

- 7E.01 PURPOSE. The intent of the A-20 Agricultural District is to reserve land exclusively for agricultural cultivation, very low density residential development and other activities that are basically rural in character.
- 7E.02 PRINCIPAL PERMITTED USES.
- 7E.0201 Agricultural and Farms including any customary agricultural use, building or structure, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, nurseries and greenhouses not including garden stores or supply centers; provided that any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District or recorded residential subdivision.
- 7E.0202 Deleted 3-11-00.
- 7E.0203 One-family and two-family detached dwellings.
- 7E.0204 Churches, and other similar places of worship.
- 7E.0205 Schools and colleges located not, less than fifty (50) feet from any lot in an R-District or a recorded residential subdivision.
- 7E.0206 Neighborhood and community park land, open space; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any lot in an R-District or a recorded residential subdivision.
- 7E.0208 Riding stables; provided that any building or enclosure in which animals are kept shall comply with the distance requirements in subsection 7E0408.
- 7E.0209 Public buildings and properties of an administrative, cultural, recreational or service type; not including repair garages, storage or repair yards or warehouses; provided that any such building shall be located not less than twenty-five (25) feet from any other lot in any R-District or a recorded residential subdivision.
- 7E.0210 Wireless and Cellular Telecommunication Facility.
- 7E.03 CONDITIONAL USES REQUIRING BOARD APPROVAL. These conditional uses are subject to the additional regulations found in Section 26.41 and 26.5 of this Resolution.
- 7E.0301 Country clubs, golf courses and other recreation areas and facilities including swimming pools, provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R-District or a recorded residential subdivision.
- 7E.0302 Hospitals, religious or charitable institutions not including penal or corrective institutions.



- 7E.0303 Clubs, Fraternities, lodges, conference centers and other meeting places of similar organization, not including any use that is customarily conducted as a gainful business.
- 7E.0304 Travel Trailer Parks for transients.
- 7E.0305 Cemeteries.
- 7E.0306 Deleted 3-11-00.
- 7E.0307 Airports and landing fields.
- 7E.0308 Commercial hog, fur, or other commercial animal farms.
- 7E.0309 Commercial mines, quarries and gravel pits, temporary sawmill cutting timber grown on the premises.
- 7E.0310 Waste disposal, sanitary landfills or disposal of garbage after prior approval of the Board of County Commissioners and subject to the provisions specified in subsection 26.4 & 26.5.
- 7E.0311 Animal hospitals and veterinary clinics.
- 7E.0312 Nursing Homes.
- 7E.0313 Child Care Facilities.
- 7E.0314 Garden stores or garden supply centers.
- 7E.0315 Deleted 7-29-93.
- 7E.0316 Bed and Breakfast.
- 7E.0317 Storage and sale of grain, livestock feed or fuel.
- 7E.0318 Deleted 3-11-00.
- 7E.0319 Home Occupations, subject to the provisions of Article 26.
- 7E.0320 Kennels, subject to the provisions of Article 26.
- 7E.04 ACCESSORY USES. Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted or conditional uses, subject to the restrictions in Article 6, including:
  - 7E.0401 A private garage or off-street parking area, subject to the requirements of Article 6 and Article 23.
  - 7E.0402 Roadside stands, offering for sale only agricultural products produced on the premises or in the vicinity.

- 7E.0403 Temporary real estate, political and small announcement signs, subject to the provisions specified in Article 23.
- 7E.0404 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.
- 7E.0405 Deleted 3-11-00.
- 7E.0406 ACCESSORY BUILDINGS LARGER THAN TWO HUNDRED (200) SQUARE FEET. On any lot used principally for residential purposes, two (2) Accessory Buildings per lot, not to exceed 3,500 square feet in size each, may be erected detached from the principal building on any lot twenty (20) acres in size or larger. Accessory buildings shall meet all of the front, side and rear yard requirements of the Principal Structure. Accessory buildings may not be used for a residential dwelling.
- 7E. 0407 KEEPING OF ANIMALS. The keeping of up to four (4) animals customarily considered house pets shall be allowed provided that such animals are not vicious, as determined by the Butler County Dog Warden, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, nor shall these regulations prohibit the keeping of any number of fish in aquaria.
- 7E.0408 KEEPING OF FARM ANIMALS. On any lot used principally for residential purposes the keeping of farm animals is considered an accessory use subject to the following conditions: on any parcel with two hundred (200) feet or more of frontage and a minimum of two (2) acres, one farm animal per acre is allowed. Any building in which five (5) or less farm animals, including fowl, are kept shall be located not less than seventy-five (75) feet from any lot line. Any building in which more than five (5) farm animals are kept shall be located not less than two (200) feet from any other lot in any R-District, recorded residential subdivision or lot containing a dwelling other than a farm dwelling.
- 7E.0409 SWIMMING POOLS. In-ground swimming pools may be located in a rear yard no closer than ten (10) feet from any lot line, and shall be fenced as specified in Article 24.
- 7E.05 REQUIRED CONDITIONS.
- 7E.051 Deleted 3-11-00.
- 7E.052 HEIGHT REQUIREMENTS. No structure in this district shall be more than 2½ stories or 30 feet in height, except as provided in Section 24.03.
- 7E.053 AREA, FRONTAGE AND YARD REQUIREMENTS. The following requirements shall be observed, except as modified by provisions of Article 24.

A-20 AGRICULTURAL DISTRICT

<u>Lot Areas</u>	<u>Lot Frontage Per Principal Building</u>	<u>Front Yard</u>	<u>Side Yard One Depths Coverage</u>	<u>Side Yd.</u>	<u>Widths Both</u>	<u>Rear Yard Side Yds.</u>	<u>Lot Depth</u>
Customary Agricultural uses, as specified in subsection 7E.0201; other principal permitted uses where larger area not specified herein-above -- 20 acres.	300 ft.	40 ft.	50 ft.		100 ft.	50 ft.	10%
Single- and two family dwellings, churches, public buildings -- 20 acres (1) (2).	200 ft.	40 ft.	25 ft.		50 ft.	50 ft.	25%
Recreation Vehicle Parks -- 20 acres minimum.	200 ft.	40 ft.	50 ft.		100 ft.	50 ft.	---
All other permitted and conditionally permitted uses -- 20 acres (2).	200 ft.	40 ft.	50 ft.		100 ft.	50 ft.	20%

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(1) Deleted 2-11-04.

(2) The Health Officer of Butler County, Ohio, may require Lot Areas to be enlarged to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.

## ARTICLE 8

### R-1 SUBURBAN RESIDENCE DISTRICT

- 8.01 PURPOSE. The intent of the R-1 Suburban Residence District is to reserve certain land areas for one-family homes at a gross maximum density of 1.9 units per acre. 35% of the development will be set aside for open space. These areas will constitute areas of sound residential development and will remain semi-rural in character.
- 8.02 PRINCIPAL PERMITTED USES.
- 8.0201 Agricultural and Farms, including any customary agricultural use, building or structure, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, nurseries and greenhouses not including garden stores or supply centers; provided that any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District, or recorded residential subdivision.
- 8.0202 Deleted 3-11-00.
- 8.0203 One-family detached dwellings.
- 8.0204 Churches, and other similar places of worship.
- 8.0205 Schools and colleges located not less than fifty (50) feet from any lot in any R-District, or a recorded residential subdivision.
- 8.0206 Neighborhood and community park land, open space; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any lot in an R-District, or a recorded residential subdivision.
- 8.03 CONDITIONAL USES REQUIRING BOARD APPROVAL. These conditional uses are subject to the additional regulations found in sections 26.41 and 26.5 of this code.
- 8.0301 Country clubs, golf courses and other recreation areas and facilities including swimming pools.
- 8.0302 Nursery schools and child care centers.
- 8.0303 Hospitals, religious or charitable institutions not including penal or corrective institutions.
- 8.0304 Cemeteries.
- 8.0305 Nursing Homes.
- 8.0306 Public Buildings of administrative, cultural, recreational or service type.
- 8.0307 Deleted 3-11-00.
- 8.0308 Deleted 7-29-93.
- 8.0309 Telecommunication Towers, as defined in section 24.10.

- 8.0310 Home Occupations. Subject to the provisions of Article 6.
- 8.04 ACCESSORY USES. Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted uses, subject to the restrictions in Article 6, including:
- 8.0401 A private garage or off-street parking area, subject to the requirements of Article 6 and Article 23.
- 8.0402 Temporary real estate, political and small announcement signs, subject to the provisions specified in Article 23.
- 8.0403 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.
- 8.0404 KEEPING OF ANIMALS. The keeping of up to four (4) animals customarily considered house pets shall be allowed provided that such animals are not vicious, as determined by the Butler County Dog Warden, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, nor shall these regulations prohibit the keeping of any number of fish in aquaria.
- 8.0405 KEEPING OF FARM ANIMALS. On any lot used principally for residential purposes the keeping of farm animals is considered an accessory use subject to the following conditions: on any parcel with two hundred (200) feet or more of frontage and a minimum of two (2) acres, one farm animal per acre is allowed. Any building in which five (5) or less farm animals, including fowl, are kept shall be located not less than seventy-five (75) feet from any lot line. Any building in which more than five (5) farm animals are kept shall be located not less than two (200) feet from any other lot in any R-District, recorded residential subdivision or lot containing a dwelling other than a farm dwelling.
- 8.0406 SWIMMING POOLS. In-ground swimming pools may be located in a rear yard no closer than ten (10) feet from any lot line, and shall be fenced as specified in Article 24.
- 8.05 PROHIBITED USES.
- 8.0501 Kennels and Riding Stables.
- 8.06 Deleted 3-11-00.
- 8.07 REQUIRED CONDITIONS.
- 8.071 HEIGHT REGULATIONS. No principal structure or use shall exceed two and one-half (2½) stories or thirty (30) feet in height, and no structure shall exceed one and one-half (1½) stories or twenty (20) feet in height, except as provided in Section 24.03.

8.072 AREA, FRONTAGE AND YARD REQUIREMENTS.

8.073 The gross density for a single-family development shall be 1.9 units per acre (max.). Lot sizes are permitted to vary but will be established by the recorded subdivision plat or plat of survey. Which ever is appropriate per the Butler County Subdivision Regulations. All lots must front on a public road. Only one principal structure per lot. (1) (2) All provisions in 8.08 are to be met.

For lots of record, subdivisions recorded prior to the April 21, 2006 revision and all lots created after the April 21, 2006 revision which are not a part of a recorded subdivision, the following area requirements apply:

<u>Lot Areas</u>	<u>Lot Frontage Per Principal Building</u>	<u>Front Yard Depths</u>	<u>Side Yard One Side Yd.</u>	<u>Widths Both Side Yds.</u>	<u>Rear Yard Depth</u>	<u>Lot Coverage</u>
Single-family dwellings -- 20,000 sq. ft. (1) (2).	100'	35'	15'	30'	45'	40%
Other permitted and conditional uses -- 1 acre, or as specified in Section 26.5 (2).	200'	35'	20'	40'	45'	35%

(1) Deleted 2-11-04.

(2) The Health Officer of Butler County, Ohio, may require specific Lot Areas to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.

**8.08 OPEN SPACE REQUIREMENTS**

8.081 The minimum area of open space shall be 35% when part of an approved subdivision which is recorded after the adoption of this revision to the zoning resolution. The open space shall be contained on a lot(s) which is separate from any building site.

8.082 The open space shall be designed and configured to conserve natural features and historic and cultural elements located on the site. These include but are not limited to woods, hedgerows, natural vegetation, meadows, steep slopes, streams, wetlands, archeological features, historic structures...

8.083 The open space shall not consist of isolated or fragmented pieces of land which would serve no useful purpose. Open space shall be interconnected with existing open space or potential open space on adjacent parcels.

8.084 Included in this common open space may be such uses as pedestrian walkways, parkland, open area, retention and detention areas, and other lands of essentially open character, exclusive of off street parking areas, (unless directly related to a designated recreation area) and street right-of-ways. Open space may also include landscaped medians that are at least 15 feet wide and 25 feet long as well as round-a-bouts that are 20 feet in diameter or greater, as well as landscaped island in parking areas that

are at least 15 feet wide and 50 feet long. Other similar and smaller features are permitted, but they cannot be counted toward the open space requirement.

- 8.085 Maintenance of this common open space shall be the responsibility of homeowners' association, conservation trust, park board, the commercial management entity of the development, or any other entity willing to maintain the property.
- 8.086 Documents are to be recorded establishing the maintenance and liability for all open space lots and facilities therein. Approval by the Butler County Planning Commission is necessary prior to recording.

## ARTICLE 9

### R-1A SUBURBAN RESIDENCE DISTRICT

- 9.01 PURPOSE. The intent of the R-1A Suburban Residence District is to reserve certain land areas for one-family homes at a gross maximum density of 2.4 units per acre where public water and sanitary facilities are available and to designate new, undeveloped land areas for such residential development and housing. 35% of the development will be set aside for open space.
- 9.02 PRINCIPAL PERMITTED USES.
- 9.0201 Agricultural and Farms, including any customary agricultural use, building or structure, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, nurseries and greenhouses not including garden stores or supply centers; provided that any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District, or recorded residential subdivision.
- 9.0202 One-family detached dwellings.
- 9.0203 Churches, and other similar places of worship.
- 9.0204 Schools and colleges located not less than fifty (50) feet from any lot in any R-District, or a recorded residential subdivision.
- 9.0205 Neighborhood and community park land, open space; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any lot in an R-District, or a recorded residential subdivision.
- 9.03 CONDITIONAL USES REQUIRING BOARD APPROVAL. These conditional uses are subject to the additional regulations found in Sections 26.41 and 26.5 of this code.
- 9.0301 Country clubs, golf courses and other recreation areas and facilities, including swimming pools.
- 9.0302 Nursery schools and child care centers.
- 9.0303 Hospitals, religious or charitable institutions not including penal or corrective institutions.
- 9.0304 Cemeteries
- 9.0305 Public buildings and properties of an administrative, cultural, recreational or service type.
- 9.0306 Deleted 3-11-00.
- 9.0307 Deleted 7-29-93.
- 9.0308 Nursing Homes.
- 9.0309 Telecommunication Towers, as defined in section 24.10.



- 9.0310 HOME OCCUPATIONS. Subject to the provisions of Article 6.
- 9.04 ACCESSORY USES. Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted or conditional uses, subject to the restrictions in Article 6, including:
- 9.0401 A private garage or off-street parking area, subject to the requirements of Article 6 and Article 23.
- 9.0402 Temporary real estate, political and small announcement signs, subject to the provisions specified in Article 23.
- 9.0403 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.
- 9.0404 KEEPING OF ANIMALS. The keeping of up to four (4) animals customarily considered house pets shall be allowed provided that such animals are not vicious, as determined by the Butler County Dog Warden, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, nor shall these regulations prohibit the keeping of any number of fish in aquaria.
- 9.0405 KEEPING OF FARM ANIMALS. On any lot used principally for residential purposes the keeping of farm animals is considered an accessory use subject to the following conditions: on any parcel with two hundred (200) feet or more of frontage and a minimum of two (2) acres, one farm animal per acre is allowed. Any building in which five (5) or less farm animals, including fowl, are kept shall be located not less than seventy-five (75) feet from any lot line. Any building in which more than five (5) farm animals are kept shall be located not less than two (200) feet from any other lot in any R-District, recorded residential subdivision or lot containing a dwelling other than a farm dwelling.
- 9.0406 SWIMMING POOLS. In-ground swimming pools may be located in a rear yard no closer than ten (10) feet from any lot line, and shall be fenced as specified in Article 24.
- 9.05 PROHIBITED USES.
- 9.0501 Kennels and Riding Stables.
- 9.06 Deleted 3-11-00.
- 9.07 REQUIRED CONDITIONS.
- 9.071 HEIGHT REQUIREMENTS. No principal structure shall exceed two and one-half (2½) stories or thirty (30) feet in height, and no accessory structure shall exceed one and one-half (1½) stories or twenty (20) feet in height, except as provided in Section 24.03.
- 9.072 AREA, FRONTAGE AND YARD REQUIREMENTS.
- 9.073 The gross density for a single-family development shall be 2.4 units per acre (max). Lot sizes are permitted to vary but will be established by the recorded subdivision plat or plat of survey. Which ever is appropriate per the Butler County Subdivision Regulations. All lots must front

on a public road. Only one principal structure per lot. (1) (2) All provisions in 9.08 are to be met.

9.074 For lots of record, subdivisions recorded prior to the April 21, 2006 revision and all lots created after the April 21, 2006 revision which are not a part of a recorded subdivision, the following area requirements apply:

<u>Lot Areas</u>	Lot	<u>Front</u>	<u>Side Yard</u>	<u>Widths</u>	<u>Rear</u>	<u>Lot</u>
	<u>Frontage</u>					
	<u>Per Principal</u>	<u>Depths</u>	<u>One</u>	<u>Side Yds.</u>	<u>Depth</u>	
	<u>Building</u>		<u>Side Yd.</u>			
Single - family dwellings -- 15,000 sq. ft. (1).	90'	30'	10'	25'	40'	40%
Other permitted and conditional uses -- 1 acre (1).	200'	35'	20'	40'	40'	35%

(1) The Health Officer of Butler County, Ohio, may require specific Lot Areas to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.

9.08 OPEN SPACE REQUIREMENTS

9.081 The minimum area of open space shall be 35% when part of an approved subdivision which is recorded after the April 21, 2006 revision of this resolution. The open space shall be contained on a lot(s) which is separate from any building site.

9.082 The open space shall be designed and configured to conserve natural features and historic and cultural elements located on the site. These include but are not limited to woods, hedgerows, natural vegetation, meadows, steep slopes, streams, wetlands, archeological features, historic structures...

9.083 The open space shall not consist of isolated or fragmented pieces of land which would serve no useful purpose. Open space shall be interconnected with existing open space or potential open space on adjacent parcels.

9.084 Included in this common open space may be such uses as pedestrian walkways, parkland, open area, retention and detention areas, and other lands of essentially open character, exclusive of off street parking areas, (unless directly related to a designated recreation area), and street right-of-ways. Open space may also include landscaped medians that are at least 15 feet wide and 25 feet long as well as round-a-bouts that are 20 feet in diameter or greater, as well as landscaped island in parking areas that are at least 15 feet wide and 50 feet long. Other similar and smaller features are permitted, but they cannot be counted toward the open space requirement.

- 9.085 Maintenance of this common open space shall be the responsibility of homeowners' association, conservation trust, park board the commercial management entity of the development, or any other entity willing to maintain the property.
- 9.086 Documents are to be recorded establishing the maintenance and liability for all open space lots and facilities therein. Approval by the Butler County Planning Commission is necessary prior to recording.

**ARTICLE 10**

**R-2 SINGLE-FAMILY RESIDENCE DISTRICT**

- 10.01 **PURPOSE.** The intent of the R-2 Single-Family Residence District is to reserve certain land areas for one-family homes at a gross maximum density of 4.1 units per acre. 35% of the development will be set aside for open space. These areas will constitute areas of sound residential development at medium densities.
- 10.02 **PRINCIPAL PERMITTED USES.**
- 10.0201 Agricultural and Farms, including any customary agricultural use, building or structure, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, nurseries and greenhouses not including garden stores or supply centers; provided that any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District, or recorded residential subdivision.
- 10.0202 One-family detached dwellings.
- 10.0203 Churches, and other similar places of worship.
- 10.0204 Schools and colleges located not less than fifty (50) feet from any lot in any R-District, or a recorded residential subdivision.
- 10.0205 Neighborhood and community park land, open space, provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any lot in an R-District, or a recorded residential subdivision.
- 10.03 **CONDITIONAL USES REQUIRING BOARD APPROVAL.** These conditional uses are subject to the additional regulations found in sections 26.41 and 26.5 of this code.
- 10.0301 Country clubs, golf courses and other recreation areas and facilities, including swimming pools.
- 10.0302 Nursery schools and child care centers.
- 10.0303 Hospitals, religious or charitable institutions not including penal or corrective institutions.
- 10.0304 Cemeteries.
- 10.0305 Deleted 3-11-00.
- 10.0306 Public buildings and properties of an administrative, cultural, recreational or service type.
- 10.0307 Deleted 7-29-93.
- 10.0308 Nursing Homes.
- 10.0309 Telecommunication Towers, as defined in section 24.10.

- 10.0310 HOME OCCUPATIONS. Subject to the provisions of Article 6.
- 10.04 ACCESSORY USES. Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted or conditional uses, subject to the restrictions in Article 6, including:
- 10.0401 Deleted 3-11-00.
- 10.0402 A private garage or off-street parking area, subject to the requirements of Article 6 and Article 23.
- 10.0403 Temporary real estate, political and small announcement signs, subject to the provisions specified in Article 23.
- 10.0404 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.
- 10.0405 KEEPING OF ANIMALS. The keeping of up to four (4) animals customarily considered house pets shall be allowed provided that such animals are not vicious, as determined by the Butler County Dog Warden, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, nor shall these regulations prohibit the keeping of any number of fish in aquaria.
- 10.0406 KEEPING OF FARM ANIMALS. On any lot used principally for residential purposes the keeping of farm animals is considered an accessory use subject to the following conditions: on any parcel with two hundred (200) feet or more of frontage and a minimum of two (2) acres, one farm animal per acre is allowed. Any building in which five (5) or less farm animals, including fowl, are kept shall be located not less than seventy-five (75) feet from any lot line. Any building in which more than five (5) farm animals are kept shall be located not less than two (200) feet from any other lot in any R-District, recorded residential subdivision or lot containing a dwelling other than a farm dwelling.
- 10.0407 SWIMMING POOLS. In-ground swimming pools may be located in a rear yard no closer than ten (10) feet from any lot line, and shall be fenced as specified in Article 24.
- 10.05 PROHIBITED USES.
- 10.0501 Kennels and Riding Stables.
- 10.06 Deleted 3-11-00.
- 10.07 REQUIRED CONDITIONS.
- 10.071 HEIGHT REQUIREMENTS. No principal structure shall exceed two and one-half (2½) stories or thirty (30) feet in height, and no accessory structure shall exceed one and one-half (1½) stories or twenty (20) feet in height, except as provided in Section 24.03.
- 10.072 AREA, FRONTAGE AND YARD REQUIREMENTS.
- 10.073 The gross density for a single development shall be 4.1 units per acre (max). Lot sizes are permitted to vary but will be established by the recorded subdivision plat or plat of survey.

Which ever is appropriate per the Butler County Subdivision Regulations. All lots must front on a public road. Only one principal structure per lot. (1) (2) All provisions in 10.08 are to be met.

10.074 For lots of record, subdivisions recorded prior to the April 21, 2006 revision and all lots created after the April 21, 2006 revision which are not a part of a recorded subdivision, the following area requirements apply:

<u>Lot Areas</u>	<u>Lot Frontage Per Principal Building</u>	<u>Front Yard</u>	<u>Side Yard One</u>	<u>Widths Both</u>	<u>Rear Yard</u>	<u>Lot Depth</u>
			<u>Depths</u>	<u>Side Yd. Coverage</u>	<u>Side Yds.</u>	
Single-family dwellings -- 9,000 sq. ft. (1).	75'	30'	8'	20'	40'	40%
Other permitted and conditional uses 20,000 sq ft or as specified in Section 26.5 (1).	100'	30'	15'	30'	45'	40%

(1) The Health Officer of Butler County, Ohio, may require specific Lot Areas to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.

10.08 OPEN SPACE REQUIREMENTS

10.081 The minimum area of open space shall be 35% when part of an approved subdivision which is recorded after the April 21, 2006 revision of this resolution. The open space shall be contained on a lot(s) which is separate from any building site.

10.082 The open space shall be designed and configured to conserve natural features and historic and cultural elements located on the site. These include but are not limited to woods, hedgerows, natural vegetation, meadows, steep slopes, streams, wetlands, archeological features, historic structures...

10.083 The open space shall not consist of isolated or fragmented pieces of land which would serve no useful purpose. Open space shall be interconnected with existing open space or potential open space on adjacent parcels.

10.084 Included in this common open space may be such uses as pedestrian walkways, parkland, open area, retention and detention areas, and other lands of essentially open character, exclusive of off street parking areas, (unless directly related to a designated recreation area), and street right-of-ways. Open space may also include landscaped medians that are at least 15 feet wide and 25 feet long as well as roundabouts that are 20 feet in diameter or greater, as well as landscaped island in parking areas that are at least 15 feet wide and 50 feet long. Other similar and smaller

features are permitted, but they cannot be counted toward the open space requirement.

- 10.085 Maintenance of this common open space shall be the responsibility of homeowners' association, conservation trust, park board, the commercial management entity of the development, or any other entity willing to maintain the property.
- 10.086 Documents are to be recorded establishing the maintenance and liability for all open space lots and facilities therein. Approval by the Butler County Planning Commission is necessary prior to recording.

## ARTICLE 11

### R-3 ONE- AND TWO-FAMILY RESIDENCE DISTRICT

- 11.01 PURPOSE. The intent of the R-3 One- and Two-Family Residence District is to reserve certain land areas for one-family or two-family homes, or a mixture there of at a gross maximum density of 6.3 dwelling units per acre. 35% of the development will be set aside for open space. These areas will constitute areas of sound residential development at medium densities.
- 11.02 PRINCIPAL PERMITTED USES.
- 11.0201 Agricultural and Farms, including any customary agricultural use, building or structure, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, nurseries and greenhouses not including garden stores or supply centers; provided that any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District, or recorded residential subdivision.
- 11.0202 One-family detached dwellings.
- 11.0203 Two-family dwellings.
- 11.0204 Churches, and other similar places of worship.
- 11.0205 Schools and colleges located not less than fifty (50) feet from any lot in any R-District, or a recorded residential subdivision.
- 11.0206 Neighborhood and community park land, open space, provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any lot in an R-District, or a recorded residential subdivision.
- 11.03 CONDITIONAL USES REQUIRING BOARD APPROVAL. These conditional uses are subject to the additional regulations found in Sections 26.41 and 26.5 of this code.
- 11.0301 Country clubs, golf courses and other recreation areas and facilities, including swimming pools.
- 11.0302 Nursery schools and child care centers.
- 11.0303 Hospitals, religious or charitable institutions not including penal or corrective institutions.
- 11.0304 Cemeteries.
- 11.0305 Deleted 3-11-00.
- 11.0306 Rest homes or nursing homes for convalescent patients.
- 11.0307 Public buildings and properties of an administrative, cultural, recreational or service type.
- 11.0308 Deleted 7-29-93.



- 11.0309 Telecommunication Towers, as defined in section 24.10.
- 11.0310 HOME OCCUPATIONS. Subject to the provisions of Article 6.
- 11.04 ACCESSORY USES. Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted uses, subject to the restrictions in Article 6, including:
- 11.0401 Deleted 3-11-00.
- 11.0402 A private garage or off-street parking area, subject to the requirements of Article 6 and Article 23.
- 11.0403 Temporary real estate, political and small announcement signs subject to the provisions specified in Article 23.
- 11.0404 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.
- 11.0405 KEEPING OF ANIMALS. The keeping of up to four (4) animals customarily considered house pets shall be allowed provided that such animals are not vicious, as determined by the Butler County Dog Warden, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, nor shall these regulations prohibit the keeping of any number of fish in aquaria.
- 11.0406 KEEPING OF FARM ANIMALS. On any lot used principally for residential purposes the keeping of farm animals is considered an accessory use subject to the following conditions: on any parcel with two hundred (200) feet or more of frontage and a minimum of two (2) acres, one farm animal per acre, is allowed. Any building in which five (5) or less farm animals, including fowl, are kept shall be located not less than seventy-five (75) feet from any lot line. Any building in which more than five (5) farm animals are kept shall be located not less than two (200) feet from any other lot in any R-District, recorded residential subdivision or lot containing a dwelling other than a farm dwelling.
- 11.0407 SWIMMING POOLS. In-ground swimming pools may be located in a rear yard no closer than ten (10) feet from any lot line, and shall be fenced as specified in Article 24.
- 11.05 PROHIBITED USES.
- 11.0501 Kennels and Riding Stables.
- 11.06 Deleted 3-11-00.
- 11.07 REQUIRED CONDITIONS.
- 11.071 HEIGHT REQUIREMENTS. No principal structure shall exceed two and one-half (2½) stories or thirty (30) feet in height, and no accessory structure shall exceed one and one-half (1½) stories or twenty (20) feet in height, except as provided in Section 24.03.
- 11.072 AREA, FRONTAGE AND YARD REQUIREMENTS.

- 11.073 The gross density of a single family, two-family or mixed development shall be 6.3 dwelling units per acre (max). Lot sizes are permitted to vary but will be established by the recorded subdivision plat or plat of survey. Which ever is appropriate per the Butler County Subdivision Regulations. All lots must front on a public road. Only one principal structure per lot. The single-family or two-family designation for each lot shall also be established on the appropriate plat. (1) All provisions in 11.08 are to be met.
- 11.074 For lots of record, subdivisions recorded prior to the April 21, 2006 revision and all lots created after the April 21, 2006 revision which are not a part of a recorded subdivision, the following area requirements apply:

<u>Lot Areas</u>	<u>Lot Frontage Per Principal Building</u>	<u>Front Yard</u>	<u>Side Yard One Depths Coverage</u>	<u>Side Yard Both Side Yd.</u>	<u>Widths Yard Side Yds.</u>	<u>Rear Yard</u>	<u>Depth</u>
Single-family dwellings -- 7,000 sq. ft. (1)	60'	25'	8'		20'	30'	40%
Two-family dwellings -- 10,000 sq. ft. (1).	80'	25'	8'		20'	40'	40%
Other permitted uses -- same as R2 District conditional uses as specified in Section 26.5 (1).	100'	30'	15'		30'	40'	40%

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(1) The Health Officer of Butler County, Ohio, may require specific Lot Areas to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.

11.08 OPEN SPACE REQUIREMENTS

- 11.081 The minimum area of open space shall be 35% when part of an approved subdivision which is recorded after the April 21, 2006 revision of this resolution. The open space shall be contained on a lot(s) which is separate from any building site.
- 11.082 The open space shall be designed and configured to conserve natural features and historic and cultural elements located on the site. These include but are not limited to woods, hedgerows, natural vegetation, meadows, steep slopes, streams, wetlands, archeological features, historic structures...
- 11.083 The open space shall not consist of isolated or fragmented pieces of land which would serve no useful purpose. Open space shall be interconnected with existing open space or potential open space on adjacent parcels.

- 11.084 Included in this common open space may be such uses as pedestrian walkways, parkland, open area, retention and detention areas, and other lands of essentially open character, exclusive of off street parking areas, (unless directly related to a designated recreation area), and street right-of-ways. Open space may also include landscaped medians that are at least 15 feet wide and 25 feet long as well as roundabouts that are 20 feet in diameter or greater, as well as landscaped island in parking areas that are at least 15 feet wide and 50 feet long. Other similar and smaller features are permitted, but they cannot be counted toward the open space requirement.
- 11.085 Maintenance of this common open space shall be the responsibility of homeowners' association, conservation trust, park board, the commercial management entity of the development, or any other entity willing to maintain the property.
- 11.086 Documents are to be recorded establishing the maintenance and liability for all open space lots and facilities therein. Approval by the Butler County Planning Commission is necessary prior to recording.

## ARTICLE 12

### R-4 MULTIPLE-FAMILY RESIDENCE DISTRICT

- 12.01 PURPOSE. The intent of the R-4 Multiple-Family Residence District is to reserve certain land areas for multiple-family residential development as well as mixture of 1, 2, 3, 4 & multi-family units. 35% of the development will be set aside for open space. These areas will constitute areas of sound residential development at medium-high densities.
- 12.02 PRINCIPAL PERMITTED USES.
- 12.0201 Agricultural and Farms, including any customary agricultural use, building or structure, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, nurseries and greenhouses not including garden stores or supply centers; provided that any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District, or recorded residential subdivision.
- 12.0202 One-family detached dwellings.
- 12.0203 Two-family dwellings.
- 12.0204 Multiple-family dwellings; garden apartments, row dwellings, town houses.
- 12.0205 Churches, and other similar places of worship.
- 12.0206 Schools and colleges located not less than fifty (50) feet from any lot in any R-District, or a recorded residential subdivision.
- 12.0207 Neighborhood and community park land, open spaces.
- 12.0208 Deleted 3-11-00.
- 12.03 CONDITIONAL USES REQUIRING BOARD APPROVAL. These conditional uses are subject to the additional regulations found in sections 26.41 and 26.5.
- 12.0301 Country clubs, golf courses and other recreation areas and facilities, including swimming pools.
- 12.0302 Nursery schools and child care centers.
- 12.0303 Hospitals, religious or charitable institutions not including penal or corrective institutions.
- 12.0304 Cemeteries.
- 12.0305 Deleted 3-11-00.
- 12.0306 Rest homes or nursing homes for convalescent patients.
- 12.0307 Public buildings and properties of an administrative, cultural, recreational or service type.

- 12.0308 Office uses.
- 12.0309 Deleted 7-29-93.
- 12.0310 Telecommunication Towers, as defined in section 24.10.
- 12.0311 HOME OCCUPATIONS. Subject to the provisions of Article 6.
- 12.04 ACCESSORY USES. Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted uses, subject to the restrictions in Article 6, including:
- 12.0401 Deleted 3-11-00.
- 12.0402 A private garage or off-street parking area, subject to the requirements of Article 6 and Article 23.
- 12.0403 Temporary real estate, political and small announcement signs subject to the provisions specified in Article 23.
- 12.0404 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.
- 12.0405 KEEPING OF ANIMALS. The keeping of up to four (4) animals customarily considered house pets shall be allowed provided that such animals are not vicious, as determined by the Butler County Dog Warden, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, nor shall these regulations prohibit the keeping of any number of fish in aquaria.
- 12.0406 KEEPING OF FARM ANIMALS. On any lot used principally for residential purposes the keeping of farm animals is considered an accessory use subject to the following conditions: on any parcel with two hundred (200) feet or more of frontage and a minimum of two (2) acres, one farm animal per acre, is allowed. Any building in which five (5) or less farm animals, including fowl, are kept shall be located not less than seventy-five (75) feet from any lot line. Any building in which more than five (5) farm animals are kept shall be located not less than two (200) feet from any other lot in any R-District, recorded residential subdivision or lot containing a dwelling other than a farm dwelling.
- 12.0407 SWIMMING POOLS. In-ground swimming pools may be located in a rear yard no closer than ten (10) feet from any lot line, and shall be fenced as specified in Article 24.
- 12.05 PROHIBITED USES.
- 12.0501 Kennels and Riding Stables.
- 12.06 Deleted 3-11-00.
- 12.07 REQUIRED CONDITIONS.
- 12.071 HEIGHT REQUIREMENTS. No principal structure shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 24.03.

12.072 AREA, FRONTAGE AND YARD REQUIREMENTS.

12.073 The gross density of a single-family, two-family or mixed 1 and 2 family development shall be 7.7 dwelling units per acre (max.). Lot sizes are permitted to vary but a minimum lot size will be established by the recorded subdivision plat or plat of survey. Whichever is appropriate per the Butler County Subdivision Regulations. Once established, this minimum lot size for the development may not be altered. The single-family or two-family designation for each lot shall also be established on the appropriate plat. All lots must front on a public road. Only one principal structure per lot. (1) All provisions in 12.08 are to be met.

12.074 The gross density of a three-family, four-family or mixed 1,2,3 & 4 family development shall be 13.5 dwelling units per acre (max.). Lot sizes are permitted to vary but a minimum lot size will be established by the recorded subdivision plat or plat of survey. Whichever is appropriate per the Butler County Subdivision Regulations. Once established, this minimum lot size for the development may not be altered. The 1, 2, 3 or 4-family designation for each lot shall also be established on the appropriate plat. All lots must front on a public road. Only one principal structure per lot. (1) All provisions in 12.08 are to be met.

12.075 The gross density of a multi-family development or a mixed-residential development which includes multi-family structures shall be 17.4 dwelling units per acre (max.). Lot sizes are permitted to vary but a minimum lot size will be established by the recorded plat or plat of survey. Whichever is appropriate per the Butler County Subdivision Regulations. Once established, this minimum lot size for the development may not be altered. The 1, 2, 3, 4 and multi-family designation for each lot shall be established on the appropriate plat. All lots must front on a public road. (1) All provisions in 12.08 are to be met.

12.076 For lots of record, subdivisions recorded prior to the April 21, 2006 revision and all lots created after the April 21, 2006 revision which are not a part of a recorded subdivision, the following area requirements apply:

<u>Lot Areas</u>	<u>Lot Frontage Per Principal Building</u>	<u>Front Yard Depth</u>	<u>Side Yard One Side Yd.</u>	<u>Widths Both Side Yds.</u>	<u>Rear Yard Depth</u>	<u>Coverage</u>
Single-family dwellings -- 6,500 sq. ft. (1).	55'	25'	8'	18'	40'	30%

Two-family dwellings -- 7,500 sq. ft. (1).	60'	25'	10'	20'	40'	35%
Three-family dwellings -- 9,000 sq. ft. (1).	70'	25'	10'	22'	40'	40%
Four-family dwellings -- 10,000 sq. ft. (1).	75'	25'	12'	26'	45'	40%
Multi-family dwellings (over 4 families) -- 2,500 sq. 100' ft. per dwelling unit (1).	25'	14'	28'	50'	40%	
Other permitted and conditional uses as specified in Section 26.5 (1).	100'	30'	20'	40'	50'	40%

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(1) The Health Officer of Butler County, Ohio, may require specific Lot Areas to be enlarged to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.

## 12.08 OPEN SPACE REQUIREMENTS

- 12.081 The minimum area of open space shall be 35% when part of an approved subdivision which is recorded after the April 21, 2006 revision of this resolution. The open space shall be contained on a lot(s) which is separate from any building site.
- 12.082 The open space shall be designed and configured to conserve natural features and historic and cultural elements located on the site. These include but are not limited to woods, hedgerows, natural vegetation, meadows, steep slopes, streams, wetlands, archeological features, historic structures...
- 12.083 The open space shall not consist of isolated or fragmented pieces of land which would serve no useful purpose. Open space shall be interconnected with existing open space or potential open space on adjacent parcels.
- 12.084 Included in this common open space may be such uses as pedestrian walkways, parkland, open area, retention and detention areas, and other lands of essentially open character, exclusive of off street parking areas, (unless directly related to a designated recreation area) and, street right-of-ways. Open space may also include landscaped medians that are at least 15 feet wide and 25 feet long as well as round-a-bouts that are 20 feet in diameter or greater, as well as landscaped island in parking areas that are at least 15 feet wide and 50 feet long. Other similar and smaller features are permitted, but they cannot be counted toward the open space requirement.

- 12.085 Maintenance of this common open space shall be the responsibility of homeowners' association, conservation trust, park board, the commercial management entity of the development or any other entity willing to maintain the property.
- 12.086 Documents are to be recorded establishing the maintenance and liability for all open space lots and facilities therein. Approval by the Butler County Planning Commission is necessary prior to recording.





## ARTICLE 13

### PLANNED UNIT DEVELOPMENT DISTRICTS

13.01 STATEMENT OF INTENT. The following Planned Unit Development regulations are intended to provide an optional development alternative to property owners and developers who are developing larger tracts under single or common ownership in a unified way. These regulations are designed to provide the flexibility to use sites efficiently and to create innovative projects with many amenities.

13A. R-PUD PLANNED UNIT DEVELOPMENT DISTRICT.

13A.01 PURPOSE. The Residential-Planned Unit Development District (R-PUD) is intended to provide a permissive and alternate zoning procedure for residential development and housing. The Planned Unit Development District shall be used only when a relatively large landholding under unified ownership is planned and developed as a unit in accordance with an approved overall Preliminary PUD Plan and subsequently detailed Final PUD Plan for each section of the total landholding. The planning and development of the Planned Unit Development shall be carried out in such a manner as to have minimum adverse effects on the natural features and environment of the planned unit tract and its surrounding areas. Planned Unit Development typically features varied setback lines, dwelling types and "cluster" type site planning whereby provisions for maximum overall "gross" density are established to permit creation of usable common space without jeopardizing the overall intent of the Zoning Resolution or the public health, safety and welfare.

13A.02 PRINCIPAL PERMITTED USES.

13A.0201 One-Family detached dwellings, including approved modular housing.

13A.0202 Two-family detached dwellings.

13A.0203 Multiple-family dwellings, garden apartments, row dwellings, town houses.

13A.0204 Churches and other similar places of worship.

13A.0205 Deleted 7-29-93.

13A.0206 Neighborhood and community parkland, private parks and common open space, provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R-District, or a recorded subdivision.

13A.0207 Schools.

13A.0208 Public Buildings.

13A.0209 Country Clubs.

13A.0210 Golf Courses.

13A.0211 Hospitals.

13A.0212 Child Care, Nursery Schools.

13A.0213 Cemeteries.

13A.0214 Public Utilities.

13A.03 DESIGN STANDARDS. Unless otherwise specified below, the design standards for area, coverage, density, yard requirements, parking and screening for a proposed Planned Unit Development in the R-PUD District shall be governed by the standards of the “R” zoning district(s) most similar in nature and function to the proposed R-PUD District use(s) as determined by the Planning Commission. Exceptions to these standards may be granted by the Board of County Commissioners. Standards for public improvements shall be governed by applicable ordinances and laws of the County.

13A.031 MINIMUM LOT AREA, MINIMUM LOT AND MAXIMUM DENSITY.

13A.0311 The tract of land to be developed on a planned unit basis shall be a minimum of three (3) acres.

13A.0312 Where the R-PUD Planned Unit Development includes one-family dwelling units only, the maximum gross density shall not exceed four and one-half (4-1/2) dwelling units per acre.

13A.0313 Where the R-PUD Planned Unit Development includes both one-family and two-family dwelling units, the maximum gross density shall not exceed eight and one-half (8-1/2) dwelling units per acre.

13A.0314 Where the R-PUD Planned Unit Development contains a combination of single-family, two-family and multiple-family dwelling units, the maximum gross density shall not exceed twelve (12) dwelling units per acre.

13A.0315 Where the R-PUD Planned Unit Development contains multiple-family dwelling units only, such project shall not exceed fifteen (15) acres and the maximum gross density shall not exceed thirteen (13) dwelling units per acre. Total open space for such projects shall be increased by ten percent (10%) over the open space requirements in Section 13A.033. Any project consisting of a building or buildings more than two and one-half (2-1/2) stories may be allowed. However, open space requirements and building height shall be determined by the Board of County Commissioners for such projects prior to preparing the Preliminary PUD Plan or Final PUD Plan.

13A.032 YARDS. Subsequent to receiving approval of the R-PUD Preliminary PUD Plan from the Board of County Commissioners, the owner/developer(s) shall establish the front, side and rear yard setbacks in the detailed Final PUD Plan(s) for the Planned Unit Development. Such setbacks may vary from the regulations of Butler County relating to the platting of land pursuant to the Ohio Revised Code, Section 711.001 through 735.26 inclusive, subject to the review by the Planning Commission and approval by the Board of County Commissioners.

13A.033 COMMON OPEN SPACE. There shall be reserved, within the tract to be developed on a planned unit basis, a minimum percentage of land area of the entire tract for use as common open space. This minimum percentage of land area shall be 35%. This common open space shall not consist of isolated or fragmented pieces of land which would serve no useful purpose. Included in this common open space may be such uses as pedestrian walkways, parkland, open areas, golf courses, bridle paths, drainageways, swimming pools, clubhouses, tennis courts,

and other lands of essentially open character, exclusive of off-street parking areas and street rights-of-way. Ownership of this common open space either shall be transferred to a legally established Homeowners Association or be dedicated to Butler County and proper legal documents necessary for such transfer or dedication shall be approved by the Board of County Commissioners. Common open space that includes clubhouses, golf courses or other recreational facilities may remain in private ownership. However, size of such areas shall be determined by the Planning Commission.

13B B-PUD PLANNED UNIT DEVELOPMENT DISTRICT.

13B.01 PURPOSE. Business-Planned Unit Development District (B-PUD) is intended to provide a permissive and alternative zoning procedure for commercial and/or industrial development in the County. The B-PUD shall be used as an option in areas of the County with access to a primary or secondary thoroughfare. These projects are allowed to take advantage of shared parking, cluster building sites, reduced curb-cuts and unified signage. The B-PUD shall be developed in accordance with an approved overall preliminary PUD Plan and subsequently detailed final PUD Plan for each section of the total landholding. The planning and development of the Planned Unit Development shall be carried out in such a manner as to have minimum adverse effects on the natural features and environment of the planned unit tract and its surrounding areas. Planned Unit Development typically features varied setback lines and "cluster" type site planning whereby provisions for maximum overall lot coverages are established to permit creation of usable common space without jeopardizing the overall intent of the Zoning Resolution or the public health, safety and welfare.

13B.02 PRINCIPAL PERMITTED USES.

Any retail and/or service uses including but not limited to, grocery or other food stores, drug stores, barber shops, beauty salons, bakery goods, dry cleaning and laundry pick-up stations, business and professional offices and the like, supplying commodities or performing services.

13B.0201 Restaurants, including drive-in restaurants, bars, cocktail lounges, night clubs, theaters, bowling alleys, billiard parlors and other similar establishments.

13B.0202 Financial institutions, including drive-in institutions. Manufacturing and research facilities that are permitted in the M-I District.

13B.0203 Nursery Schools and Child Care Facilities.

13B.0204 Office Uses.

13B.0205 Office for Medical and Allied Health Care.

13B.0206 Commercial Entertainment.

13B.0207 Theaters.

13B.0208 Hotels/Motels.

13B.0209 Animal Hospitals, Veterinary Clinics, Kennels.

13B.0210 Building Materials and Retail Lumber Yards.

13B.0211 Commercial Recreation.

- 13B.0212 Outdoor Advertising/Billboards.
- 13B.0213 Laboratories.
- 13B.0214 Hospitals.
- 13B.0215 Dwellings when located on upper level(s) of commercial structure.

13B.03 DESIGN STANDARDS.

Unless otherwise specified below, the design standards for area, coverage, yard requirements, parking and screening for a proposed Planned Unit Development in the B-PUD District shall be governed by the standards of the "B" zoning district(s) most similar in nature and function to the proposed B-PUD District use(s) as determined by the Planning Commission. Exceptions to these standards may be granted by the Board of County Commissioners. Standards for public improvements shall be governed by applicable ordinances and laws of the County.

- 13B.031 MINIMUM LOT AREA. The tract of land to be developed on a planned unit basis shall be a minimum of three (3) acres.
- 13B.032 YARD REQUIREMENTS. The perimeter of the lot shall maintain a minimum of fifty (50) feet for side and rear yard setback requirements. A minimum of twenty (20) feet is required between unattached buildings, and a minimum of fifty (50) feet is required between residential zoning districts and all commercial buildings. No structure shall be allowed closer than twenty (20) feet from a public right-of-way.
- 13B.033 LOT COVERAGE. The total lot coverage of a Business-Planned Unit Development shall be no more than eighty (80) percent for projects under 10 acres and sixty-five (65) percent for all other projects; percent shall be calculated for the total development area.
- 13B.034 COMMON OPEN SPACE. There shall be reserved, within the tract to be developed on a planned unit basis, a minimum percentage of land area of the entire tract for use as common open space. This minimum percentage of land area shall be 25% for all tracts. This common open space shall not consist of isolated or fragmented pieces of land which would serve no useful purpose. Included in this common open space may be such uses as pedestrian walkways, parkland, open areas, drainage ways, and other lands of essentially open character, exclusive of off-street parking areas and street rights-of-way. Maintenance of this common open space shall be the responsibility of the commercial management entity of the development.
- 13B.035 PARKING AND LOADING REQUIREMENTS. Parking and loading requirements shall be calculated as per Section 23.01 and 23.011 of these regulations for each intended use in the development. The total number of required spaces may be reduced by up to 10% if the Board of County Commissioners determines that all uses can adequately be served by shared parking spaces. Loading requirements may be varied as deemed appropriate by the County Commissioners if provisions are adequately addressed through a shared facility; however, no uses shall address their loading needs from the front of the structure.
- 13B.036 HEIGHT REQUIREMENTS. No structure shall exceed three (3) stories or forty (40) feet in height except as provided in Section 24.03. Any project consisting of a building or buildings more than two and one-half (2½) stories may be allowed. However, open space requirements

and building height shall be determined by the Board of County Commissioners for such projects prior to preparing the Preliminary PUD Plan or Final PUD Plan.

- 13B.037 SCREENING. A landscaped and/or mechanical screen shall be provided at the rear and side lot lines of the project as approved by the Board of County Commissioners.

13.02 REQUIRED CONTENTS OF THE PRELIMINARY R-PUD AND B-PUD PLAN.

The owner/developer(s) are encouraged to engage in informal consultation with the Zoning Inspector and Planning Commission prior to preparing the Preliminary PUD Plan, it being understood that no statement or representation by the Zoning Inspector or Planning Commission shall be binding upon the Board of County Commissioners. The owner/developer(s) of the tract of land to be developed on a planned unit basis shall prepare a Preliminary PUD Plan and shall submit nine (9) copies of this Preliminary PUD Plan, along with an Application for a Change of Zoning District, to the Rural Zoning Commissioners for their consideration. The Preliminary PUD Plan shall include the following items:

- 13.0201 Base mapping of the property showing the physical features (general topography, drainage ways and water bodies, etc.) and existing land uses.
- 13.0202 Boundaries of the tract to be developed on a planned unit basis.
- 13.0203 Highways and streets in the vicinity of the tract, and the ingress and egress to the tract.
- 13.0204 Location of different general land use areas proposed to be developed.
- 13.0205 Proposed density levels of each residential area and/or locations and sizes of commercial uses.
- 13.0206 Proposed treatment of existing topography, drainageways and tree cover, and soil surveys that may be required to be taken at the site.
- 13.0207 Proposed general location of major vehicular circulation, showing how this circulation pattern relates to the primary and secondary road alignments designated on the Butler County Thoroughfare Plan.
- 13.0208 Location of schools, parks and other community facility sites, if any. The Planning Commission may, if it determines that the magnitude of the project will exceed the capacity of existing public facilities, require school and/or fire station sites be reserved.
- 13.0209 Time schedule of projected development, if the total landholding is to be developed in stages, or if construction is to extend beyond a two (2) year time period.

13.03 PROCEDURE.

- 13.031 The owner/developer(s) shall submit his application for PUD zoning and the Preliminary PUD Plan for the proposed development to the County Rural Zoning Commission for its review and recommendation. The County Rural Zoning Commission shall advertise and hold a public hearing in accordance with the procedures outlined in the Ohio Revised Code, Section 303.12. Following the public hearing, the County Rural Zoning Commission shall forward the application, Preliminary Plan, their written recommendations, and the report of the County Planning Commission to the Butler County Board of County Commissioners, who shall advertise and hold a public hearing and approve, modify or disapprove the application and

Preliminary PUD Plan in accordance with the procedures outlined in the Ohio Revised Code, Section 303.12 and those specified in Sections 13.04 and 13.05 of this Resolution.

13.032 The Planning Commission may explicitly impose special conditions relating to the Planned Unit Development with regard to the type and extent of public improvements to be installed, as well as to landscaping, development, improvement and maintenance of common open space, and other pertinent development characteristics.

13.04 CONDITIONS FOR APPROVAL OF THE PRELIMINARY PUD PLAN.

13.041 Upon receipt of the report of the County Rural Zoning Commission, the Board of County Commissioners shall study and review the proposed PUD application and Preliminary PUD Plan to (1) see that all requirements have been satisfied, and (2) ascertain that the following specific conditions are fully met:

13.042 That the PUD District is in conformance with the Land Use Plan for Butler County.

13.043 That the total density and/or lot coverage proposed for the development does not exceed the maximum density or lot coverage allowed for the Planned Unit Development as a whole.

13.044 That the use(s) proposed will not be detrimental to present and potential surrounding uses but will have a beneficial effect which could not be achieved under other zoning districts.

13.045 That the areas proposed shall be used only for those uses permitted under these provisions and the usual accessory uses.

13.046 That the internal streets and primary and secondary roads that are proposed shall properly interconnect with the surrounding existing primary and secondary road network as designated on the Butler County Thoroughfare Plan.

13.047 That the minimum common open space area(s) has been designated and shall be duly transferred to a legally established Homeowner's Association, commercial management group or they have been dedicated to Butler County as herein provided.

13.048 That the Preliminary PUD Plan is consistent with the intent and purpose of this Resolution: to promote public health, safety and general welfare of the residents of Butler County, Ohio.

13.05 BOARD OF COUNTY COMMISSIONERS' ACTION.

13.051 If, from the facts presented, the Board of County Commissioners are unable to make the necessary findings, the application shall be denied. Approval of the Preliminary PUD Plan shall be limited to the general acceptability of the land uses proposed, proposed general density levels and their inter-relationship, and shall not be construed to endorse precise location of uses, configuration of parcels or engineering feasibility which are to be determined in the subsequent preparation of the detailed Site Development Plan(s). Approval of the Preliminary PUD Plan shall constitute the creation of a separate R-PUD or B-PUD Planned Unit Development Zoning District. In taking action, the County Commission may deny the Preliminary PUD Plan or may recommend approval of said plan subject to specified modifications.

13.052 At the time of adopting any resolution establishing an R-PUD or a B-PUD District, the Board of County Commissioners shall make appropriate arrangements with the applicant which will

ensure the accomplishment of the public improvements and reservation of common open space as shown on the approved Preliminary PUD Plan.

- 13.053. TIME LIMITS AND EXTENSIONS. The Preliminary PUD Plan shall become null and void unless within three (3) years the Final PUD Plan for the first section of the planned unit landholding has been formally approved by the Planning Commission in accordance with the conditions for approval specified in Sections 13.06 and 13.08 and unless the final Subdivision Plan, where applicable, shall have been recorded in the Office of the Butler County Recorder.
- 13.054 An extension of time limit or the minor modification of the Preliminary PUD Plan may be approved by the Board of County Commissioners. Such approval shall be given upon a finding of the purpose and necessity for such extension or minor modification and evidence of reasonable effort toward the accomplishment of the Preliminary PUD Plan. as well as the recommendation of the Planning Commission.
- 13.06 FINAL PUD PLAN APPROVAL PROCEDURE.
- 13.061 Once the R-PUD or B-PUD Zoning district and the Preliminary PUD Plan have been approved by the Board of County Commissioners, the owner/developer(s) shall proceed with the preparation of the detailed Final PUD Plan(s). The detailed Final PUD Plan(s) must be reviewed and approved by the Planning Director prior to the issuance of any zoning certificates by the Zoning Inspector.
- 13.0602 The detailed Final PUD Plan(s) shall be in accordance with the approved Preliminary PUD Plan; shall be prepared for the owner/developer(s) by a professionally competent urban planner, professional engineer, architect or landscape architect; and shall include the following:
- 13.0603 Survey of the tract to be developed showing existing physical features (general topography, drainage ways and tree cover) and streets, easements and utility lines.
- 13.0604 Site plan showing lot lines, building outlines, off-street parking spaces, pedestrian walkways, vehicular circulation.
- 13.0605 Preliminary building plans, including floor plans and exterior elevations.
- 13.0606 Landscaping plans including quantity, size and variety of landscaping.
- 13.0607 Specific engineering plans, including site grading, street improvements, drainage, soil testing if required, and utility improvements, and extensions as necessary.
- 13.0608 All necessary legal documentation relating to the incorporation of a Homeowner's Association in the case of an R-PUD or other similar association in the case of a B-PUD, for the purpose of maintaining the specified common open space or common tenant space within the Planned Unit Development.
- 13.0609 Copies of any restrictive covenants that are to be recorded.
- 13.07 MAJOR CHANGES. Should the formulation of the detailed Final PUD Plan(s) for any section of the total Planned Unit Development landholding necessitate a major change in the original Preliminary PUD Plan, reconsideration and approval by the Board of County Commissioners shall be required in accordance with the procedures specified in Sections 13.03 through 13.08 inclusive. Major changes shall include but not be limited to:



- 13.071 An increase in density.
- 13.072 Changes in the outside boundaries of the Planned Unit Development Landholding.
- 13.073 Major changes in the location or amount of land designated for specific land uses including open space.
- 13.074 Major changes in the internal street and thoroughfare locations or alignments.
- 13.08 CONDITIONS FOR APPROVAL OF THE DETAILED FINAL PUD PLAN(S).
- 13.081 Upon receipt of the detailed Final PUD Plan(s) for each section of the Planned Unit Development landholding, the Planning Commission shall study and review the detailed Final PUD Plan(s) and shall approve, modify or disapprove the plan(s) on the basis (1) that all requirements have been satisfied, and (2) finding that the following specific conditions are fully met:
- 13.082 That the proposed detailed Final PUD Plan(s) for the individual section(s) of the overall R-PUD or B-PUD District are in conformance with the approved Preliminary PUD Plan, and the Land Use Plan Map and text of Butler County.
- 13.083 That each individual unit of the development can exist as an independent unit which is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained.
- 13.084 That any part of the Planned Unit Development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved; or if approved by the Planning Commission, left in its natural state.
- 13.085 That any exception from the standard resolution requirements is warranted by the design and amenities incorporated in the detailed Final PUD Plan(s), in accordance with the adopted policy of the Planning Commission and the Board of County Commissioners.
- 13.086 That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development.
- 13.087 That the detailed Final PUD Plan(s) is consistent with the intent and purpose of this Resolution to promote public health, safety and general welfare of the residents of Butler County, Ohio.





## ARTICLE 13C

### PLANNED CONSERVATION DEVELOPMENT DISTRICTS

- 13C.01 STATEMENT OF INTENT. The following Planned Conservation Development regulations are intended to provide an optional development alternative to property owners and developers who are developing larger tracts under single or common ownership in a unified way with the intent of conserving large portions of the natural environment. These regulations are designed to provide the flexibility to use sites efficiently and to create innovative projects.
- 13C.02 PURPOSE. The Residential-Planned Conservation Development District (R-PCD) is intended to provide a permissive and alternate zoning procedure for residential development and housing. The Planned Conservation Development District shall be used only when a relatively large landholding under unified ownership is planned and developed as a unit in accordance with an approved overall Preliminary PCD Plan and subsequently detailed Final PCD Plan for each section of the total landholding. The planning and development of the Planned Conservation Development shall be carried out in such a manner as to have minimum adverse effects on the natural features and environment of the planned conservation tract and its surrounding areas. Planned Conservation Development typically features varied setback lines, dwelling types and "cluster" type site planning whereby provisions for maximum overall "gross" density are established to permit preservation of conservation areas without jeopardizing the overall intent of the Zoning Resolution or the public health, safety and welfare.
- 13C.03 PRINCIPAL PERMITTED USES.
- 13C.0301 One-Family detached dwellings.
- 13C.0302 Two-family detached dwellings.
- 13C.0303 Multiple-family dwellings, garden apartments, row dwellings, town houses.
- 13C.0304 Churches and other similar places of worship.
- 13C.0305 Deleted 7-29-93.
- 13C.0306 Neighborhood and community parkland, private parks and common open space, provided that any principal building or swimming pool shall be located not less than one hundred (200) feet from any other lot in any R-District, or a recorded subdivision.
- 13C.0307 Schools.
- 13C.0308 Public Buildings.
- 13C.0309 Country Clubs.
- 13C.0310 Golf Courses.
- 13C.0311 Hospitals.
- 13C.0312 Child Care, Nursery Schools.

13C.0313 Cemeteries.

13C.0314 Public Utilities.

13C.04 DESIGN STANDARDS. Unless otherwise specified below, the design standards for area, coverage, density, yard requirements, parking and screening for a proposed Planned Conservation Development in the R-PCD District shall be governed by the standards of the “R” zoning district(s) most similar in nature and function to the proposed R-PCD District use(s) as determined by the Planning Commission. Exceptions to these standards may be granted by the Board of County Commissioners. Standards for public improvements shall be governed by applicable ordinances and laws of the County.

13C.041 MINIMUM LOT AREA, MINIMUM LOT AND MAXIMUM DENSITY.

13C.0411 The tract of land to be developed on a planned conservation basis shall be a minimum of forty (40) acres.

13C.0412 Where the R-PCD Planned Conservation Development includes one-family dwelling s only, the maximum gross density shall not exceed 4.8 dwelling units per acre.

13C.0413 Where the R-PCD Planned Conservation Development includes both one-family and two-family dwelling s, the maximum gross density shall not exceed 9.1 dwelling units per acre.

13C.0414 Where the R-PCD Planned Conservation Development contains a combination of single-family, two-family and multiple-family dwelling s, the maximum gross density shall not exceed 15.9 dwelling units per acre.

13C.0415 Where the R-PCD Planned Conservation Development contains multiple-family dwelling units only, the maximum gross density shall not exceed 17.4 dwelling units per acre. Any project consisting of a building or buildings more than two and one-half (2-1/2) stories may be allowed. However, open space requirements and building height shall be determined by the Board of County Commissioners for such projects at the time of rezoning.

13C.042 YARDS. Subsequent to receiving rezoning approval to R-PCD from the Board of County Commissioners, the owner/developer(s) shall establish a maximum density, minimum lot sizes, and the front, side and rear yard setbacks in the detailed Final PCD Plan(s) for the Planned Conservation Development. Such setbacks may vary from the regulations of Butler County relating to the platting of land pursuant to the Ohio Revised Code, Section 711.001 through 735.26 inclusive, subject to the review by the Planning Commission and approval by the Board of County Commissioners. However, once established these shall become the requirements for that particular development.

13C.043 COMMON CONSERVATION AREAS. There shall be reserved, within the tract to be developed a 50% minimum percentage of land area of the entire tract for use as common conservation area. This common conservation area shall not consist of isolated or fragmented pieces of land which serve no useful purpose. It shall consist of natural features as well as items of historic or cultural significance. This might include but is not limited to areas of woods, hedgerows, natural vegetation, meadows, hillsides, streams, wetlands, lakes, ponds, archeological features, historic structures, etc.... Included in this common conservation area may be such uses as pedestrian walkways, bike paths, parkland, open areas, bridle paths, drainage ways, stormwater management facilities and other lands of essentially open character,

exclusive of off-street parking areas (unless directly related to a designated recreation area), and street right-of-ways. Landscaped islands located in parking lots are not considered common conservation areas. These common conservation areas shall be interconnected throughout the development as well as with existing or potential conservation areas on adjacent parcels. Where reasonably possible, after taking into account such items as existing topography, creeks and vegetation and as approved by Planning Commission, the lots shall be arranged at an appropriate distance with mounding and vegetative screening to minimize the view of the structures from the existing road. The only exception to this will be existing historic structure that are to remain. Said screening must be in place prior to the issuance of a zoning certificate for the purpose of obtaining a building permit for the site. The ownership and maintenance of this common conservation area shall lie with either a legally established homeowners' association, conservation trust, park board, or the commercial management entity of the development, or any other entity willing to maintain the property.

13C.05 REQUIRED CONTENTS OF THE PRELIMINARY R-PCD.

The owner/developer(s) are encouraged to engage in informal consultation with the Planning Commission prior to preparing the Preliminary PCD Plan, it being understood that no statement or representation by the Planning Commission shall be binding upon the Board of County Commissioners. The owner/developer(s) of the tract of land to be developed as a planned conservation development shall prepare a Preliminary PCD Plan and shall submit said Preliminary PCD Plan, along with an Application for a Change of Zoning District, to the Rural Zoning Commissioners for their consideration. The Preliminary PCD Plan shall include the following items:

- 13C.0501 Base mapping of the property showing the physical features (general topography, drainage ways and water bodies, etc.) and existing land uses.
- 13C.0502 Boundaries of the tract to be developed on a planned basis.
- 13C.0503 Highways and streets in the vicinity of the tract, and the ingress and egress to the tract.
- 13C.0504 Location of different general land use areas proposed to be developed.
- 13C.0505 Proposed density levels of each residential area and/or locations and sizes of commercial uses.
- 13C.0506 Proposed treatment of existing topography, drainageways and tree cover, and soil surveys that may be required to be taken at the site.
- 13C.0507 Proposed general location of major vehicular circulation, showing how this circulation pattern relates to the primary and secondary road alignments designated on the Butler County Thoroughfare Plan.
- 13C.0508 Location of schools, parks and other community facility sites, if any. The Planning Commission may, if it determines that the magnitude of the project will exceed the capacity of existing public facilities, require school and/or fire station sites be reserved.
- 13C.0509 Time schedule of projected development, if the total landholding is to be developed in stages, or if construction is to extend beyond a two (2) year time period.

13C.06 PROCEDURE.

- 13C.061 The owner/developer(s) shall submit his application for R-PCD zoning and the Preliminary PCD Plan for the proposed development to the County Rural Zoning Commission for its review and recommendation. The County Rural Zoning Commission shall advertise and hold a public hearing in accordance with the procedures outlined in the Ohio Revised Code, Section 303.12. Following the public hearing, the County Rural Zoning Commission shall forward the application, Preliminary Plan, their written recommendations, and the report of the County Planning Commission to the Butler County Board of County Commissioners, who shall advertise and hold a public hearing and approve, modify or disapprove the application and Preliminary PCD Plan in accordance with the procedures outlined in the Ohio Revised Code, Section 303.12 and those specified in Sections 13.04 and 13.05 of this Resolution.
- 13C.062 The Planning Commission may explicitly impose special conditions relating to the Planned Conservation Development with regard to the type and extent of public improvements to be installed, as well as to landscaping, development, improvement and maintenance of common open space, and other pertinent development characteristics.
- 13C.07 CONDITIONS FOR APPROVAL OF THE PRELIMINARY PCD PLAN.
- 13C.071 Upon receipt of the report of the County Rural Zoning Commission, the Board of County Commissioners shall study and review the proposed R-PCD application and Preliminary PCD Plan to (1) see that all requirements have been satisfied, and (2) ascertain that the following specific conditions are fully met:
- 13C.072 That the R-PCD District is in conformance with the Land Use Plan for Butler County.
- 13C.073 That the total density and/or lot coverage proposed for the development does not exceed the maximum density or lot coverage allowed for the Planned Conservation Development as a whole.
- 13C.074 That the use(s) proposed will not be detrimental to present and potential surrounding uses but will have a beneficial effect which could not be achieved under other zoning districts.
- 13C.075 That the areas proposed shall be used only for those uses permitted under these provisions and the usual accessory uses.
- 13C.076 That the internal streets and primary and secondary roads that are proposed shall properly interconnect with the surrounding existing primary and secondary road network as designated on the Butler County Thoroughfare Plan.
- 13C.077 That the minimum common open space area(s) has been designated and shall be duly transferred to a legally established Homeowner's Association, park board, conservation trust or commercial management group.
- 13C.078 That the Preliminary PCD Plan is consistent with the intent and purpose of this Resolution: to promote public health, safety and general welfare of the residents of Butler County, Ohio.
- 13C.08 BOARD OF COUNTY COMMISSIONERS' ACTION.
- 13C.081 If, from the facts presented, the Board of County Commissioners are unable to make the necessary findings, the rezoning application shall be denied. Approval of the rezoning and Preliminary PCD Plan shall be limited to the general acceptability of the land uses proposed, proposed general density levels and their inter-relationship, and shall not be construed to endorse precise location of uses, configuration of parcels or engineering feasibility which are

to be determined in the subsequent preparation of the detailed Final PCD Plan(s). Approval of the Preliminary PCD Plan shall constitute the creation of a separate R-PCD Planned Conservation Development Zoning District. In taking action, the County Commission may deny the Preliminary PCD Plan or may recommend approval of said plan subject to specified modifications.

- 13C.082 At the time of adopting any resolution establishing an R-PCD District, the Board of County Commissioners shall make appropriate arrangements with the applicant which will ensure the accomplishment of the public improvements and reservation of common conservation areas as shown on the approved Preliminary PCD Plan.
- 13C.083. TIME LIMITS AND EXTENSIONS. The Preliminary PCD Plan shall become null and void unless within three (3) years the Final PCD Plan for the first section of the plan has been formally approved by the Planning Commission in accordance with the conditions for approval specified in Sections 13.06 and 13.08 and unless the final Subdivision Plan, where applicable, shall have been recorded in the Office of the Butler County Recorder.
- 13C.084 An extension of time limit or the minor modification of the Preliminary PCD Plan may be approved by the Board of County Commissioners. Such approval shall be given upon a finding of the purpose and necessity for such extension or minor modification and evidence of reasonable effort toward the accomplishment of the Preliminary PCD Plan. as well as the recommendation of the Planning Commission.
- 13C.09 FINAL PCD PLAN APPROVAL PROCEDURE.
- 13C.091 Once the R-PCD Zoning district and the Preliminary PCD Plan have been approved by the Board of County Commissioners, the owner/developer(s) shall proceed with the preparation of the detailed Final PCD Plan(s). The detailed Final PUD Plan(s) must be reviewed and approved by the Planning Commission prior to the issuance of any zoning certificates by the Zoning Inspector.
- 13C.0902 The detailed Final PCD Plan(s) shall be in accordance with the approved Preliminary PCD Plan; shall be prepared for the owner/developer(s) by a professionally competent urban planner, professional engineer, architect or landscape architect; and shall include the following:
- 13C.0903 Survey of the tract to be developed showing existing physical features (general topography, drainage ways and tree cover) and streets, easements and utility lines.
- 13C.0904 Site plan showing lot lines, building outlines, off-street parking spaces, pedestrian walkways, vehicular circulation.
- 13C.0905 Preliminary building plans, including floor plans and exterior elevations.
- 13C.0906 Landscaping plans including quantity, size and variety of landscaping.
- 13C.0907 Specific engineering plans, including site grading, street improvements, drainage, soil testing if required, and utility improvements, and extensions as necessary.
- 13C.0908 All necessary legal documentation relating to the incorporation of a Homeowner's Association or other similar association, for the purpose of maintaining the specified common open space or common tenant space within the Planned Development.



- 13C.0909 Copies of any restrictive covenants that are to be recorded.
- 13C.10 MAJOR CHANGES. Should the formulation of the detailed Final PCD Plan(s) for any section of the total Planned Conservation Development landholding necessitate a major change in the original Preliminary PCD Plan, reconsideration and approval by the Board of County Commissioners shall be required in accordance with the procedures specified in Sections 13C.06 through 13C.11 inclusive. Major changes shall include but not be limited to:
- 13C.101 An increase in density.
- 13C.102 Changes in the outside boundaries of the Planned Development Landholding.
- 13C.103 Major changes in the location or amount of land designated for specific land uses including conservation area.
- 13C.104 Major changes in the internal street and thoroughfare locations or alignments.
- 13C.011 CONDITIONS FOR APPROVAL OF THE DETAILED FINAL PCD PLAN(S).
- 13C.111 Upon receipt of the detailed Final PCD Plan(s) for each section of the Planned Conservation Development landholding, the Planning Commission shall study and review the detailed Final PCD Plan(s) and shall approve, modify or disapprove the plan(s) on the basis (1) that all requirements have been satisfied, and (2) finding that the following specific conditions are fully met:
- 13C.112 That the proposed detailed Final PCD Plan(s) for the individual section(s) of the overall R-PCD District are in conformance with the approved Preliminary PCD Plan, and the Land Use Plan Map and text of Butler County.
- 13C.113 That each individual of the development can exist as an independent which is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained.
- 13C.114 That any part of the Planned Conservation Development not used for structures, parking and loading areas, or streets, shall be left in its natural state; or if approved by the Planning Commission, landscaped or otherwise improved.
- 13C.115 That any exception from the standard resolution requirements is warranted by the design and amenities incorporated in the detailed Final PCD Plan(s), in accordance with the adopted policy of the Planning Commission and the Board of County Commissioners.
- 13C.116 That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development.
- 13C.117 That the detailed Final PCD Plan(s) is consistent with the intent and purpose of this Resolution to promote public health, safety and general welfare of the residents of Butler County, Ohio.



## ARTICLE 13D

### SPECIAL PURPOSE DEVELOPMENT DISTRICT (SPD)

13D.01 PURPOSE. The intent of the Special Purpose Development District (SPD) is to reserve certain land areas for those uses pertaining to the disposal and recycling of waste and debris.

13D.02 PRINCIPAL PERMITTED USES.

13D.0201 Solid Waste Landfills.

13D.0202 Construction and Demolition Debris Landfills.

13D.0203 Solid Waste Transfer Stations.

13D.0204 Recycling Facilities.

13D.0205 Other solid waste facilities as defined by Chapter 37 of the Ohio Revised Code.

13D.03 REQUIRED CONDITIONS.

13D.0301 All Facilities.

- Outside Permits, Plans and Regulations.

In addition to these conditions, the Board of Commissioners may impose such other conditions, requirements or limitations concerning the nature, extent of the use and operation of such facilities as the Board may deem necessary for the protection of adjacent properties and the public interest.

All applications for a Special Purpose Development District (SPD) must be accompanied by demonstrated approval from the appropriate county, state and federal agencies with jurisdiction. This approval should not be construed to indicate zoning approval.

If a stream is onsite and will be tampered with in any manner, a 404 permit must be obtained from the U.S. Army Corps of Engineers and/or a 401 permit must be obtained from EPA, the terms and conditions of any 404 or 401 permit shall also be considered to be part of the conditions for the SPD district. Thus, in the event of a violation of a state or federal permit, it shall also be a violation of these regulations and the Butler County Zoning Resolution. Failure to secure a needed state or federal permit is also a violation of the Butler County Zoning Resolution.

Facility locations shall not conflict with local zoning ordinances or land use plans adopted by the Board of Butler County Commissioners or any effected townships within Butler County but not governed by the Butler County Zoning regulations as those communities should have the right to establish zoning regulations as they deem appropriate.

All conditions listed under Article 26.52915 (2) are to be met.

b) General Siting Criteria.

- a) These uses shall be a minimum of one thousand (1000) feet from any lot in an R-District and any recorded residential subdivision, or any dwelling in an A-District.
- b) Recycling Facilities shall be on a lot not less than fifteen (15) acres in size. All other facilities must be on a lot not less than forty (40) acres.
- c) No operation shall be carried on or any stock pile place closer than three hundred (300) feet to any property line, unless a greater distance is specified by the Board of County Commissioners where such is deemed necessary for the protection of adjacent property.
- d) No landfill facility shall be located less than three (3) miles from a school, or licensed daycare, or within 1,500 feet of any hospital property.
- e) The height of any structure, mound or stockpile shall not exceed the height requirement of that of the least restrictive adjacent zoning district.
- f) Facilities shall not be located within one thousand (1,000) feet of any public park or recreation area.
- g) Facilities shall not be located in areas where they may pose a threat to an irreplaceable historic or archeological site listed pursuant to the National Historic Preservation Act, 16 USC 470 et seq. and implementing regulations, or to a natural landmark designated by the Nation Park Service.
- h) Facilities shall not be located within a critical habitat of an endangered or threatened species listed pursuant to the Endangered Species Act, 16 USC 1531 et seq., and implementing regulations, where the facility may cause destruction or adverse modification of the critical habitat, may jeopardize the continued existence of endangered or threatened species or contribute to the taking of such species.

C. Roads and Transportation.

- a) In the event that the site of the operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than three hundred (300) feet to the nearest line of such right-of-way. This distance may be extended if recommended by the County Engineer or the Ohio Department of Transportation.
- b) The applicant is to submit a traffic impact study and an analysis of the existing conditions of the surrounding road system to determine all needed road improvements and upgrades per the Butler County Engineer and the Ohio Department of Transportation. All road improvement needed for the operation of the facility will be the responsibility of the applicant.

- c) The State of Ohio and the Butler County Engineers Office shall establish weight limits for all roads leading to the facility.
- d) Points of access must be approved by the Butler County Engineer and/or the Ohio Department of Transportation.
- e) In order to keep the roadway free of debris, a tire and truck cleaning area must be provided.

D. Ground Water.

- a) No facility shall be located less than one thousand (1,000) feet from a water well for domestic or stock watering purposes.
- b) Facilities shall not be located above or within one thousand (1,000) feet of a sole source aquifer. In addition, the applicant must demonstrate through modeling that the facility does not connect in any way to said aquifer.
- c) Groundwater monitoring wells must be installed onsite. A minimum of one installed up gradient, and two down gradient.
- d) Monitoring for those Groundwater Monitoring Parameters listed in OAC 3745-400-10 of the Ohio EPA regulations shall be undertaken twice each year. Monitoring results shall be submitted to the Butler County Commissioners.
- e) Any above ground storage of regulated substances which are being used as part of the operation shall be secondarily contained. Any storage of drums of regulated substances shall be stored indoors and secondarily contained on an impervious surface.
- f) The applicant shall submit a spill control plan which demonstrates procedures for responding to spills on site.
- g) Facilities shall not be located on site of former or current sand and gravel, limestone or sandstone mining operations.

E. Surface Water.

- a) Facilities shall not be located within two hundred (200) feet of any lake, pond, river or perennial, intermittent or ephemeral stream.
- b) Facilities shall not be located within the boundaries of a FEMA defined 100 year floodplain or any area lying along blue line streams as shown on the USGS quadrants of which Butler County is contained and/or areas with flood prone soils which are contiguous to blue line streams as shown on the Butler County Flood Prone Soils Map.
- c) Facilities shall not be located in wetlands.
- d) The applicant shall submit a surface water runoff management plan.

- e) All surface water runoff which leaves the facility site is to be monitored for contamination. Including but not limited to ammonia, pH, turbidity, oil and grease.

F. Equipment.

- a) Any power-driven or power-producing machinery used in the operation of this facility shall be located a minimum of one thousand (1,000) feet from any lot in an R-District, any recorded residential subdivision, or any dwelling in an A-District.
- b) All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the County Engineer.

G. Buffering and Screening.

- a) A 25 foot wide vegetative buffer is to be provided along the entire perimeter of the operation. The exact location, height and type of vegetation shall be determined by the Board of County Commissioners.
- b) Fencing shall be erected and maintained where in the opinion of the Board of County Commissioners such fencing is necessary for the protection of the public safety, to prevent illegal dumping and/or for a visual and/or sound barrier; this fencing shall be of a type and height specified by the Board of County Commissioners.

H. Bonding and Financing.

- a) In accepting such plan for review, the Board must be satisfied that the proponents are financially able to carry out the proposed operation in accordance with the plans and specification submitted. Financial assurance requirement: Any owner/operator shall provide adequate assurance of financial responsibility as specified herein, prior to issuance of a zoning certificate. The operator must demonstrate tangible net worth of a least \$10 million, and a ratio of total liabilities to net worth of 2.5 times or less, and a ratio of current assets to current liabilities of 1.2 times or greater. The two ratio requirements must be met for the past year, and documented for the four (4) years preceding the past year. Explanations should be included for any year where the ratios fall below the stated limits.
- b) To guarantee the restoration, rehabilitation and reclamation of areas, every applicant granted a zoning certificate as herein provided shall furnish a reclamation bond running to Butler County, Ohio, in an amount of not less than fifty-thousand dollars (\$50,000) per acre of area to be restored as a guarantee that such applicant, in restoring, reclaiming and rehabilitating such land.

- c) In order to insure the clean up of any potential contamination, every applicant granted a permit shall furnish a contamination clean up bond running to Butler County, Ohio in an amount of not less than \$100,000 per acre of the facility.

13D.0302 Solid Waste and Construction and Demolition Debris Landfills.

- Sanitary waste material shall not be accepted at a construction demolition debris landfill.
- Prior to acceptance by a construction demolition debris landfill, the debris shall be readily identifiable as construction and demolition debris. It shall not have been shredded, pulverized, or otherwise rendered to the extent that it is unidentifiable.
- Vegetation shall be restored by appropriate seeds of grasses and planting of shrubs and trees in all parts of said area.
- All facilities are to have a composite liner system, including 5 feet of soil and a flexible membrane liner.
- All landfill facilities shall require a daily cover.
- Closure permits will be issued for a minimum five year term. The closure permit period will extend until the Board finds that the facility has been adequately stabilized and the environmental monitoring or control systems have demonstrated that the facility closure is protective of human health and the environment within the rules and regulations as established by the County of Butler and the laws of the state of Ohio.

13D.04 PROCEDURE.

13D.0401 The owner/operator(s) shall submit an application for SPD zoning and the Preliminary Development Plan for the proposed development to the County Rural Zoning Commission for its review and recommendation. The development plan is to show how all of the required conditions are being met. The County Rural Zoning Commission shall advertise and hold a public hearing in accordance with the procedures outlined in the Ohio Revised Code, Section 303.12. Following the public hearing, the County Rural Zoning Commission shall forward the application, Preliminary Plan, their written recommendations, and the report of the County Planning Commission to the Butler County Board of County Commissioners, who shall advertize and hold a public hearing and approve, modify or disapprove the application and Preliminary Development Plan in accordance with the procedures outlined in the Ohio Revised Code, Section 303.12 and those specified in this Resolution.

13D.0402 The Planning Commission may explicitly impose special conditions relating to the development.

13D.05 CONDITIONS FOR APPROVAL OF THE PRELIMINARY DEVELOPMENT.

13D.0501 Upon receipt of the report of the County Rural Zoning Commission, the Board of County Commissioners shall study and review the proposed application and Preliminary

Development Plan to (1) see that all requirements have been satisfied, and (2) ascertain that the following specific conditions are fully met:

- 13D.0502 That the Special Purpose District (SPD) is in conformance with the Land Use Plan for Butler County.
- 13D.0503 That the use(s) proposed will not be detrimental to present and potential surrounding uses.
- 13D.0504 That the areas proposed shall be used only for those uses permitted under these provisions and the usual accessory uses.
- 13D.0505 That the Preliminary Development Plan is consistent with the intent and purpose of this Resolution: to promote public health, safety and general welfare of the residents of Butler County, Ohio.
- 13D.06 BOARD OF COUNTY COMMISSIONERS' ACTION.
- 13D.0601 If, from the facts presented, the Board of County Commissioners are unable to make the necessary findings, the application shall be denied. Approval of the Preliminary Development Plan shall be limited to the general acceptability of the land uses proposed, the proposed general layout, and that the required conditions have been met. This shall not be construed to endorse precise location of uses, configuration of parcels or engineering feasibility. These are to be determined in the subsequent preparation of the detailed Final Development Plan(s). Approval of the Preliminary Development Plan shall constitute the creation of a separate SPD Zoning District. In taking action, the County Commissioners may deny the Preliminary Development Plan or may approve said plan subject to specified modifications.
- 13D.0602 At the time of adopting any resolution establishing SPD, the Board of County Commissioners shall make appropriate arrangements with the applicant which will ensure the accomplishment of the approved Preliminary Development Plan.
- 13D.07 TIME LIMITS AND EXTENSIONS. The Preliminary Development Plan shall become null and void unless within three (3) years the Final Plan for the first section of the facility has been formally approved by the Planning Commission in accordance with the conditions for approval specified.
- 13D.0701 An extension of time limit or the minor modification of the Preliminary Development Plan may be approved by the Board of County Commissioners. Such approval shall be given upon a finding of the purpose and necessity for such extension or minor modification and evidence of reasonable effort toward the accomplishment of the Preliminary Development Plan, as well as the recommendation of the Planning Commission.
- 13D.08 FINAL SPD PLAN APPROVAL PROCEDURE.
- 13D.0801 Once the SPD zoning district and the Preliminary Development Plan have been approved by the Board of County Commissioners, the owner/operator shall proceed with the preparation of the detailed Final Development Plan(s). The detailed Final Development Plan(s) must be reviewed and approved by the Planning Director prior to the issuance of any zoning certificates by the Zoning Inspector.



- 13D.0802 The detailed Final Development Plan(s) shall be in accordance with the approved Preliminary Development Plan, shall be prepared for the owner/operator by a professionally competent urban planner, professional engineer, architect or landscape architect.
- 13D.0803 In written and in graphic form the Development Plan must illustrate how all conditions of approval are being met.
- 13D.09 MAJOR CHANGES. Should the formulation of the detailed Final Development Plan(s) for any section of the total facility necessitate a major change in the original Preliminary Development Plan, reconsideration and approval by the Board of County Commissioners shall be required in accordance with the procedures specified in this Article. Major changes shall include but not be limited to:
- 13D.0901 Changes in the outside boundaries of the facility.
- 13D.0902 Major changes in the location or amount of land designated for specific land uses including buffer areas.
- 13D.10 CONDITIONS FOR APPROVAL OF THE DETAILED FINAL DEVELOPMENT PLAN(S).
- 13D.1001 Upon receipt of the detailed Final Development Plan(s) for each section of the facility landholding, the Planning Commission shall study and review the detailed Final Development Plan(s) and shall approve, modify or disapprove the Plan(s) on the basis (1) that all requirements have been satisfied, and (2) finding that the following specific conditions are fully met:
- 13D.1002 That the proposed detailed Final Development Plan(s) for the individual section(s) of the overall SPD District are in conformance with the approved Preliminary Development Plan, and the Land Use Plan Map and text of Butler County.
- 13D.1003 That each individual unit of the development can exist as an independent unit which is capable of creating an environment of sustained stability, or that adequate assurance will be provided that such objective can be obtained.
- 13D.1004 That any part of the Development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved; or if approved by the Planning Commission, left in its natural state.
- 13D.1005 That any exception from the standard resolution requirements is warranted by the design and amenities incorporated in the detailed Final Development Plan(s), in accordance with the adopted policy of the Planning Commission and the Board of County Commissioners.
- 13D.1006 That the detailed Final Development Plan(s) is consistent with the intent and purpose of this Resolution to promote public health, safety and general welfare of the residents of Butler County, Ohio.

## **ARTICLE 14**

### **R-MHP MANUFACTURED HOME PARK DISTRICT**

- 14.01      **PURPOSE.** The intent of the R-MHP Manufactured Home Park District is to specify the conditions under which Manufactured Home Parks may be permitted on tracts containing not less than seven (7) acres within an R-MHP Zoning District; or may be conditionally permitted on tracts containing not less than ten (10) acres, or five (5) acres in the use of Recreational Vehicles Parks within an A-1 Zoning District.
- 14.02      **GENERAL PROVISIONS.**
- 14.0201    Manufactured homes, recreational vehicles, boats and house vehicles shall not be used as living quarters, except that manufactured homes may be occupied within a manufactured home park.
- 14.0202    No one may apply for a Zoning Certificate and Building Permit for a Manufactured Home Park without first obtaining an approval of plans from the State of Ohio, Environmental Protection Agency.
- 14.0203    Any manufactured home not located within a manufactured home park is privileged to remain at its present location and shall be allowed to be replaced under conditions approved by the Board provided no conditional use permit has been previously granted by said Board.
- 14.0204    No existing manufactured home park may be expanded without making application for a Building Permit and meeting the requirements of this Article. Any manufactured home park existing prior to the enactment of this resolution shall be exempt from the requirements of this Article. Any addition to said park shall meet the requirements of this Article.

- 14.0205 The parking of any recreational vehicles, boats and house vehicles in an accessory private garage, building or in a rear yard in any district shall be permitted, providing no living quarters shall be maintained or any business conducted while vehicle is so parked.
- 14.03 PRINCIPAL PERMITTED USES.
- 14.0301 Manufactured homes on individual sites within a Manufactured Home Park.
- 14.0302 Private parks and common open space, provided that any principal building or swimming pool shall be located not less than two hundred (200) feet from any other lot in any it-District, or a recorded residential subdivision.
- 14.0303 Related accessory communal facilities such as management, maintenance and storage of grounds keeping equipment and coin-operated laundry and drying facilities.
- 14.04 MANUFACTURED HOME PARK PLAN FILING PROCEDURE AND REQUIREMENTS.
- 14.0401 The owner/developer(s) shall file a Manufactured Home Park Plan for a proposed manufactured home park located within an R-MHP District with the Zoning Inspector, or with the Board of Zoning Appeals for a proposed mobile home park located in an A-1 District. The Mobile Home Park Plan shall include and specify the information required in this Article, and shall contain the following text and map information.
- 14.0402 The proposed location, site size, total number of mobile home sites to be developed, and the production schedule for the development.
- 14.04037 Proposed location, size and use of the nonresidential portions of the tract, including usable open space, parklands, playgrounds and other areas and spaces, including their suggested ownership.
- 14.040 Proposed provisions for water, sanitary sewer, surface drainage and fire protection facilities, including engineering feasibility studies or other evidence of reasonableness.
- 14.0405 Proposed traffic circulation pattern, including location of public and private streets, walks and other access ways showing their relationship to existing streets and topographic features.
- 14.0406 Information on the use or re-use of existing features such as topography, drainage ways, tree cover, structures, streets and easements.
- 14.0407 Names and addresses of the property owners of all land adjoining any part of the trace proposed for R-MHP zoning.
- 14.0408 Deed restriction, covenants, easements and encumbrances to be used to control the use, development, and/or maintenance of the zoning tract.
- 14.05 DESIGN STANDARDS.
- 14.0501 The tract of land to be developed shall contain a minimum of five (5) acres.
- 14.0502 Before a manufactured home park may be occupied, it shall be a condition that at least forty (40) percent of the manufactured home sites be completed and ready for occupancy; completion shall include but not be limited to the installation of roadways and drives, sidewalks, lighting, public utilities, service and management buildings.
- 14.06 MINIMUM SITE SIZE, MAXIMUM SITE COVERAGE AND SITE FRONTAGE.

- 14.0601 Every manufactured home hereafter placed in a manufactured home park shall be on a site having an area of not less than five thousand (5,000) square feet; and every mobile home park shall contain a density of not more than seven (7) mobile homes per "gross" acre when located in an R-MHP District, and six (6) manufactured homes per "gross" acre when located in an A-1 District.
- 14.0602 Each manufactured home dwelling, including accessory buildings, garages and porches, shall not cover more than fifty (50) percent of the area of the manufactured home site on which it is placed. A typical manufactured home site plan shall be submitted.
- 14.0603 Every manufactured home placed on a mobile home site and/or every manufactured home site shall front upon an interior street, and said interior street shall be a dedicated public roadway or a private roadway with a public easement.
- 14.0604 YARD REQUIREMENTS. No manufactured home shall be placed on a manufactured home site unless the following yards are provided and maintained in connection with such mobile home dwellings:
- 14.0605 FRONT YARD. Each manufactured home site shall have a front yard of not less than ten (10) feet.
- 14.0606 SIDE YARD. Each manufactured home site shall have a side yard on each side of not less than fifteen (15) feet, except for corner sites which shall be not less than twenty (20) feet.
- 14.0607 REAR YARD. Each manufactured home site shall have a rear yard of not more than twenty (20) feet.
- 14.07 STREETS, SIDEWALKS AND PARKING.
- 14.071 Every manufactured home park shall provide a main entrance drive not less than thirty-six (36) feet wide. No street shall have a usable travel width less than twenty-four (24) feet.
- 14.072 All streets shall be paved and shall be maintained in good condition and lighted at night.
- 14.073 All drives shall be protected at the edges by curbs, gutters, or other suitable edging, as determined by the County Engineer to provide for the stabilization of the pavement and for adequate drainage.
- 14.074 All manufactured home sites shall abut a driveway.
- 14.075 Every manufactured home park shall contain common walkways not less than three (3) feet wide where pedestrian traffic is concentrated for the safety and convenience of the pedestrian. Driveways not including walks shall be graded in such manner that walks can be added later. Individual walks from each manufactured home stand to its paved parking shall also be provided
- 14.08 RECREATIONAL VEHICLE PARK PLAN FILING PROCEDURE AND REQUIREMENTS.
- 14.081 The owner/developer(s) shall file a Recreational Vehicle Park Plan for a proposed recreational vehicle park located within an A-1 District with the Board of Zoning Appeals. The Plan shall include the following requirements and information.
- 14.0802 The proposed location, tract size, total number of recreational vehicle sites to be developed, including open space, playgrounds and other access spaces.

- 14.0803 Recreational Vehicle Parks shall be served by a central water system and by a central sanitary sewerage system approved by the State of Ohio, Environmental Protection Agency.
- 14.0804 Recreational Vehicle Parks shall provide a main entrance drive not less than thirty-six (36) feet wide. All others shall be of a width necessary for the use required, except that no street shall have a usable travel width less than twenty-four (24) feet.
- 14.0805 All streets shall be paved and shall be maintained in good condition and lighted at night.
- 14.0806 Adequate storm drainage for each recreational vehicle site shall be provided.
- 14.0807 Proper refuse collection sites shall be provided and approved by the Butler County Board of Health.
- 14.0808 Any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R-District, or a recorded residential subdivision.
- 14.09 UTILITY REQUIREMENTS.
- 14.0901 WATER. Every manufactured home park shall be served by a central water system which has been inspected and improved by the State of Ohio, Environmental Protection Agency and the Butler County Board of Health, which provides adequate pressure and appropriate water connections for domestic usage.
- 14.0902 FIRE PROTECTION. For fire protection purposes, there shall be domestic water under adequate pressure in standard fire hydrants approved by the Butler County Sanitary Engineer, hydrants shall be located within five hundred (500) feet of every manufactured home site within the manufactured home park.
- 14.0903 SANITARY SEWERS. Every manufactured home park shall be served by a sanitary sewerage system that provides appropriate connections for manufactured home usage. Such system shall have been inspected and approved by the State of Ohio, Environmental Protection Agency and the Butler County Board of Health. Connection between storm water drainage systems and sanitary sewage disposal systems shall not be permitted.
- 14.0904 STORM DRAINAGE. Adequate storm drainage for each mobile home site connected the main storm drainage system shall be provided.
- 14.0905 REFUSE COLLECTION. Where refuse collection is not carried out on an individual site basis, there shall be refuse disposal receptacles or incinerators located within two hundred (200) feet of each manufactured home site. The type, size and location of such receptacles or incinerators shall be approved by the Butler County Board of Health.
- 14.0906 LIQUEFIED PETROLEUM GAS OR FUEL. When liquefied petroleum gas or fuel is used in the manufactured home park, the containers for such gas or fuel shall be the container approved by the Butler County Board of Health, according to the gas's or fuel's intended use.
- 14.0907 FUEL OIL SUPPLY. When fuel oil systems are used, they shall be installed and maintained in accordance with applicable state and local codes and regulations. All fuel oil storage containers, barrels, tanks or cylinders and piping to the manufactured homes shall be securely fastened in place and protected against physical damage.
- 14.0908 NATURAL GAS SYSTEMS. When natural gas piping systems are used, they shall be installed underground in accordance with applicable codes and regulations and public utility standards.

Each manufactured home site provided with piped natural gas shall have an approved manual shut-off valve installed upstream of the gas outlet. The outlet shall be equipped with an approved method to prevent accidental discharge of gas when the outlet is not in use.

- 14.10 MANUFACTURED HOME STAND. Each manufactured home dwelling shall be placed on a concrete stand designed to carry the load placed thereon, and shall be secured with appropriate tie-downs.
- 14.11 COMMUNAL FACILITIES. In all manufactured home parks, the following facilities shall be provided and available to residents:
- 14.1101 Management and maintenance offices including storage facilities for grounds keeping equipment.
- 14.1102 Laundry and drying facilities in a permanent structure which shall be in a convenient, accessible location and which shall also provide laundry trays and slop sinks.
- 14.1103 Safe, usable, conveniently located recreation area or areas shall be located in each manufactured home park, and shall comprise an area equal to eight (8) percent of the gross area of the manufactured home park tract, or one-half (1/2) acre, whichever is greater.
- 14.12 PERIPHERAL BUFFER. All manufactured home park tracts which are adjacent an "R" Zoning District or a recorded residential subdivision shall provide a visual barrier to be approved by the Board.
- 14.13 CONDITIONS OF APPROVAL. The basis for the approval of a Manufactured Home Park: application shall be:
- 14.1301 That the proposed development is consistent in all respects with the purpose, intent and applicable standards of this Zoning Resolution.
- 14.1302 That the proposed development meets all the minimum requirements specified in the Design Standards section.
- 14.1303 That the proposed development is in conformity with the Butler County Land Use Plan or portion thereof as it may apply.
- 14.1304 That the proposed development advances the general welfare of the County and the immediate vicinity.
- 14.1305 That the design character and improved site arrangement justify the location and size proposed in the development.
- 14.1306 That the utilities to serve the proposed development have received State of Ohio, Environmental Protection Agency approval.
- 14.1307 The approval or the Conditional Use Permit shall be for a period of one (1) year to allow construction to be substantially started in accordance with the Mobile Home Park Plan or Recreational Vehicle Park Plan with evidence that construction will be completed within a reasonable length of time. Unless construction as described is initiated within the one (1) year time limit, the approval of the Conditional Use Permit shall be voided and all the land shall revert to the last previous zoning district, except if an application for a time extension is submitted and approved by the Planning Commission when located in an R-MHP District or the Board of Zoning Appeals when located in an A-1 District.

- 14.1308 The Planning Commission, upon making an affirmative finding with regard to the above criteria, may authorize the Zoning Inspector to issue a zoning certificate to the applicant when the manufactured home park is located in R-MHP District. The Zoning Inspector must subsequently determine that all the required improvements have been installed prior to permitting the manufactured home park to be occupied; or
- 14.1309 The Board of Zoning Appeals, after recommendation by the Planning Commission, and upon making an affirmative finding with regard to the above criteria, must authorize the issuance of a Conditional Use Permit for a manufactured home park located in an A-1 District or a Recreational Vehicles Park. The Zoning Inspector must subsequently determine that all the required improvements have been installed prior to permitting the manufactured home park to be occupied.
- 14.14 FEE. There shall be a fee of twenty-five dollars (\$25.00) per mobile home site or travel trailer site payable to the Butler County Building Department.
- 14.15 FRONTAGE REQUIREMENT. Any manufactured home park or recreational vehicles park approved shall have a minimum of two hundred (200) feet of lot frontage.

## ARTICLE 15

### B-1 NEIGHBORHOOD BUSINESS DISTRICT

- 15.01 PURPOSE. The intent of the B-1 Neighborhood Business District is to reserve certain land areas for convenience, commercial or personal services and certain types of business and professional uses. These areas will constitute concentrations of neighborhood business uses located in convenient and close relationship to areas of surrounding development.
- 15.02 PRINCIPAL PERMITTED USES.
- 15.0201 Any retail and/or service uses including, but not limited to, grocery or other food stores, drugstores, barber shops, garden stores, beauty salons, bakery shops, dry cleaning and laundry pick-up stations, laundromats, professional offices and the like, supplying commodities or performing services primarily for the residents of the neighborhood in which they are located.
- 15.0202 Restaurants, not including drive-in or drive-through restaurants.
- 15.0203 Bars.
- 15.0205 Financial institutions, and automated teller machines (ATM), when it is a part of the principal structure, not including drive-in or drive-through facilities.
- 15.0206 Nursery Schools and Child Care Facilities.
- 15.0207 Any other local convenience retail and/or service establishment which is determined by the Board to be of the same general character as the above permitted uses; but not including those uses which are permitted in the B-2 District, or any uses which are prohibited in the B-2 District.
- 15.03 ACCESSORY USE.
- 15.0301 A private garage or parking area.
- 15.0302 Exterior signs which pertain only a permitted use on the premises; are either integral with or attached flat against the building or project not more than four (4) feet beyond any building line or three (3) feet above the roof line; and which do not face the side of any adjoining lot which is in an R-District or recorded residential subdivision.
- 15.0303 Directional and other incidental signs, not exceeding four (4) square feet in area, required in connection with the operation of a parking lot or similar establishment, provided such signs do not extend over street rights-of-way nor otherwise obstruct or impair the safety of pedestrians or motorists.
- 15.0304 Temporary real estate, political and small announcement signs, subject to the provisions specified in 23.02.
- 15.0305 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.



- 15.0306 Any other accessory use and structure, not otherwise prohibited, customarily accessory and incidental to a permitted principal use.
- 15.0307 Wireless and Cellular Telecommunication Facility.
- 15.04 CONDITIONAL USES REQUIRING BOARD APPROVAL.
- 15.0401 Residential dwelling units if a part of a principal building subject to provisions specified in Section 23.03, 23.04, 23.06.
- 15.0402 Bed and Breakfast.
- 15.05 REQUIRED CONDITIONS.
- 15.0501 The maximum building size on the ground floor shall be fifteen thousand (15,000) square feet in any B-1 District.
- 15.0502 All business, service or processing and materials used in the business shall be conducted and stored wholly within a completely enclosed building except for off-street automobile parking and off-street loading.
- 15.0503 In any B-1 District, no more than 10% of the parking shall be located in the front yard.
- 15.0504 Goods for sale shall consist primarily of new merchandise, antiques excepted
- 15.0505 All products produced on the premises, whether primary or incidental, shall be sold at retail primarily on the premises where produced.
- 15.0506 Process and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noises, vibration, refuse matter or water-carried waste.
- 15.0507 A landscaped buffer shall be provided and maintained along all side and rear lot lines which are adjacent to any R-District or recorded residential subdivision. Where the parcel width is greater than 100 feet, the buffer shall be 20 feet wide and 8 feet high. Where the parcel width is 100 feet or less, the buffer shall be 10 feet wide and 6 feet high.
- 15.06 PROHIBITED USES.
- 15.0601 Check cashing establishments, cash advance establishments, pawn shops and rent-to-own stores.
- 15.0602 Any use which is first permitted or which is prohibited in the B-2 District.
- 15.07 HEIGHT REQUIREMENTS. No structure shall exceed two and one-half (2-1/2) stories or thirty (30) feet in height, except as provided in Section 24.03.
- 15.08 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed, except as modified by provisions of Article 24.

B-1 NEIGHBORHOOD BUSINESS DISTRICT

<u>Lot Areas</u>	<u>Lot Frontage</u>	<u>Front Yard Depth</u>	<u>Story</u>	<u>Side Yard One Side Yd.</u>	<u>Widths Both Side Yds.</u>	<u>Rear Yard Depth</u>
Non-residential buildings -- none.	none	25'		None, except where adjoining R-District, or recorded residential subdivision-then not less than 15 feet each side yard.		None, except when abutting an R-District or recorded residential subdivision – then not less than twenty-five (25) feet.

Residential Uses (1) Same as required for Single-family in R-4 District.

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(1) See Section 23.03



## ARTICLE 16

### B-2 COMMUNITY BUSINESS DISTRICT

- 16.01 PURPOSE. The intent of the B-2 Community Business District is to reserve certain land areas for community and highway oriented retail and service establishments which serve the residents of a number of neighborhoods.
- 16.02 PRINCIPAL PERMITTED USES.
- 16.0201 Any retail and/or service uses including, but not limited to, hospitals, offices for medical and allied health care, grocery or other food stores, drugstores, barber shops, beauty salons, bakery shops, dry cleaning and laundry pick-up stations, laundromats, business and professional offices and the like, supplying commodities or performing services primarily for the residents of a portion of the County.
- 16.0202 Restaurants, including drive-through windows, bars, cocktail lounges, night clubs, theaters, bowling alleys, billiard parlors and other similar establishments.
- 16.0203 Automobile service stations, including body shops.
- 16.0204 Automobile, truck, trailer and farm implement sales and service establishments for the display, hire and sales, including sales lots and repair of automobiles, trucks, trailers and farm implements; provided that all such operations other than display and sales shall be conducted within a completely enclosed building; and further provided that any building used for repair work shall have no openings other than stationary windows or required fire exits when located within one hundred (100) feet of any R-District, or a recorded residential subdivision.
- 16.0205 Financial institutions, and automated teller machines (ATM), when it is a part of the principal structure, including drive-in or drive-through institutions.
- 16.0206 Nursery Schools and Child Care Facilities.
- 16.0207 Hospitals, Nursing Homes, Retirement Centers.
- 16.0208 Carpenter shops, electrical, plumbing, heating and air conditioning shops; printing, publishing and lithography shops; furniture upholstery; antique stores; storage or warehouses; funeral homes and mortuaries, provided that any such use shall be conducted within a completely enclosed building; and further provided that any building located within one hundred (100) feet of any R-District, or recorded residential subdivision shall have no openings other than stationary windows or required fire exits.
- 16.0209 Garden stores, supply centers, and greenhouses.
- 16.0210 Churches and other similar places of worship.
- 16.0211 Any other local convenience retail and/or service uses are prohibited unless determined by the Board to be of the same general character as the above permitted uses; but not including those

uses which are permitted in the B-3 District, or any uses which are prohibited in the B-3 District.

16.0212 Wireless and Cellular Telecommunication Facility.

16.03 CONDITIONAL USES REQUIRING BOARD APPROVAL.

16.0301 Hotels and motels subject to the requirements set forth in Sections 26.41 and 26.5 of this code.

16.0302 Residential dwelling units if a part of a principal building subject to provisions specified in Section 23.03 and 23.06.

16.0304 Schools, including primary, secondary, college or university.

16.04 ACCESSORY USES.

16.0401 A private garage or parking area.

16.0402 Exterior signs which pertain only to a permitted use on the premises; are either internal with or attached flat against the building or project not more than four (4) feet beyond any building line or three (3) feet above the roof line; and which do not face the side of any adjoining lot which is in an R-District, or recorded residential subdivision. Such signs may be supported by free standing structures and may be located anywhere on the premises except within the required front or side yard, provided such signs comply with the requirement of this subsection that they shall not face the side of any adjoining lot which is located in an R-District or recorded residential subdivision.

16.0403 Outdoor advertising signs and structures are subject to the provisions specified in Section 23.02.

16.0404 Directional and other incidental signs, not exceeding four (4) square feet in area, required in connection with the operation of an automobile service station, parking lot or similar establishment, provided such signs do not extend over street rights-of-way nor otherwise obstruct or impair the safety of pedestrians or motorists.

16.0405 Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 23.02.

16.0406 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.

16.0407 Any other accessory use and structure, not otherwise prohibited, customarily accessory and incidental to a permitted principal use.

16.05 REQUIRED CONDITIONS.

16.0501 The maximum building size on the ground floor shall be fifty thousand (50,000) square feet in any B-2 District.

- 16.0502 All business, service or processing and materials used in the business shall be conducted and stored wholly within a completely enclosed building; except for the sale of automotive fuel, lubricants and fluids at service stations and except for off-street automobile parking and off-street loading.
- 16.0503 In any B-2 District, no more than 10% of the parking shall be located in the front yard.
- 16.0504 Goods for sale shall consist primarily of new merchandise, antiques excepted.
- 16.0505 All products produced on the premises, whether primary or incidental, shall be sold at retail primarily on the premises where produced.
- 16.0506 Process and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noises, vibration, refuse matter or water-carried waste.
- 16.0507 Such uses are conducted entirely within an enclosed building.
- 16.0508 Where such uses are in buildings adjacent any R-District or recorded residential subdivision, such buildings shall have no openings other than stationary windows or required fire exits on walls facing these residential uses.
- 16.0509 A landscaped buffer shall be provided and maintained along all side and rear lot lines which are adjacent to any R-District or recorded residential subdivision. Where the parcel width is greater than 100 feet, the buffer shall be 20 feet wide and 8 feet high. Where the parcel width is 100 feet or less, the buffer shall be 10 feet wide and 6 feet high.
- 16.06 PROHIBITED USES.
- 16.0601 Check cashing establishments, cash advance establishments, pawn shops, and rent-to-own stores.
- 16.0602 Any use which is first permitted or which is prohibited in the B-3 District or as stated in Section 16.0210.
- 16.07 HEIGHT REQUIREMENTS. No structure shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 24.03.
- 16.08 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed, except as modified by provisions of Article 24.

B-2 COMMUNITY BUSINESS DISTRICT

<u>Lot Areas</u>	<u>Lot</u>	<u>Front</u>	<u>Side Yard</u>	<u>Widths</u>	<u>Rear</u>
<u>Frontage</u>	<u>Yard</u>	<u>One</u>	<u>Both</u>	<u>Yard</u>	<u>Depth</u>
<u>Frontage</u>	<u>Depth</u>	<u>Story</u>	<u>Side Yd.</u>	<u>Side Yds.</u>	<u>Depth</u>

Non-residential buildings -- none.	None	25'		None, except where adjoining R-District, or recorded residential subdivision-then not less than 20 feet each side yard.	Same as B-1 District
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Motels & Motor Hotels (1) -- 1 acre min.; 500 sq. ft. per bedroom.	100'	25'	1-2½	15'	30'	50'
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Residential Uses (2) Same as required for single-family in R-4 District.

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(1) See Sections 26.4 and 26.5.  
(2) See Section 23.03 and 23.06

## **ARTICLE 17**

### **B-3 GENERAL BUSINESS DISTRICT**

- 17.01 **PURPOSE.** The intent of the B-3 General Business District is to reserve certain land areas for central commercial uses which serve the general and service needs of the residents of the county. Their locations shall accommodate the most intensive commercial and office development and shall reflect areas of sound, organized development.
- 17.02 **PRINCIPAL PERMITTED USES.**
- 17.0201 Any retail and/or service uses including but not limited to, hospitals, offices for medical and allied health care, grocery or other food stores, drugstores, barber shops, beauty salons, bakery shops, dry cleaning and laundry pick-up stations, laundromats, business and professional offices and the like, supplying commodities or performing services for residents of the County and beyond.
- 17.0202 Restaurants, including drive-through windows, bars, cocktail lounges, night clubs, theaters, bowling alleys, billiard parlors and other similar establishments.
- 17.0203 Automobile service stations, including body shops.
- 17.0204 Automobile, truck, trailer and farm implement sales and service establishments for the display, hire and sales including sales lots and repair of automobiles, trucks, trailers and farm implements; provided that all such operations other than display and sales shall be conducted within a completely enclosed building; and further provided that any building used for repair work shall have no openings other than stationary windows or required fire exits when located within one hundred (100) feet of any R-District, or a recorded residential subdivision.
- 17.0205 Financial institutions, and automated teller machines (ATM), when it is a part of the principal structure, including drive-in or drive-through institutions.
- 17.0206 Nursery Schools and Child Care Facilities.
- 17.0207 Hospitals, Nursing Homes, Retirement Centers.
- 17.0208 Carpenter shops, electrical, plumbing, heating and air conditioning shops; printing, publishing and lithography shops; furniture upholstery; antique stores, auction stores; flea markets; funeral homes and mortuaries; provided that any such use shall be conducted within a completely enclosed building; and further provided that any building located within one hundred (100) feet of any R-District, or recorded residential subdivision shall have no openings, other than stationary windows or required fire exits.
- 17.0209 Garden stores, supply centers or commercial green houses.
- 17.0210 Drive-in restaurants, summer gardens including entertainment and dancing; provided that any principal building shall be located not less than two hundred (200) feet from any R-District or a recorded residential subdivision.



- 17.0211 Theaters, including drive-in theaters, when authorized by the Board in accordance with provisions specified in subsection 26.41; provided that all parts of such drive-in theaters shall be located not less than two hundred (200) feet from any R-District, or recorded residential subdivision; and further provided that the movie screen shall be so located as not to be visible from adjacent streets or highways, and shall be set back not less than two hundred (200) feet from the established right-of-way of said street or highway. A lesser distance may be imposed by the Board when, in its opinion, visibility would not be adversely affected or there is no interference with traffic visibility.
- 17.0212 Animal hospitals, veterinary clinics or kennels; provided any building or area on the premises used for such purposes shall be located not less than two hundred (200) feet from any R-District, or recorded residential subdivision; and one hundred (100) feet from any B-1 or B-2 District.
- 17.0213 Commercial recreation, including baseball fields, swimming pools, bowling alleys, skating rinks; golf driving ranges, stables or riding academies, amusement parks, or similar recreation uses and facilities; provided that such buildings or principal uses shall be located not less than two hundred (200) feet from any lot in an R-District or a recorded residential subdivision.
- 17.0214 Laundry, clothes cleaning and/or dyeing establishments. wholesale business, storage or warehouses provided that any such building or principal use shall be located not less than one hundred (100) feet from any lot in any R-District, or a recorded residential subdivision.
- 17.0215 Bottling of soft drinks and milk; distribution stations; provided that any such building used for such processing and distribution shall be located not less than one hundred (100) feet from any R-District, or a recorded subdivision.
- 17.0216 The following uses - (1) when conducted wholly within a completely enclosed building, but not located within one hundred (100) feet of any R-District, or recorded residential subdivision; or (2) when conducted within an area enclosed on all sides with a solid wall of uniformly painted solid board fence, not less than eight (8) feet high, but not within two hundred (200) feet of any R-District, or a recorded residential subdivision.
- 17.0217 Building material sales yard, not including concrete mixing.
- 17.0218 Contractor's equipment storage yard or plant, or storage and rental equipment commonly used by contractor.
- 17.0219 Trucking and motor freight station or terminal.
- 17.0220 Retail lumber yard, including mill work only when incidental.
- 17.0221 Storage and sales of grain, livestock feed or fuel; provided dust is effectively controlled during all operations.
- 17.0222 Carting, express or hauling establishments, including storage of vehicles.
- 17.0223 Stone or monument works not employing power driven tools or if employing such tools then only within a completely enclosed building at least one hundred (100) feet from any R-District, or a recorded subdivision.

- 17.0224 Outdoor advertising signs and structures; subject to the provisions specified in Section 23.02.
- 17.0225 Churches and other similar places of worship.
- 17.0226 Any other general business and/or service use which is determined by the Board to be of the same general character as the above permitted uses, but not including any use which is first permitted, or which is prohibited in the M-1 District.
- 17.03 ACCESSORY USES.
- 17.0301 A private garage or parking area.
- 17.0302 Exterior signs which pertain only to a permitted use on the premises; are either integral with or attached flat against the building or project not more than four (4) feet beyond any building line or three (3) feet above the roof line; and which do not face the side of any adjoining lot which is in any R-District, or recorded residential subdivision. Such signs may be supported by free standing structures, and may be located anywhere on the premises except within the required front or side yard, provided such signs comply with the requirement of this subsection that they shall not face the side of any adjoining lot which is located in any R-District, or recorded residential subdivision.
- 17.0303 Directional and other incidental signs not exceeding four (4) square feet in area, required in connection with the operation of an automobile service station, parking lot or similar establishment, provided such signs do not extend over street rights-of-way nor otherwise obstruct or impair the safety of pedestrians or motorists.
- 17.0304 Temporary real estates, political and small announcement signs, subject to the provisions specified in Section 23.02.
- 17.0305 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.
- 17.0306 Any other accessory use and structure, not otherwise prohibited, customarily accessory and incidental to a permitted principal use.
- 17.0307 Wireless and Cellular Telecommunication Facility.
- 17.04 CONDITIONAL USES REQUIRING BOARD APPROVAL.
- 17.041 Hotels and motels subject to the regulations set forth in Section 26.41 and 26.5 of these regulations.
- 17.042 Residential Uses.
- 17.044 Schools, including primary, secondary, college or university.
- 17.05 REQUIRED CONDITIONS.
- 17.051 All business, service or processing and materials used in the business shall be conducted and stored wholly within a completely enclosed building, except for the sale of automotive fuel,

lubricants and fluids at service stations and except for off-street automobile parking and off-street loading.

- 17.052 In any B-3 District, no more than 10% of the parking shall be located in the front yard.
- 17.053 Goods for sale shall consist primarily of new merchandise, antiques excepted.
- 17.054 All produce produced on the premises, whether primary or incidental, shall be sold at retail primarily on the premises where produced.
- 17.055 Process and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noises, vibration, refuse matter or water-carried waste.
- 17.056 All outdoor storage shall be located in the rear yard and shall be contained within an eight (8) foot fence.
- 17.057 Where such uses are in buildings adjacent any R-District or recorded residential subdivision such buildings shall have no openings other than stationary windows or required fire exits on walls facing these residential uses.
- 17.058 A landscaped buffer shall be provided and maintained along all side and rear lot lines which are adjacent to any R-District or recorded residential subdivision. Where the parcel width is greater than 100 feet, the buffer shall be 20 feet wide and 8 feet high. Where the parcel width is 100 feet or less, the buffer shall be 10 feet wide and 6 feet high.
- 17.06 PROHIBITED USES. Any use which is first permitted or which is prohibited in the M-1 District or as stated in Section 17.0225.
- 17.07 HEIGHT REQUIREMENTS. No structure shall exceed three (3) stories or forty (40) feet in height except as provided in Section 24.03
- 17.08 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed, except as modified by provisions of Article 24.

B-3 GENERAL BUSINESS DISTRICT

<u>Lot Areas</u>	<u>Lot Frontage</u>	<u>Front Yard Depth</u>	<u>Story</u>	<u>Side Yard One Side Yd.</u>	<u>Widths Both Side Yds.</u>	<u>Rear Yard Depth</u>
Non-residential buildings -- none.	None	25'		None, except where adjoining R-District, or recorded residential subdivision-then not less than 20 feet each side yard.		Same as B-2 District

Motels & Motor  
Hotels (1) -- 1  
acre min.; 500  
sq. ft. per bed-  
room. (1)

100'	25'	1-2½	15'	30'	50'
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Residential Uses (1)

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(1) See Section 26.5



**ARTICLE 18**

**B-4 OFFICE DISTRICT**

- 18.01 **PURPOSE.** The intent of the B-4 Office District is to provide space in the County for office development and research facilities. It is also intended to provide space for appropriate small-scale office uses in areas where a transition between residential uses and other more intensive uses is necessary. The limited number of uses permitted in this district is designed to allow the County to designate areas of transition which are compatible with residential uses and areas which can accommodate larger employment centers without congestion. Large scale office districts should be in clustered, open settings with adequate access to a primary thoroughfare.
- 18.02 **PRINCIPAL PERMITTED USES.**
- 18.021 Office uses and research and development facilities.
- 18.022 Schools and colleges.
- 18.023 Public buildings and properties of an administrative, cultural, recreational or service type.
- 18.03 **ACCESSORY USES.**
- 18.031 Private garages or other parking areas.
- 18.032 Exterior signs which pertain only to a permitted use on the premises; are either integral with or attached flat against the building or project not more than four (4) feet beyond any building line or three (3) feet above the roof line; and which do not face the side of any adjoining lot which is in an R-District or recorded subdivision. Such signs may be supported by free standing structures and may be located anywhere on the premises except within the requirement of this subsection that they shall not face the side of any adjoining lot which is located in an R-District or recorded subdivision.
- 18.033 Directional and other incidental signs, not exceeding four (4) square feet in area, required in connection with the operation of a parking lot or similar establishment, provided such signs do not extend over street rights-of-way nor otherwise obstruct or impair the safety of pedestrians or motorists.
- 18.034 Temporary real estate, political, and small announcement signs, subject to the provisions specified in Section 23.02.
- 18.035 Temporary buildings for uses incidental to construction work that shall be removed upon completion or abandonment of the construction work.
- 18.036 Any other accessory use and structure, not otherwise prohibited, customarily accessory and incidental to a permitted principal use.
- 18.037 Wireless and Cellular Telecommunication Facility.

- 18.04 CONDITIONAL USES REQUIRING BOARD APPROVAL. Laboratories subject to the regulations set forth in Sections 26.41 and 26.5 of these regulations.
- 18.05 REQUIRED CONDITIONS.
- 18.051 All business, service or processing and materials used in the business shall be conducted and stored wholly within a completely enclosed building except for off-street automobile parking and off-street loading.
- 18.052 In any B-4 District, no more than 10% of the parking shall be located in the front yard.
- 18.053 Process and equipment employed and goods processed shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noises, vibration, refuse matter or water-carried waste.
- 18.054 A landscaped buffer shall be provided and maintained along all side and rear lot lines which are adjacent to any R-District or recorded residential subdivision. Where the parcel width is greater than 100 feet, the buffer shall be 20 feet wide and 8 feet high. Where the parcel width is 100 feet or less, the buffer shall be 10 feet wide and 6 feet high.
- 18.06 PROHIBITED USES. Any use which is first permitted or which is prohibited in the M-1 District.
- 18.07 HEIGHT REQUIREMENTS. No structure shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 24.03.
- 18.08 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed, except as modified by provisions of Article 24.

B-4 OFFICE AND RESEARCH DISTRICT

<u>Lot Areas</u>	<u>Lot Frontage</u>	<u>Front Yard Depths</u>	<u>Story</u>	<u>Side Yard One Side Yd.</u>	<u>Widths Both Side Yds.</u>	<u>Rear Yard Depth</u>
Principal permitted buildings -- 10,000 sq. ft. minimum.	None	25'		None, except where adjoining R-District, or recorded residential subdivision - then not less than 20 feet each side yard.		Same as B-2 District

**ARTICLE 19**

**M-1 LIGHT INDUSTRIAL DISTRICT**

- 19.01 **PURPOSES.** The intent of the M-1 Light Industrial District is to reserve certain land areas for industrial development, wholesaling and warehousing uses, and limited commercial use, which will not adversely affect their surroundings, in locations which can be served by the necessary utilities and have good access. These land areas are to be reserved exclusively for light industrial manufacturing, warehousing and wholesaling activities and commercial use as specified in subsection 19.0218.
- 19.02 **PRINCIPAL PERMITTED USES.**
- 19.0201 Except for uses and processes prohibited as specified in subsection 19.06, permitted uses include the manufacturing, compounding, processing, packaging and assembling of products such as:
- 19.0202 Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, and food products; except fish or meat products, sauerkraut, vinegar, and yeast.
- 19.0203 Products from the following previously prepared material: bone, canvas, cellophane, cloth, Amended cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious 7-29-93 metals or stones, sheet metal (except where presses over twenty (20) tons rated capacity are employed), shell, textiles, tobacco, wax, wood yards.
- 19.0204 Pottery and figurines, using previously pulverized clay and kilns fired only with gas or electricity.
- 19.0205 Musical instruments, toys, novelties, rubber or metal stamps and other small rubber products.
- 19.0206 Electrical and electric appliances, instruments and devices, television sets, radios, phonographs.
- 19.0207 Electric and neon signs, billboards and other commercial advertising structures; light sheet metal products including heating and ventilating equipment, cornices, eaves and the like.
- 19.0208 Laboratories - experimental film or testing; provided no operation shall be conducted or equipment used which would create hazards, noxious or offensive conditions.
- 19.0209 The following uses; provided no part of a building occupied by such uses shall have any openings other than stationary windows or required fire exits within one hundred (100) feet of any R-District, or a recorded residential subdivision.
- 19.0210 Blacksmith, welding or other metal working shop, excluding punch presses over twenty (20) tons rated capacity, drop hammers and other noise-producing operating tools.
- 19.0211 Foundry, casting lightweight non-ferrous metals, or electric foundry not causing noxious fumes or odors.



- 19.0212 Bag, carpet and rag cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
- 19.0213 Ice manufacturing and cold storage plant; creamery and bottling plant.
- 19.0214 Warehouses, trucking and motor freight station or terminal.
- 19.0215 Offices, business and professional.
- 19.0216 The following uses, when located not less than two hundred (200) feet from any R-District, or a recorded residential subdivision.
- 19.02161 Inflammable liquids underground storage only, not to exceed twenty-five thousand (25,000) gallons per tank or storage unit.
- 19.02162 Building materials sales yards including concrete mixing, lumber yards, including millwork, open yards for storage and sale of feed and/or fuel.
- 19.0217 Any other use that is determined by the Board, as provided in Article 26, to be of the same general character as the above permitted uses but not including any use which is first permitted in the M-2 District, or which is prohibited in said district under subsection 19.06.
- 19.0218 Any use permitted as regulated in the B-1, B-2, B-3 and B-4 Districts when located within three hundred (300) feet of any road right of way, or projects being developed for multiple uses which general overall plan is submitted and approved, prior to the enactment of this resolution.
- 19.0219 Display and sales establishments, provided that all such uses are part of a manufacturing and/or warehousing establishment and that all products for sale are made on the site, and where display space does not exceed 25% of the total square footage of the structure.
- 19.0220 Wireless and Cellular Telecommunication Facility.
- 19.03 CONDITIONAL USES REQUIRING BOARD APPROVAL.
- 19.031 Automobile wrecking yards, junk yards; subject to the provisions specified in Section 26.5.
- 19.04 ACCESSORY USES.
- 19.041 Retail Uses which are incidental to the principal use and comprise less than 1/4 of the space of use.
- 19.042 A private garage or parking area. No more than 10% of the parking shall be located in front of the building.
- 19.043 Exterior signs which pertain only to a permitted use on the premises; are either integral with an attached flat against the building, or project not more than four (4) feet beyond any building line or three (3) feet above the roof line; and which do not face the side of any adjoining lot which is in any R-District or recorded residential subdivision. Such signs may be supported by free standing structures and may be located anywhere on the premises, except within the

required front or side yard, provided such signs comply with the requirement of this subsection that they shall not face the side of any adjoining lot which is located in any R-District, or recorded residential subdivision.

- 19.044 Directional and other incidental signs, not exceeding four (4) square feet in area, required in connection with the operation of any automobile service station, parking lot or similar establishment, provided such signs do not extend over street rights-of-way nor otherwise obstruct or impair the safety of pedestrians or motorists.
- 19.045 Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 23.02.
- 19.046 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.
- 19.047 Other uses and structures customarily accessory and incidental to a principal permitted use except for uses not otherwise permitted in an M-1 District.
- 19.048 When authorized by the Board, any use permitted in an M-2 District as a principal use when necessary and incidental to a use permitted in an M-1 District; subject to such conditions and requirements as may, in the opinion of the Board, be necessary to protect adjacent property and prevent conditions which may become objectionable or offensive.
- 19.05 REQUIRED CONDITIONS.
- 19.051 All uses, except for loading and unloading operations and parking, shall be conducted wholly within a completely enclosed building provided that uses specified in subsection shall not be subject to this provision.
- 19.052 No building customarily used for night operation, such as a bakery or milk bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within one hundred (100) feet of any R-District, or recorded residential subdivision; and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within one hundred (100) feet of any R-District, or recorded residential subdivision.
- 19.053 A landscaped buffer of not less than 20 feet in width and 8 feet in height shall be provided along all lot lines which are adjacent to or directly across the street from any R-District or recorded residential subdivision.
- 19.06 PROHIBITED USES.
- 19.061 Any use which is first permitted in the M-2 District or which is prohibited in said District under subsection 20.06, unless as an accessory use which is necessary and incidental to a principally permitted M-1 use.
- 19.062 No use shall be permitted or authorized; to be established or maintained which, when conducted in compliance which the provisions of this Resolution and any additional conditions or requirements prescribed by the Board, is or may become hazardous, noxious or offensive

due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, reuse matter or water carried waste.

- 19.063 Dwellings and residences including motels, mobile home parks, schools, hospitals, clinics and other institutions for human care, except where incidental to a permitted use; provided, however, that residential development in an M-1 District is hereby specifically permitted where said development is in accordance with: a plat approved by the Planning Commission prior to the adoption of this amendment, or any subsequent and duly approved amendment thereof; a Community Development Project approved by the Board of Appeals as it existed prior to this amendment, or any subsequent and duly approved amendment thereof; any variance or series thereof granted by the Board of Appeals prior to the adoption of this amendment or any subsequent and duly approved amendment thereof. For the purposes of this section, said residential uses shall not be considered to be non-conforming and the Board of Appeals shall continue to have continuing jurisdiction over said previously approved Community Development Projects and variances as if this amendment had not been adopted.
- 19.07 HEIGHT REQUIREMENTS. Within two hundred (200) feet of any R-District, or recorded residential subdivision; no structure shall exceed three (3) stories or fifty (50) feet in height and no structure otherwise shall exceed in height the distance measured to the center line of any street; except as provided in Section 24.03.
- 19.08 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed, except as modified by provisions or Article 24.

M-1 LIGHT INDUSTRIAL DISTRICT

<u>Lot Areas</u>	<u>Lot Frontage</u>	<u>Front Yard Depths</u>	<u>Story</u>	<u>Side Yard One Side Yd.</u>	<u>Widths Both Side Yds.</u>	<u>Rear Yard Depth</u>
All permitted and conditional uses.	None	25'		None, except where adjoining R-District, or recorded residential subdivision - then not less than 25' feet each side yard.		1-story-30' 2-story-40' 3-story-50' Five (5) ft. more each story

## ARTICLE 20

### M-2 GENERAL INDUSTRIAL DISTRICT

- 20.01 PURPOSE. The intent of the M-2 General Industrial District is to reserve certain land areas for general industrial, manufacturing, processing and related operations which are compatible with residential and commercial development. These areas are to be reserved exclusively for general industrial and related development to provide suitable sites for such activity.
- 20.02 PRINCIPAL PERMITTED USES.
- 20.021 Any use permitted in certain parts of said District; or permitted in certain parts subject to Board authorization; or which are not prohibited in the M-2 District by this Article or by any other law or resolution.
- 20.022 Any use principally permitted in M-1 Districts.
- 20.023 Any of the following uses, when located not less than three hundred (300) feet from any R-District, or recorded residential subdivision; and not less than one hundred (100) feet from any other district, except an M-1 or an F-1 District:
- A. Acetylene manufacturing in excess of fifteen (15) pounds pressure per square inch.
  - B. Acid manufacture, except corrosive acids as specified as a conditional use in subsection 26.52915.
  - C. Automobile assembly.
  - CC. Automobile salvage/wrecking yards, subject to the requirements of Section 26.52213.
  - D. Bleaching, cleaning and dyeing of large scale production.
  - E. Boiler shops, machine shops, structural steel fabricating shops, railway car or locomotive shops, including repair, metal working shops employing reciprocating hammers or presses over twenty (20) tons rated capacity.
  - F. Brewing or distilling of liquors.
  - G. Brick, pottery, tile and terra cotta manufacturing.
  - H. Bulk station.
  - I. Candle or sperm oil manufacturing.
  - J. Coal yards, excepting such as permitted in subsection 26.52214.
  - K. Cooperage works.
  - L. Dextrin, starch or glucose manufacturing.
  - M. Disinfectant manufacturing.
  - N. Dye and dyestuff manufacture.
  - O. Enameling, lacquering or japanning.
  - P. Emery cloth or sandpaper manufacturing.
  - Q. Fats and oils rendering or refining.
  - R. Felt manufacturing
  - S. Flour or grain mill.
  - T. Forge or foundry works.
  - U. Gas - generation or storage for illumination or heating.
  - V. Grain drying or poultry feed manufacturing.
  - W. Hair or hair products manufacturing.

- X. Lime or lime products manufacturing.
- Y. Linoleum, oil cloth or oil good manufacturing.
- Z. Match manufacturing.
- AA. Meat packing; but not stockyards or slaughterhouses, specified as a conditional use in subsection 20.031.
- BB. Oil, paint shells, turpentine, varnish or enamel manufacturing, or the grinding of colors by machine.
- CC. Offices, business and professional.
- DD. Paper and pulp manufacturing.
- EE. Perfume manufacturing.
- FF. Pickle, sauerkraut or sausage manufacturing.
- GG. Plaster manufacturing.
- HH. Poultry packing and storage for wholesale; but not slaughter houses, specified as a conditional use in subsection 20.031.
- II. Printing ink manufacturing.
- JJ. Sandblasting or cutting.
- KK. Sawmill, the manufacture of excelsior work fiber or sawdust products.
- LL. Sewage disposal plant.
- MM. Shoddy manufacturing.
- NN. Shoe blacking or polish or stove polish manufacturing.
- OO. Soap manufacturing.
- PP. Steam power plant, except where necessary to a permitted principal use.
- QQ. Stone and monument works employing power-driven tools unless complying with provisions in subsection 26.52915.
- RR. Storage, drying, rags, glass, cloth, paper or clipping, including sorting, refining, baling, wood pulling and scouring.
- SS. Sugar refining.
- TT. Tar distillation or manufacturing.
- UU. Vinegar manufacturing.
- VV. Wire or rod drawing - nut, screw or bolt manufacturing.
- WW. Warehouses, trucking and motor freight station or terminal.
- XX. Yeast manufacturing.
- YY. Any other use which, in the opinion of the Board, is of a similar character to those specified above.
- ZZ. Wireless and Cellular Telecommunication Facilities.

20.024 Any other use that is determined by the Board, as provided in Article 26, to be of the same general character as the above permitted uses.

20.03 CONDITIONAL USES REQUIRING BOARD APPROVAL.

20.031 Any of the following uses shall be prohibited, unless located not less than six hundred (600) feet from any R-District, or recorded residential subdivision; and not less than two hundred (200) feet from any other district except an M-1 or F-1 District: and unless authorized by the Board subject to such conditions and requirements as may, in the opinion of the Board, be necessary to protect adjacent property and prevent conditions which may become noxious or offensive.

- A. Ammonia chlorine or bleaching powder manufacture.

- B. Animal black, lamp black, bone black or graphite manufacture.
- C. Asbestos manufacturing.
- D. Celluloid or pyroxyline products manufacturing or storage.
- E. Cement, lime gypsum or plaster of parts manufacture.
- F. Crematory.
- G. Creosote manufacture or treatment.
- H. Distillation of coal, petroleum, refuse, grain, wood or bones, except in the manufacture of gas.
- I. Explosives manufacture or storage for small arms ammunition.
- J. Fertilizer, compost (manufacture or storage).
- K. Fish curing, smoking or packing, fish oil manufacture or refining
- L. Garbage, offal, dead animals, refuse, rancid fats, incineration, reduction or storage.
- M. Glue manufacturing, size or gelatin manufacturing where the processes include the refining or recovery of products from fish, animal or offal.
- N. Hog farm.
- O. Insecticide manufacturing.
- P. Livestock.
- Q. Petroleum or inflammable liquids production, refining and storage above ground.
- R. Poison manufacturing.
- S. Radium extraction.
- T. Rubber, caoutchouc or gutta percha manufacture and treatment from crude or scrap material or the manufacture of balata.
- U. Slaughtering of animals or stock yards.
- V. Smelting of ferrous or non-ferrous ores.
- W. Storage curing or tanning of raw, green or salted hides or skins.
- X. Sulphurous, sulfuric, nitric, picric, carboic, or hydrochloric or other corrosive acid manufacture.
- Y. Junk yards; subject to the provisions specified in Section 26.52213.
- A. Processing medical or infectious waste.
- AA. Open storage.
- BB. Any other use which in the opinion of the Board is of a similar character to those specified above.

20.04 ACCESSORY USES.

20.041 A private garage or parking area. No more than 10% of the parking shall be located in the front yard.

20.042 Exterior signs which pertain only to a permitted use on the premises; are either integral with an attached flat against the building or project not more than four (4) feet beyond any building line or three (3) feet above the roof line; and which do not face the side of adjoining lot which is in an R-District or recorded residential subdivision. Such signs may be supported by free standing structures and may be located anywhere on the premises, except within the required front or side yard, provided such signs comply with the requirement of this subsection that they shall not face the side of any adjoining lot which is located in any R-District, or recorded residential subdivision.

- 20.043 Directional and other incidental signs, not exceeding four (4) square feet in area, required in connection with the operation of an automobile service station, parking lot or similar establishment, provided such signs do not extend over street rights-of-way nor otherwise obstruct or impair the safety of pedestrians or motorists.
- 20.044 Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 23.
- 20.045 Temporary buildings for uses incidental to construction work shall be removed upon completion, or abandonment of the construction work.
- 20.046 Other uses and structures customarily accessory and incidental to a principal permitted use, except of a type which is permitted only subject to Board authorization.
- 20.047 Any other use when an incidental and necessary accessory use to a permitted principal use, when authorized by the Board subject to such conditions and requirements as may, in the opinion of the Board, be necessary to protect adjacent property and prevent conditions which may become noxious or offensive.
- 20.05 REQUIRED CONDITIONS.
- 20.051 The requirement that certain businesses, services or processing shall be conducted within a completely enclosed building shall not apply to any principal use permitted under subsection 19.02 in the M-1 District. Any such use may be conducted in the M-2 District within or without a building or enclosure, subject to any applicable distance limitations set forth in Article 20.
- 20.052 All junk yards shall be enclosed by a solid board fence or wall not less than eight (8) feet high; or a screen of natural material that furnishes year-round screening may be used in place of such fence.
- 20.053 A landscaped buffer of not less than 25 feet in width and 10 feet in height shall be provided along all lot lines which are adjacent to or directly across the street from any R-District or recorded residential subdivision.
- 20.06 PROHIBITED USES.
- 20.061 Dwellings and residences of any kind including motels, mobile home parks, schools, hospitals, clinics and other institutions for human care, except where incidental to a permitted principal use; provided, however, that any of the aforesaid uses legally existing in the M-2 District at the time of adoption of this Resolution, or any amendment thereto, shall not be classified as a nonconforming use as defined in subsection 4.93.
- 20.062 No use shall be permitted or authorized to be established or maintained which, when conducted in compliance with the provisions of this Resolution and any additional conditions or requirements prescribed by the Board, is or may become hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste.

20.07 HEIGHT REQUIREMENTS. Within two hundred (200) feet of any it-District, or recorded residential subdivision; no structure shall exceed three (3) stories or fifty (50) feet in height and no structure otherwise shall exceed in height the distance measured to the center of any street; except as provided in Article 24.

20.08 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed, except as modified by provisions of Article 24.

M-2 GENERAL INDUSTRIAL DISTRICT

<u>Lot Areas</u>	<u>Lot Frontage</u>	<u>Front Yard Depths</u>	<u>Story</u>	<u>Side Yard One Side Yd.</u>	<u>Widths Both Side Yds.</u>	<u>Rear Yard Depth</u>
All permitted and conditional uses -- none.	None	50'		None, except where adjoining R-District, or recorded residential subdivision -- then not less than 50' each side yard.		1-story-40' 2-story-50' 3-story-60' Five (5) ft. more each story





## ARTICLE 20MU

### MUO-MIXED USE OVERLAY DISTRICT

- 20MU.01 PURPOSE. The MUO District supplements the standards of the underlying Zoning Districts through the use of an Overlay District in certain areas where a specific Urban Design Plan has been adopted by the Butler County Commissioners.
- 20MU.012 The MUO District, and supplementary/Urban Design Plan, which is incorporated into the MUO regulations, provide design standards which are unique to a particular area. The standards are created specifically to address the unique existing and desired physical and architectural characteristics which are inherent to a particular area in order to:
- a) mitigate the detrimental effects of intensity of use within the area upon the safety of residents and the use and enjoyment of their property;
  - b) preserve and enhance the streetscape along the roadway, in order to maintain the character and to promote safe pedestrian movement;
  - c) promote the mixing of land use types as well as promote and improve the compatibility between them;
  - d) improve the appearance, usefulness and signage;
  - e) help reduce traffic congestion and improve access.
- 20MU.02 PRINCIPAL PERMITTED USES. Any use which is permitted in the Zoning District or Districts underlying an MUO District shall be permitted with either a Permitted or Conditional Use Zoning Certificate pursuant to the procedures and requirements of Subsection 20MU.07 of this Article.
- 20MU.03 PROCEDURES FOR MUO DISTRICT DESIGNATION. The Board of County Commissioners, Zoning Commission, or owners or lessees of property within the area proposed for an MUO District, in accordance with the procedures for amending the Zoning Map set forth in Article 27, may designate a specific area as an MUO District. Such amendment shall include the area to be included within the MUO District and an Urban Design Plan containing the information pursuant to Subsection 20MU.04 of this Article setting for the supplemental development provisions for the area within the MUO District.
- 20MU.04 REQUIRED CONTENTS OF AN URBAN DESIGN PLAN. The designation of any area as an MUO District shall require the preparation and adoption (in accordance with the provisions of Subsection 20MU.04 + 20MU.05) of an Urban Design Plan. Such plan shall contain the following information:
- A. A survey of the area to be included in the MUO District, showing property lines, existing Zoning District boundaries, and property ownership of all parcels to be included with the MUO.

- B. Base mapping of the area to be included in the MUO showing existing features of the properties, including: streets, alleys, easements, utility lines, existing land use and structures, and general topography and physical features.
- C. Base mapping of the area to be included in the MUO showing the recommended land uses for all properties in the MUO, and plans for the entire area regarding pedestrian movement, parking and vehicular access control.
- D. Written or graphic requirements for building and structure setbacks, heights, maximum building coverage, and floor area ratios.
- E. Written or graphic requirements for off-street parking and loading.
- F. Written or graphics requirements for signage.
- G. Written or graphic requirements for landscaping and screening between adjacent sites, and land uses.
- H. Written or graphic requirements for the architectural character of buildings and structures and exterior lighting of streets, parking areas, buildings, and signs.
- I. Written policy statements regarding recommended key public improvements necessary to achieve substantial elements of the plan.

20MU.05 PREPARATION OF AN URBAN DESIGN PLAN. The preparation of an Urban Design Plan may be prepared by any appointed agent of the Board of County Commissioners (i.e., Department of Planning or independent consultant) or any appointed agent of a property owner or group of property owners located within the subject area to be classified in the MUO Districts pursuant to the requirements of this Article and other applicable requirements of this Resolution.

20MU.06 EFFECTS OF ADOPTED MUO DISTRICT AND URBAN DESIGN PLAN. Upon the adoption of an MUO District and Urban Design Plan for a designated area, these regulations shall supersede or supplement, as applicable, the regulations of the underlying Zone Districts within the MUO District. In the case of conflict with other provisions of this Resolution, the regulations of the MUO District and Urban Design Plan shall control.

20MU.07 PROCEDURES FOR OBTAINING A ZONING CERTIFICATE ON PROPERTY WITHIN AN MUO DISTRICT. Upon the designation of an area as an MUO District the use of any structure, building, land, or part thereof, hereinafter created, erected, changed, converted, or enlarged, wholly or partly, shall require the issuance of a Zoning Certificate in accordance with the following procedures and requirements:

- A. Each application for a Zoning Certificate shall be accompanied by the proper number of plan sets pursuant to the amount specified by the application instructions. Plans shall be drawn to scale in blackline or blueprint, showing the actual shape and dimensions of the lot to be built upon or changed in its use, in whole or in part; the exact location, size and height of any building or structure to be erected or altered; the existing or intended use of each building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate; and

when no buildings are involved, the location of the present use and the proposed use to be made of the lot. The plans should also indicate all other applicable information as required by the Design Plan.

- B. The Department of Development, Planning Division staff shall review the proposal to determine consistency with the adopted Urban Design Plan and underlying Zone District and file report of such findings to the applicant and Planning Commission. In preparing its report, the Planning staff shall confer with all other applicable township, county, and state departments and agencies and incorporate their recommendations and findings into the report to the Planning Commission.
- C. Within thirty (30) days of receipt of said report from the Planning Commission shall at it's regular monthly meeting by Resolution, either approve, deny, or modify the application for the Zoning Certificate. In rendering its decision the Planning Commission shall give due regard to the report presented by staff, testimony presented by proponents and opponents of said proposal, and the requirements and objectives of the applicable Urban Design Plan.
- D. Upon the approval of a Zoning Certificate by the Planning Commission, the Planning staff shall forward the resolution to the Building and Zoning Department who shall issue the Zoning Certificate and return the appropriate number of approved plans, stamped with Department approval, to the applicant in order that he/she may proceed with the applications necessary for all building and other applicable permits.

20MU.08

IMPROVEMENTS EXEMPT FROM THE REQUIREMENTS OF THE MUO DISTRICT. Interior remodeling and exterior maintenance work and repairs (new roofs, painting, etc.) shall be exempt from the requirements of this Article.



## ARTICLE 21

### F-1 FLOOD PLAIN DISTRICT

- 21.01 PURPOSE. The intent of the F-1 Flood Plain District is to protect storm water channels so they can carry abnormal flows of water in time of high water and flooding; to prevent encroachment into those areas in which development will materially obstruct the flow of flood water, thereby increasing the magnitude of the flooding; and to prevent the loss of life and excessive property damage in the areas of greatest flood hazard, as specified in the FEMA regulations and herein.
- 21.02 PRINCIPAL PERMITTED USES. Agriculture and farms, not including commercial animal or poultry farms or kennels; provided that any building in which farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District, or a recorded residential subdivision.
- 21.03 CONDITIONAL USES, REQUIRING BOARD APPROVAL. These conditional uses are subject to the additional regulations set forth in Section 26.5 of this Resolution.
- 21.031 Neighborhood and Community Parkland, open space.
- 21.032 Country clubs, golf courses and other private noncommercial recreation.
- 21.033 Open storage of floatable material.
- 21.034 Resource and mineral extraction activities.
- 21.04 ACCESSORY USES.
- 21.042 A private garage, parking area or stable.
- 21.043 The selling of bait and the selling or leasing of boats and fishing equipment.
- 21.044 Roadside stands, offering for sale only agricultural products produced on the premises or in the vicinity.
- 21.045 Temporary real estate, political and small announcement signs subject to the provisions specified in Section 23.02.
- 21.046 Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.
- 21.047 Any other accessory use that is determined by the Board, as provided in Article 26, to be necessary and incidental to any aforesaid permitted principal use and located on the same lot therewith, but not including any permanent residence except for a watchman or caretaker employed on the premises.
- 21.05 REQUIRED CONDITIONS.

- 21.051 Approval by the Board and compliance with FEMA regulations will be required for construction of any building, enclosure or any type of material storage.
- 21.052 All uses and buildings or premises, for which compliance with the distance requirements in this subsection is stipulated in the foregoing subsections of this Article, shall be distant at least two hundred (200) feet from any lot in any R-District, recorded residential subdivision or any lot occupied by a dwelling, or by any school, church or institution for human care.
- 21.06 HEIGHT REQUIREMENTS. No structure shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height, except as provided in Article 24.03.
- 21.07 AREA, FRONTAGE AND YARD REQUIREMENTS. The following requirements shall be observed, except as modified by provisions of Article 24.

F-1 FLOOD PLAIN DISTRICT

<u>Lot Areas</u>	<u>Lot Frontage</u>	<u>Front Yard Depths</u>	<u>Story</u>	<u>Side Yard One Side Yd.</u>	<u>Widths Both Side Yds.</u>	<u>Rear Yard Depth</u>
Non-residential uses -- same as required in district where first permitted.		Same as required in district where first permitted.				

## ARTICLE 22

### WELLHEAD PROTECTION OVERLAY DISTRICT

- 22.01 PURPOSE. The purpose of this Section is to safeguard the public health, safety, and welfare of persons and property in the Butler County by protecting designated groundwater supplies from degradation resulting from the improper storage, use, or discharge of Regulated Substances in and around existing and future wellfields and their recharge areas, and to promote the economic viability of Butler County by balancing the protection of groundwater with the promotion of the economy of Butler County.
- 22.02 DEFINITIONS. The following terms shall have the following meanings within the context of this District:
- 22.021 Aboveground Storage Tank (AST): any non-portable container and supporting structure, excluding all pipes connected thereto, which is used to store an accumulation of Regulated Substances and in which more than 90 percent of the final volume of the storage container is at or above the final ground elevation.
- 22.022 Animal Unit. An animal unit is the equivalent of one thousand (1,000) pounds of animal weight.
- 22.023 Animal Feedlot. This term, as it applies to Wellhead Protection, refers to any confined area where animals have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period and crops, vegetation, forage, growth, or post harvest residues are not sustained in the normal growing season over any portion of the lot or facility. The term shall not include, for the purposes of Wellhead Protection, any barn used for housing and feeding animals when the floor of the animal containment and feeding areas is constructed of an impervious surface.
- 22.024 Best Management Practices (BMP). This term, as it applies to Wellhead Protection, refers to schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the environment. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spills, and leaks.
- 22.025 BUSTR. Bureau of Underground Storage Tank Regulations.
- 22.026 CERCLA. The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq., Pub. L. 96-510, December 11, 1980), as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986 (Pub. L. 99-499, October 17, 1986; 100 Stat. 1613). All references to CERCLA within this regulation are meant to indicate CERCLA, as amended by SARA.
- 22.027 County. Butler County and any of its designated agents.
- 22.028 Dry Well. A type of drainage well used for the underground disposal of storm water runoff from paved areas, which include parking lots, streets, highways, residential subdivisions, and building rooftops; agricultural areas; and industrial areas.



- 22.0209 EPCRA. The Emergency Planning and Community Right-To-Know Act of 1986, also known as the Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 (Pub. L. 99-499, 42 U.S.C. 960).
- 22.0210 Existing Facility or Existing Storage Unit. This term, as it applies to Wellhead Protection, refers to any Facility or Regulated Substance storage unit in operation or for which construction commenced on or before the effective date of this Resolution. Construction of a Facility or Regulated Substance storage unit has commenced if:
- a. The owner or operator has obtained the Federal, State and local approvals or permits necessary to begin physical construction; and either
  - b. A continuous on-site, physical construction program has begun; or the owner or operator has entered into contractual obligations for physical construction of the Facility or Regulated Substance storage unit which cannot be canceled or modified without substantial loss.
- 22.0211 Extremely Hazardous Substance. Any substance listed by the United States Environmental Protection Agency under 40 CFR Part 355 appendixes A and B; and any substance listed by the commission pursuant to divisions (B)(4) and (C)(5) of Section 3750.02 of the Ohio Revised Code.
- 22.0212 Facility. This term, as it applies to Wellhead Protection, refers to all contiguous land and related structures, appurtenances, and improvements on land with the same Facility Operator. A Facility may consist of several operations. For these purposes, contiguous land shall include land separated by a public right-of-way so long as such land would otherwise be contiguous. The term Facility includes all principal and accessory uses, including residential uses.
- 22.0213 Facility Operator. This term, as it applies to Wellhead Protection, refers to the person or designee in possession or control of a Facility or Regulated Substance storage unit, regardless of whether such person is the owner, lessee, or other possessor. The term also includes contractors or site managers at construction sites who are responsible for the general management of Regulated Substances located on site.
- 22.0214 Great Miami Buried Valley Aquifer. A regionally extensive groundwater aquifer system providing drinking water to communities throughout central and southwest Ohio. The Great Miami Buried Valley Aquifer is a designated Sole Source Aquifer under the federal Safe Drinking Water Act, signifying a protected status as a valued natural resource.
- 22.0215 Groundwater. All the water naturally occurring beneath the surface of the ground, excluding those waters in underground piping for water, wastewater, and/or storm water distribution/collection systems.
- 22.0216 Hamilton to New Baltimore Groundwater Consortium. A consortium of five public and industrial groundwater suppliers and users in the Hamilton to New Baltimore area of Butler and Hamilton Counties, Ohio. Members are: City of Cincinnati, City of Fairfield, City of Hamilton, Southwest Regional Water District, Southwestern Ohio Water Company, and their successors.

- 22.0217 Impervious Surface. Any surface which prevents the adsorption of Regulated Substances into surrounding soils or other pervious surface areas, and which will not react with the Regulated Substance being stored in such a way that the surface will deteriorate and no longer be impervious.
- 22.0218 New Facility or New Storage Unit. This term, as it applies to Wellhead Protection, refers to any Facility or Regulated Substance storage unit beginning operation after the effective date of this ordinance.
- 22.0219 Non-conforming Facility or Non-conforming Storage Unit. Any existing Facility or Regulated Substance storage unit which, as of the effective date of this ordinance, would otherwise be prohibited within a designated TOT.
- 22.0220 OAC. Ohio Administrative Code.
- 22.0221 Ohio EPA. The Ohio Environmental Protection Agency.
- 22.0222 Permanent. This term, as it applies to Wellhead Protection, refers to more than ninety (90) consecutive days.
- 22.0223 Pesticide. (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest as defined in Section 2(t) of the Federal Insecticide, Fungicide, and Rodenticide Act (P.L. 100-64, 100-464, to 100-526 and 100-532); and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant. The term shall include all fungicides, insecticides, nematocides, or other substances used for the control of pests.
- 22.0224 Primary Containment. The first level of containment, i.e., the inside portion of a container or storage device which comes into immediate contact on its inner surface with a Regulated Substance.
- 22.0225 Principal. This term, as it applies to Wellhead Protection, refers to the primary, predominant, or foremost use or activity at a Facility.
- 22.0226 Process. This term, as it applies to Wellhead Protection, refers to the incorporation of a Regulated Substance into a product. Includes making mixtures, repackaging, or using a Regulated Substance as a feedstock, raw material, or starting material for making another chemical.
- 22.0227 RCRA. The Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580; 42 U.S.C. 6901 et seq.), as amended.
- 22.0228 Regulated Substances. Those substances identified in Section 22.26 of this Resolution which are regulated under the Wellhead Protection Program.
- 22.0229 Regulated Substance Storage Area. That area where Regulated Substances are stored. A Regulated Substance storage area can include single or multiple Regulated Substance storage units.
- 22.0230 Regulated Substance Storage Unit. This term, as it applies to Wellhead Protection, refers to any underground storage tank, aboveground storage tank, drum, carboy, or other container

used for the storage of one or more Regulated Substance(s), including silo, bag, tank wagon, box, glass, cylinder, tote bin, and truck body, rail car, or tanker when used for the permanent or temporary storage of Regulated Substances.

- 22.0231 Release. This term, as it applies to Wellhead Protection, refers to the spilling, leaking, pumping, pouring, emitting, emptying, or dumping of Regulated Substances upon or into any land or water. Release includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site sewage disposal system, dry-well, catch basin, or landfill. The term "release" when used and applied in this Resolution does not include the following:
- e. Disposal, in accordance with all applicable legal requirements and in accordance with the requirements of RCRA regulations, of hazardous wastes in a Facility that has received and maintained all necessary legal approvals for that purpose;
  - f. Disposal or release of any substance in compliance with applicable legal requirements, including without limitation, the terms and provisions of a valid municipal, State, or Federal permit if such permits are required by applicable environmental laws;
  - g. Disposal, in accordance with all legal requirements, of any substance to a sanitary sewer system that has received and maintained all necessary legal approvals for that purpose;
  - h. Disposal, in accordance with all legal requirements, of "sanitary sewage" to subsurface sewage disposal systems as defined and permitted by state or county health departments;
  - i. Any discharge of a petroleum substance in a quantity less than twenty-five (25) gallons unless such petroleum discharge enters a dry well, storm sewer, or surface water body; or
  - j. Any discharge of hazardous materials listed in SARA Title III or CERCLA when the discharge is less than twenty-five (25) pounds within a twenty-four (24) hour period in the one (1) and five (5) year time-of-travel zone, or less than one hundred (100) pounds within a twenty-four (24) hour period in the ten (10) year time-of-travel zone; or
  - k. The application of agricultural chemicals, fertilizers, mineral acids, organic sulfur compounds, etc. as used in routine agricultural operations and applied under best management practices as indicated by soil tests, the Ohio State University Cooperative Extension Service, the Soil and Water Conservation District, and label directions approved by the United States Environmental Protection Agency or the Ohio Department of Agriculture.
- 22.0232 Replacement. This term, as it applies to Wellhead Protection, refers to the physical removal of a Regulated Substance storage unit for installation of a new Regulated Substance storage unit.
- 22.0233 Restricted Use Pesticide. Any pesticide or pesticide use classified by the administrator of the United States Environmental Protection Agency for use only by a certified applicator or by an individual working under the direct supervision of a certified applicator.
- 22.0234 Secondary Containment. Containment external to and separate from primary containment designed to contain a release from a primary containment unit. Secondary containment may include, but is not limited to, double walls, dikes, vaults, or impervious liners (both natural and synthetic).
- 22.0235 Temporary. This term, as it applies to Wellhead Protection, refers to a period of ninety (90) consecutive days or less. Regulated Substances and the individual storage units containing such substances that are used on site as part of regular business operations are not to be considered temporary storage.

- 22.0236 Time of Travel Zone (TOT). This term, as it applies to Wellhead Protection, refers to the advective travel time for water to flow through an aquifer and reach a well or wellfield.
- 22.0237 Underground Storage Tank (UST). This term, as it applies to Wellhead Protection, refers to one or any combination of tanks, including the underground pipes connected thereto, that are used to contain an accumulation of Regulated Substances the volume of which, including the volume of the underground pipes connected thereto, is 10% or more beneath the surface of the ground. For the purposes of this Resolution, the term does not include:
- a. Pipeline facilities, including gathering lines, regulated under the "Natural Gas Pipeline Safety Act of 1968", 82. Stat, 720, 49 U.S.C.A. 2001, as amended;
  - b. Surface impoundments, pits, ponds, or lagoons;
  - c. Storm or waste water collection systems;
  - d. Flow-through process tanks;
  - e. Septic tanks;
  - f. Storage tanks located in underground areas when the tanks are located on or above the surface of the floor and the integrity of the tank is periodically visually evaluated; or
  - g. Liquid traps or associated gathering lines directly related to oil or gas production or gathering operations.
- 22.0238 Use or Otherwise Use. This term, as it applies to Wellhead Protection, refers to handling, transferring, processing, packaging, treating, emitting, discharging, or disposal of Regulated Substances at a Facility.
- 22.0239 WELLFIELD. A tract of land that contains one or a number of wells (wellheads) for use in public water supplies.
- 22.0240 WELLHEAD. An individual well for supplying water.
- 22.0241 Wellhead Protection Area (WHPA). The surface and subsurface areas supplying water to wells or wellfields through which contaminants are likely to move and reach such wells or wellfields. The Wellhead Protection Area includes the one (1), five (5), and ten (10) year time-of-travel zones.
- 22.0242 Wellhead Protection Program (WHPP). A program established by Section 1428 of the Safe Drinking Water Act of 1986 (Public Law 93-523) designed to minimize the potential for contamination of groundwater being used as a source of public drinking water.
- 22.03 GENERAL APPLICABILITY.
- 22.031 General Applicability. Unless specified otherwise, all provisions of this Resolution apply to any Facility Operator of any real property or business in Butler County when storing or otherwise using Regulated Substances as defined in Section 22.08 of this Resolution, or conducting any activity regulated under Section 22.21 herein, and located within a Wellhead Protection Area as defined in Section 22.0241 herein and as shown on the Wellhead Protection Area Overlay Zoning Map. It is the responsibility of the Facility Operator to determine the applicability of this Resolution to his or her property and/or business, and to comply with all requirements established in this rule as applicable to the Facility. Failure to do so shall not excuse any violations of this Resolution.

22.032 Limited Exemptions. The following are exempt from the provisions set forth herein except for compliance with Sections 22.09 through 22.14 of this Resolution:

- a. Indoor storage/use of Regulated Substance(s) in an area capable of fully containing a total release of the Regulated Substance(s) within the facility or draining the release to a wastewater treatment system capable of treating the released substance(s). Septic tank systems do not qualify as a wastewater treatment system under this exemption;
- b. Sale/storage of Regulated Substances packaged as consumer products in original containers when the aggregate quantity on site meets or exceeds those thresholds established in Section 22.263 of this Resolution;
- c. Current hazardous waste storage areas at RCRA permitted facilities;
- d. Radioactive materials regulated by the U.S. Nuclear Regulatory Commission or the State of Ohio;
- e. Aboveground storage tanks in the five (5) year TOT used exclusively for the storage of Grade 1 or Grade 2 heating fuels and diesel fuel; and
- f. Oil/water separator underground storage tanks.

22.033 Full Exemptions. The following uses of Regulated Substances are exempt from the provisions set forth herein.

- a. Laboratory activities;
- b. Chemical storage tanks containing pressurized gases such as chlorine, propane, hydrogen, and nitrogen;
- c. Household use of Regulated Substances packaged for consumer use in original pre-packaged containers;
- d. Excavation or removal of earth materials; except when storing regulated substances that meet or exceed quantity thresholds established in Section 22.262, then facility must comply with this resolution.
- e. Office and maintenance/janitorial use of Regulated Substances packaged as consumer products. This exemption does not apply to hydrocarbon or halogenated hydrocarbon solvents;
- f. Oils and fluids within electrical utility transformers/switches;
- g. Materials present as a solid inside of a manufactured item;
- h. Transport of Regulated Substances in trucks, trailers, tankers, or rail cars to facilities through the Wellhead Protection Area, provided the Regulated Substances are fueling the transporting vehicle, or the transporting vehicle is in continuous transit, making a delivery, or is stopped for a period of time not to exceed twenty-four (24) hours;
- i. Sale/storage of Regulated Substances packaged as consumer products in original containers when the aggregate quantity on site is less than those thresholds established in Section 22.263 of this Resolution; and
- j. The application of wastewater biosolids provided all application is done in accordance with an approved Ohio Environmental Protection Agency Sludge Management Plan.

22.04 WELLHEAD PROTECTION AREAS ESTABLISHED.

22.041 Certain areas of Butler County are hereby delineated into the following districts for the protection of groundwater resources and shall be collectively referred to as the Wellhead Protection Area (WHPA). A map of the WHPA shall be kept on file at the County, City of Fairfield, and City of Hamilton Planning Departments.

- 22.0411 One (1) Year Time-of-Travel (TOT) Zone. The one (1) year TOT zone is that area around the well or wellfield from which groundwater will be drawn for use in a public water supply in a one (1) year time period. The one (1) year TOT is hereby established in those areas of Butler County as illustrated on the WHPA map.
- 22.0412 Five (5) Year Time-of-Travel (TOT) Zone. The five (5) year TOT zone is that area located outside the one (1) year TOT zone but within the boundaries of the five (5) year TOT zone from which groundwater will be drawn in a five (5) year time period. The five (5) year TOT is hereby established in those areas of Butler County as illustrated on the WHPA map.
- 22.0413 Ten (10) Year Time-of-Travel (TOT) Zone. The ten (10) year TOT zone is that area located outside the one (1) and five (5) year TOT zones but within the boundaries of the ten (10) year TOT zone from which groundwater will be drawn in a ten (10) year time period. The ten (10) year TOT is hereby established in those areas of Butler County as illustrated on the WHPA map.
- 22.042 REDELINEATION OF THE WHPA.
- 22.0421 Procedure For Proposals Respecting Changes/Redelineation of WHPA Designation. Any change in the boundary of a WHPA resulting from redelineation of a WHPA shall be effective after approval of the redelineation by means of a Zoning Amendment as provided for in Article 27 herein. Public notice of the change shall be provided in accordance with requirements for Butler County but shall include no less than notification through publication of the change for one (1) day in at least one (1) newspaper with general circulation in the community; and notification via first class mail to those registered facility operators in the pre-existing WHPA whose location in a TOT zone has changed as a result of the redelineation, and any non-residential property owners in the newly delineated portions of the updated WHPA. Said notification shall be mailed, via first class mail, no less than thirty (30) days prior to the public hearing date and the notification shall be in the form of a letter stating the results of the redelineation and any subsequent change in the facility's regulatory status.
- 22.0422 Impact on WHPA Facilities.
- 22.04221 Where an existing facility required to comply with the provisions set forth herein is no longer located in a WHPA as a result of the redelineation, the facility is no longer subject to compliance with this Resolution.
- 22.04222 Any facility previously located outside the boundary of the WHPA that is located inside the boundary of the WHPA as a result of the redelineation must be registered in accordance with Section 22.096 of this Resolution and must comply with those provisions required of existing facilities for the TOT zone in which the facility is located as applicable and in accordance with the time frames specified for those applicable provisions.
- 22.04223 Any registered facility whose classification within a TOT zone is changed to a different TOT zone as a result of the redelineation must submit an amended facility registration to the Building and Zoning Administrator or Designee in accordance with Section 22.097 of this Resolution and must comply with those provisions required of existing facilities as applicable for the new TOT zone in which that facility is now located in accordance with the time frames specified for those applicable provisions.
- 22.05 PROHIBITIONS IN THE WELLHEAD PROTECTION AREA.

22.051 One Year TOT Prohibitions. Establishment of the following new activities/land uses is prohibited in the one year TOT as of the effective date of this Resolution:

- a. Commercial junk yards;
- b. Commercial sanitary/solid waste landfills;
- c. The disposal of shingles, asphalt, and/or lead-based or lead containing materials in an unlicensed landfill;
- d. The manufacturing, processing, or recycling of regulated substances as the principal activity where storage, handling, or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights;
- e. Commercial establishments for motor vehicle repair/service shops and/or body repair where storage, handling, or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights;
- f. Trucking or bus terminals where storage, handling, or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights;
- g. Animal feedlots exceeding one thousand (1,000) animal units;
- h. Primary metal product industries where storage, handling, or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights;
- i. Metal plating, polishing, etching, engraving, anodizing, or similar processes where storage, handling, or use of a regulated substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights;
- j. Lawn, garden, pesticide, and agricultural services with on-site bulk mixing or blending of fertilizers, pesticides, and other industry-related chemicals for commercial application when quantities of concentrated fertilizers, pesticides, and other industry-related chemicals stored on site exceed fifty-five (55) gallons aggregate for liquid materials or four hundred forty (440) pounds aggregate for dry weights;
- k. Permanent storage of regulated substances in trucks, trailers, tankers, or rail cars not meeting conditions specified in Section 22.154 of this Resolution where storage of the Regulated Substance(s) exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights;
- l. Use of oil, waste oil, or similar liquid petroleum-type products for dust suppression;
- m. Use of fly ash or other ash material for fill material. This prohibition does not apply where fly ash is used as a component in cement, concrete, or cinder block;
- n. Dry cleaning facilities with on-site dry cleaning service Substance(s) exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights;
- o. Installation of underground storage tanks except as permitted in Section 22.204 of this Resolution; and
- p. Temporary or permanent storage of regulated substances other than vehicle fuels, vehicle lubricants, and fuel for building and/or process heat in new underground storage tanks (USTs), except as permitted in Section 22.204(c) of this Resolution.

22.052 Five Year TOT Prohibitions. The establishment of the following new activities/land uses is prohibited in the five-year TOT zone as of the effective date of this provision:

- a. Commercial junk yards;
- b. Commercial sanitary/solid waste landfills;
- c. The disposal of shingles, asphalt, and/or lead-based or lead containing materials in an unlicensed landfill;
- d. Manufacturing, processing, or recycling of regulated substances as the principal activity where storage, handling, or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights;
- e. Permanent storage of regulated substances in trucks, trailers, tankers, or rail cars not meeting the conditions specified Section 22.154 of this Resolution where storage, handling, or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights;
- f. Use of oil, waste oil or similar liquid petroleum type products for dust suppression;
- g. Installation of underground storage tanks, except as permitted in Section 22.204 of this Resolution.
- h. Temporary or permanent storage of regulated substances other than vehicle fuels, vehicle lubricants, and fuel for building and/or processing heat in new underground storage tanks (USTs), except as permitted in Section 22.204(c) of this Resolution.

22.053 Ten Year TOT Prohibitions. The establishment of the following new activities/land uses is prohibited in the ten-year TOT zone as of the effective date of this provision:

- a. Commercial sanitary/solid waste landfills;
- b. The disposal of shingles, asphalt, and/or lead-based or lead containing materials in an unlicensed landfill;
- c. Permanent storage of regulated substances in trucks, trailers, tankers, or rail cars when not meeting conditions specified in Section 22.154 of this Resolution where storage, handling, or use of a Regulated Substance exceeds one thousand (1,000) gallons aggregate for liquid materials or eight thousand (8,000) pounds aggregate for dry weights;
- d. Use of oil, waste oil, or similar liquid petroleum-type products for dust suppression;
- e. Installation of underground storage tanks, except as permitted in Section 22.204 of this Resolution.
- f. Temporary or permanent storage of regulated substances other than vehicle fuels, vehicle lubricants, and fuel for building and/or processing heat in new underground storage tanks, except as permitted in Section 22.204(c) of this Resolution.

22.054 Conditional Uses Applicable to all Wellhead Protection Time- of-Travel (TOT) Zones. The following land uses/activities will only be permitted within specified TOTs based on case-by-case review by the Board of Zoning Appeals. Each case must be submitted as a variance request to the Board of Zoning Appeals in accordance with local requirements:

- a. Lawn, garden, pesticide, and agricultural services, located in the five-year TOT zone, which have on-site bulk mixing or blending of fertilizers, pesticides, and other industry-related chemicals for commercial application when quantities of concentrated fertilizers, pesticides, and other industry-related chemicals stored on site meet or exceed five hundred (500) gallons aggregate for liquid materials or four thousand (4000) pounds aggregate for dry weights.

22.06 COMPLIANCE WITH EXISTING FEDERAL, STATE, AND LOCAL REGULATIONS.



Facility Operators subject to regulation under this Resolution must comply fully with all existing applicable federal, state, and local regulations in addition to any of the requirements established in this Resolution.

22.07 CONTINUATION OF EXISTING NON-CONFORMING FACILITIES AND NON-CONFORMING USES OF LAND.

- a. Where, at the effective date of the adoption of, or amendment to, the provisions set forth herein, lawful use of land exists that is no longer permissible under the provisions of Article 27 as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to provisions of this Resolution.
- b. Any non-conforming use of land, building, or regulated substance storage unit existing as of the effective date of adoption of, or amendment to, the provisions set forth herein and which operates within a Wellhead Protection Area Time-of-Travel Zone is permitted to continue operation as a non-conforming existing land use, building, or regulated substance storage unit provided it remains otherwise lawful; complies with the provisions of this Resolution which apply to existing facilities.
- c. An existing use made non-conforming solely by application of the Wellhead Protection provisions set forth herein shall be treated as non-conforming only as to those uses prohibited by these Wellhead Protection provisions. As to existing uses not prohibited or otherwise regulated by these Wellhead Protection provisions, those uses remain conforming such that they may be expanded or otherwise altered without violation of this Resolution.

22.08 REGULATED SUBSTANCES.

22.081 Defined. Regulated Substances shall be those substances listed in Section 22.261 herein when storage or use at a facility at any time of the year meets or exceeds those thresholds specified in Section 22.262. A Facility Operator may, at their choice, calculate the quantity of Regulated Substances stored or used on site as follows:

- a. Maximum Amount at Any One Time. The Facility Operator may report the quantity of Regulated Substances stored or otherwise used on site as the maximum amount found on site at any one time during the course of a year. Where there are seasonal fluctuations in Regulated Substance use, the amount should be based on storage or use of Regulated Substances during peak times of the year; or
- b. Monthly Daily Average. The Facility Operator may calculate the daily average of Regulated Substance storage or use on site over the course of a month. The Facility Operator must calculate this average using the anticipated quantity of Regulated Substances storage or use during peak months at the facility.

A substance listed in Section 22.261 may be partially or fully exempt from regulation under this Resolution if use or storage of the Regulated Substance is exempted under Sections 22.032 or 22.033 of this Resolution, or if the Facility Operator can provide proper documentation to the Zoning Administrator or Designee that a Regulated Substance does not present a threat to groundwater due to the nature of the substance. Information from the substance manufacturer or other qualified, verifiable source indicating that the substance does not present a threat to groundwater shall be considered proper documentation.

22.082 Additions/deletions to The Regulated Substance List. The Zoning Administrator or Designee reserves the right to designate additional substances or remove substances from the list of Regulated Substances in Section 22.261 as necessary for the protection of the groundwater resource. Any addition/deletion to the list shall be considered a text change and therefore requires public notice of the intended change in accordance with public notice requirements for Butler County but shall include no less than:

- a. Notification of the intent to remove or add a Regulated Substance to the list via mail to all registered Facility Operators no later than thirty (30) days prior to action by the Zoning Administrator or Designee;
- b. Notification through publication of the change for one (1) day in at least one (1) paper with general circulation in the community; and
- c. Notification via first-class mail to all registered Facility Operators no later than thirty (30) days after removal or addition of Regulated Substances to the list by the Zoning Administrator or Designee.

22.09 FACILITY REGISTRATION.

22.091 Registration. Facility registration is required once every two (2) years for any facility where on site storage or use of Regulated Substances meets or exceeds those quantities established in Section 22.262 of this Resolution, or for any activity identified as a regulated activity under Section 22.21 of this Resolution. A Facility Operator may register the facility or, at the request of the Facility Operator, the Zoning Administrator or Designee may register the facility. The Zoning Administrator or Designee shall conduct any facility registration in the following manner:

- a. The Zoning Administrator or Designee shall provide written notice of the intent to register the facility no less than fourteen (14) days prior to the registration date;
- b. The registration shall be conducted at reasonable times during normal business hours. To help ensure accuracy of the registration and safety of the persons involved, the Facility Operator or designee must accompany the Zoning Administrator or Designee during the registration;
- c. The registration will not unreasonably interfere with facility operations; and
- d. The scope of the registration will be limited to gathering information necessary to complete the registration required by this Resolution.

All facility registrations must be completed and, where applicable, submitted to the Zoning Administrator or Designee within one hundred eighty (180) days of the date a property becomes subject to regulation under this Resolution, and by July 1 of every second year thereafter. A Facility Operator choosing to have their facility registered by the Zoning Administrator or Designee must contact the Zoning Administrator or Designee no less than thirty (30) days before a registration is due to ensure completion of the registration by the required due date.

22.092 Registration Requirements. Facility registration will include, but is not necessarily limited to, information on the following:

- a. Name, address, and phone number of the registered Facility;
- b. Facility Operator name and number;
- c. Emergency contact, address, and phone;

- d. Primary and, where applicable, secondary business activities at the Facility, including Standard Industrial Classification codes (if known) and a brief description of how Regulated Substances are used at the Facility;
- e. The types, quantity, and location of Regulated Substances stored or otherwise used on-site. Where the Regulated Substance is identified by a common trade name or a mixture, the primary chemical component(s) must be identified;
- f. The manner of Regulated Substance storage (i.e., ASTs, fifty-five (55) gallon drums, totes, etc.). AST registration will include information on current tank status, contents, volume, construction, and age;
- g. A general description of any secondary containment or other spill containment and/or spill prevention measures used at the Facility for Regulated Substance storage units or storage areas;
- h. A general description of Regulated Substance waste disposal methods. Where applicable, the Facility's hazardous waste generator identification number must be provided;
- i. Where applicable, location of any groundwater monitoring equipment on the Facility's property;
- j. Where applicable, the location of any dry wells on the Facility property; and
- k. Where applicable, the location of any production wells on the facility property, and
- l. Where applicable, the type of septic system used on site and type of waste treated.

Any person identified as the emergency contact for a Facility under part (c) must have authority to provide additional information about the Facility and materials stored or otherwise used on site when requested and to authorize the use of response personnel, including hazardous materials contractors, in the event of a release at the Facility. The Facility Operator must notify the Zoning Administrator or Designee of any change in contact person, phone number, and/or address of the emergency contact person no later than two (2) weeks after any change.

22.093 Operator Signature. The Facility Operator must sign the completed facility registration. The Facility Operator's signature shall serve as acknowledgment of the accuracy of the registration and compliance with the following, where applicable:

- a. Storage Unit Inspections - compliant with Section 22.152; and
- b. Development and implementation of a Spill Control Plan - compliant with Section 22.19, et seq.

Any Facility Operator whose Facility is registered by the Zoning Administrator or Designee must submit a copy of the signed registration to the Zoning Administrator or Designee no later than two (2) weeks after the registration date.

22.094 Use of Existing Registration Information. Any Facility Operator required to register a Facility or Regulated Substance storage unit under another federal, state, or local program may submit a copy of that registration to the Zoning Administrator or Designee to expedite the registration process. Any existing registration information should be presented to the Zoning Administrator or Designee prior to or at the time of facility registration.

22.095 New Facility Registration. Any Facility subject to regulation under this Resolution that begins operation or commences conduct governed by this Resolution after the effective date of this Resolution must be registered in accordance with Section 22.091 no later than one hundred eighty (180) days after beginning operation.

22.096 Registration of Previously Exempt Facilities. Any previously exempt Facility that becomes subject to the requirements of this Resolution due to changes at the Facility must be registered in accordance with Section 22.096 no later than one hundred eighty (180) days after becoming subject to regulation under the Resolution. A previously exempt Facility becomes subject to regulation under this Resolution when:

- a. A new AST or UST system subject to regulation under this Resolution is installed at the Facility;
- b. There is a permanent change in the type and/or volume of Regulated Substances stored or otherwise used at the Facility that results in the storage or use of Regulated Substances in quantities meeting or exceeding the thresholds established in Section 22.262; and/or
- c. There is a change in the delineated TOTs as specified in Section 22.042 of this Resolution.

22.097 Amending Existing Facility Registrations. A Facility Operator must amend an existing Facility registration, or may request that the Zoning Administrator or Designee amend the registration, no later than sixty (60) days after any:

- a. Change in ownership or management of the Facility;
- b. Installation, return to service, or removal of an AST or UST system subject to regulation under this Resolution;
- c. Permanent on-site storage or use of a previously unregistered Regulated Substance in quantities meeting or exceeding the thresholds established in Section 22.262; and/or
- d. Change in the delineated TOTs as specified in Section 22.042 of this Resolution.

And no later than ninety (90) days after:

- e. Permanent cessation of regulated operations or storage of Regulated Substances as specified in Section 22.11.

A Facility Operator choosing to have their facility registration amended by the Zoning Administrator or Designee must contact the Zoning Administrator or Designee no less than thirty (30) days before a registration is due to ensure completion of the registration within the allowed sixty (60) day time frame when meeting parts (a) - (d). The Facility Operator is responsible for amending a registration under the part (e).

22.098 Registration of Multiple Facilities. Any person owning and/or operating more than one facility subject to regulation under this Resolution must register each regulated facility separately in accordance with the provisions of this Resolution.

## 22.10 TEMPORARY STORAGE OF REGULATED SUBSTANCES.

22.101 Application. This Section applies to the temporary storage of Regulated Substances at new and existing non-residential facilities in the Wellhead Protection Area when the Regulated Substances are stored or otherwise used in quantities meeting or exceeding the quantity thresholds established in Section 22.262.

22.102 Conditions. Temporary storage subject to regulation under this Resolution must meet the following conditions when aboveground:

- a. The Regulated Substance storage unit(s) must meet the general container requirements specified in Section 22.152 through 22.154 of this Resolution; and
- b. When possible, the temporary storage unit(s) should be located in a non-hazardous area (i.e., where the unit(s) are not generally exposed to routine vehicular traffic, flammables, or other hazards).

Any Regulated Substance release meeting or exceeding the release notification criteria in Section 22.121 must be reported and remediated in accordance with Section 22.12, et seq. herein.

22.103 Temporary Storage Extensions. Temporary storage of Regulated Substances beyond ninety (90) days is permitted provided compliance with the following requirements.

- a. The Facility Operator must notify the Zoning Administrator or Designee of the need to continue temporary storage of the Regulated Substance(s) prior to expiration of the temporary storage period. The Facility Operator shall submit notification to the Zoning Administrator or Designee on a prescribed form supplied by the Zoning Administrator or Designee at the request of the Facility Operator. The notification shall specify:
  - (i) Facility name, address, and telephone;
  - (ii) Facility Operator name and twenty-four (24) hour emergency contact. Designation of an emergency contact must be done in accordance with Section 22.092;
  - (iii) Regulated Substance(s) temporarily being stored at the Facility;
  - (iv) The manner in which the Regulated Substances are stored; and
  - (v) The anticipated date when temporary storage will cease.
- b. The Regulated Substance continues to be stored in compliance with Section 22.102 when aboveground.

22.11 FACILITY CLOSURE.

22.111 Facility Closure. This Section applies to any non-residential Facility subject to regulation under this Resolution that becomes unoccupied or where operations are permanently discontinued for a period greater than ninety (90) consecutive days any time after the effective date of this Resolution. Facility Operators subject to compliance with any federal, state, or local facility closure program addressing the storage or handling of Regulated Substances at a closing facility are exempt from the requirements in this Section except for compliance with Section 22.113.

22.112 Removal of All Regulated Substances. Except in the case of seasonal discontinuation of operation, the Facility Operator must remove all Regulated Substances other than those used exclusively for heating, cooling, and providing electrical lighting for the premises from the property no later than ninety (90) days after the date the property initially became unoccupied or operation was permanently discontinued.

22.113 Closure Notice. Any Facility Operator permanently discontinuing operation of a Facility subject to regulation under this Resolution must submit an amended Facility registration to the Zoning Administrator or Designee in accordance with Section 22.097. The amended Facility registration shall include the date on which operations will or have ceased; the current

operator's new phone number and address; and the fate of Regulated Substances stored or otherwise used on site. Any Facility Operator required to submit a closure notification under any federal, state, or local closure program may copy the Zoning Administrator or Designee on that notification in lieu of submitting an amended Facility registration.

22.114 Facility Security. Upon permanent closure of a facility, the Facility Operator must take reasonable steps to secure all Regulated Substance storage units or Regulated Substance storage areas against vandalism. Compliance with Sections 22.152 through 22.154 and maintenance of all security measures implemented in accordance with this Section are required until all Regulated Substances are removed from the site.

## 22.12 REGULATED SUBSTANCE RELEASES.

22.121 Release Notification Required. Any release of a Regulated Substance within a Wellhead Protection Area must, if such release:

- a. originates from an underground storage tank; or
- b. contacts a pervious ground surface; and
- c. is not immediately and completely remediated within twenty-four (24) hours; or
- d. enters a surface water body; or
- e. enters a dry well or storm sewer

be reported to the Zoning Administrator or Designee or on-duty drinking water treatment plant operator within twenty-four (24) hours of discovery by the Facility Operator or any other party responsible for the storage unit from which the release occurred. Such notification in no way alleviates other federal, state, or local reporting obligations imposed by law.

22.122 Notification Contents. Initial notice shall include, at a minimum, information related to the following:

- a. Location of the release (Facility name, address, and phone);
- b. Facility/responsible party's name, address, and phone (if different from (a));
- c. Emergency contact and phone;
- d. Description of the nature of the incident, including date, time, location, and cause of the incident; type, concentration, and volume of substance(s) released.

22.123 Regulated Substance Release Report. Within seven (7) days of a reported release, the responsible party must submit to the Zoning Administrator or Designee a Regulated Substance Release Report providing any additional detail on the nature and management of the release, including control and corrective actions taken, fate of the released material, and, where applicable, the name of the contractor responsible for removal of released substances. Information submitted in the Regulated Substance Release Report shall be used by the Zoning Administrator or Designee to determine if and where any additional follow-up work needs to be completed to assess the potential pollution impact of the release.

22.124 Remediation of Release. Upon discovery of a release, the Facility Operator or other responsible party must take appropriate reasonable actions to mitigate the potential impact of the release on groundwater and remediate the release. Remediation must be conducted in a timely manner and in accordance with applicable law. Wastes generated during remediation of a Regulated Substance release must be handled in accordance with Sections 22.152 through 22.154 when the quantity of regulated wastes generated meet or exceed the quantity thresholds

established in Section 22.262, in addition to all applicable legal requirements. Storage of these materials for a period of greater than ninety (90) days must be reported to the Zoning Administrator or Designee by the Facility Operator in accordance with Section 22.103.

22.125 Submission of Additional Information. The responsible party must copy the Zoning Administrator or Designee on all correspondence submitted to federal, state, or local agencies related to site assessment and site remediation. The Zoning Administrator or Designee may request, if deemed necessary, that:

- a. The Fire Department provide a copy of the department's Ohio Fire Incident Reporting System report to the Zoning Administrator or Designee;
- b. The Ohio EPA provide a copy of the agency's Emergency Response Section Incident Report to the Zoning Administrator or Designee; and/or
- c. The Facility Operator develop and implement procedures to minimize the likelihood of reoccurrence of such a release. The Facility Operator must submit procedures developed under this provision to the Zoning Administrator or Designee no later than sixty (60) days after being required, and implemented no later than one hundred eighty (180) days after approval by the Zoning Administrator or Designee.

22.126 Liability. The County is authorized to order the cleanup or abatement, or take such other actions as may be necessary to cause cleanup or abatement, of any hazardous material release to soils, surface water, and/or groundwater in or near a WHPA which may present a threat to groundwater quality or violate Ohio's water quality standards. The entity or person responsible for the release shall be liable for any reasonable expense, loss, or damages attributable to the release incurred by the County in response to such an incident, in addition to any fines imposed under Ohio and Federal law, and these codified Resolutions.

#### 22.13 RECORDS RETENTION.

The Facility Operator must retain all records, reports, or other documentation related to the requirements of this Resolution on site for a minimum of five (5) years from the original date of the record, report, or document.

#### 22.14 INSPECTION.

The Zoning Administrator or Designee shall inspect all facilities subject to regulation under this Resolution no less than once every two (2) years for compliance with the provisions of this Resolution. Any inspection shall be conducted under the conditions listed in Section 22.091(a) through (d).

#### 22.15 GENERAL REGULATED SUBSTANCE STORAGE PROVISIONS: ABOVE GROUND STORAGE.

22.151 Applicability. This Section applies to the above ground storage of Regulated Substances in the Wellhead Protection Area in quantities meeting or exceeding those specified in Section 22.262.

22.152 General Container And Regulated Substance Handling Requirements at Non-residential Facilities. All containers subject to regulation under this Resolution used for the storage or use of Regulated Substances at new and existing non-residential facilities must be:

- a. Product-tight and free of any defects which may result in a release of the contained Regulated Substance;
- b. Made of or lined with materials which will not react with and are otherwise compatible with the Regulated Substance stored;
- c. Individually and clearly labeled with the contents of the container. If a Regulated Substance is being stored on site under the temporary storage provisions (Section 22.10), the Regulated Substance storage unit must also be labeled with the date on which temporary storage began.
- d. Stored on or above an impervious surface at all times that is free of any gaps, cracks, or other effects of deterioration that would allow for the penetration of Regulated Substances stored on that surface into surrounding soils, or, if stored on a pervious surface, stored with secondary containment in the form of a dike, containment pallet, or other containment unit capable of containing a release from the Regulated Substance storage unit. Existing ASTs are exempt from this requirement; and
- e. Visually inspected weekly by the Facility Operator for any evidence of leaks, improper storage, or potential hazards that may result in a release of materials being stored in or transferred into the storage unit. Aisle space between containers must be adequate to allow for inspections. Where applicable, any leak detection or early warning system associated with an AST also must be inspected on a weekly basis. The Facility Operator must maintain a record of inspections and the findings of those inspections, and made available on request by the Zoning Administrator or Designee. Any weekly inspection log maintained by a Facility Operator under another federal, state, or local program shall satisfy the requirements of this part provided the inspection includes those Regulated Substance storage units regulated under this Resolution.

Any Facility Operator installing an impervious surface or providing secondary containment under part (d) of this Section must do so no later than one hundred eighty (180) days after becoming subject to regulation under part (d). Continued storage of Regulated Substances on a pervious surface beyond this one hundred eighty (180) day period is permitted only if granted a temporary variance.

22.153 Defective Storage Units. A Facility Operator must remove defective storage units from service immediately and repair or replace the defective units if needed. Defective storage units permanently taken out of service must be decontaminated and disposed of in accordance with applicable federal, state, and local waste management standards.

22.154 Storage in Trucks, Trailers, Tankers, or Rail Cars. Any truck, trailer, tanker, or rail car used for the storage of Regulated Substances within the Wellhead Protection Area must:

- a. Be structurally stable and free of any defects that may result in a release of the Regulated Substances stored in the truck, trailer, tanker, or rail car;
- b. Be clearly labeled with the contents;
- c. Be visually inspected weekly by the Facility Operator for any evidence of leaks, improper storage, or potential hazards that may result in a release of materials being stored in or transferred into or out of the storage unit; and



- d. Have all doors, valves, or other openings through which a release could occur locked or otherwise secured when not in use so as to prevent a release of the Regulated Substance through the opening(s).

22.155 Spill Control Plan. Permanent storage or use of Regulated Substances subject to regulation under this Resolution at new and existing facilities in a storage unit where a release from the storage unit would reach a pervious soil surface, dry well, storm sewer, or surface water body requires the development of a Spill Control Plan in accordance with Section 22.19. A Facility Operator is exempt from this requirement if the storage unit or storage/usage area is secondarily contained.

22.156 Residential Regulated Substance Storage Units. All containers subject to regulation under this Resolution used for the storage or use of Regulated Substances at new and existing residential facilities must be:

- a. In compliance with parts (a), (b), (c), and (d) in Section 22.152;
- b. Visually inspected by the Facility Operator on a monthly basis. Where applicable, any leak detection or early warning system associated with an AST also must be inspected at that time; and, where applicable,
- c. Provided with a Spill Control Plan in accordance with Section 22.195.

22.16 ABOVE GROUND STORAGE TANK (AST) INSTALLATION.

22.161 Installation of New ASTs. This Section applies to the installation of ASTs at new or existing facilities after the effective date of this Resolution when the capacity of the AST meets or exceeds the quantity thresholds established in Section 22.262. All new ASTs must be registered in accordance with Section 22.09 and meet the general handling requirements specified in Section 22.152 in addition to the following as required:

- a. Bottom Clearance. All ASTs must have ground clearance of no less than two (2) inches from the outermost wall of the AST to allow for visual inspection of the underside of the AST. This requirement may be waived if the size of the AST prevents raising the tank as required or the AST is a concrete vaulted tank.
- b. Secondary Containment. All ASTs meeting or exceeding the thresholds established for secondary containment in Section 22.172 herein must be installed with secondary containment meeting or exceeding those requirements specified in Sections 22.173 through 22.175.
- c. Barriers. Any AST meeting or exceeding the thresholds established for secondary containment in Section 22.172 and which is installed in an area where the AST is open to vehicle damage must be protected against impact with physical barriers meeting the approval of the Zoning Administrator or Designee. Any impervious dike utilized as secondary containment meets the requirements for a physical barrier.
- d. Replacement of Existing ASTs. Replacement of an existing AST after the effective date of this Resolution with any new or used AST is considered installation of a new system and therefore subject to any federal, state, and local regulations for the installation of new ASTs in addition to the provisions of this Resolution, unless specified otherwise.

22.17 SECONDARY CONTAINMENT REQUIREMENTS.

22.171 Exemptions. The following are exempt from secondary containment requirements set forth in this Resolution:

- a. Storage of Regulated Substance(s) indoors in an area capable of fully containing within the Facility a total release of the Regulated Substance(s) for which the exemption is being claimed, or draining the release to a wastewater treatment system capable of treating the released substance(s). *NOTE:* Septic tank systems do not qualify as a wastewater treatment system under this exemption;
- b. Storage of Regulated Substances as consumer products packaged in original containers;
- c. Storage of Regulated Substances in storage units/areas with secondary containment comparable to or exceeding that required in Sections 22.173 through 22.175 herein; and
- d. ASTs located in the 10 year TOT.

22.172 Secondary Containment Requirements for ASTs. Unless exempted under Section 22.171, secondary containment is required as follows for ASTs installed after the effective date of this Resolution:

- a. All ASTs installed in the one (1) year TOT with a capacity exceeding fifty-five (55) gallons; and
- b. All ASTs installed in the five (5) year TOT with a capacity of five hundred (500) gallons or more when storing petroleum or petroleum-based products, or two hundred and fifty (250) gallons or more when storing all other Regulated Substances.

22.173 Construction. Secondary containment systems must be constructed of or lined with materials compatible with the Regulated Substance stored. Secondary containment must be of sufficient thickness, density, and composition so as not to be structurally weakened from contact with the Regulated Substance or precipitation, and must be free of cracks, joints, gaps, or other imperfections which would allow leakage through the containment.

22.174 Double Walls and Diking. An AST must have at least one of the following at the choice of the Facility Operator:

- a. Double Walls. Designed as a containment area and providing the Facility Operator with manual or electronic interstitial space monitoring capabilities. Laminated, coated, or clad materials shall be considered single-walled and shall not be construed to fulfill the requirement for double walling; or
- b. Diking: Capable of containing one hundred and ten percent (110%) of the total volume of the tank. If the storage area contains multiple ASTs, the secondary containment must be large enough to contain one hundred and fifty percent (150%) of the volume of the largest AST placed in it, or ten percent (10%) of the aggregate internal volume of all ASTs in the storage area, whichever is greater.

22.175 Precipitation.

- a. If an AST using a dike as a secondary containment system is exposed to and subject to accumulation of precipitation within the dike, the dike must be designed and operated as follows:

- (i) The base of the dike must be sloped to a collection point or sump to allow for controlled removal of accumulated storm water or spilled regulated materials; and
  - (ii) If the dike is penetrated by a drainage pipe, the pipe must have a lockable valve. This valve shall be kept closed and locked under normal conditions until a determination is made by the Facility Operator that the discharge of storm water is acceptable pursuant to part (b) of this Section.
- b. Storm water accumulated within secondary containment that is known or suspected to contain a release from the primary containment unit must be handled in accordance with applicable federal, state, or local laws. No potentially contaminated stormwater may be discharged to a sanitary sewer without approval of the Zoning Administrator or Designee. The Zoning Administrator or Designee may require analysis of the stormwater before allowing discharge to the sanitary sewer if the released substance could present a treatment problem at the wastewater treatment plant. The Facility Operator must take all reasonable steps to neutralize the stormwater before discharging the stormwater to any septic system, dry well, sewer, soil, or surface water body.

22.18 TEMPORARY PLACEMENT OUT OF SERVICE OF ASTS.

22.181 Temporary Placement Out of Service.

- a. Removal from Service. Any Facility Operator intending to place an AST system out of service for less than one (1) year must remove the system from service in accordance with Resolution 1301:7-7-28, Section FM-2807.2.1 of the State Fire Code in addition to any other applicable federal, state, or local regulations. Any AST meeting any of the secondary containment exemption criteria in Section 22.171, or any heating fuel AST taken out of use for seasonal conditions, is exempt from this requirement.
- b. Returning the Tank to Service. Unless required otherwise under another applicable federal, state, or local regulation, any AST placed out of service for more than ninety (90) consecutive days but less than one (1) year which is to be brought back into service must be brought back into service by the Facility Operator in accordance with Resolution 1301:7-7-28, Section FM-2807.2.1 of the State Fire Code. Any AST meeting any of the secondary containment exemption criteria in Section 22.171 is exempt from this requirement.

22.19 SPILL CONTROL PLANS.

22.191 Non-residential Facilities. Facility Operators required to develop a Spill Control Plan (SCP) must complete the plan no later than one hundred eighty (180) days after becoming subject to this requirement. The Zoning Administrator or Designee may provide, at the request of the Facility Operator, a template of the SCP to facilitate development of the SCP. The SCP does not require the signature of a professional engineer. The SCP must be stored on site and made available on request to the fire department or other inspection authority.

Any SCP developed in compliance with other federal, state, or local regulatory programs may satisfy the requirements of this provision provided that SCP contains all information specified in Section 22.192. Any deficient information must be amended into the existing SCP to be

considered compliant with this Section. If a pre-existing SCP is being used to satisfy this requirement, only compliance with Sections 22.193 and 22.194 is required. Where applicable, one (1) copy of the SCP must be kept in the Facility's repository box (lock box).

22.192 Content of the Spill Control Plan. The SCP must specify all of the following:

- a. Facility name, address, and phone;
- b. Facility Operator name and phone;
- c. Emergency contact and phone. Designation of an emergency contact must be done in accordance with Section 22.092;
- d. A brief description of the type of business conducted at the Facility;
- e. The location of the Regulated Substance storage area(s) for which the SCP is being developed;
- f. The type(s) and normally anticipated quantity of Regulated Substance(s) stored in the Regulated Substance storage area(s) for which the plan is being developed;
- g. Potential hazards (including activities) to the Regulated Substance(s) stored in the area;
- h. All openings/routes through which a release from the storage area(s) would potentially flow into the Facility's property and within five hundred (500) feet beyond the property line, including floor drains, doorways, storm sewers, dry wells, streams, and other openings/routes;
- i. Emergency response procedures to be followed in the event of a release, including specific points of contact for releases, evacuation procedures, and emergency notification procedures for appropriate federal, state, and local agencies; and
- j. Emergency equipment available to the Facility Operator and location of equipment.

22.193 Employee Training. A Facility Operator must train all employees annually on the release procedures outlined in the SCP. The Facility Operator must maintain a log of employee training and make the log available to the Zoning Administrator or Designee upon request. Copies of the SCP must be readily available for employee use in work areas in or near Regulated Substance storage areas.

22.194 Updating the SCP. A Facility Operator must review and amend the SCP as necessary every two (2) years and when any of the following occur:

- a. There is a change in ownership or management at the Facility;
- b. An out-of-service AST system lacking secondary containment comparable to that required in Section 22.17 is returned to service; and/or
- c. Changes, structural or otherwise, are made at the Facility that will affect the anticipated flow direction of any release from the storage area or unit (ex: regrading of property, paving, building additions).

22.195 Residential Spill Control. Any residence with a Regulated Substance storage unit required to have a Spill Control Plan shall receive information from the Zoning Administrator or Designee on how to respond to a release from the storage unit as those units are registered. This information shall be provided in an easy to follow format. The owner of the Regulated Substance storage unit must keep any information related to spill control readily available in the event of a release.

22.20 UNDERGROUND STORAGE TANKS.

22.201 Applicability. This Resolution applies to any person currently owning and/or operating or intending to own and/or operate any underground storage tank (UST) with a capacity exceeding fifty-five (55) gallons when located within the one (1) or five (5) year time-of-travel zone (TOT), or with a capacity meeting or exceeding five hundred (500) gallons or more when located within the ten (10) year TOT.

22.202 Exemptions. The following USTs are exempt from regulation under this Section:

- a. USTs in the ten (10) year TOT used exclusively for the storage of Grade 1 or Grade 2 heating fuels and diesel fuel; and
- b. USTs containing de minimis quantities of a Regulated Substance.

A de minimis quantity is one (1) inch or less. Any claim that a UST contains de minimis quantities when storing more than one (1) inch of Regulated Substance shall be determined by the Zoning Administrator or Designee on a case-by-case basis. A Facility Operator must submit verification to the Zoning Administrator or Designee that the UST contains a de minimis quantity of a Regulated Substance when making any de minimis claim.

22.203 Registration of UST Systems

- a. Registration. All UST systems subject to regulation under this Resolution must be registered in accordance with Section 22.09 of this Resolution. Any Facility Operator required to annually register a UST system with the State Fire Marshal under OAC 1301:7-9-04 may provide a copy of that registration to the Zoning Administrator or Designee to satisfy this registration requirement.
- b. Information. UST registration shall include, but is not limited to, information on the following:
  - (i) Facility name, address, and phone;
  - (ii) Facility Operator, address, and phone;
  - (iii) Number, size, construction, date of installation, and location of USTs;
  - (iv) Regulated Substances stored in the UST; and
  - (v) Brief description of the type of monitoring equipment used for tanks.
- c. New UST Registration. Any new UST system subject to regulation under this Resolution that is installed at a facility beginning operation after the effective date of this Resolution must be registered in accordance with Section 22.09 no later than one hundred eighty (180) days after beginning operation.
- d. Registration of Previously Exempt Facilities. Any previously exempt Facility that becomes subject to regulation under this Resolution due to:
  - (i) Installation of an UST subject to regulation under this Resolution;
  - (ii) Return to service of any temporarily abandoned UST or UST containing de minimis quantities of Regulated Substances; and/or
  - (iii) Changes in the delineated Wellhead Protection Area as specified in Article 26 herein

must be registered in accordance with Sec. 22.09 no later than one hundred eighty (180) days after becoming subject to regulation under this Resolution.

- e. Amending Registrations. A Facility Operator must amend, or at the request of the Facility Operator, the Zoning Administrator or Designee must amend an existing UST registration no later than sixty (60) days after any:
  - (i) Replacement of an existing UST system;
  - (ii) Change in ownership or management of the Facility;
  - (iii) Return to service of any temporarily abandoned UST or UST containing de minimis quantities of Regulated Substances;
  - (iv) Permanent abandonment and/or removal of a UST; and/or
  - (v) Change in the delineated Wellhead Protection Area as specified in Article 27 herein.

A Facility Operator choosing to have their facility registration amended by the Zoning Administrator or Designee must contact the Zoning Administrator or Designee no less than thirty (30) days before a registration is due to ensure completion of the registration within the allowed sixty (60) day time frame.

- f. Registration of Multiple Facilities. Any person owning and/or operating more than one Facility subject to regulation under this Resolution must register each regulated Facility separately in accordance with the provisions of this Resolution.

22.204 UST Installation Requirements.

- a. BUSTR Sensitive Area USTs. All USTs subject to regulation under the BUSTR Sensitive Area regulations (OAC '1301:7-9-10) must be installed in accordance with those requirements when installed in the Wellhead Protection Area.
- b. Heating Fuel USTs; Diesel Fuel USTs. Heating fuel and diesel fuel USTs subject to regulation under this Resolution must be vaulted in accordance with Section 22.204(d) herein.
- c. Other USTs. UST systems installed for permanent storage, use, or handling of Regulated Substances other than vehicles fuels, vehicle lubricants, and fuel for building and/or process heating must be vaulted in accordance with Section 22.204(d) herein.
- d. Vaulted USTs. Vaults must meet the criteria specified in OAC 1301:7-9-10(C)(2)(a) and (c). The Facility Operator must inspect the vaulted UST at least once every thirty (30) days for visible signs of leaks, cracks, or other structural defects that may result in the release of the substance into the vault or surrounding soils.

22.205 Upgrading/Replacement of UST Systems. For the purpose of this Resolution, replacement of an existing UST shall be considered installation of a new system and required to comply with any applicable federal, state, and local regulations for the installation of new USTs in addition to the provisions of this Resolution, unless specified otherwise.

22.206 Temporary Placement Out-of-Service, Temporary Closure, Abandonment, Removal, and Change in Service of UST Systems.

- a. Compliance. Facility Operators must comply with all applicable federal, state, and local regulations for the temporary placement out of service, closure,

abandonment, removal, or change in service of any UST system in addition to any requirements set forth in this regulation.

- b. Abandonment of UST Systems. No UST system located in the Wellhead Protection Area may be abandoned in place unless approved by a certified fire safety inspector or the State Fire Marshal. The Facility Operator must copy the Zoning Administrator or Designee on any closure assessment and other information related to the closure and abandonment in place of the UST system as the information is submitted to the Bureau of Underground Storage Tank Regulations, the State Fire Marshal, or Ohio EPA.

#### 22.207 Tank Tightness Testing.

- a. Exemptions. The following USTs are exempt from the tank tightness testing provisions required by this Resolution: 1) USTS regulated under and operated in compliance with the BUSTR Sensitive Area Requirements (OAC Resolution '1301:7-9-10), 2) USTS vaulted in accordance with Section 22.204(d) thereof; and 3) USTs with a capacity of less than five hundred (500) gallons used exclusively for holding diesel fuel and heating fuel oil grades no. 1 and 2 .
- b. Tightness Testing. Any UST not exempt under Section 22.207(a) hereof must be tested for tightness as follows:
  - (i) Prior to the conveyance of real property by sale or otherwise on which an UST is located, the grantor shall have each UST located thereon tested for tightness in accordance with OAC Resolution 1301:7-9-07(E)(3) and (F)(2), provided no such UST shall be subject to testing more than three (3) times in the same ten (10) year period.
  - (ii) Where a conveyance of real property on which an UST is located has not occurred within any consecutive ten (10) year period, commencing from the effective date of this Resolution, the owner shall cause each UST located thereon to be tested for tightness in accordance with OAC Resolution 1301:7-9-07(E)(3) and (F)(2) within such period.

Testing results shall be submitted to the Zoning Administrator or Designee no later than thirty (30) days after completion of the test. A tightness test is not required if the UST will be removed in conjunction with sale of the property or where a test has been completed for a UST within one (1) year prior to sale or transfer of ownership of a property.

- c. Failure of a Tank Tightness Test. If a UST fails a tank tightness test, the Facility Operator must determine if a release has occurred. If a release is confirmed, the release must be reported and remediated in accordance with Section 22.12, et seq., herein.

#### 22.21 MANAGEMENT OF OTHER POTENTIAL POLLUTION SOURCES.

##### 22.211 Land Application of Pesticides and Fertilizers.

- a. Applicability. This Section applies to the application of restricted use pesticides as identified by the United States Environmental Protection Agency at existing and new commercial, recreational, and agricultural facilities in the one (1) and five (5) year TOT.

- b. Registration of Restricted Use Pesticides. Facility Operators applying restricted use pesticides within the one (1) and five (5) year TOT in any quantity must register the application of those restricted use pesticides with the Zoning Administrator or Designee within one hundred eighty (180) days of the effective date of this Resolution and by March 1 of every second year thereafter. Any Facility Operator required to maintain records of restricted use pesticide application under any other federal, state, or local program may submit a copy of those records to the Zoning Administrator or Designee to satisfy this registration requirement. A Facility Operator may request that the registration be completed by the Zoning Administrator or Designee. A Facility Operator choosing to have their facility registered by the Zoning Administrator or Designee must contact the Zoning Administrator or Designee no less than thirty (30) days before a registration is due to ensure completion of the registration by the required due date.
- c. Registration Information. Registration will include, but is not necessarily limited to, general information on the facility and the application of restricted use pesticides at the facility.
- d. Registration of Previously Exempt Facilities. Any previously exempt Facility that becomes subject to regulation under this Section due to:
  - (i) Changes in the types of pesticides applied at a Facility from non-restricted to restricted use pesticides; and/or
  - (ii) Changes in the delineated Wellhead Protection Area as specified in Article 27 herein must be registered in accordance with Section 22.211(b).

22.212 Road Salt Storage.

- a. New Facilities. All road salt stored at new facilities in the one (1) year TOT must be stored under covered shelter on an impervious surface. This requirement does not apply to salt prepackaged for consumer use.
- b. Registration. Any Facility in the one (1) year TOT storing road salt outdoors in quantities meeting or exceeding one thousand (1,000) pounds must be registered in accordance with Section 22.09.

22.213 On-Lot Sewage Systems.

- a. Registration. Any on-lot sewage system in the Wellhead Protection Area used for the disposal of process waters other than sanitary wastes must be registered in accordance with Section 22.09. Any Facility Operator required to register such disposal to any other federal, state, or local authority may submit a copy of that registration to the Zoning Administrator or Designee to satisfy the registration requirements in this Section. The Zoning Administrator or Designee reserves the right to ask for additional information when required.
- b. Cessation of On-Site Disposal. Any Facility Operator permanently ceasing disposal of process wastes on site through an on-lot sewage system must submit



an amended facility registration no later than sixty (60) days of ending disposal in accordance with Section 22.097 herein.

22.214 Commercial Junk Yards.

- a. All commercial junk yards in the Wellhead Protection Area must be registered in accordance with Section 22.09, et seq., and must comply with the following as applicable: Section 22.11, et seq. (Facility Closure); Section 22.12 et seq. (Release Notification); and Section 22.152 (General Container and Regulated Substance Handling Requirements).
- b. Fluid Management. Scrap vehicles or other units brought into a commercial junk yard located within the Wellhead Protection Area must have all fluids removed in accordance with current federal, state, and local regulations before on-site crushing and/or storage of the vehicle or unit. All Regulated Substances removed from a vehicle or other unit must be handled and stored in accordance with current federal, state, and local regulations in addition to the provisions of this Resolution as required.

22.215 Dry Wells.

- a. Registration of New Dry Wells. The Zoning Administrator or Designee must be notified of the installation of any new dry well within the Wellhead Protection Area no later than sixty (60) days after installation of the new dry well. Notification shall be provided on a standard form supplied by the Zoning Administrator or Designee at the request of the registrant. The registration shall include information related, but not limited, to the location and design of the new dry well(s). One registration form may be submitted for the installation of multiple dry wells with the same design at a site.
- b. Use of Existing Registration Information. Any municipality or Facility Operator required to register or report a dry well or dry well system to any other federal, state, or local authority may submit a copy of that registration or report to the Zoning Administrator or Designee to satisfy the registration requirements of this Section. The Zoning Administrator or Designee reserves the right to request additional information if required.
- c. Inspection and Maintenance Schedule. Any municipality, developer or facility using dry wells for storm water management in the one (1) and five (5) year TOT must develop and implement an annual schedule for the regular inspection and maintenance of those dry wells. Drywell must be included. Drains to drinking water aquifer, in case of spill or chemical release, call 911.

22.216 Landfills.

- a. Registration. All commercial landfills in the Wellhead Protection Area must be registered in accordance with Section 22.09 et seq.. Any releases meeting criteria specified in Section 22.121 et seq., or any release to groundwater detected through a groundwater monitoring network associated with the site must be reported to Zoning Administrator or Designee in accordance with Section 22.12 et seq.. The Zoning Administrator or Designee shall make all reasonable effort to register former unlicensed landfills in addition to commercial landfills.

22.217 Wells.

- a. Applicability. This Section applies to any existing or new well in a WHPA used for the production of groundwater that *does not* require plan approval by the Ohio EPA. This includes any well used for producing water not intended for human consumption.
- b. Installation and Maintenance. Any well subject to regulation under this Section installed after the effective date of this Resolution must be installed in accordance with Resolution 3745-9-05 of the Ohio Administrative Code. All new wells must be registered by the well owner with the Zoning Administrator or Designee no later than fifteen (15) days prior to installation of the well. All new wells must be installed by a State-recognized well driller. All wells must be maintained in accordance with Resolution 3745-9-09(A)-(C) of the Ohio Administration Code.
- c. Abandonment of Wells. All wells which are not maintained for production, standby, or observation purposes are to be permanently abandoned by completely filling the well with grout so as to prevent contaminants from entering groundwater through the well. Grout can be neat cement, inert natural materials, concrete, heavy drilling mud, heavy bentonite water slurry, inert polymer material, or other materials designed for sealing a well that are impervious to and capable of preventing movement of water. All materials except neat cement and concrete when used as grout shall be of sufficient viscosity to require a time of at least seventy seconds to discharge one quart of the material through an API marsh funnel viscometer. The Facility Operator must notify the Zoning Administrator or Designee of the no later than 15 days prior to abandonment of the well.

22.218 Animal Feedlots.

- a. No new or existing animal feedlot located in the one (1) year TOT may exceed one thousand (1,000) animal units at any one time as of the effective date of this Resolution. Any manure pits installed at new or existing facilities located in the one (1) or five (5) year TOT must be constructed of a lined, impervious material in accordance with best management practices.
- b. Facility Registration. Any facility located in the one (1) or five (5) year TOT with manure pits or exceeding three hundred (300) animal units must be registered by the Zoning Administrator or Designee in accordance with Section 22.09 et seq .

22.22 VIOLATION, PENALTY AND ADMINISTRATIVE REMEDIES.

22.221 Violations. Any Facility Operator who knowingly submits false or inaccurate information to the Zoning Administrator or Designee, or who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Resolution is considered in violation of this Resolution and subject to penalty as set forth herein.

22.222 Penalties. Any violation of this Resolution is considered a minor misdemeanor subject to fines not to exceed \$100.00 per day per offense. Each day that a violation is permitted to exist shall constitute a separate offense.

22.223 Administrative Remedies. In addition to prosecution of a violation as a minor misdemeanor, the Zoning Administrator, upon discovery of violation of any provision of this Resolution, may pursue with reasonable notice any legally available administrative remedies or enforcement actions including, but not limited to, the following:

- a. Ordering cessation of any use or activity that may create hazards or have deleterious effects on the water supply or facilities;
- b. Discontinuing utility service to any Facility operating in violation of this Resolution;
- c. Ordering remedial actions;
- d. Requiring pollution control and abatement; and
- e. Requiring development of compliance schedules to implement corrective action.

When considering the exercise of any of the above powers or actions, the Zoning Administrator may take into consideration any evidence presented by the entity regarding cost effectiveness and the economic impact imposed by the requirements or actions.

22.23 VARIANCE AND APPEALS UNDER THE WELLHEAD PROTECTION PROGRAM.

22.231 Appeal. Any person aggrieved by any order issued by the Zoning Administrator or Designee under the provisions of this Resolution may appeal such decision to the Butler County Board of Zoning Appeals in accordance with established filing procedures.

22.232 Wellhead Protection Appeals Advisory Board Established. The member communities of the Hamilton to New Baltimore Groundwater Consortium have established a Wellhead Protection Appeals Advisory Board (WHPAAB) for the technical review of any variance or appeals request submitted under the Wellhead Protection Program. The WHPAAB shall consist of representatives from communities in the Hamilton to New Baltimore area as selected by the Butler County Commissioners or other designated authority for that community. The WHPAAB shall operate in accordance with the bylaws developed by and for the group.

22.233 WHPAAB Review. Before action on any variance or appeal under this Resolution by the Butler County Board of Zoning Appeals, the WHPAAB shall review any variance or appeal request to ensure that the request, if granted, will not present a contamination threat to groundwater. The WHPAAB shall provide a recommendation on the variance or appeal request to the Board of Zoning Appeals. In doing so, they may include with the recommendation any such alternatives or modifications to the request as necessary to minimize the potential for groundwater contamination. The WHPAAB shall have thirty (30) days from receiving a variance or appeals request to make a recommendation to the Board of Zoning Appeals. This thirty (30) days period shall be inclusive within, not in addition to, the allowed time frame for review by the Board of Zoning Appeals.

22.24 SEVERABILITY.

Each provision of this Resolution shall be construed as separate, to the end that if any part of it is held invalid for any reason, the remainder shall continue in full force and effect.

22.25 CONFIDENTIALITY.

Information contained in any documentation collected by or submitted to the Zoning Administrator or Designee under the provisions of this Resolution that is designated as

confidential by a Facility Operator shall be considered confidential only to the extent allowable under Ohio Public Records Law and other applicable federal and state laws.

22.26 REGULATED SUBSTANCES LIST.

22.261 Regulated Substance List. The substances to be regulated (Regulated Substances) are those chemicals, mixtures, and other substances, or components thereof, that are known or suspected carcinogens, toxic or highly toxic agents, corrosives, or which otherwise have been determined to be a health hazard or require monitoring as a primary or secondary contaminant under the Safe Drinking Water Act of 1986 (Public Law 93-523), as amended. These substances shall be regulated when the concentration of Regulated Substances stored or otherwise used on site meets or exceeds those quantities specified in Section 22.262 of this Resolution. Regulated Substances include:

- a. Petroleum or petroleum-based products, including fuels, fuel additives, lubricating oils, motor oils, hydraulic fluids, and other similar petroleum-based products;
- b. Antifreeze, transmission fluids, brake fluids, and coolants;
- c. Solvents (raw or spent), including cleaning solvents, degreasing solvents, stripping compounds, dry cleaning solvents, painting solvents, and/or hydrocarbon or halogenated hydrocarbon solvents;
- d. Inks, printing and photocopying chemicals, and waste rags used for solvent-based cleaning;
- e. Organic pigments;
- f. Liquid storage batteries;
- g. Non-aerosol, non-latex based paints, primers, thinners, dyes, stains, wood preservatives, varnishing and cleaning compounds, paint sludges, and paint filters;
- h. Corrosion and rust prevention solutions;
- i. Industrial and commercial cleaning supplies, including drain cleaners;
- j. Sanitizers, disinfectants, bactericides, and algacides;
- k. Pesticides, herbicides, and fertilizers;
- l. Acids and bases with a pH less than or equal to 2 or greater than or equal to 12.5;
- m. Aqueous metals;
- n. Road salt (only when stored in the 1 year TOT); or
- o. Or any other material containing one percent (1%) or more by weight of a hazardous raw or waste product that is regulated: as an Extremely Hazardous Substance under Section 302 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (OAC Resolution 3750-20); as a Hazardous Substance under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (OAC Resolution 3750-30); or as a Toxic Chemical regulated under Section 313 of EPCRA (OAC 3745-100).

A substance listed above may be exempted from regulation under this Resolution if the Regulated Substance does not present a threat to groundwater due to the nature of the substance, and the Facility Operator claiming this exemption for a specific Regulated Substance shows the Zoning Administrator or Designee proper documentation from the chemical manufacturer or other qualified, verifiable source that the Regulated Substance does not present a threat to groundwater.

22.262 Baseline Quantity Thresholds. Substances listed in Section 22.261 shall be considered regulated when, at any time of the year, the concentration of Regulated Substances Stored or used at a facility meets or exceeds the lesser of the following quantities:

- a. When located within the one (1) and five (5) year TOT, in amounts exceeding fifty-five (55) gallons aggregate for liquid materials or four hundred forty (440) pounds aggregate for dry weights;
- b. When located within the ten (10) year TOT, in amounts meeting or exceeding one thousand (1,000) gallons aggregate for liquid materials or eight thousand (8,000) pounds aggregate for dry weights when stored aboveground, or five hundred (500) gallons aggregate for liquid materials when stored in an underground storage tank.

22.263 Regulated Substances for Consumer Purchase. Storage of Regulated Substances packaged as consumer products in original containers for consumer purchase shall be regulated under this Resolution only when storage meets or exceeds five (500) hundred gallons aggregate for liquid materials or four thousand (4,000) pounds aggregate for dry weights, whichever is less, in the one (1) and five (5) year TOT, or one thousand (1,000) gallons aggregate for liquid materials or eight thousand (8,000) pounds aggregate for dry weights, whichever is less, in the ten (10) year TOT.

## ARTICLE 23

### SPECIAL PROVISIONS

23.01 PARKING AND LOADING AREAS, PUBLIC GARAGES, PARKING LOTS AND FILLING STATIONS.

23.011 OFF-STREET LOADING SPACE.

23.0111 In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouses, goods display, retail store, wholesale store, market, motor hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt of distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one (1) off-street loading space plus one (1) additional such loading space for each twenty thousand (20,000) square feet.

23.0112 Each loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height.

23.0113 Subject to the limitations in subsection 23.0114, such space may occupy all or any part of any required yard or court space.

23.0114 No space shall be located closer than fifty (50) feet to any other lot in any R-District or recorded residential subdivision, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence not less than six (6) feet in height.

23.012 OFF-STREET PARKING SPACE.

23.0121 Required Automobile Parking Spaces. In all districts, in connection with every industrial business, or with institutional, recreational, residential or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the requirements herein.

23.0122 Sizes and Access. Each off-street parking space shall have an area not less than one hundred sixty (160) square feet exclusive of access drives or aisles, and shall be of usable shape and condition. Except in the case dwellings, no parking area provided hereunder shall be less than one thousand (1,000) square feet in area.

There shall be adequate provision for ingress and egress to all parking spaces. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than eight (8) feet in width in the case of a dwelling, and not less than eighteen (18) feet in width in all other cases, leading to the parking or storage areas or loading and unloading spaces required hereunder in such manner as to secure the most appropriate development of the property in question, but, except where provided in connection with a use permitted in an R-District or recorded residential subdivision, such easement of access or access drive shall not be located in any R-District, or recorded residential subdivision.

23.0123 FLOOR AREA DEFINED. For the purpose of applying the requirements in subsection 23.0124, "floor area," in the case of offices, merchandising or service types of uses, shall mean

the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, client or patients, including areas occupied by fixtures and equipment used for display or sales or merchandise. It shall not include areas used principally for non-public purposes, such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores or buildings for toilet or rest rooms, for utilities or for dressing rooms, fitting or alteration rooms.

23.0124 NUMBER OF PARKING SPACES REQUIRED. The number of off-street parking spaces required shall be as set forth in the following:

23.01241 Residential Uses:

Single-Family	4.0 per dwelling unit
Two-Family	2.0 per dwelling unit
Multi-Family	2.0 per dwelling unit
Rooming/Boarding Houses	1.0 per rentable room not to exceed 5.0 off-street parking spaces

23.01242 Institutional Uses:

Churches/Places of Worship	1.0 per 8 seats in principal auditorium or 1.0 per 17 classroom seats, whichever is greater
Elementary Schools	1.0 per 850 sq. ft. of classroom space plus 1.0 per 100 sq. ft. of office space plus 1.0 per 50 sq. ft. of assembly space
Jr./Sr. High Schools	1.0 per 60 sq. ft. of classroom space plus 1.0 per 100 sq. ft. of office space
Universities, Colleges	1.0 per 100 sq. ft. of classroom
Vocational/Technical Schools	space plus 1.0 per 50 sq. ft. of assembly space
Hospitals	1.0 per 80 sq. ft. of sleeping space plus 1.0 per 100 sq. ft. of office space plus 1.0 per 150 sq. ft. of treatment space
Nursing Homes/Rest Homes	1.0 per 500 sq. ft. of sleeping space plus 1.0 per 100 sq. ft. of office space
Group Homes	3.0 per facility

2.01243 Recreational Uses:

Public Parks	Spaces are required cumulatively according to facilities included or fraction thereof
Athletic Fields	8.0 per acre
Community Center	10.0 per facility

Tennis Courts 5.0 per court

Golf Course 8.0 per hole

23.01244 Commercial Uses:

Business or Professional Office 1.0 per 400 sq. ft. of floor area

Retail or Service Establishments 1.0 per 300 sq. ft. of floor area

Bowling Lanes 5.0 per alley

Theaters or Assembly Halls Fixed Seating 1.0 per 6 seats

Financial Institutions 1.0 per 400 sq. ft. of floor area

Food Stores 1.0 per 300 sq. ft. of floor area

Eating and Drinking Places 1.0 per 150 sq. ft. of floor area

Printing and Publishing Establishments 1.0 per 300 sq. ft. of floor area

Wholesale and Warehousing 1.0 per 200 sq. ft. of office space plus 1.0 per 400 sq. ft. of manufacturing operations plus 1.0 per 500 sq. ft. of storage space

Drive-In Theaters 1.0 per speaker

Dance Halls and Assembly Halls without fixed seats exhibition halls. 1.0 per 100 sq. ft. of floor area

Animal Hospitals 3.0 per every treatment room plus 1.0 per 100 sq. ft. of office space

Funeral Homes 1.0 per 50 sq. ft. of floor space

Hotels, Motels and Lodging Houses 1.0 per sleeping room, plus 1.0 per 100 sq. ft. of office space and 1.0 per 150 sq. ft. of restaurant and lounge space.

Automobile Service and Repair 1.0 per 800 sq. ft. of floor space

Gasoline Service Stations 1.0 per 800 sq. ft. of floor space

Commercial Recreational Baseball Fields 8.0 per acre



Medical or Dental Clinics	1.0 per 200 sq. ft. of floor area
Golf Driving Ranges	1.0 per tee
Carpenter Shops	1.0 per 300 sq. ft. of floor area
Electrical, Plumbing and Heating Shops	1.0 per 300 sq. ft. of floor area
Furniture and Appliance Stores	1.0 per 400 sq. ft. of floor area
Car Wash, Self-Cleaning	1.0 per bay/stall; 20.0 stacking spaces stall
Car Wash, Conveyor	20.0 stacking spaces per conveyor 10.0 stacking spaces per conveyor at exit

23.01245 Industrial Uses:

Wholesale and Warehousing	1.0 per 3,000 sq. ft. of floor area
Carpenter Shops	1.0 per 300 sq. ft. of floor area
Electrical, Plumbing and Heating	1.0 per 300 sq. ft. of floor area
Furniture Upholstering	1.0 per 300 sq. ft. of floor area
Automobile Service and Repair	1.0 per 800 sq. ft. of floor area
Industry and Manufacturing Establishments	1.0 per 200 sq. ft. of office space plus 1.0 per 400 sq. ft. of manufacturing operations space plus 1.0 per 500 sq. ft. of storage space
Research and Development Establishments	1.0 per 1,200 sq. ft. of floor area

In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar shall apply.

23.0125 DEVELOPMENT AND MAINTENANCE OF PARKING AREAS. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirements:

- a. Minimum Distances and Set-Backs. No part of any parking area shall be closer than ten (10) feet to any lot in an R-District, recorded residential subdivision, or property containing a school, hospital or other institution for human care located on an adjoining lot.

- b. Surfacing. Any off-street parking area shall be surfaced with an asphaltic or Portland cement so as to provide a durable and dustless surface, shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. The foregoing requirements with respect to surfacing shall not apply to a parking area in an M-District if more than two hundred (200) feet distant from any R-District or recorded residential subdivision, except that a dustless surface shall be provided in any case.
- c. Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any R-District, or recorded residential subdivision.

23.0126 The Board may authorize on appeal a modification reduction or waiver of the foregoing requirements if it should find that, in the particular case appealed, the peculiar nature of the residential, business trade, industrial, or other use or the exceptional shape or size of the property or other exceptional situation or condition would justify such action.

23.0127 RESTRICTED BUSINESS OR INDUSTRIAL ACCESSORY PARKING AREAS. The Board of Appeals may authorize, as a conditional use, subject to the provisions of subsection 26.41, the establishment and operation of an off-street parking area for ten (10) or more automobiles in such parts of any A-, R- or F-District that abut at least fifty (50) feet either directly or across an alley, from a B- or M-District, subject to the following conditions and requirements.

- a. The parking lot shall be accessory to, and for use in connection with, one or more businesses or industrial establishments located in an adjoining B- or M-District.
- b. Each entrance and exit to and from such parking lot shall be at least twenty (20) feet distant from any adjacent property located in any R-District or recorded residential subdivision.
- c. The parking lot shall be subject to all the requirements of subsection 23.012; and any additional conditions or requirements in respect to development, maintenance and operation which the Board deems necessary or desirable for the protection of adjacent property or the public interest.
- d. No sign of any kind, other than designating entrances, exits and conditions of use, shall be maintained on such parking lot.
- e. No commercial repair work or services of any kind shall be conducted on such parking lot.
- f. No charge shall be made for parking in such parking lot.
- g. Any person, firm or corporation desiring to secure permission to establish and maintain a restricted business or industrial parking lot within the meaning of this subsection shall make application to the Board, accompanied by a plan which clearly indicates the proposed development, including the location, size, shape, design, landscaping, curb cuts, and other features and appurtenances of the parking lot. Such application shall also be accompanied by the names and addresses of all the owners of all properties within the

same block as the proposed parking lot and all properties separated therefrom by not more than one (1) street.

- h. Before making its final determination, the Board shall hold a public hearing, notice of which shall be given to owners of property as described above. If the Board approves the aforesaid application, the Zoning Inspector shall thereafter issue a zoning certificate in accordance therewith, subject to any modifications of the foregoing requirements and to any additional requirements that may be stipulated by the Board.
- i. Any permit authorized by the Board and issued by the Zoning Inspector may be revoked at the time that the aforementioned requirements are not complied with.

23.0128 FILLING STATIONS, PUBLIC GARAGES AND PARKING LOTS.

- a. No gasoline filling station, parking lot for twenty-five (25) or more motor vehicles, or parking garage or automobile repair shop shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street of any school, public playground, church, hospital, public library, or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.

23.0129 PARKING OF TRUCKS IN RESIDENTIAL DISTRICTS.

- a. Notwithstanding any other provisions of this resolution, the parking of semi-trucks, tractor trailers, dump trucks and tandem axle trucks, enclosed or otherwise shall be prohibited in all R-Districts.

23.02 BILLBOARDS AND OTHER OUTDOOR ADVERTISING SIGNS AND STRUCTURES REAL ESTATE AND OTHER SIGNS.

23.021 Purpose. It is the purpose of these sign regulations to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types. These regulations are intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of designated areas. These regulations are further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs hanging or projecting over public rights-of-way and enhance community development.

23.022 General Regulations.

23.021 Signs erected and maintained pursuant to and as required by law, any governmental function, ordinance or governmental regulation shall be excluded from the regulations of this Chapter.

- 23.0222 No sign of any type shall be installed, erected or attached in any form, shape or manner to the roof of a building, a fire escape or any door or window giving access to any fire escape.
- 23.0223 All signs hung and erected shall be plainly marked with the name of the person, firm or corporation responsible for maintaining the sign.
- 23.022 Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Administrator, proceed at once to put such sign in a safe and secure condition or remove the sign.
- 23.0225 No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control and directional signs. Signs directing traffic and parking on private property but bearing no advertising matter shall be permitted on any property. On corner lots, no sign shall be located in the required sight triangle.
- 23.0226 Regulation of signs along interstates and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.
- 23.023 Measurement of Sign Area. The sign area shall be the area of the smallest combination of rectangles which can encompass all words, letters, figures, emblems and other elements of the sign message. Frames and structural members that are not advertising matter shall not be included in computation of surface area, but in no instance shall this supporting structure exceed by more than twenty percent the area of the sign.
- 23.024 Sign Illumination. Any illuminated sign or lighting device shall emit only a constant intensity of light, and no sign shall be illuminated by or contain flashing intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination to be direct or beamed so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- 23.025 Non-conforming Signs. The continuance of an existing sign that does not meet the regulations and requirements of this Chapter shall be deemed a non-conforming sign, which shall terminate by abandonment. A sign shall be considered abandoned when;
- a. The sign is associated with an abandoned use.
  - b. The sign remains after a business has been closed to the public for at least ninety (90) consecutive days. Seasonal businesses are exempt from this determination.
- a. The sign is not maintained and together with all supports, braces, guys and anchors is in a state of disrepair.
  - b. Based upon these definitions, abandonment shall be determined by the Zoning Administrator. Upon finding that the sign is abandoned, the right to maintain and use such sign shall terminate immediately.
- 23.026 Sign Placement And Size.

- 23.0261 Outdoor advertising signs and structures, where permitted, shall be set back from the established right-of-way line of any street or highway, at least as far as the required front yard depth for a principal building in such district.
- 23.0262 No such billboard, sign or advertising structure shall be permitted which faces the front or side lot line of any lot in any R-District, or recorded residential subdivision, within one hundred (100) feet, of such lot line. No outdoor advertising signs or structures shall be permitted within three hundred (300) feet of any of the following: entrance to a public park, public or parochial school, library, church, museum, historic monument or safety rest area.
- 23.0263 Adjacent to primary highways no outdoor advertising sign or structure shall be erected within three hundred (300) feet of another sign structure on the same side of the highway. All distances between signs shall be measured along the nearest edge of the pavement directly opposite the signs, along each side of the highway. On-premise signs shall not be considered in determining space requirements.
- 23.0264 The maximum area for any outdoor advertising, sign shall be six hundred seventy-two (672) square feet per side/facing exclusive of any border, trim, base, support, etc. The sign structure may contain one (1) or two (2) advertisements per side/facing. Each side/facing shall not exceed the maximum area. Double-sided/faced structures and rotating billboards will be permitted with the maximum 672 square feet area being allowed for each side/facing.
- 23.0265 One (1) ground sign, the height of which is no more than four (4) feet above the ground and provided such sign is no closer than ten (10) feet from the right-of-way line of the street, not exceeding one hundred (100) square feet in area and that the sole purpose of the sign is to advertise products sold on the premises or to identify the business located on the premises shall be permitted. This includes reader boards and electronic message boards. Reader boards and electronic message boards are considered as part of the permitted display area of a sign. Each separate message copy must be displayed a minimum of five (5) seconds. These message boards shall not incorporate motion while the message is being displayed.
- 23.0266 Real estate signs advertising the sale, rental, or lease of the premises on which they are maintained, shall set back from every street right-of-way a distance of ten (10) feet. No real estate sign shall exceed nine (9) square feet in area.
- 23.0267 Small announcement or professional signs where permitted shall not exceed one (1) square foot in area; except that a church, school, community center or other public or institutional building may have for its own use an announcement sign or bulletin board not over fifty (50) square feet in area which is not attached flat against a building, 15 feet from all right-of-way lines.
- 23.0268 Temporary political signs are permitted in all districts, provided there is no interference with traffic visibility and that said political signs shall be posted no more than sixty (60) days before an election and shall be removed within seven (7) days following election day.
- 23.027 Prohibited Signs.
- 23.0271 Animated signs that employ flashing lights, blinking lights or other elements that revolve, rotate, whirl, spin or otherwise make use of motion to attract attention other than electronic message board pursuant to the requirements of article 23.0265.

- 23.0272 The above section does not apply to any sign that has at least ninety (90) percent of the sign face devoted to performing a public service function of indicating time, temperature or some other similar service.
- 23.03 SINGLE-FAMILY RESIDENCES. A single-family residence may be located in an M-1 District if such residence is an accessory to a principal permitted use in such district and the Board determine that such use is proper.
- 23.04 B-3 USES PERMITTED IN THE M-1 AND M-2 DISTRICTS. Any use permitted in the B-3 District and located within a parcel of land containing not less than 15 contiguous acres under single ownership and located within one mile (5,280 feet) from a U.S. interstate highway shall be allowed as a principal permitted use in any existing M-1 or M-2 District.
- 23.05 PARKING, REBUILDING AND STORAGE OF CAMPERS, TRUCKS, TRAILERS OR OTHER VEHICLES. In any district, where not permitted, the repairing, rebuilding, dismantling, or storage of more than one (1) inoperative vehicle outside of an enclosed building shall be prohibited. No dismantled vehicle or any vehicle in process of being dismantled shall be kept over thirty (30) days without being in an enclosed building.
- 23.06 RESIDENTIAL USE IN COMMERCIAL DISTRICTS. In any B-1 or B-2 District, a dwelling or dwellings may be permitted if such dwelling is made a part of the principal building and approved by the Board.
- 23.07 ADULT ENTERTAINMENT FACILITIES.
- 23.0701 Adult Entertainment Facilities as defined in Article 4 are permitted in any M-1 Light Industrial District or M-2 General Industrial District subject to the regulations set forth in this section.
- 23.0702 Adult Entertainment Facility Requirements:
1. The above uses shall have frontage on a principal or minor arterial, or major or minor collector street, as defined by the Butler County Thoroughfare Plan, by which access to the Adult Entertainment Facility is exclusively provided.
  2. One parking space per 150 sq. ft. of floor area shall be provided as specified in Article 23.
  3. Parking areas and general lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.
  4. All building openings, entries, windows, etc. for adult uses shall be located, covered or serviced in such a manner as to prevent a view into the interior from any exterior public or semi-public area, sidewalk or street.
  5. Displays or promotional items of Adult Material shall not be visible from exterior public view. This prohibition shall not extend to advertising of the existence or location of such adult entertainment facility.
  6. Only one (1) sign, which shall not contain adult material, advertising the existence or location of such adult entertainment facility shall be allowed as regulated in Article 23, no more than fifty (50) square feet in size mounted flat against the building.

7. A landscaped buffer of not less than ten (10) feet in width and six (6) feet in height shall be provided along all side and rear lot lines.

8. All Adult Entertainment Facilities shall have a minimum lot area of twenty-thousand (20,000) square feet.

9. All Adult Entertainment Facilities shall be located not less than 1,000 feet from any lot: in any R-District; recorded residential subdivision; church or similar place of worship; public building; school; day care center; public park, playground, or other recreation facility attended by person(s) under the age of eighteen; hotel; motel; pawn shop; pool hall; video game or pinball arcade; dance hall; or business selling alcohol for consumption on the premises, whether within this or any other political subdivision. The measurement of distance for the purpose of these regulations shall be from lot line to lot line along the shortest possible course.

All Adult Entertainment Facilities shall be located not less than 1,000 feet from any lot 5.1 acres in size or less in any A-District whether within this or any other political subdivision. The measurement of distance for the purpose of this regulations shall be from lot line to lot line along the shortest possible course.

All Adult Entertainment Facilities shall be located not less than 1,000 feet from any residential dwelling on a lot greater than 5.1 acres in size in any A-District, which is not a recorded residential subdivision, whether within this or any other political subdivision. The measurement of distance for the purpose of this regulation shall be from the lot line of the adult entertainment facility to the wall of the residential dwelling along the shortest possible course.

10. All Adult Entertainment Facilities shall be located not less than 1,000 feet from any lot of any other adult entertainment facility. The measurement of distance for the purpose of these regulations shall be from lot line to lot line along the shortest possible course.

11. No adult entertainment facility, except for an adult motel, may remain open at any time between the hours of one o'clock (1:00) A.M. and eight o'clock (8:00) A.M. local time on weekdays and Saturdays, and one o'clock (1:00) A.M. and noon (12:00) P.M. local time on Sundays.







## ARTICLE 24

### EXCEPTIONS AND MODIFICATIONS

- 24.01 PREFACE. The requirements and regulations specified herein above of this Resolution shall be subject to the following exceptions, modifications and interpretations:
- 24.02 EXISTING LOTS OF RECORD. In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record at the effective date of this Resolution, irrespective of its area or width, the owner of which does not own any adjoining property provided:
- 24.021 In no case shall the width of any side yard be less than ten (10) per cent of the width of the lot, and provided that on a corner lot the width of the side yard adjoining the side street lot line shall not be less than eight (8) feet or twenty (20) per cent of the frontage, whichever is the greater.
- 24.022 The depth of the rear yard of any such lot need not exceed twenty (20) per cent of the depth of the lot, but in no case shall it be less than ten (10) feet.
- 24.03 HEIGHT LIMITS. Height limitations stipulated elsewhere in this Resolution shall not apply:
- 24.031 To barns, silos or other farm buildings or structures on farms; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, windmills, chimneys, smokestacks, flag pole, radio tower, sand and gravel processing plants, masts and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building.
- 24.032 To places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that these places of public assembly are located on the first floor of such buildings and provided that for each three (3) feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
- 24.033 To bulkheads, elevator penthouses, water tanks, monitor and scenery lofts, provided no linear dimension of any such structure exceeds fifty (50) percent of the corresponding street lot line frontage; or to towers and monuments, fire towers, hose tower, cooling towers, grain elevators, gas holders, or other structures where the manufacturing process required a greater height. Provided, however, that all such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five (25) per cent of the area of the lot and shall be distant not less than fifty (50) feet in all parts from every lot line, not a street lot line.
- 24.04 Deleted 2-11-04.
- 24.0401 LOT FRONTAGE MODIFICATION. In any A-, or R-District, a parcel, adjacent to a recorded subdivision, adjoining a stubbed street or adjoining a lot that has been designated for a future street, may use the end of the existing or proposed right-of-way as the required

frontage, provided that only one (1) single-family dwelling be allowed on said parcel and provided said parcel meets all other requirements of the District in which it is located.

24.05 FRONT YARD MODIFICATIONS.

24.051 In any R-District or recorded residential subdivision, where the average depth of at least two (2) existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Resolution, the required depth of the yard on such lot shall be modified. In such case, this shall not be less than the average depth of said existing front yards on the two (2) lots immediately adjoining or in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on any lot shall be at least ten (10) feet and need not exceed fifty (50) feet.

24.052 Deleted 3-11-00.

24.06 DOUBLE FRONTAGE LOTS. Building on lots having frontage on two (2) non-intersecting streets need not have a rear yard if an equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided, however, on both streets.

24.07 REAR AND SIDE YARDS - HOW COMPUTED. In computing the depth of a rear yard or the width of a side yard where the rear or side yard abuts an alley, one-half (½) of the width of the alley may be included as a portion of the required rear or side yard, as the case may be.

24.08 SIDE YARD MODIFICATIONS.

24.081 Each side yard shall be increased in width by two (2) inches in an R-District or recorded residential subdivision for each foot by which the length of the side wall of the building adjacent to the side yard exceeds forty (40) feet.

24.082 Side yard width may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such case the average width of the side yard shall not be less than the otherwise required least width; provided, however, that such side yard shall not be narrower at any point than one-half (½) the otherwise required least width, or narrower than three (3) feet in any case.

24.083 Width of one (1) side yard may be reduced when authorized by the Board, in the case of a one-family dwelling, to a width of not less than three (3) feet, provided the sum of the widths of the two (2) side yards is not less than the required minimum, and provided the distance between the proposed dwellings and another dwelling, existing or proposed on an adjacent lot, is not less than the required minimum sum of the widths of two (2) side yards. Such reduction may be authorized only when the Board finds it to be warranted by the location of existing buildings or conducive to the desirable development of two (2) or more lots.

24.084 A side yard along the side street lot line of a corner lot, which lot abuts in the rear either directly or across an alley the side lot line of another lot in an R-District or recorded residential subdivision, shall have a width of not less than one-half (½) the required depth of the front yard on such other lot fronting the side street.

24.09            PROJECTIONS INTO REQUIRED YARDS.

24.091            Certain architectural features may project into required yards or courts as follows:

24.092            Into any required front yard or required side yard adjoining a side street lot line, provided the following conditions are met:

- a)                    Cornices, canopies, eaves or other architectural features may project a distance not exceeding two (2) feet, six (6) inches.
- b)                    Fire escapes may project a distance not exceeding four (4) feet, six (6) inches.
- c)                    An uncovered stair and necessary landing may project a distance not to exceed six (6) feet, provided such stair and landings shall not extend above the entrance floor of the building except for a railing not exceeding three (3) feet in height.
- d)                    Bay windows, balconies and chimneys may project a distance not exceeding three (3) feet, provided that such features do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.

24.093            Subject to the limitations in subsection 24.092, the above named features may project into any required side yard adjoining an interior side lot line a distance not to exceed one-fifth (1/5) of the required least width of such side yard, but not exceeding three (3) feet in any case.

24.094            Subject to the limitations in subsection 24.092, the features named therein may project into any required rear yards or into any required outer court the same distances they are permitted to project into a front yard.

24.095            Fences, walls and hedges may be located in required yards as follows:

- A.    If not exceeding at any point four (4) feet in height above the elevation of the surface of the ground at such point, such may be located in any yard or court.
- B.    If not exceeding at any point eight (8) feet in height above the elevation of the surface of the ground at such point, they may be located in any required rear yard or side yard, provided that on a corner lot, abutting in the rear the side lot line of another lot in an R-District, or recorded residential subdivision, no such fence, wall or hedge within twenty-five (25) feet of the common lot line shall be closer to the side street lot line than the least depth of the front yard required on such other lot fronting the side street.
- C.    A fence between lots located in an R-District, recorded residential subdivision, or any other lot used solely for residential purposes shall be of approved material and shall be kept in good repair and appearance. The use of barbed wire, electrical or similar type fences shall be prohibited. Barbed wire, electrical or similar type fences are permitted in an A-District when they surround the agricultural use only. Such fences shall be prohibited around the farm dwelling and yard area.

- D. Any in-ground swimming pool, or the entire property on which it is located, shall be so walled or fenced by approved material and construction a minimum of forty-eight (48) inches high, so as to prevent uncontrolled access from the street or adjacent properties, and said fence shall be maintained in good condition with a self-closing gate and lock. Any lighting used to illuminate the pool area shall be so arranged as to deflect the light from adjoining properties.
- E. Fences, walls, hedges and private entrance gates sign area shall not exceed four (4) sq. ft. in identification display area.
- F. Subdivision entrance gates, fences and walls, posts and pilasters may be located on any lot within a residential subdivision, but not within the public right-of-way, provided:
  - i. Subdivision entrance gates, fences, walls, posts or pilasters shall be of wood, stone, brick, metal or synthetic materials and shall be maintained in good repair and appearance. Paint shall be applied to all painted surfaces with sufficient frequency so that no bare wood or material is exposed. The use of chain link, barbed wire, stock fence or strand wire shall be prohibited. No such structure shall be constructed so that the unfinished portion faces or is visible from an adjacent property or street.
  - ii. Gates, fences and walls, except for posts and pilasters, are not to exceed six (6) feet in height.
  - iii. All such gates, fences and walls shall conform with Article 4, Subsection 4.75.
  - iv. Subdivision entrance walls, when used as a sign in conjunction with the entrance wall, gate or fence;
    - a) shall not exceed 16 sq. ft. in identification display area
    - b) shall be illuminated through indirect lighting only
    - c) shall provide proof of an established mechanism to ensure the ongoing maintenance of the entire entrance structure and associated landscaping.

24.096 Any outdoor lighting shall be so arranged as to deflect the light from adjoining properties.

24.10 EXEMPTED PUBLIC UTILITY TELECOMMUNICATION TOWERS.  
 Except as otherwise provided in this section, nothing in this Resolution shall confer any power on the Board of County Commissioners or the Board of Zoning Appeals in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, use or enlargement of any Telecommunication Tower by a public utility or railroad for the operation of its business.

24.1001 TELECOMMUNICATION TOWER DEFINED. As used in this section, the term Telecommunication Tower shall mean any free-standing structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:

- A. The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunication services.

- B. The free-standing or attached structure is proposed to be located in any R-District.
- C. (i) The free-standing structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures within the R-District in which it is located.  
  
(ii) The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure within the R-District in which it is located.
- D. The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

24.1002 BOARD OF ZONING APPEALS. The Board of Zoning Appeals has the power to require a Conditional Use Permit with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a Telecommunication Tower, as defined above, but not with respect to the maintenance or use of such a tower or any change or alteration that would not substantially increase the tower's height. However, the power so conferred shall apply to a particular telecommunications tower only upon the provision of a notice, in accordance with the provisions in this section, to the person proposing to construct the tower.

24.100201 PROCEDURES TO DETERMINE ZONING APPLICABILITY. Any person who plans to construct a Telecommunications Tower in any R-District, shall provide both of the following notices by certified mail:

- A. Written notice to the board of township trustees of the township in which the tower is proposed to be constructed and to each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language: (i) The person's intent to construct the tower; (ii) A description of the property sufficient to identify the proposed location; (iii) That, no later than fifteen days after the date of the mailing of the notice, such board of township trustees or any such property owner may give written notice to the Board of County Commissioners requesting that sections 303.01 to 303.25 of the Ohio Revised Code apply to the proposed location of the tower as provided in the Butler County Rural Zoning Resolution. If the notice to the board of township trustees or to a property owner is returned unclaimed or refused, the applicant shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice.
- B. Written notice to the Board of County Commissioners of the information specified in Section 24.100201 paragraph A. The notice to the Board of Commissioners also shall include verification that the applicant has complied with all of the requirements stipulated in Section 24.100201 paragraph A.

24.100202 CONDITIONAL USE PERMIT PROVISIONS.

- A. If the Board of County Commissioners receives notice from the board of township trustees or a property owner under Section 24.100201 paragraph A within the time

specified or if a member of the Board of County Commissioners makes an objection to the proposed location of the telecommunications tower within fifteen days after the date of mailing of the notice sent under Section 24.100201 paragraph A, the Board of County Commissioners shall send the person proposing to construct the tower written notice that the tower is subject to the Conditional Use permit requirements in Article 26.4 of this Resolution. The notice shall be sent no later than five days after the earlier of the date the board first receives such a notice from the board of township trustees or a property owner or the date upon which a member of the Board of County Commissioners makes an objection. Upon receipt of this notice, the applicant is required to file a Conditional Use Permit. Upon the date of mailing of the notice to the person, the Conditional Use hearing procedures shall apply.

- B. If the Board of County Commissioners receives no notice under Section 24.100201 paragraph A, within the time prescribed, or no Board of County Commissioners member objects as provided under 24.100202 paragraph A within the time prescribed, then nothing in this Resolution shall confer any power on the Board of County Commissioners or the Board of Zoning Appeals in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, use or enlargement of any Telecommunication Tower.

24.1003 NOTIFICATION REQUIRED. Any person who plans to construct a Telecommunications Tower within one hundred feet of a residential dwelling in any zoning district shall provide a written notice to the owner of the residential dwelling and to the person occupying the residence, if that person is not the owner of the residence, stating in clear and concise language the person's intent to construct the tower and a description of the property sufficient to identify the proposed location. The notice shall be sent by certified mail. If the notice is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery does not invalidate the notice.

For the purpose of the aforementioned notification requirement, a public utility telecommunication tower shall have the same meaning as Section 24.1001, except that the proposed location of the free-standing or attached structure may be an area other than an unincorporated area of a township, in an area zoned for residential use.

## ARTICLE 25

### ENFORCEMENT

#### 25.1 ENFORCEMENT BY ZONING INSPECTOR.

25.11 There is hereby established the office of Zoning Inspector, and for the purpose of this Resolution, the Building Inspector of Butler County is hereby designated as said Zoning Inspector. It shall be the duty of the Zoning Inspector to enforce this Resolution in accordance with the administrative provisions of the County Building Code of this Resolution.

25.12 All departments, officials and public employees of Butler County, vested with the duty of authority to issue permits or licenses, shall conform to the provisions of this Resolution and shall issue no permit, license for any use, building or purposes in conflict with the provisions of this Resolution. Any permit or license issued in conflict with the provisions of this Resolution shall be null and void.

#### 25.2 FILING OF PLANS.

25.21 Every application for a Zoning Certificate shall be accompanied by plans in duplicate, drawn to scale in black line or blueprint, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size and height of any building or structure to be erected or altered; the existing and intended use of each building or structure to be erected or altered; the existing and intended use of each building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate; and, when no buildings are involved, the location of the present use and proposed use to be made of the lot; and such other information with regard to enforcement of this Resolution. One (1) copy of such plan shall be returned to the owner when such plans have been approved by the Zoning Inspector, together with such Zoning Certificate as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

25.22 In every case where the lot is not provided and is not proposed to be provided with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Health Officer of Butler County and shall indicate the proposed method of water supply and/or disposal of sanitary wastes.

#### 25.3 ZONING CERTIFICATE.

25.31 It shall be unlawful for an owner to use or to permit the use of any structure, building or land, part thereof, hereinafter created, erected, changed, converted or enlarged, wholly or partly, until a Zoning Certificate shall have been issued by the Zoning Inspector. Such Zoning Certificate shall show that such building or premises or a part thereof, and the proposed use thereof, are in conformity with the provisions of this Resolution. It shall be the duty of the Zoning Inspector to issue a Zoning Certificate, provided he is satisfied that the structure, building or premises and the proposed use thereof, and the proposed methods of water supply and disposal of sanitary wastes conform with all the requirements of this Resolution.



- 25.32 A zoning certificate shall be issued by the Zoning Inspector, only when plans, specifications and the intended use conform to the provisions of this Resolution.
- 25.33 The Zoning Inspector shall act upon all such applications on which he is authorized to act by the provisions of this Resolution within thirty (30) days after these are filed in full compliance with all the applicable requirements as specified under subsection 26.2. He shall either issue a Zoning Certificate within said thirty (30) days or shall notify the applicant in writing of his refusal of such Certificate and the reasons therefor. Failure to notify the applicant in case of such refusal within said thirty (30) days shall entitle the applicant to a Zoning Certificate unless the applicant consents to an extension of time.
- 25.34 Under such rules as may be adopted by the Board, the Zoning Inspector may issue a Temporary Zoning Certificate for a part of a building.
- 25.35 Under written request from the owner or tenant, the Zoning Inspector shall issue a Zoning Certificate for any building or premises existing at the time of enactment of this Resolution, certifying, after inspection, the extent and kind of use made of the building,, or premises and whether such use conforms to the provisions of this Resolution.
- 25.4 FEES.
- 25.41 There shall be a fee charged for all Zoning Certificates. The Board of County Commissioners shall establish and publish annually a schedule of fees.
- 25.5 VIOLATIONS, PENALTIES AND REMEDIES.
- 25.51 It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use, any building, structure, sign, or land in violation of any of the provisions of this Resolution, or any amendment or supplement thereto adopted by the Board of County Commissioners of Butler County, Ohio. Any person, firm, or corporation, violating any of the provisions of this Resolution or any amendment or supplement thereto shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500.00). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance of use continues may be deemed a separate offense.
- 25.52 In case any building, structure, or sign is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Resolution or any amendment or supplement thereto, the Board of County Commissioners, the Prosecuting Attorney of Butler County, the Zoning Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violations, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action(s), proceeding(s), to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

## **ARTICLE 26**

### **BOARD OF ZONING APPEALS**

- 26.1 APPOINTMENT. A Board of Zoning Appeals is hereby created. Such Board shall consist of five (5) members who shall be residents of the unincorporated territory of Butler County included in

the area zoned, not more than two (2) of whom shall be from any one (1) township, if the area zoned includes three (3) or more townships. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Board shall be removable for non-performance of duty, misconduct in office or other causes, by the County Commissioners upon written charges having been filed with the Commissioners and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally or by registered mail, or by having the same 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 Commissioners and shall be for the unexpired term.

26.2 PROCEDURE.

26.21 The Board shall organize and adopt rules for its own government in accordance with this Resolution. Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths, and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the County Commissioners and shall be a public record.

26.22 Three (3) members of the Board shall constitute a quorum. The Board shall act by resolution; and the concurring vote of three (3) members of the Board shall be necessary to reverse any order or determination of the Zoning Inspector, or to decide in favor on an applicant in any matter of which the Board has original jurisdiction under this Resolution, or to grant any variance from the requirements stipulated in this Resolution. The Board may call upon the County departments for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

26.3 APPLICATIONS, APPEALS, HEARINGS AND STAY OF PROCEEDINGS.

26.31 Applications - When and by Whom Taken. An application, in cases in which the Board has original jurisdiction under the provisions of this Resolution, may be filed by any property owner, including a tenant, or by a governmental officer, department, board or bureau. Such application shall be filed with the Zoning Inspector who shall transmit same to the Board.

26.32 Appeals - When and by Whom Taken. An appeal to the Board may be taken by any person aggrieved or by any officer of the County affected by any decision of the Zoning Inspector. Such appeals shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and with the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

26.33 Hearings. The Board shall fix a reasonable time for the hearing of the application or appeal, giving ten (10) days notice in writing to the parties in interest and giving notice of such public hearing by one (1) publication in one (1) or more newspapers in general circulation in the county at least ten (10) days before the date of such hearing, and decide the same within a reasonable time after it is submitted. Each application or appeal shall be accompanied by a check, payable to the Butler County Board of Zoning Appeals, in an amount to be determined by the Board of

Appeals, to cover the cost of publishing and/or posting and mailing the notice of the hearing or hearings and other expenses in conjunction therewith. At the hearing any party may appear in person or by attorney. Any person adversely affected by the decision of the Board may appeal to the Court of Common Pleas of Butler County on the ground that the decision was unreasonable or unlawful. A notice of appeal shall be accompanied with a check made payable to the Zoning Administrator in an amount to be determined by the Board of Zoning Appeals to cover the cost of preparing a transcript of the proceedings. The Court may affirm, reverse, vacate or modify the decision being appealed.

26.331 Conduct of Hearing.

26.3311 Appeals. In the case of an appeal from an action of the Zoning Inspector, the Zoning Inspector shall first present a description of the action taken and may also present documents (including but not limited to maps, photographs, letters, etc.) and witnesses to explain the reason(s) for the Zoning Inspector's action. Upon conclusion of the Zoning Inspector's presentation, the appellant may ask questions of the inspector to clarify or question the reasons for his action. Thereafter, the appellant shall present evidence in support of the appeal; the appellant may also call witnesses in support of the appeal.

26.3312 In the case of an application for a variance or a conditional use permit, the applicant shall first proceed with presentation of the evidence in support of the application; the applicant may also call witnesses in support of the application. Thereafter, any persons in favor of the application may testify, followed by any persons opposed to the application. Following testimony from members of the public, the Zoning Inspector shall present evidence (including, but not limited to, his/her recommendation) concerning the application. Following the Zoning Inspector's testimony, the applicant shall be provided with an opportunity to present any evidence to rebut evidence presented by any other person.

26.3313 The following due process requirements shall be observed in regards to the hearing:

- (1) The Board shall provide for the making of a complete and accurate record of its proceedings. No other recording of the proceeding shall be regarded as the official record.
- (2) In the event that an interested party desires that a method, other than that employed by the Board, be used to record the proceedings, such party shall make such request to the Chair of the Board in writing not less than ten (10) days prior to the hearing; such request shall describe the alternate recording method.
- (3) Such request may be allowed in the discretion of the Chair of the Board provided that the party making the request agrees to be responsible for any additional cost associated with the alternate method requested, and prior to the hearing, makes a deposit with the Secretary in an amount determined by the Chair of the Board.
- (4) All persons presenting testimony shall swear or affirm that their testimony is true to the best of their knowledge and belief. Notwithstanding the foregoing, the Zoning inspector, and any attorney representing a client in the course of a hearing, shall be deemed to be under oath and need not be separately sworn, but shall be advised that all testimony is being presented under penalty of perjury.

- (5) All testimony must be based upon the witness's personal knowledge. An attorney may present a statement on behalf of his client, provided that the client is present at the hearing.
- Any such statement shall be deemed to be the testimony of the client; and
  - The client shall be subject to cross-examination as provided herein.
- (6) A witness may testify to an opinion if either;
- The witness would qualify as an expert witness if his testimony were being presented in a court proceeding under the Ohio Rules of Evidence; or
  - The witness is not an expert but his opinion is rationally based on the perception of the witness and is helpful to a clear understanding of his testimony or the determination of a fact in issue.
- (7) Any witness presenting testimony in opposition to an appeal or application shall be subject to cross-examination by the appellant/applicant. Any witness presenting testimony in support of an appeal or application shall be subject to cross-examination by the Zoning Inspector. In the discretion of the Chair, cross-examination may also be permitted by any other person whose interest is adverse to the testimony of the witness.
- (8) The Board may, in its discretion, receive signed, written statements, either sworn or unsworn, from persons who are not present at the hearing. However, because any such statement is not subject to cross-examination, the statement shall not be received for the truth of any information contained in the statement, but only to indicate the person's support or opposition to the appeals or application.
- (9) The Chair of the Board shall determine whether any testimony or evidence shall be received into the record of the hearing, provided that the Chair may consult with other members of the Board, or with legal counsel for the Board, prior to making any ruling. In the event that the Chair decides that testimony or evidence shall not be received, the person offering the testimony or evidence shall be permitted to proffer the same.
- (10) Pursuant to R.C. §303.15, at the written request of either the appellant/applicant, or the Zoning Inspector, the Chair of the Board, on behalf of the Board, shall issue a subpoena commanding the appearance of any witness at the hearing. The request shall be filed with the Secretary of the Board not less than seven (7) days prior to the date of the hearing and shall set forth the name and address of the witness to whom the subpoena is to be issued; the request may also describe documents, or other tangible evidence, which the witness shall be directed to produce at the hearing.
- (11) Any person, who is denied any of the foregoing rights concerning the conduct of the hearing, shall be deemed to have waived any such denial unless an objection is raised during the hearing in time for the denial to be cured.

26.34 Decision of the Board.

26.341 The Board shall decide all applications and appeals within thirty (30) days after the final hearing.

26.342 A certified copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board.

26.343 A decision of the Board shall not become final until the expiration of ten (10) days from the date of such decision unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

26.35 Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board, after notice of appeals shall have been filed with him, that by reasons of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order which may, on due cause be granted by the board on application after notice to the Zoning Inspector, or by judicial proceedings.

#### 26.4 POWERS OF THE BOARD OF ZONING APPEALS.

26.41 Conditional Uses, Specified Exception And Interpretations Of Zoning Map. The Board shall have the power to hear and decide, in accordance with the provisions of this Resolution, application, filed as hereinbefore provided, for conditional uses, special exceptions or for interpretation of the Zoning Map, or for decisions upon other special questions on which the Board is authorized by this Resolution to pass. In considering an application for a conditional use, for a special exception or for interpretation of the Zoning Map, the Board shall give due regard to the nature and condition of all adjacent uses and structures; and in authorizing a conditional use or special exception, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation - in addition to those expressly stipulated in this Resolution for the particular conditional use or special exception - as the Board may deem necessary for the protection of adjacent properties and the public interest.

#### 26.5 CRITERIA FOR GRANTING CONDITIONAL USES.

26.51 STATEMENT OF INTENT. It is the intent of the conditional use process to allow appropriate uses, which have been so identified by this code, to exist in Butler County in locations where they are compatible with their surroundings. Conditional uses are so designated because, while they are appropriate, the intensity of use they require is generally greater than other uses in the district, and additional requirements are necessary to ensure compatibility.

#### 26.52 REQUIRED CONDITIONS FOR APPROVAL OF ALL CONDITIONAL USES.

26.521 General Requirements. All uses designated as conditional uses shall meet the following requirements:

- (1) Uses shall not be in conflict with the comprehensive development plan for Butler County.
- (2) Uses shall be located in districts where they are designated as conditional uses by these regulations.
- (3) Uses shall not adversely impact the health, safety or welfare of the surrounding area.

26.522 Specific Requirements. The following section contains additional required conditions to be met by an applicant for a conditional use. In addition to meeting the subsequent required conditions, all applicants for conditional uses shall be required to fully comply with any and all other applicable provisions of these regulations.

26.52201 Rest Homes, Nursing Homes, Public Buildings and Animal Hospitals.

- 1) The above uses shall have direct access to a major arterial or to a collector street and shall not use local residential streets as their principal access route.
- 2) The building orientation and parking layout should be consistent with the surrounding uses.
- 3) A landscaped buffer of not less than three (3) feet shall be provided at the side and rear boundaries of the site.
- 4) Parking areas and general site lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.
- 5) All associated buildings shall be a minimum of fifty (50) feet from any lot in an R-District or a recorded residential subdivision, except that animal hospitals shall be a minimum of two hundred feet (200) from the above uses.
- 6) All of these uses shall have a minimum lot area of twenty thousand (20,000) square feet.

26.52202 Hospitals, Colleges, Universities and Technical Schools, Primary and Secondary Schools.

- 1) The above uses shall have direct access to a major arterial.
- 2) The application for a conditional use permit for the above uses shall include a traffic impact study that demonstrates that the surrounding street system has the capacity to handle the expected traffic generated by this use.
- 3) A landscaped buffer of not less than three (3) feet shall be provided at the side and rear boundaries of the site. Where parking is located in the front yard, a landscape or mechanical hedge buffer of no less than two (2) feet shall also be provided.
- 4) A drainage plan for the site shall be provided to demonstrate that the site will create no more storm runoff after development than it did before development.
- 5) Parking areas and general site lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.
- 6) All Principal Structures shall be located not less than two hundred (200) feet from any lot in an R-District, or a recorded residential subdivision.
- 7) All of these uses shall have a minimum lot size of one (1) acre.
- 8) All accessory uses and structures including parking areas and athletic fields shall be no closer than ten (10) feet from any lot line.

26.52203 Recreational Facilities, Cemeteries, Country Clubs and Golf Courses.

- 1) The above uses shall have direct access to a major arterial or a collector street.
- 2) Where more than ten (10) parking spaces are required, there shall be a hard surface parking area provided.
- 3) A landscape buffer may be provided at the side and rear boundaries of the site at a height appropriate to the intensity of use. The front boundary may be required to be buffered in some way if the County deems it necessary.
- 4) Parking areas and general site lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.
- 5) All associated buildings, pools and playing fields shall be a minimum of one hundred (100) feet from any other lot in an R-District or a recorded residential subdivision.

26.52204 Clubs, Fraternities, Lodges and Conference Centers.

- 1) These uses shall have direct access to a major arterial or to a collector street.
- 2) Parking areas and general site lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.
- 3) All associated buildings shall be located a minimum of fifty (50) feet from all lots in the A-1 District, the R-Districts and any recorded residential subdivision.
- 4) All of these uses shall have a minimum lot area of one (1) acre.

26.52205 Manufactured Home Parks and Recreational Vehicles Parks.

- 1) These uses shall be subject to the appropriate provisions of Article 14.04 of these regulations.
- 2) Community Approval. An application to the Board for authorization to establish a manufactured home park or a recreational vehicles park, or to enlarge or extend an existing one, shall be accompanied by the written consent of fifty-one (51) percent, by number and street frontage, from all properties except properties devoted to a non-conforming use or a recreational vehicle park or manufactured home park within two thousand six hundred forty feet (one half mile), measured along roads, from the property line of the premises where such use is being proposed. The consent for any property shall be represented by the approval of all owners of such property.

26.52206 Airports.

- 1) All airports and landing fields shall be in compliance with applicable airport zoning regulations.
- 2) All requests for an airport or landing field conditional use permit must be accompanied by demonstrated approval from the appropriate County, State and Federal agencies with

jurisdiction. This approval is a requirement for the application but should not be construed to indicate conditional use approval.

26.52207 Nursery Schools and Day Care Centers.

- 1) All structures and play lots associated with these uses shall be located a minimum of twenty-five (25) feet from any other lot in any R-District or a recorded residential subdivision.
- 2) All exterior activity areas and play lots shall be fenced and screened with appropriate landscape materials.
- 3) One (1) sign no more than five (5) square feet shall be allowed.

26.52209 Deleted 4-21-06.

26.52210 Deleted 3-11-00.

26.52211 Bed and Breakfast.

- 1) All bed and breakfast facilities shall be consistent in character with their surrounding land uses.
- 2) Uses shall be permitted one home occupation sign.
- 3) Uses shall require no more than seven (7) parking spaces, these spaces shall be located at the rear of the site and shall be buffered with landscape or fencing material from adjacent residential uses.

26.52212 Motels and Motor Hotels.

- a. General Requirements. The sanitary regulations prescribed by the State of Ohio Environmental Protection Agency or other authority having jurisdiction, the regulations of the Building Code of Butler County, Ohio, and as may be otherwise required by law shall be complied with in addition to the following regulations:
- b. Area And Yard Requirements. Motels and motor hotels shall comply with all area and yard requirements prescribed for such uses in the district in which located.
- c. Lot Area Occupancy. The buildings in any motel or motor hotel, together with any non-accessory buildings already on the lot, shall not occupy in the aggregate more than twenty-five (25) percent of the area of the lot.
- d. Parking. All areas used for automobile access and parking shall comply with the applicable provisions of this resolution.
- e. Entrance To Motels And Motor Hotels. No vehicular entrance to or exit from any motel or motor hotel, wherever such may be located, shall be within two hundred (200) feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children except where such property is in another block or another street which the premises in question does not abut.



- f. Peripheral Buffer. All motels and motor hotels which are adjacent an "R" zoning district or a recorded residential subdivision shall provide a twenty- (20) foot wide planting strip which extends along all outside boundaries contiguous to the "R" zoning district or the recorded residential subdivision. The strips shall be planted with trees and shrubs that will provide a dense screen at all times and that will be mature within a five- (5) year period.
- g. Enlargement - Board Approval. Any enlargement or extensions to any existing motel or motor hotel shall require application for a zoning certificate as if it were a new establishment.
- h. Enlargement - Existing Facilities To Comply. No enlargement or extensions to any motel or motor hotel shall be permitted unless the existing one is made to conform substantially with all the requirements for new construction for such an establishment.

26.52213 Auto Salvage/Wrecking Yards and Junk Yards.

- a. A plan is to be submitted showing proposed property to be used and owners within two hundred (200) feet of the proposed site.
- b. The site shall not contain fewer than ten (10) acres.
- c. A solid fence not less than eight (8) feet high that is well-maintained, has no advertising, is approved by the Board and is located not less than five hundred (500) feet from any lot in an R-District or a recorded residential subdivision.
- d. Stacking of automobiles will not be permitted where visible from roadway or surrounding properties.
- e. Storage of any automobile, automobile parts or junk will be prohibited outside the fence.
- f. Any accessory building will be approved by the Board.

26.52214 Mines, Quarries, Gravel Pits.

- a. Any owner, lessee or other person, firm or corporation interested in mineral extraction lands shall file an application with and secure a permit from the Board of Zoning Appeals for authorization to extract minerals therefrom, provided, however, the applicant shall comply with all requirements of the District in which said property is located, and with the following additional requirements:
  - 1. Each of these uses shall be on a lot not less than ten (10) acres in size.
  - 2. Any power-driven or power-producing machinery used in the operation of this facility shall be located a minimum of four hundred (400) feet from any lot in any R-District, any recorded residential subdivision, or any dwelling in an A-District.
  - 3. No operation shall be carried on or any stock pile placed closer than fifty (50) feet to any property line, unless a greater distance is specified by the Board where such is deemed necessary for the protection of adjacent property. This

distance may be extended if recommended by the County Engineer or the Ohio Department of Transportation

4. In the event that the site of the operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than twenty-five (25) feet to the nearest line of such right-of-way. This distance may be extended if recommended by the County Engineer or the Ohio Department of Transportation.
5. Fencing shall be erected and maintained where in the opinion of the Board such fencing is necessary for the protection of the public safety or for a visual or sound barrier; this fencing shall be of a type and height specified by the Board.
6. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the County Engineer.
7. The crushing, washing and refining or other similar processing may be authorized by the Board as an accessory use, provided, however, that such accessory processing shall not be in conflict with the land use regulations of the District in which the operation is located.
8. In accepting such plan for review, the Board must be satisfied that the proponents are financially able to carry out the proposed operation in accordance with the plans and specifications submitted.
9. An application for such operation shall set forth the following information: (1) names of the owner or owners of land from which removal is to be made; (2) names of the applicant making request for such a permit; (3) name of the person or corporation conducting the actual removal operation; (4) location, description and size of the area from which the removal is to be made; (5) location of processing plant uses; (6) type of resources or materials to be removed; (7) proposed method of removal and whether or not blasting or other use of explosives will be required; (8) method of rehabilitation and reclamation of the mine area; (9) expected frequency and duration; (10) permits required and secured.
10. Upon receipt of such application, the Board shall set the matter before a public hearing, which shall be advertised in a newspaper of general circulation at least ten (10) days prior to the date of hearing. Written notice shall also be sent by the Board to all adjacent property owners.
11. The Board shall make a complete record and transcript of all testimony and witnesses heard at the public hearing. The Board shall either approve, deny or approve with conditions said application. Any person or corporation aggrieved by the action of the Board shall have the right to appeal to the Common Pleas Court of Butler County, Ohio, pursuant to law.

12. To guarantee the restoration, rehabilitation and reclamation of areas, every applicant granted a permit as herein provided shall furnish a reclamation bond running to Butler County, Ohio, in an amount of not less than twenty-five thousand dollars (\$25,000) per acre of area to be restored as a guarantee that such applicant, in restoring, reclaiming and rehabilitating such land, shall within a reasonable time and to the satisfaction of the Board meet the following minimum requirements. For those instances when ODNR requires a reclamation bond it will suffice. However, evidence must be provided to Butler County to assure that the bond has been posted.
- a. Where the Board finds it appropriate, all excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or back-filled with non-noxious, non-inflammable and non-combustible solids, to ensure (a) that the excavated area shall not collect and permit to remain therein stagnant water or (b) that the surface of such area which is not permanently submerged is graded or back-filled as necessary so as to reduce the peaks and depressions thereof as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
  - b. Where the site is reclaimed by creating a body of water, the current and subsequent property owners shall be responsible for protecting the groundwater table from contamination as much as possible.
    - 1.The body of water shall be surrounded by a berm or channels to cause storm water runoff to run away from the area.
    - 2.The body of water shall be fenced to ensure limited access to prevent unauthorized dumping.
    - 3.Groundwater monitoring shall be undertaken on a regular basis, and annual tests shall be submitted to the Health District annually to ensure the quality of the groundwater.
  - c. Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said area where such area is not to be submerged under water as herein above provided.
  - d. The banks of all excavations not back-filled shall be sloped to the water line at a slope which shall not be less than three (3) feet horizontal to one (1) foot vertical, and said bank shall be seeded.
  - e. In addition to the foregoing, the Board may impose such other conditions, requirements or limitations concerning the nature, extent of the use and operation of such mineral extractions as the Board may deem necessary for the protection of adjacent properties and the public interest. These may include, but are not limited to, hours of operation and the duration of the conditional use permit.

- f. The said conditions and the amount of reclamation bond shall be determined by the Board prior to issuance of the permit.
  - g. Where the Board finds it appropriate, it may establish a maximum depth for mineral extraction based on sound hydrological practices and principles. A neutral hydrologist of the Board's choosing may be hired to evaluate the application and assist the Board in reviewing the application.
13. If a 404 permit must be obtained from the U.S. Army Corps of Engineers and/or a 401 permit must be obtained from EPA;
- A. The terms and conditions of any 404 or 401 permit shall also be considered to be part of any conditional use permit granted by the Board of Zoning Appeals. Thus, in the event of a violation of a state or federal permit, it shall also be a violation of these regulations and the Butler County Zoning Resolution.
  - B. Failure to secure a needed state or federal permit is also a violation of the Butler County Zoning Resolution.
  - C. Mineral extraction which cannot be shown to be done pursuant to the required state or federal permits or in compliance with the permit, shall be rebuttably presumed to be in violation of the Butler County Zoning Resolution and therefore prohibited.

26.52215 Conditional Industrial Uses.

- 1. All conditionally permitted industrial uses shall be a minimum of six hundred (600) feet from any R-District and any recorded residential subdivision and shall be a minimum of two hundred (200) feet from any other non-manufacturing district or Flood Plain District.
- 2. The following minimum standards shall apply to all conditionally permitted industrial uses within their designated districts.
  - a. Fire and Explosion Hazards. All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
  - b. Air Pollution. No emission of air pollutants shall be permitted that violates the Clean Air Amendments of 1977 as enforced by the Ohio Environmental Protection Agency, and must adhere to the standards and regulations of the Butler County Health District.
  - c. Glare, Heat, and Exterior Light. Any operation producing intense light or heat, such as high temperature processes like combustion, welding, or otherwise, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is

conducted. No exterior lighting shall be positioned so as to extend light or glare onto adjacent properties or rights-of-way.

- d. Dust and Erosion. Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
- e. Liquid or Solid Wastes. No discharge at any point into any public sewer, private disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
- f. Vibrations and Noise. No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth-shaking vibrations which are discernible without instruments at or beyond the property lines of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.
- g. Odors. No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot lines of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to, as shall the standards and regulations of the Butler County Health District.
- h. Toxic Materials. No emission of toxic or noxious matter which is injurious to human health, comfort, or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken. The standards of the Ohio Environmental Protection Agency shall apply.
- i. Chemicals. The storage, use, and manufacture of solid, liquid, and gaseous chemicals and other materials shall be permitted subject to the following conditions:
  - (1) No discharge shall be permitted at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in wastewater treatment, or otherwise cause the emission of dangerous or offensive elements, except in accordance with standards approved by the Ohio Environmental Protection Agency or such other governmental agency as shall have jurisdiction of such activities.
  - (2) The storage, use, or manufacture of solid combustible materials or products ranging from free or active burning to intense burning may be permitted, but only if said materials or products are stored, used, or manufactured within completely enclosed buildings having

incombustible exterior walls and protected throughout by an automatic fire extinguishing system. Burning of waste material in open fire is prohibited.

(3) All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate firefighting and suppression equipment and devices standard to the industry involved. All above-ground storage shall be enclosed in fireproof vaults.

(4) The storage, use, or manufacture of pyrophoric and explosive powders and dusts, and of materials and products which decompose by detonation, and the storage and use of flammable liquids or materials that produce flammable or explosive vapors or gases shall be in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshall for the Manufacture, Storage, Handling, Sale, and Transportation of Flammable and Combustible Liquids."

j. Radioactivity. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in strict conformance with the following:

(1) The applicable regulations of the Department of Energy.

(2) The applicable regulations of any agency of the State of Ohio.

3. Commercial Animal Farms.

a. All such uses shall have a minimum lot area of ten (10) acres.

b. All associated principal and accessory buildings used for holding animals shall be a minimum of four hundred (400) feet from any lot in an R-District and any recorded residential subdivision.

4. Conditional Flood Plain Uses.

a. All such uses shall comply with the specific provisions of Article 26.5 required for the particular use.

b. In addition, all principal and accessory structures shall not be located in any area subject to flooding as defined herein in Article 4.31.

c. Any storage of floatable materials must be enclosed by an open wire fence properly anchored to restrain such materials from floating downstream during times of high water.

5. Residential Dwelling Units.

a. All such uses shall be located in the upper stories of structures.

- b. All such uses shall have a separate entrance and shall be provided with the required number of parking spaces as per Article 23.012 for residential structures.

6. Office Uses.

- a. All uses shall maintain at a minimum the setback and dimension requirements of a single-family dwelling and at a maximum the setback and dimension requirements of a four-family dwelling in the district where the use is conditionally permitted.
- b. All uses shall be arranged on the lot and constructed or converted using building types and materials that are compatible with the surrounding residential uses.
- c. All parking associated with these uses shall be provided in the side or rear yard and no more than ten (10) spaces shall be required (as per Section 6.18) to serve the use.
- d. Dwelling units may be permitted in part of a conditionally permitted office structure, provided that a separate entrance and parking area is designated.
- e. One sign no larger than six (6) square feet shall be permitted, provided that it is attached flat against the building or on a ground sign no more than six (6) feet from the ground.

26.52216 WIRELESS AND CELLULAR TELECOMMUNICATION FACILITY, NOT EXEMPT UNDER ARTICLE 24.10.

Application Requirements.

- 1.) A preliminary development plan must be submitted to the Board at the time the application for the conditional use permit is submitted. The preliminary development plan shall contain the following:
  - a. The location of all of the applicants existing facilities within the County.
  - b. The general location of planned future facilities.
  - c. For each location shown on the plan, there shall be listed:
    - 1. The type and size of tower at each location.
    - 2. The type of equipment located or proposed on each tower.
    - 3. The space available on the tower for additional equipment.
    - 4. The ground network, if any, served by the tower.
    - 5. A site plan showing the parcel on which any existing or proposed tower, antenna or equipment is located.
  - d. A site plan for the facility, which is being applied for, shall also be submitted containing:
    - 1. The location, type and size of existing and proposed towers, antennas and equipment located at the site.
    - 2. The location of access easements and parking areas.
    - 3. Detailed drawings of the screening plan and related design standards.

### General Requirements for all Wireless and Cellular Telecommunication Facilities

These regulations shall not unreasonably discriminate among providers of functionally equivalent services.

These regulations shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

- 1) The applicant must co-locate except where they can demonstrate by clear and convincing evidence that its telecommunication antennas or equipment can not be located on any other Wireless and Cellular Telecommunication Facility, in the geographic area to be served, and that all reasonable means have been undertaken to avoid any undue impact caused by the clustering of more than two facilities within two hundred (200) feet of each other. In determining whether a tower antenna can or cannot be located on another communication tower, building or structure, the Board shall consider the space available on the existing structure, the technological practicality and other factors deemed appropriate by the Board.
- 2) Wireless and cellular facilities should be designed to accommodate public telecommunication needs. Appropriate shared parking and access must be provided for co-located facilities on one tower.
- 3) Applicants wishing to construct Wireless and Cellular Telecommunication Facilities which have satisfactorily demonstrated to the Board that they are unable to co-locate, are encouraged to locate new towers, antenna or equipment on public property, subject to the restrictions of this Section.
- 4) The applicant will hold the County harmless against all claims, demands, suits causes of action and judgments due to any damage caused by the operation or construction of the facility.

### Design Standards for Free-Standing Towers.

- 1) All such uses shall be prohibited from locating in any R-District, recorded subdivision, or lot containing a dwelling other than a farm dwelling.
- 2) All such uses shall be located not less than two hundred and fifty feet (250) from the right of way of any public street.
- 3) All such uses shall be located not less than five hundred feet (500) from any R-District, recorded subdivision, or lot containing a dwelling other than a farm dwelling.
- 4) All such uses shall be located no closer to any lot line than fifty (50) percent of the height of the proposed tower.
- 5) The Wireless and Cellular Telecommunication Facility shall be screened by a minimum six (6) foot high solid fence or barrier and continuous evergreen hedge or trees of a size deemed appropriate by the Board. The screening shall be maintained in good condition. Any solid fence or barrier shall contain no advertising, but may contain one small identification sign not to exceed one square foot in size. The applicant is responsible for ensuring that the Telecommunication Facility is kept free of weeds and trash. The outside storage of vehicles or equipment must be contained inside the screened area.



- 6) The Telecommunication Facility must be aesthetically and architecturally compatible with the surrounding environment. The Board shall give special attention to areas of architectural and historic significance.
- 7) Any Telecommunication Facility shall be removed within one (1) year of ceasing operation. The transfer of ownership of the Telecommunication Facility shall require a new zoning certificate.
- 8) The applicant shall provide written documentation that they have obtained approval from all governing agencies charged with the responsibility of maintaining air safety including, the Federal Aviation Administration (FAA), the Federal Communications Commission, and Ohio Department of Transportation (ODOT), or their respective successors.
- 9) The tower may be painted in non-contrasting gray or similar color minimizing its visibility and shall not contain, or be illuminated by, artificial lights, beacons or strobes, unless otherwise required by the Federal Aviation Administration (FAA), the Federal Communications Commission, and the Ohio Department of Transportation (ODOT), or their respective successors. All surfaces shall be maintained in good condition, absent of flaking or peeling paint, and rust.
- 10) No advertising is permitted anywhere on the Telecommunication Facility with the exception of identification signage not to exceed one square foot in size.
- 11) The lot on which a Telecommunication Facility is located, shall meet the minimum lot size, frontage and yard requirement of the District in which it is located.
- 12) Parking areas and general site lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.

Telecommunication Equipment on Existing Structures.

- 1) All such uses shall be prohibited from locating in any R-District, recorded subdivision, or lot containing a dwelling other than a farm dwelling.
- 2) All such uses shall be located not less than two-hundred fifty feet (250) from the right of way of any public street.
- 3) All such uses shall be located not less than five hundred feet (500) from any R-District, recorded subdivision, or lot containing a dwelling other than a farm dwelling.
- 4) All such uses shall be located no closer to any lot line than fifty percent of the height of the proposed tower.
- 5) The Wireless and Cellular Telecommunication Facility shall not exceed the lessor of twenty-five (25) feet or twenty-five (25) percent of the height of the structure on which it is located. The outside storage of vehicles or equipment, if not located inside the structure on which the tower, antenna or equipment is located, shall be screened by a minimum six (6) foot high solid fence or barrier and continuous evergreen hedge or trees of a size deemed appropriate by the Board.

The screening shall be maintained in good condition. Any solid fence or barrier shall contain no advertising, but may contain one small identification sign not to exceed one square foot in size. The applicant is responsible for ensuring that the Telecommunication Facility is kept free of weeds and trash.

- 6) The Telecommunication Facility must be aesthetically and architecturally compatible with the surrounding environment. The Board shall give special attention to areas of architectural and historic significance.
- 7) Any Telecommunication Facility shall be removed within one (1) year of ceasing operation. The transfer of ownership of the Telecommunication Facility shall require a new zoning certificate.
- 8) The applicant shall provide written documentation that they have obtained approval from all governing agencies charged with the responsibility of maintaining air safety including, the Federal Aviation Administration (FAA), the Federal Communications Commission, and the Ohio Department of Transportation (ODOT), or their respective successors.
- 9) The tower may be painted in non-contrasting gray or similar color minimizing its visibility and shall not contain, or be illuminated by, artificial lights, beacons or strobes, unless otherwise required by the Federal Aviation Administration (FAA), the Federal Communications Commission, and the Ohio Department of Transportation (ODOT), or their respective successors. All surfaces shall be maintained in good condition, absent of flaking or peeling paint, and rust.
- 10) No advertising is permitted anywhere on the Telecommunication Facility with the exception of identification signage not to exceed one square foot in size.
- 11) The lot on which a Telecommunication Facility is located, shall meet the minimum lot size, frontage and yard requirement of the District in which it is located.

26.52217 HOME OCCUPATIONS. Shall not be a nuisance to surrounding neighbors and subject to all of the following provisions:

- 1) All home occupations shall be carried on completely within the residence and shall occupy a maximum of one quarter (1/4) of one floor of the residence.
- 2) Home occupations shall not require any alteration to the exterior of the residence.
- 3) Home Occupations shall not require use of any mechanical equipment not customarily used in a residential dwelling.
- 4) Home occupations shall be carried on solely by occupants of the residence but may employ no more than one (1) non-resident of the dwelling.
- 5) Accessory buildings shall not be used as space for home occupations.
- 6) One (1) sign no larger than one (1) foot square shall be permitted, provided that it is attached flat against the building.

- 7) All uses, customers, clients, drop-off or pick-up activities shall be conducted between 7:30 A.M. and 9:00 P.M., local time.
- 8) No more than six (6) customers or clients may be brought into the premises daily for the purpose of conducting business.
- 9) No more than five (5) drop-off or pick-up deliveries are allowed on a daily basis.

26.52218 KENNELS.

- 1) These uses shall have direct access to a major arterial or to a collector street.
- 2) The site shall not contain fewer than ten (10) acres.
- 3) Any building for this use shall be located not less than three hundred (300) feet from any property line.
- 4) Landscaping plan for the external use of the kennel to effectively screen such use shall be submitted to the Board for approval.

26.6 TEMPORARY STRUCTURES AND USES. The temporary use of a structure or premises in any District for a purpose or use that does not conform to the regulations prescribed elsewhere in this Resolution for the District in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A Zoning Certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety' convenience and general welfare.

26.7 INTERPRETATION OF ZONING MAP. Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the zoning map, the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purposes of this Resolution. In case of any question as to the location of any boundary line between zoning districts. a request for interpretation of the Zoning Map may be made to the Board, and a determination shall be made by said Board.

26.8 ADMINISTRATIVE REVIEW AND VARIANCES.

26.81 Administrative Review. The Board shall have the power to hear and decide appeals, filed as hereinbefore provided, where it is alleged by the appellant that there is error in any order, requirements, decision, grant or refusal made by the Zoning Inspector or administrative official in the interpretation of the provisions of this Resolution.

26.82 Variances. The Board shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest. Where the applicant seeks a use variance, said applicant shall be required to establish to the Board, proof by a preponderance of the evidence that unnecessary hardship will prevail unless the variance is granted. Where the applicant seeks an area variance, it shall be sufficient that said applicant establish to the board, proof by a preponderance of the evidence that he has or will encounter practical difficulties in the use of his property. In determining whether practical difficulties exist, the Board shall consider the following factors and other factors that may be applicable in the judgment of the Board:

- a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- b. Whether the variance is substantial;
- c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- d. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, and garbage);
- e. Whether the property owner purchased the property with knowledge of the zoning restriction;
- f. Whether the property owner's predicament can feasibly be obviated through some method other than a variance;
- g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

26.83 In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as the Board may deem necessary in the interest of the furtherance of the purposes of the Resolution and in the public interest. In authorizing a variance with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem to be necessary, that the conditions attached are being and will be complied with.

26.84 No grant of a variance shall be authorized unless the Board finds proof by a preponderance of the evidence that the conditions or situation of the specific piece of property is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

26.85 GENERAL. In exercising its power, the Board may, in conformity with the provisions of statute and of this Resolution, reverse or affirm wholly or partly or may modify the order, requirement decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made and to that end shall have all powers of the officer from whom the appeal is taken.

## **ARTICLE 27**

### **DISTRICT CHANGES AND RESOLUTION AMENDMENTS**

27.01 GENERAL. For the purpose of promoting the health, safety and morals of the public, the Board of County Commissioners may in accordance with a comprehensive plan, by resolution, after recommendation thereon by the County Rural Zoning Commission and subject to the procedure provided in this Article, amend, supplement or change the regulations, district, boundaries or classification of property now or hereafter established by this Resolution or amendment thereof. Such amendments may be made without the vote of the electors. It shall be the duty of said Zoning Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Board of County Commissioners by passing a resolution

therefore by the Board of County Commissioners, or by the Zoning Commission on its own motion, or by a verified application of one (1) or more of the owners or leases of property within the area proposed to be changed or affected by this Resolution.

- 27.02 AMENDMENTS - PROCEDURE TO INITIATE. Amendments or supplements to the Zoning Resolution may be initiated by motion of the County Rural Zoning Commission, by the passage of a resolution therefore by the Board of County Commissioners or by the filing of an application therefore by one or more of the owners or leases of property within the area proposed to be changed or affected by the proposed amendment or supplement with the County Rural Zoning Commission. The Board of County Commissioners shall upon the passage of such resolution certify it to the County Rural Zoning Commission.
- 27.03 HEARING NOTICE. Upon the adoption of such motion or the certification of such resolution or the filing of such application, the County Rural Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of adoption of such motion or the date of the certification of such resolution or the date of filing of such application. Notice of such hearing shall be given by the County Rural Zoning Commission by one publication in one or more newspapers or general circulation in each township affected by such proposed amendment or supplement at least fifteen (15) days before the date of such hearing.
- 27.04 HEARING NOTICE - 10 PARCELS OR FEWER. If the proposed amendment or supplement intends to re-zone or re-district ten (10) or fewer parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by first class mail at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be re-zoned or re-districted to the addresses of such owners appearing on the County Auditor's current tax list or the treasurer's mailing list and to such other list or lists that may be specified by the Board of County Commissioners. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement and a statement that after the conclusion of such hearing the matter will be referred for further determination to the County Planning Commission and to the Board of County Commissioners as the case may be. Hearings shall be held in the county courthouse or in a public place designated by the County Rural Zoning Commission.
- 27.05 COUNTY PLANNING COMMISSION - REVIEW. Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application, the County Rural Zoning Commission shall transmit a copy thereof to the County Planning Commission. The County Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the County Rural Zoning Commission. Such recommendation shall be considered at the public hearing held by the County Rural Zoning Commission on such proposed amendment or supplement.
- 27.06 ZONING COMMISSION - RECOMMENDATIONS. The County Rural Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and shall submit such a recommendation together with such application or resolution, the text and map pertaining thereto and the recommendations of the County Planning Commission thereon to the Board of County Commissioners.

- 27.07 SUBMISSION TO DIRECTOR OF TRANSPORTATION. Before a proposed amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification by Amended the Director of Transportation or within a radius of five hundred (500) feet from the point of Effective intersection-of said centerline with any public road or highway, the County Rural Zoning Commission shall give notice by registered or certified mail to the Director of Transportation. The County Rural Zoning Commission may proceed as required by law; however, the Board of County Commissioners shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Board of County Commissioners that he shall proceed to acquire any land needed, then the Board of County Commissioners shall refuse to approve the re-zoning. If the Director of Transportation notifies the Board of County Commissioners that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period of any extension thereof agreed upon by the Director of Transportation and the property owner, the Board of County Commissioners shall proceed as required by law.
- 27.08 COUNTY COMMISSIONERS - HEARING. The Board of County Commissioners shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall be not more than thirty (30) days from the date of the receipt of such recommendation from the County Rural Zoning Commission. Notice of such public hearing shall be given by the Board by one (1) publication in one or more newspapers of general circulation in the county at least fifteen (15) days before the date of such hearing. The published notice shall set forth the time and place of the public hearing and shall include a summary of the proposed amendment or supplement.
- 27.09 COUNTY COMMISSIONERS - FINAL ACTION. Within twenty (20) days after such public hearing the Board shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board denies or modifies the recommendation of the County Rural Zoning Commission the unanimous vote of the Board shall be required.
- 27.10 EFFECTIVE DATE - REFERENDUM. Such amendment or supplement adopted by the Board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days there is presented to the Board of County Commissioners a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board to submit the amendment or approval or rejection, at the next primary or general election.
- 27.11 REFERENDUM VOTE - EFFECTS. No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.
- 27.12 FEES. Each application for zoning amendment, except those initiated by the Zoning Commission, shall be accompanied by a check payable to the Butler County Rural Zoning Commission or by a cash payment, in an amount to be determined by the Zoning Commission, to cover the cost of the publishing, posting and/or mailing the notices of the hearing or hearings required by the foregoing provisions and/or other expenses in conjunction therewith.



## ARTICLE 28

### VALIDITY AND REPEAL

- 28.1 VALIDITY. If any article, section, subsection, paragraph, sentence or phrase of this resolution is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not effect the validity of the remaining portion of this Resolution.
- 28.2 REPEAL. In any township in which there is in force a plan of county zoning, the same may be repealed as to said Township in the following manner: The Board of County Commissioners (a) may adopt a resolution upon its own initiative, and (b) shall adopt a resolution if there is presented to it a petition signed by a number of qualified voters residing in the unincorporated area of such Township included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the question of whether or not the plan or zoning in effect in said Township shall be repealed, to be submitted to the electors residing in the unincorporated area of the Township included in the zoning plan at the next primary or general election. In the event a majority of the vote cast on said question in said Township is in favor of repeal of zoning, then said regulations shall no longer be of any force or effect in said Township. Not more than one such election shall be held in any two (2) calendar years.





**ARTICLE 29**

**WHEN EFFECTIVE**

- 29.1 WHEN EFFECTIVE. As provided under section 303 of the Ohio Revised Code, "Upon Certification by the Board of Elections, the Resolution shall take immediate effect in all townships which voted approval, eliminating from the plan any township which did not vote approval.
- 29.2 This Resolution shall be in full force and effect in all portions of Butler County as follows:

<u>Name of Township</u>	<u>Effective Date</u>
1. Madison	November 17, 1956
2. Lemon	November 17, 1956
<del>3. Liberty</del>	<del>November 17, 1956</del>
<del>4. St. Clair</del>	<del>November 17, 1956</del>
<del>5. Wayne</del>	<del>November 17, 1956</del>
6. Milford	November 17, 1956
7. Hanover	November 17, 1956
8. Oxford	November 17, 1956
9. Ross	November 12, 1962





# Appendix A

## Agricultural Districts Area, Frontage, and Yard Requirements for Residential Uses

Agricultural Districts	Minimum Area	Lot Frontage	Front Yard Depth	Side Yard Width		Rear Yard Depth
				One Side Yard	Both Side Yards	
A-1	1 acre	200'	40'	25'	50'	50'
A-2	2 acres	200'	40'	25'	50'	50'
A-3	3 acres	200'	40'	25'	50'	50'
A-5	5 acres	200'	40'	25'	50'	50'
A-10	10 acres	200'	40'	25'	50'	50'
A-20	20 acres	200'	40'	25'	50'	50'

## Residential Districts Area, Frontage, and Yard Requirements for Residential Uses

Lots of record, subdivision lots recorded prior to April 21, 2006, and all lots created after the April 21, 2006 revision which are not part of a recorded residential subdivision, the following shall apply:

Residential Districts	Minimum Area	Lot Frontage	Front Yard Depth	Side Yard Width		Rear Yard Depth
				One Side Yard	Both Side Yards	
R-1	20,000 sq. ft.	100'	35'	15'	30'	45'
R-1A	15,000 sq. ft.	90'	30'	10'	25'	40'
R-2	9,000 sq. ft.	75'	30'	8'	20'	40'
R-3 (single-family)	7,000 sq. ft.	60'	25'	8'	20'	30'
R-3 (two-family)	10,000 sq. ft.	80'	25'	8'	20'	40'
R-4 (single-family)	6,500 sq. ft.	55'	25'	8'	18'	40'
R-4 (two-family)	7,500 sq. ft.	60'	25'	10'	20'	40'
R-4 (three-family)	9,000 sq. ft.	70'	25'	10'	22'	40'
R-4 (four-family)	10,000 sq. ft.	75'	25'	12'	26'	45'
R-4 (multi-family)	2,500 sq. ft. per unit	100'	25'	14'	28'	50'
R-PUD	Standards proposed by developer and approved by the Board of County Commissioners					
PCD						

Lots in any R-1, R-1A, R-2, R-3, R-4 District created after April 21, 2006 as part of a recorded residential subdivision, or lots in a Residential Planned Unit Development (R-PUD) District or Planned Conservation District (PCD) shall have the minimum area, lot frontage, front yard depth, side yard depth, and rear yard depth specified by the developer and approved by the Board of County Commissioners.

## Appendix B

### Allowable Density

Lots created after April 21, 2006 as part of a recorded residential subdivision, or lots in a Residential Planned Unit Development (R-PUD) District or Planned Conservation District (PCD), the following shall apply:

Residential Districts	Allowable Density	Open Space Requirement
R-1	1.9 units per acre maximum gross density for single-family	35%
R-1A	2.4 units per acre maximum gross density for single-family	35%
R-2	4.1 units per acre maximum gross density for single-family	35%
R-3	6.3 units per acre maximum gross density for single and/or two-family	35%
R-4	7.7 units per acre maximum gross density for single and/or two-family	35%
R-4	13.5 units per acre maximum gross density for 3- and 4-family or mixed 1, 2, 3, & 4-family	35%
R-4	17.4 units per acre maximum gross density for multi-family or mixed 1,2,3,4, & multi-family	35%
R-PUD	4.5 units per acre maximum gross density for single-family only	35%
R-PUD	8.5 units per acre maximum gross density for single and two-family	35%
R-PUD	12 units per acre maximum gross density for combination of 1,2, and multi-family	35%
PCD	4.8 units per acre maximum gross density for single-family only	50%
PCD	9.1 units per acre maximum gross density for single and/or two-family	50%
PCD	15.9 units per acre maximum gross density for combination of 1,2, and multi-family	50%