

Butler County, Ohio  
**Rural Zoning Resolution**



*In effect for the following Townships:*

Hanover Township	Milford Township
Lemon Township	Oxford Township
Madison Township	Ross Township

**Butler County Department of Development**  
130 High Street, Hamilton, Ohio 45011

Revised November 21, 2022  
Effective from December 21, 2022

**Butler County, Ohio**  
**Board of County Commissioners**

Donald L. Dixon, Commissioner

Cindy Carpenter, Commissioner

T. C. Rogers, Commissioner

**BUTLER COUNTY**  
**RURAL ZONING COMMISSION**

Jeffrey Buddo

Larry Fink

John Fisher

Steve Lipps

Betty Lowell

**BUTLER COUNTY**  
**BOARD OF ZONING APPEALS**

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John Burgess

Bob Davis

Michelle Maddox

Gary Salmon

David C. Fehr, AICP, Director of Development

Dennis Dickard, Building and Zoning Administrator

Peter Z. Acuff, AICP, Planning Administrator

**Rural Zoning Resolution Adopted 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

April 2, 2009

January 10, 2013

November 21, 2022

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## **Purpose**

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

The accomplishment of the above purpose is to be in accordance with a comprehensive plan for the desirable future development of the County. This Resolution also provides a method of administration and prescribes penalties for the violations of provisions hereafter described. Authorization for this Resolution is as provided by Chapter 303 and the Sections thereunder of the Ohio Revised Code.

## **Title**

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

## **Interpretation of Standards**

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.

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# Definitions

**4.00 Application of Definitions and Construction of Language**

- 4.001 Unless the context otherwise requires, the definitions provided in this Article shall be used in the interpretation and construction of the Resolution.
- 4.002 Words used in the present tense include the future.
- 4.003 The singular number shall include plural, and the plural the singular.
- 4.004 The word **building** shall include the word **structure**.
- 4.005 The word **used** shall include **arranged, designed, constructed, altered, converted, rented, leased or intended to be used**.
- 4.006 The word **shall** is mandatory and not directory; and the word **may** is permissive.

**4.01 A**

- 4.0101 **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.
- 4.0102 **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.
- 4.0103 **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.
- 4.0104 **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.
- 4.0105 **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.

- 4.0106 **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.
- 4.0107 **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.
- 4.0108 **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.
- 4.0109 **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.
- 4.0110 **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.*
- 4.0111 **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.
- 4.0112 **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.



- 4.0113 **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 room 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.
- 4.0114 **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.
- 4.0115 **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.
- 4.0116 **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.
- 4.0117 **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.
- 4.0118 **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.
- 4.0119 **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.
- 4.0120 **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.

- 4.0121 **Agriculture.** The use of land for agricultural purposes, including any customary agricultural use, building or structure that is necessary for, or customarily used in conjunction with the specific agricultural uses that are active on the property. Those uses include:
- a. farming;
  - b. ranching;
  - c. aquaculture;
  - d. apiculture;
  - e. horticulture;
  - f. viticulture;
  - g. animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals;
  - h. poultry husbandry and the production of poultry and poultry products;
  - i. dairy production;
  - j. the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms;
  - k. timber;
  - l. pasturage;
  - m. any combination of the foregoing;
  - n. the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production,
  - o. nurseries and greenhouses not including garden stores or supply centers.
- 4.0122 **Alley.** A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

**4.02 B**

- 4.0201 **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.
- 4.0202 **Bed and Breakfast Inn.** A single-family dwelling occupied by an owner-operator that has obtained a conditional use permit to offer overnight lodging and a meal to transient guests for compensation.
- 4.0203 **Beginning of Construction.** The incorporation of labor and material within the walls of the building or buildings.
- 4.0204 **Billboard.** 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.
- 4.0205 **Board.** The Board of Zoning Appeals of Butler County, Ohio.

- 4.0206 **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.
- 4.0207 **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.
- 4.0208 **Building.** Any structure having a roof supported by columns or walls and used or intended to be used for the shelter or enclosure of persons, animals or property.
- 4.0209 **Building Height.** The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the main height level between eaves and the ridge for gable, hip, or gambrel roofs.

**4.03 C**

- 4.0301 **Cellar.** A story of which the floor 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.
- 4.0302 **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.
- 4.0303 **Clear and Convincing Evidence.** A measure of proof which will produce a firm belief as to the truth of allegations sought to be established.
- 4.0304 **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.
- 4.0305 **Commission, Planning.** The County Planning Commission of Butler County, Ohio.
- 4.0306 **Commission, Zoning.** The County Rural Zoning Commission of Butler County, Ohio.
- 4.0307 **Commissioners, County.** The Board of County Commissioners of Butler County, Ohio.
- 4.0308 **Conditional Use.** A use that is permitted only by application and approval by the Butler County Board of Zoning Appeals.
- 4.0309 **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.
- 4.0310 **Confined Animal Feeding Operations.** A livestock operation that confines animals for at least 45 days in a 12-month period in an area where grass or other vegetation is not maintained during the normal growing season and the type and number of animals that is stabled or confined falls within any of the following ranges:
- a. 200-699 mature dairy cows (milked and/or dry),
  - b. 300-999 veal calves,
  - c. 300-999 cattle other than mature dairy cows or veal calves (includes heifers, steers, bulls, and cow/calf pairs),

- d. 750-2,499 swine each weighing 55 pounds or more
  - e. 3,000-9,999 swine each weighing less than 55 pounds,
  - f. 150-499 horses
  - g. 3,000-9,999 goats, sheep or lambs
  - h. 16,500-54,999 turkeys,
  - i. 9,000-29,999 laying hens or broilers,
  - j. 37,500-124,999 chickens other than laying hens
  - k. 25,000-81,999 laying hens
  - l. 10,000-29,999 ducks.
- 4.0311 **Court.** An open unoccupied and unobstructed space, other than a **yard**, on the same lot with a building or group of buildings. Also known as a **courtyard**.
- 4.0312 **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.
- 4.04 D**
- 4.0401 **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.
- 4.0402 **Density.** The number of dwelling units per gross area.
- 4.0403 **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.
- a. The term "A-District" shall mean any A-1, A-2, A-3, A-5, A-10, or A-20 District.
  - b. The term "R-District" shall mean any R-1, R-1A, R-2, R-3, R-4, R-MHP or R-PUD District.
  - c. The term "B-District" shall mean any B-1, B-2, B-3 or B-4, B-PUD District.
  - d. The term "M-District" shall mean any M-1 or M-2 District.
  - e. The term F-1 shall mean Flood Plain District.
- 4.0404 **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, A-2, A-3, A-5, A-10, A-20, Planned Conservation Development, B-1, B-2, B-3, B-4, B-PUD, M-1, M-2, MUO, SPD, F-1.
- 4.0405 **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.
- 4.0406 **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.
- 4.0407 **Dwelling, Multi-Family.** A building or portion thereof designed for or used by three (3) or more families or housekeeping units.

- 4.0408 **Dwelling, Single-Family.** A building designed for or used exclusively for residence purposes by one (1) family or housekeeping unit.
- 4.0409 **Dwelling, Two-Family.** A building designed or used exclusively by two (2) families or housekeeping units.
- 4.0410 **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.

**4.05 E**

- 4.0501 **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.
- 4.0502 **Erosion.** The process by which the land surface is worn away by the action of water, wind, ice, or gravity.

**4.06 F**

- 4.0601 **Family.** A person living alone, or two or more persons living together as a single housekeeping unit.
- 4.0602 **Farm Animal.** Any animal used in conjunction with a permitted agricultural use.
- 4.0603 **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.
- 4.0604 **Fellowship Hall.** A building on church (or similar place of worship) property where educational, athletic, and social activities take place.
- 4.0605 **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.
- 4.0606 **Flood Plain or Floodplain.** Lands in Butler County that 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).
- 4.0607 **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.

**4.07 G**

- 4.0701 **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 family or families resident upon the premises.
- 4.0702 **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. Any 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.

**4.08 H**

4.0801 **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.

4.0802 **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.

4.0803 **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.

4.0804 **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.

4.0805 **Hotel; Motel.** A building or group of buildings in which five or more units of sleeping accommodations and customary transient lodging services are provided and offered to the public for compensation.

4.0806 **House Vehicle.** Motorized recreational-type vehicle designed to be used as temporary living quarters.

**4.09 I**

4.0901 **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.

**4.10 J**

4.1001 **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.

4.1002 **Junk Automobile.** See "Inoperable Vehicle".

4.1003 **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 of 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.

**4.11 K**

4.1101 **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.

**4.12 L**

4.1201 **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.

4.1202 **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.

4.12021 **Corner Lot.** 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".

4.12022 **Interior Lot.** A lot other than a corner lot.

4.1203 **Lot Area.** The computed area contained within the lot lines.

4.1204 **Lot Coverage.** That portion of a lot which may be covered with structures including all principal and accessory structures.

4.1205 **Lot Depth.** The mean horizontal distance between the front and rear lot lines.

4.1206 **Lot Frontage.** That portion of a lot running along the right-of-way line of any adjoining unlimited access public street that is improved and maintained by the county, a township, or the state of Ohio. Where the lot adjoins more than one such public street, the frontage for the lot shall be measured only along the street having the greater amount of frontage. Where the lot is located on a curve in the road, the lot frontage may be measured along the curved building line if the side property lines run radial to the curve.

4.1207 **Lot Line.** Any of the property lines bounding a lot.

4.12071 **Lot Line, Front.** The line separating the lot from a street.

4.12072 **Lot Line, Rear.** The lot line opposite and most distant from the front lot line.

4.12073 **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.

4.12074 **Lot Line, Street or Alley.** A lot line separating the lot from a street or alley.

4.1208 **Lot Width.** The mean width of the lot measured at right angles to its depth.

**4.13 M**

4.1301 **Manufactured Home.** A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 State 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A., 5415, certifying compliance with all applicable federal construction and safety standards.

4.1302 **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.

4.1303 **Mineral Extraction.** 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:

- a. test or exploration boring;
- b. mining operations carried out beneath the surface by means of shafts, tunnels, or similar mine openings;
- c. the extraction of minerals (other than coal) by a landowner for his or her own use and where such material is extracted and used in an unprocessed form on the same tract of land;
- d. 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;
- e. 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;
- f. any activity whose sole purpose is maintenance, is of limited duration, and does not adversely affect adjacent properties.

4.1304 **Minerals.** 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 not including coal or peat.

4.1305 **Motel.** See "Hotel".



**4.14 N**

4.1401 **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.

4.1402 **Nursing Home.** 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.

**4.15 O**

4.1501 **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 outpatient basis. Such offices shall not contain patient beds, nor shall they be used as emergency trauma treatment centers.

4.1502 **Overburden.** All of the earth and other materials that cover a natural deposit of minerals and also such earth and other materials after removal from their natural state.

4.1503 **Owner.** One who holds a right of possession and title to a parcel or tract of land.

**4.16 P**

4.1601 **Parking Area, Private.** An open area for the same uses as a private garage.

4.1602 **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.

4.1603 **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.

4.1604 **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:

- a. 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,
- b. 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;
- c. 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 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.

- 4.1605 **Person.** Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, township, county, state agency, the federal government, or any combination thereof.
- 4.1606 **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.
- 4.1607 **Public Building.** Any structure owned by a government entity or public agency for use as a public building.
- 4.1608 **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 Administrator 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 Administrator or administrative official in the interpretation of these provisions, the enterprise may file an appeal with the Board of Zoning Appeals as provided in this Zoning Resolution.

**4.17 Q**

**4.18 R**

- 4.1801 **Recreational Vehicle 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.

- 4.1802 **Recreational Vehicle.** 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.
- 4.1803 **Road.** See "Street".
- 4.1804 **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.
- 4.1805 **Row House.** See "Town House".

**4.19 S**

- 4.1901 **Second-Story Residential.** A dwelling unit or units above a first-story commercial use.
- 4.1902 **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.
- 4.1903 **Self-Storage.** A building or group of buildings consisting of individual, self-contained units used for the storage of personal property where individual owners lease individual storage units.
- 4.1904 **Solar Energy Facilities.** An alternative energy facility that consists of one or more ground-mounted, free-standing, or building-integrated solar collection devices, solar energy related equipment, and other associated infrastructure with the primary intention of generating electricity or otherwise converting solar energy to a different form of energy for primarily commercial or other off-site use.
- 4.1905 **Solar Energy System.** An energy system that consists of one or more solar collection devices, related "balance of system" equipment, and other associated infrastructure with the primary intention of generating electricity, storing electricity, or otherwise converting solar energy to a different form of energy for on-site use.
- 4.1906 **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.
- 4.1907 **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.
- 4.1908 **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.
- 4.19081 **First Story.** 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 or her family) shall be deemed the first story.

- 4.19082 **Half Story.** 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 or her family) shall be deemed a full story.
- 4.1909 **Street.** The public right-of-way, sixty (60) feet or more in width, for an improved public road which provides the 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.
- 4.1910 **Structure.** Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.
- 4.1911 **Structure, Principal.** A building in which the primary use of the lot on which the building is located is conducted.
- 4.1912 **Structural Alteration.** Any change in the structural members of a building, such as walls, columns, beams, or girders.
- 4.1913 **Swimming Pool.** Any structure, above or below ground level, designed to hold water more than 18 inches deep for recreational purposes. Freestanding portable pools (e.g., inflatable kiddie pools) which do not require water filtration or circulation and which do not exceed 18 inches in depth shall not be regulated by this Resolution.

## **4.20 T**

- 4.2001 **Thoroughfare Plan.** The official Thoroughfare Plan as 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.
- 4.2002 **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.
- 4.2003 **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**.
- 4.20031 **Construction Trailer.** 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.
- 4.20032 **Travel Trailer.** See “**Recreational Vehicle**”.
- 4.20033 **Utility Trailer.** A trailer designed or intended to carry, haul, or transport materials, goods, boats, motorcycles, objects, animals, or equipment.

## **4.21 U**

**4.22 V**

4.2201 **Variance.** A modification of one or more requirements of this Resolution for a particular property approved by the Butler County Board of Zoning Appeals.

**4.23 W**

4.2301 **Warehouse.** A building used for the storage of goods for compensation or the storage of goods that will be sold elsewhere or subsequently transported to another location for sale.

4.2302 **Wireless and Cellular Alternative Tower Structure.** An alternative design of 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.

4.2303 **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.

4.2304 **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.

4.2305 **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.

4.2306 **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.

4.2307 **Wireless and Cellular Height.** The distance measured from the ground to the highest point on a tower, structure or antenna.

4.2308 **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.

4.2309 **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.

**4.24 X**

**4.25 Y**

4.2501 **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.

4.25011 **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.

- 4.25012 **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.
- 4.2502 **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.
- 4.25021 **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.
- 4.2503 **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.
- 4.25031 **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.
- 4.25032 **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.

**4.26 Z**

- 4.2601 **Zoning Certificate.** A document issued by the Zoning Administrator authorizing buildings, structures, or uses consistent with the terms of this Resolution and for the purpose of carrying out and enforcing its provisions.
- 4.2602 **Zoning Administrator.** The Zoning Administrator or his authorized representative, appointed by the County Commissioners of Butler County, Ohio.
- 4.2603 **Zoning Map.** The Zoning Map or Maps of Butler County, Ohio, dated November 17th, 1956, together with all amendments subsequently adopted.
- 4.2604 **Zoning Plan.** The Zoning Resolution of Butler County, Ohio, dated November 17th, 1956, together with all amendments and updates subsequently adopted.

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## Districts and Boundaries Thereof

### 5.01 Zoning Districts

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

#### Agricultural 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

#### Residential Districts

- 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
- R-MHP Mobile Home Park District

#### Planned Development Districts

- R-PUD Residential Planned Unit Development District
- B-PUD Business Planned Unit Development District
- R-PCD Residential Planned Conservation Development District

#### Business Districts

- B-1 Neighborhood Business District
- B-2 Community Business District
- B-3 General Business District
- B-4 Office District

#### Industrial Districts

- M-1 Light Industrial District
- M-2 General Industrial District

#### Special Districts

- F-1 Flood Plain District
- MUO Mixed Use Overlay District
- SPD Special Purpose Development District

**5.02 Zoning District Boundaries**

- 5.021 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 Administrator, County Commissioners, and Rural Zoning Commission, Butler County, Ohio.
- 5.022 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.
- 5.023 Where a single parcel of land is divided by two or more zoning districts, the requirements for the district in which the use occurs, or will occur, shall apply.
- 5.024 Questions 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.
- 5.025 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.
- 5.026 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.



## 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, subject to the provisions of Section 23.2 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 an 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-conforming use may be extended throughout those parts of a building premises which were 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 the 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 Manufactured Homes**

A manufactured home may be constructed and used as a single-family residence in the County, but shall meet all of the following criteria:

6.101 The manufactured home must be affixed to a permanent foundation and be connected to the appropriate utilities. "Permanent foundation" means permanent masonry, concrete, or locally approved foundation, to which a manufactured home may be affixed.

- 6.102 The manufactured home, excluding any addition, has a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area of at least 900 square feet, excluding garages, porches, or attachments.
- 6.103 The manufactured home is required to have a minimum 3:12 roof pitch, conventional residential siding, and a six inch (6") minimum eave overhang, including appropriate guttering.
- 6.104 Perimeter skirting is required to be of masonry or concrete, or any other method approved by the local zoning administrator.
- 6.105 The manufactured home must have been manufactured after January 1, 1995.
- 6.106 The manufactured home cannot come from a manufactured home park.

**6.11 Yard Requirements along Zoning Boundary Line**

- 6.111 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.
- 6.112 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 in R-Districts and Recorded Residential Subdivisions.**

**6.121 Number and Size.**

- 6.1211 One (1) detached accessory building, not to exceed nine hundred (900) square feet in size, may be erected in the side or rear yard of any lot less than one (1) acre in size.
- 6.1212 One (1) detached accessory building per lot, not to exceed 2,100 square feet in size, may be erected in the side or rear yard of any lot one (1) acre in size or larger, but less than three (3) acres in size.
- 6.1213 One (1) detached accessory building per lot, not to exceed 3,200 square feet in size, may be erected in the side or rear yard of any lot three (3) acres in size or larger, but less than five (5) acres in size.
- 6.1214 One (1) detached accessory building per lot, not to exceed 4,500 square feet in size, may be erected on any lot five (5) acres in size or larger.

6.122 **Small Accessory Buildings.** Any residentially-used lot larger than one (1) acre may contain additional detached buildings, each less than or equal to 200 square feet in floor area, but in no case may the combined area of all accessory buildings and structures exceed fifty percent (50%) of the area of any yard.

6.123 **Dwelling Prohibited.** Accessory buildings may not be used as a residential dwelling.

- 6.124 **Corner Lots.** 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.
- 6.125 **Front Yard.** An Accessory Building may be located in the front yard of any lot five (5) acres in size or larger, but shall be no closer than 200 feet from the right-of-way of any public or private street.
- 6.126 **Side Yard.** An Accessory Building shall be no closer to the side lot line than eight (8) feet.
- 6.127 **Rear Yard.** An Accessory Building shall be no closer to the rear lot line than ten (10) feet.
- 6.128 **Building Separation.** All accessory buildings shall be located 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 on a public street 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 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 roadways shall not be considered as part of the required street frontage in any zoning district.
  - 6.133 In any A-District 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**

On any corner lot in any R- District or recorded residential subdivision, no fence, structure, or planting shall be erected or maintained within twenty (20) feet of the "corner" in such a manner 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:
- 6.151 Least Width: Sum of heights of buildings opposite one another, but less than fifty (50) feet.
  - 6.152 Least Length: One and one-half (1½) times the width.

**6.16 Required Area or Space Cannot Be Reduced**

No lot, yard, court, parking area, 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 23.1 of this Resolution.

6.171 In an agricultural zoning district, in any residential zoning district, or in a recorded residential subdivision, the parking of any trailers, boats, campers, and/or house vehicles in an accessory private garage, building, or in a side or rear yard shall be permitted. All such vehicles that are parked or stored in a side yard must be located at least five (5) feet from the side property line. Recreational vehicles may be temporarily parked in a front yard for up to 48 hours in any 30-day period for the purposes of loading and unloading.

6.172 Any vehicle parked in a side yard must be located on a durable surface, such as asphalt, Portland cement, porous asphalt, or pervious concrete. Any side yard parking space shall be accessible to a public or private street by way of a paved driveway.

6.173 While stored on residential property, recreational vehicles and similar equipment shall be free of fixed connection to water, gas, or sanitary facilities, and at no time be used for living or housekeeping purposes.

**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 builder's 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.

**6.21 Limitation on Principal Structures**

In any A-District or R-District, unless otherwise provided, no more than one (1) Principal Structure may be constructed per lot.

**6.22 Emergency Zoning Certificate**

Under certain circumstances, the Zoning Administrator shall have the authority to issue an emergency zoning certificate, should the principal structure on the property be rendered uninhabitable by fire or other natural disaster. Should the continuing physical occupancy of that owner be necessary to preserve the safety and/or security of personal property located on the premises, a temporary dwelling unit, i.e., mobile home, may be located on the property. The Emergency Zoning Certificate shall be issued upon application by the property owner and written confirmation of the uninhabitability of the property by a knowledgeable source such as the fire chief or insurance company. The Emergency Zoning Certificate shall specify the following conditions:

- a. The temporary living structure shall be permitted for a period of one year from the date of the Emergency Zoning Certificate and must meet Board of Health requirements.
- b. The uninhabitable dwelling shall be replaced or restored to habitability within one (1) year from the date of the Emergency Zoning Certificate.
- c. The temporary living structure shall be removed in entirety from the premises within ten (10) days of completion or occupancy of the replaced or restored residence, whichever occurs first.

**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**

Penal or Corrective Institutions shall be prohibited from all Agricultural Districts and all Residential Districts.

**6.25 Solar Energy Systems.**

6.251 In all zoning districts, small solar energy systems may be installed and operated accessory to a permitted principal or conditional use, subject to the general standards for accessory uses and the specific criteria listed below:

6.252 **Maximum Height.**

6.2521 For a solar energy system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof.

6.2522 For a solar energy system installed on a flat roof, the highest point of the system shall be permitted to extend up to twelve (12) feet above the rooftop to which it is attached, regardless of the maximum height allowed in the zoning district.

- 6.2523 A ground-mounted solar energy system shall not exceed twenty (20) feet in height at any point.
- 6.253 **Location.**
- 6.2531 A ground-mounted solar energy system shall meet all applicable accessory structure setback requirements of the District in which it is located.
- 6.2532 The combined area of all accessory buildings and structures, including ground-mounted solar energy systems, shall not exceed fifty percent (50%) of the area of any yard.
- 6.2533 Ground-mounted solar energy systems shall not be permitted in a front yard, unless the applicant demonstrates that rear yard locations will not result in sufficient solar access.
- 6.254 Solar energy systems may generate energy in excess of the energy requirements of a property if the excess is to be sold back to a public utility in accordance with applicable regulations.

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## Agricultural Districts

The intent of the Agricultural Zoning Districts is to reserve land exclusively for agricultural cultivation, very low-density residential development, and other activities that are essentially rural in character.

The Agricultural Districts include the following districts:

- A-1 Agricultural District (1 acre minimum lot size)
- A-2 Agricultural District (2 acre minimum lot size)
- A-3 Agricultural District (3 acre minimum lot size)
- A-5 Agricultural District (5 acre minimum lot size)
- A-10 Agricultural District (10 acre minimum lot size)
- A-20 Agricultural District (20 acre minimum lot size)

- 7.01 Purpose
- 7.02 Principal Permitted Uses
- 7.03 Conditional Uses Requiring Board Approval
- 7.04 Accessory Uses
- 7.05 Dimensional Standards

## Article 7: Agricultural Districts

### 7.01 Purpose

The intent of the Agricultural Districts is to reserve land exclusively for agricultural cultivation, very low density residential development, and other activities that are essentially rural in character. The Agricultural Districts include the A-1, A-2, A-3, A-5, A-10, and A-20 zoning districts.

### 7.02 Principal Permitted Uses

- 7.0201 Agriculture and Farms, including any customary agricultural use, building, or structure which is necessary for, or customarily used in conjunction with, the specific agricultural uses which are active on the property.
- 7.02011 Customary agricultural uses include farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production; nurseries and greenhouses (not including garden stores or supply centers).
- 7.02012 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 One-family dwellings.
- 7.0203 Two family 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 any 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.
- 7.0207 Private Riding Stables, provided that any building or enclosure in which animals are kept shall comply with the distance requirements in subsection 7.0407.
- 7.0208 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 lot in any R-district or a recorded residential subdivision.

### **7.03 Conditional Uses Requiring Board Approval**

These conditional uses are subject to the additional regulations found in Sections 26.4 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 lot in an R District or a recorded residential subdivision.
- 7.0302 Hospitals and Nursing homes, not including penal or corrective institutions.
- 7.0303 Clubs, fraternities, lodges, conference centers, and other meeting places of similar organizations, not including any use that is customarily conducted as a gainful business.
- 7.0304 Fellowship hall, when used in conjunction with a church or similar place of worship.
- 7.0305 Cemeteries.
- 7.0306 Airports and landing fields.
- 7.0307 Commercial hog, fur, or other commercial animal farms.
- 7.0308 Commercial mines, quarries and gravel pits, temporary sawmill cutting timber grown on the premises.
- 7.0309 Animal hospitals and veterinary clinics.
- 7.0310 Child Care Facilities.
- 7.0311 Garden stores or garden supply centers.
- 7.0312 Bed and Breakfast Inn.
- 7.0313 Storage and sale of grain, livestock feed or fuel.
- 7.0314 Home Occupations, subject to the provisions of Article 26.
- 7.0315 Public Riding Stables, subject to the provisions of Article 26.

### **7.04 Accessory Uses**

The following accessory uses, buildings, and structures customarily incidental to any of the aforesaid permitted or conditional uses shall be permitted, subject to the restrictions in Article 6 and as noted below:

- 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. These temporary buildings shall be removed upon completion or abandonment of the construction work.

- 7.0405 **Accessory Buildings Larger Than Two Hundred (200) Square Feet.** On any lot used principally for residential purposes, two (2) Accessory Buildings per lot may be erected detached from the principal building, subject to the following limitations:
- 7.04051 On any lot less than five (5) acres in size and which is not in a recorded subdivision, accessory buildings shall not exceed 3,200 square feet in size each. Lots in a recorded subdivision shall be subject to the provisions of Section 6.12.
- 7.04052 On any lot five (5) acres in size or larger accessory buildings shall not exceed 4,800 square feet in size each.
- 7.04053 Any accessory building shall be located at least 15 feet from side and rear property lines and 40 feet from a road right-of-way.
- 7.04054 Accessory buildings may not be used as a residential dwelling.
- 7.0406 **Keeping of Domestic 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.
- 7.0407 **Keeping of Farm Animals.** On any lot used principally for residential purposes, the keeping of farm animals (other than small farm animals regulated below) is considered an accessory use subject to the following conditions:
- 7.04071 On any lot with two hundred (200) feet or more of frontage and a minimum of two (2) acres, one farm animal per acre is allowed.
- 7.04072 Any building in which five (5) or fewer farm animals are kept shall be located not less than seventy-five (75) feet from any lot line.
- 7.04073 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, recorded residential subdivision, or lot containing a dwelling other than a farm dwelling.
- 7.04074 Animal waste storage shall follow the standards recommended by USDA's Natural Resources Conservation Service and/or state and local agencies. Animal housing structures and waste storage shall not be permitted within regulated floodways.
- 7.0408 **Small Farm Animals on Residential Properties.** The keeping of small farm animals (domestic fowl, rabbits, etc., typically weighing ten pounds or less when full-grown) on any lot used primarily for residential purposes shall be governed by the following regulations.
- 7.04081 Number. For every 3,500 square feet of lot area, one (1) small farm animal is permitted.
- 7.04082 In residential districts and recorded subdivisions, no more than ten (10) animals may be kept on a single lot used primarily for residential purposes.
- 7.04083 In non-residential districts (excluding recorded subdivisions), no more than thirty (30) animals may be kept on a single lot used primarily for residential purposes.

- 7.04084 Coops and Cages. All small farm animals shall be provided with a covered shelter that is thoroughly ventilated, easily accessed and cleaned, and of sufficient size to permit free movement of the animals. The total area of all coops and cages on a single lot in a residential district or recorded subdivision shall not exceed 64 square feet. Coops and cages shall not exceed 12 feet in height.
- 7.04085 Enclosures. Small farm animals and their coops and/or cages shall be contained within a fenced area.
- 7.04086 Setbacks. Coops and cages for small farm animals must be located in a rear yard and must be located at least 35 feet from any residential dwelling on an adjacent lot. Coops, cages, and outdoor enclosures shall be set back at least 10 feet from any lot line.
- 7.04087 Prohibited Animals. No rooster, capon, or crowing hen shall be kept on any lot used primarily for residential purposes, regardless of lot size or location.
- 7.0409 Swimming Pools. Swimming pools may be located in any rear yard, no closer than ten (10) feet from any lot line, and shall be fenced as specified in Article 24. On corner lots, swimming pools may be located in a side yard, no closer to a street than either front of the house, and no closer than ten (10) feet from any lot line.

**7.05 Dimensional Standards**

- 7.051 Maximum Height. No structure or use shall exceed two and one half (2½) stories or thirty (30) feet in height, except as provided in Section 24.3.
- 7.052 Minimum Lot Area. The following minimum lot sizes shall be observed for all agriculturally-zoned lots, except as modified by the provisions of Article 24:

Type of Use	Minimum Lot Area (acres)*					
	A-1	A-2	A-3	A-5	A-10	A-20
Customary Agricultural Uses, as specified in §7.0201	5	5	5	5	10	20
Other principal permitted uses where larger area not specified herein above						
<b>One-family or two-family dwellings</b>						
Churches; Public buildings	1	2	3	5	10	20
All other permitted and conditionally permitted uses						

\*Note: The Butler County General Health District may require lot areas to be enlarged to satisfy all application requirements concerning water supply and the disposal of sanitary wastes.

7.053 Frontage and Yard Requirements. The following minimum width and setback requirements shall be observed for all agriculturally-zoned lots, except as modified by the provisions of Article 24:

Type of Use	Lot Frontage per Principal Building	Front Yard Depth	Side Yard Width		Rear Yard Depth
			One Side	Total Both	
Customary Agricultural Uses, as specified in §7.0201 Other principal permitted uses where larger area not specified herein above	300 feet	40 feet	50 feet	100 feet	50 feet
<b>One-family or two-family dwellings</b> Churches; Public buildings	200 feet	40 feet	25 feet	50 feet	50 feet
All other permitted and conditionally permitted uses	200 feet	40 feet	50 feet	100 feet	50 feet

## Residential Districts

The intent of the Residential Zoning Districts is to reserve certain land areas of the County for sound residential development at densities appropriate to their surroundings. Thirty five percent (35%) of any new residential development shall be reserved as open space.

The Residential Districts include the following districts:

- R-1 Suburban Residence District (1.9 units per acre)
- R-1A Suburban Residence District (2.4 units per acre)
- R-2 Single-Family Residence District (4.1 units per acre)
- R-3 One- and Two-Family Residence District (6.3 unit per acre)
- R-4 Multiple-Family Residence District (density varies)

- 8.01 Purpose
- 8.02 Principal Permitted Uses
- 8.03 Conditional Uses Requiring Board Approval
- 8.04 Accessory Uses
- 8.05 Prohibited Uses
- 8.06 Dimensional Standards
- 8.07 Open Space Requirements

## Article 8: Residential Districts

### 8.01 Purpose

8.0101 The intent of the Residential Zoning Districts is to reserve certain land areas of the County for sound residential development at densities appropriate to their surroundings. Thirty five percent (35%) of any new residential development shall be reserved as open space. The Residential Districts include the following districts:

R-1 Suburban Residence District (1.9 units per acre)

R-1A Suburban Residence District (2.4 units per acre)

R-2 Single-Family Residence District (4.1 units per acre)

R-3 One- and Two-Family Residence District (6.3 unit per acre)

R-4 Multiple-Family Residence District (density varies)

### 8.02 Principal Permitted Uses

8.0201 Agricultural and Farms including any customary agricultural use, building, or structure which is necessary for, or customarily used in conjunction with, the specific agricultural uses which are active on the property.

8.02011 Customary agricultural uses include farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production; nurseries and greenhouses (not including garden stores or supply centers).

8.02012 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 One-family dwellings.

8.0203 Two family dwellings are permitted in the R-3 and R-4 districts only. Three or more family dwellings, including multi-family buildings, are permitted in the R-4 district only.

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 26.4 and 26.5 of this Resolution.

- 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 and Nursing homes, not including penal or corrective institutions.
- 8.0304 Cemeteries.
- 8.0305 Public Buildings of administrative, cultural, recreational, or service type.
- 8.0306 Fellowship hall, when used in conjunction with a church or similar place of worship.
- 8.0307 Telecommunication towers, as defined in Section 24.9.
- 8.0308 Home Occupations, subject to the provisions of Article 26.

### **8.04 Accessory Uses**

The following accessory uses, buildings, and structures customarily incidental to any of the aforesaid permitted or conditional uses shall be permitted, subject to the restrictions in Article 6 and as noted below:

- 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. These temporary buildings shall be removed upon completion or abandonment of the construction work.
- 8.0404 **Swimming Pools.** Swimming pools may be located in any rear yard, no closer than ten (10) feet from any lot line, and shall be fenced as specified in Article 24. On corner lots, swimming pools may be located in a side yard, no closer to a street than either front of the house, and no closer than ten (10) feet from any lot line.
- 8.0405 **Accessory Buildings.** See Section 6.12 for additional regulations on number and size of accessory buildings in residential districts.
- 8.04051 Any accessory building shall be located at least 8 feet from side property lines and 10 feet from a rear property line.
- 8.04052 Accessory buildings may not be used as a residential dwelling.
- 8.0406 **Keeping of Domestic 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.

- 8.0407 **Keeping of Farm Animals.** On any lot used principally for residential purposes, the keeping of farm animals (other than small farm animals regulated below) is considered an accessory use subject to the following conditions:
- 8.04071 On any lot with two hundred (200) feet or more of frontage and a minimum of two (2) acres, one farm animal per acre is allowed.
- 8.04072 Any building in which five (5) or fewer farm animals are kept shall be located not less than seventy-five (75) feet from any lot line.
- 8.04073 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, recorded residential subdivision, or lot containing a dwelling other than a farm dwelling.
- 8.04074 Animal waste storage shall follow the standards recommended by USDA's Natural Resources Conservation Service and/or state and local agencies. Animal housing structures and waste storage shall not be permitted within regulated floodways.
- 8.0408 **Small Farm Animals on Residential Properties.** The keeping of small farm animals (domestic fowl, rabbits, etc., typically weighing ten pounds or less when full-grown) on any lot used primarily for residential purposes shall be governed by the following regulations.
- 8.04081 Number. For every 3,500 square feet of lot area, one (1) small farm animal is permitted.
- 8.04082 In residential districts and recorded subdivisions, no more than ten (10) animals may be kept on a single lot used primarily for residential purposes.
- 8.04083 In non-residential districts (excluding recorded subdivisions), no more than thirty (30) animals may be kept on a single lot used primarily for residential purposes.
- 8.04084 Coops and Cages. All small farm animals shall be provided with a covered shelter that is thoroughly ventilated, easily accessed and cleaned, and of sufficient size to permit free movement of the animals. The total area of all coops and cages on a single lot in a residential district or recorded subdivision shall not exceed 64 square feet. Coops and cages shall not exceed 12 feet in height.
- 8.04085 Enclosures. Small farm animals and their coops and/or cages shall be contained within a fenced area.
- 8.04086 Setbacks. Coops and cages for small farm animals must be located in a rear yard and must be located at least 35 feet from any residential dwelling on an adjacent lot. Coops, cages, and outdoor enclosures shall be set back at least 10 feet from any lot line.
- 8.04087 Prohibited Animals. No rooster, capon, or crowing hen shall be kept on any lot used primarily for residential purposes, regardless of lot size or location.

**8.05 Prohibited Uses**

- 8.0501 Kennels and Riding Stables
- 8.0502 Bed and Breakfast Inns

**8.06 Dimensional Standards**

- 8.0601 Maximum Height. No principal structure or use shall exceed two and one half (2½) stories or thirty (30) feet in height (except in the R-4 District), and no accessory structure shall exceed one and one half (1½) stories or twenty (20) feet in height, except as provided in Section 24.3.
- 8.06011 Principal structures in the R-4 District shall not exceed three (3) stories or forty (40) feet in height.
- 8.0602 Residential Density.
- 8.06021 The maximum gross density for a single-family development shall be 1.9 units per acre in the R-1 District, 2.4 units per acre in the R-1A District (provided that public water and sewer are available), and 4.1 units per acre in the R-2 District.
- 8.06022 The maximum gross density of a single family, two-family, or mixed residential development shall be 6.3 dwelling units per acre in the R-3 District and 7.7 dwelling units per acre in the R-4 District. The single-family or two-family designation for each lot shall be established on the appropriate plat.
- 8.06023 The maximum gross density of a three-family, four-family, or mixed one-, two-, three- and four-family development shall be 13.5 dwelling units per acre in the R-4 District. The one-, two-, three- or four-family designation for each lot shall be established on the appropriate plat.
- 8.06024 The maximum gross density of a multi-family development or a mixed residential development that includes multi-family structures shall be 17.4 dwelling units per acre in the R-4 District. The one-, two-, three-, four- or multiple-family designation for each lot shall be established on the appropriate plat.
- 8.0603 Lot sizes and setback lines are permitted to vary but shall be established by the recorded subdivision plat or plat of survey, whichever is appropriate per the Butler County Subdivision Regulations.
- 8.0604 All lots must front on a public road. Only one principal structure per lot is permitted.

8.0605 Standalone Lots. For lots of record existing prior to the April 21, 2006 revision, and all lots created after the April 21, 2006, revision that are not a part of a recorded subdivision, the following area requirements apply:

Zoning District	Lot Area Minimum*	Minimum Lot Frontage	Front Yard Depth	Side Yard Width		Rear Yard Depth
				One Side	Total Both	
<b>Single-Family Residential Dwellings</b>						
R-1	20,000 sq ft	100 feet	35 feet	15 feet	30 feet	45 feet
R-1A	15,000 sq ft	90 feet	30 feet	10 feet	25 feet	40 feet
R-2	9,000 sq ft	75 feet	30 feet	8 feet	20 feet	40 feet
R-3	7,000 sq ft	60 feet	25 feet	8 feet	20 feet	30 feet
R-4	6,500 sq ft	55 feet	25 feet	8 feet	18 feet	40 feet

<b>Two-Family Residential Dwellings</b>						
R-3	10,000 sq ft	80 feet	25 feet	8 feet	20 feet	40 feet
R-4	7,500 sq ft	60 feet	25 feet	10 feet	20 feet	40 feet

<b>Three-Family Dwellings</b>						
R-4 only	9,000 sq ft	70 feet	25 feet	10 feet	22 feet	40 feet

<b>Four-Family Dwellings</b>						
R-4 only	10,000 sq ft	75 feet	25 feet	12 feet	26 feet	45 feet

<b>Multi-Family Dwellings</b>						
R-4 only	2,500 sq ft	25 feet	14 feet	14 feet	28 feet	50 feet

<b>Other Permitted and Conditional Uses**</b>						
R-1	1 acre	200 feet	35 feet	20 feet	40 feet	45 feet
R-1A	1 acre	200 feet	35 feet	20 feet	40 feet	40 feet
R-2	20,000 sq ft	100 feet	30 feet	15 feet	30 feet	45 feet
R-3	20,000 sq ft	100 feet	30 feet	15 feet	30 feet	40 feet
R-4	20,000 sq ft	100 feet	30 feet	30 feet	40 feet	50 feet

\*Note: The Butler County General Health District may require lot areas to be enlarged to satisfy all application requirements concerning water supply and the disposal of sanitary wastes.

\*\*Minimum lot sizes for Other Permitted and Conditional Uses may be larger as specified in Section 26.5 of this Zoning Resolution

**8.07 Open Space Requirements.**

- 8.0701 The minimum area of open space shall be thirty-five percent (35%) when part of an approved subdivision that is recorded after the April 21, 2006, revision to the zoning resolution. The open space shall be contained on a lot or lots separate from any building site.
- 8.0702 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, archaeological features, and historic structures.
- 8.0703 The open space shall not consist of isolated or fragmented pieces of land that would serve no useful purpose. Open space shall be interconnected with existing open space or potential open space on adjacent parcels.
- 8.0704 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 rights-of-way. Open space may also include landscaped medians that are at least 15 feet wide and 25 feet long, roundabouts that are 20 feet in diameter or greater, and landscaped parking lot islands 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.
- 8.0705 Maintenance of the common open space shall be the responsibility of a homeowners' association, conservation trust, park board, the commercial management entity of the development, or any other entity willing to maintain the property.
- 8.0706 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.

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## Residential Planned Unit Development (R-PUD) District

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.

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 Developments typically feature varied setback lines, a mix of 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.

9.01	Purpose	9.07	Board of County Commissioners Action
9.02	Principal Permitted Uses	9.08	Time Limits and Extension
9.03	Design Standards	9.09	Final PUD Plan Approval Procedure
9.04	Required Contents of the Preliminary R-PUD Plan	9.10	Major Changes
9.05	Procedure	9.11	Conditions for Approval of the Detailed Final PUD Plan(s)
9.06	Conditions for Approval of the Preliminary PUD Plan		

*Article 9 was formerly Article 13A*

## **Article 9: Residential Planned Unit Development (R-PUD) District**

### **9.01 Purpose**

9.011 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.

### **9.02 Principal Permitted Uses**

- 9.0201 One-family dwellings.
- 9.0202 Two-family dwellings.
- 9.0203 Multiple-family dwellings, garden apartments, row dwellings, town houses.
- 9.0204 Churches and other similar places of worship, including fellowship halls.
- 9.0205 Nursing Homes.
- 9.0206 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.
- 9.0207 Schools.
- 9.0208 Public Buildings.
- 9.0209 Country Clubs.
- 9.0210 Golf Courses.
- 9.0211 Hospitals.
- 9.0212 Child Care, Nursery Schools.
- 9.0213 Cemeteries.
- 9.0214 Public Utilities.



**9.03 Design Standards**

9.0301 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.

9.0302 Minimum Lot Area, Minimum Lot and Maximum Density.

9.03021 The tract of land to be developed on a planned unit basis shall be a minimum of three (3) acres.

9.03022 Where the R-PUD Planned Unit Development includes one-family dwelling units only, the maximum gross density shall not exceed four and one-half (4½) dwelling units per acre.

9.03023 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 (8½) dwelling units per acre.

9.03024 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.

9.03025 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.

a. The total open space for projects containing solely multiple-family dwelling units shall be increased by ten percent (10%) over the open space requirements in subsection 9.0304.

b. 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.

9.0303 Yards (Setbacks). 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 Section 735.26 inclusive, subject to the review by the Planning Commission and approval by the Board of County Commissioners.

9.0304 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.

9.03041 This minimum percentage of land area shall be thirty-five percent (35%).

9.03042 This common open space shall not consist of isolated or fragmented pieces of land which would serve no useful purpose.

9.03043 Included in this common open space may be such uses as pedestrian walkways, parkland, open areas, golf courses, bridle paths, drainage ways,

swimming pools, clubhouses, tennis courts, and other lands of essentially open character, exclusive of off-street parking areas and street rights-of-way.

9.03044 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, the size of such areas shall be determined by the Planning Commission.

#### **9.04 Required Contents of the Preliminary R-PUD Plan**

9.041 The owner/developer(s) are encouraged to engage in informal consultation with the Zoning Administrator and Planning Commission prior to preparing the Preliminary PUD Plan, it being understood that no statement or representation by the Zoning Administrator or Planning Commission shall be binding upon the Board of County Commissioners.

9.042 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:

9.0421 Base mapping of the property showing the physical features (general topography, drainage ways and water bodies, etc.) and existing land uses.

9.0422 Boundaries of the tract to be developed on a planned unit basis.

9.0423 Highways and streets in the vicinity of the tract, and the ingress and egress to the tract.

9.0424 Location of different general land use areas proposed to be developed.

9.0425 Proposed density levels of each residential area.

9.0426 Proposed treatment of existing topography, drainage ways and tree cover, and soil surveys that may be required to be taken at the site.

9.0427 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.

9.0428 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.

9.0429 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.

#### **9.05 Procedure**

9.051 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 9.06 and 9.07 of this Resolution.

- 9.052 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, improvements and maintenance of common open space, and other pertinent development characteristics.

### **9.06 Conditions for Approval of the Preliminary PUD Plan**

- 9.061 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:

9.0611 That the PUD District is in conformance with the Land Use Plan for Butler County.

9.0612 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.

9.0613 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.

9.0614 That the areas proposed shall be used only for those uses permitted under these provisions and the usual accessory uses.

9.0615 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.

9.0616 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.

9.0617 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.

### **9.07 Board of County Commissioners Action**

9.071 If, from the facts presented, the Board of County Commissioners is unable to make the necessary findings, the application shall be denied.

9.072 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).

- 9.073 Approval of the Preliminary PUD Plan shall constitute the creation of a separate R-PUD Planned Unit Development Zoning District.
- 9.074 In taking action, the County Commission may deny the Preliminary PUD Plan or may recommend approval of said plan subject to specified modifications.
- 9.075 At the time of adopting any resolution establishing an R-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.

**9.08 Time Limits and Extensions**

- 9.081 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 9.09 and 9.11 and unless the final Subdivision Plan, where applicable, shall have been recorded in the Office of the Butler County Recorder.
- 9.082 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.

**9.09 Final PUD Plan Approval Procedure**

- 9.091 Once the R-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 Administrator.
- 9.092 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:
  - 9.0921 Survey of the tract to be developed showing existing physical features (general topography, drainage ways and tree cover) and streets, easements and utility lines.
  - 9.0922 Site plan showing lot lines, building outlines, off-street parking spaces, pedestrian walkways, vehicular circulation.
  - 9.0923 Preliminary building plans, including floor plans and exterior elevations.
  - 9.0924 Landscaping plans including quantity, size and variety of landscaping.

- 9.0925 Specific engineering plans, including site grading, street improvements, drainage, soil testing if required, and utility improvements, and extensions as necessary.
- 9.0926 All necessary legal documentation relating to the incorporation of a Homeowner's Association for the purpose of maintaining the specified common open space within the Planned Unit Development.
- 9.0927 Copies of any restrictive covenants that are to be recorded.

**9.10 Major Changes**

- 9.101 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 9.05 through 9.11 inclusive. Major changes shall include but not be limited to:
  - 9.1011 An increase in density.
  - 9.1012 Changes in the outside boundaries of the Planned Unit Development landholding.
  - 9.1013 Major changes in the location or amount of land designated for specific land uses, including open space.
  - 9.1014 Major changes in the internal street and thoroughfare locations or alignments.

**9.11 Conditions for Approval of the Detailed Final PUD Plan(s)**

- 9.111 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:
  - 9.1111 That the proposed detailed Final PUD Plan(s) for the individual section(s) of the overall R-PUD District is/are in conformance with the approved Preliminary PUD Plan, and the Land Use Plan Map and text of Butler County.
  - 9.1112 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.
  - 9.1113 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.
  - 9.1114 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.
  - 9.1115 That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development.

9.1116

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.

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## Business Planned Unit Development (B-PUD) District

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.

The 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, clustered 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 coverage 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.

10.01	Purpose	10.07	Board of County Commissioners Action
10.02	Principal Permitted Uses	10.08	Time Limits and Extension
10.03	Design Standards	10.09	Final PUD Plan Approval Procedure
10.04	Required Contents of the Preliminary B-PUD Plan	10.10	Major Changes
10.05	Procedure	10.11	Conditions for Approval of the Detailed Final PUD Plan(s)
10.06	Conditions for Approval of the Preliminary PUD Plan		

*Article 10 was formerly Article 13B*

## **Article 10: Business Planned Unit Development (B-PUD) District**

### **10.01 Purpose**

10.011 The 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, clustered 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 coverage 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.

### **10.02 Principal Permitted Uses**

- 10.0201 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.
- 10.0202 Restaurants, including drive-in restaurants, bars, cocktail lounges, night clubs, theaters, bowling alleys, billiard parlors and other similar establishments.
- 10.0203 Financial institutions, including drive-in institutions.
- 10.0204 Schools, Nursery Schools and Child Care Facilities.
- 10.0205 Office Uses.
- 10.0206 Offices for Medical and Allied Health Care.
- 10.0207 Commercial Entertainment.
- 10.0208 Theaters.
- 10.0209 Hotels/Motels.
- 10.0210 Animal Hospitals, Veterinary Clinics, Kennels.
- 10.0211 Building Materials and Retail Lumber Yards.
- 10.0212 Commercial Recreation.
- 10.0213 Outdoor Advertising/Billboards.
- 10.0214 Laboratories.
- 10.0215 Hospitals and Nursing Homes.
- 10.0216 Manufacturing and research facilities that are permitted in the M-1 District.



10.0217 Dwellings when located on upper level(s) of a commercial structure.

**10.03 Design Standards**

10.0301 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.

10.0302 Minimum Lot Area. The tract of land to be developed on a planned unit basis shall be a minimum of three (3) acres.

10.0303 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.

10.0304 Lot Coverage. The total lot coverage of each individual lot within a Business Planned Unit Development shall be no more than eighty (80) percent.

10.0305 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.

10.03051 This minimum percentage of land area shall be twenty-five percent (25%) for all tracts.

10.03052 This common open space shall not consist of isolated or fragmented pieces of land which would serve no useful purpose.

10.03053 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.

10.03054 Maintenance of this common open space shall be the responsibility of the commercial management entity of the development.

10.0306 Parking and Loading Requirements. Parking and loading requirements shall be calculated as per Sections 23.1 and 23.11 of these regulations for each intended use in the development.

10.03061 The total number of required spaces may be reduced by up to ten percent (10%) if the Board of County Commissioners determines that all uses can adequately be served by shared parking spaces.

10.03062 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.

10.0307 Height Requirements. No structure shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 24.3.

10.03071 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.

10.0308 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.

#### **10.04 Required Contents of the Preliminary B-PUD Plan**

10.041 The owner/developer(s) are encouraged to engage in informal consultation with the Zoning Administrator and Planning Commission prior to preparing the Preliminary PUD Plan, it being understood that no statement or representation by the Zoning Administrator or Planning Commission shall be binding upon the Board of County Commissioners.

10.042 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:

10.0421 Base mapping of the property showing the physical features (general topography, drainage ways and water bodies, etc.) and existing land uses.

10.0422 Boundaries of the tract to be developed on a planned unit basis.

10.0423 Highways and streets in the vicinity of the tract, and the ingress and egress to the tract.

10.0424 Location of different general land use areas proposed to be developed.

10.0425 Proposed locations and sizes of commercial uses.

10.0426 Proposed treatment of existing topography, drainage ways and tree cover, and soil surveys that may be required to be taken at the site.

10.0427 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.

10.0428 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.

10.0429 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.

#### **10.05 Procedure**

10.051 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 10.06 and 10.07 of this Resolution.

- 10.052 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, improvements and maintenance of common open space, and other pertinent development characteristics.

**10.06 Conditions for Approval of the Preliminary PUD Plan**

- 10.061 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:

10.0611 That the PUD District is in conformance with the Land Use Plan for Butler County.

10.0612 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.

10.0613 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.

10.0614 That the areas proposed shall be used only for those uses permitted under these provisions and the usual accessory uses.

10.0615 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.

10.0616 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.

10.0617 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.

**10.07 Board of County Commissioners Action**

10.071 If, from the facts presented, the Board of County Commissioners is unable to make the necessary findings, the application shall be denied.

10.072 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).

- 10.073 Approval of the Preliminary PUD Plan shall constitute the creation of a separate B-PUD Planned Unit Development Zoning District.
- 10.074 In taking action, the County Commission may deny the Preliminary PUD Plan or may recommend approval of said plan subject to specified modifications.
- 10.075 At the time of adopting any resolution establishing 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.

**10.08 Time Limits and Extensions**

- 10.081 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 10.09 and 10.11 and unless the final Subdivision Plan, where applicable, shall have been recorded in the Office of the Butler County Recorder.
- 10.082 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.

**10.09 Final PUD Plan Approval Procedure**

- 10.091 Once the 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 Administrator.
- 10.092 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:
  - 10.0921 Survey of the tract to be developed showing existing physical features (general topography, drainage ways and tree cover) and streets, easements and utility lines.
  - 10.0922 Site plan showing lot lines, building outlines, off-street parking spaces, pedestrian walkways, vehicular circulation.
  - 10.0923 Preliminary building plans, including floor plans and exterior elevations.
  - 10.0924 Landscaping plans including quantity, size and variety of landscaping.
  - 10.0925 Specific engineering plans, including site grading, street improvements, drainage, soil testing if required, and utility improvements, and extensions as necessary.
  - 10.0926 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.

10.0927 Copies of any restrictive covenants that are to be recorded.

**10.10 Major Changes**

10.101 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 10.05 through 10.11 inclusive. Major changes shall include but not be limited to:

10.1011 An increase in density.

10.1012 Changes in the outside boundaries of the Planned Unit Development landholding.

10.1013 Major changes in the location or amount of land designated for specific land uses, including open space.

10.1014 Major changes in the internal street and thoroughfare locations or alignments.

**10.11 Conditions for Approval of the Detailed Final PUD Plan(s)**

10.111 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:

10.1111 That the proposed detailed Final PUD Plan(s) for the individual section(s) of the overall B-PUD District is/are in conformance with the approved Preliminary PUD Plan, and the Land Use Plan Map and text of Butler County.

10.1112 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.

10.1113 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.

10.1114 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.

10.1115 That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development.

10.1116 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.

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## Mixed Use Overlay (MUO) District

The MUO District supplements the standards of the underlying Zoning Districts through the use of an Overlay District in certain areas where a specific Design Plan has been adopted by the Butler County Commissioners.

- 11.01 Purpose
- 11.02 Principal Permitted Uses
- 11.03 Procedures for MUO District Designation
- 11.04 Required Contents of a Design Plan
- 11.05 Preparation of a Design Plan
- 11.06 Effects of Adopted MUO District and a Design Plan
- 11.07 Procedures for Obtaining a Modification to the Requirements of the Design Plan
- 11.08 Improvements Exempt from the Requirements of the MUO District

*Article 11 was formerly Article 20MU*

## Article 11: MUO Mixed Use Overlay District

### 11.01 Purpose

11.011 The MUO District supplements the standards of the underlying Zoning Districts through the use of an Overlay District in certain areas where a specific Design Plan has been adopted by the Butler County Commissioners.

11.012 The MUO District, and supplementary 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.

### 11.02 Principal Permitted Uses

11.021 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 11.07 of this Article.

### 11.03 Procedures for MUO District Designation

11.031 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 a Design Plan containing the information pursuant to Subsection 11.04 of this Article setting forth the supplemental development provisions for the area within the MUO District.

### 11.04 Required Contents of a Design Plan

11.041 The designation of any area as an MUO District shall require the preparation and adoption (in accordance with the provisions of Subsection 11.04 and 11.05) of a Design Plan. Such plan shall contain the following information:

11.0411 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.



- 11.0412 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.
- 11.0413 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.
- 11.0414 Written or graphic requirements for building and structure setbacks, heights, maximum building coverage, and floor area ratios.
- 11.0415 Written or graphic requirements for off-street parking and loading.
- 11.0416 Written or graphics requirements for signage.
- 11.0417 Written or graphic requirements for landscaping and screening between adjacent sites, and land uses.
- 11.0418 Written or graphic requirements for the architectural character of buildings and structures and exterior lighting of streets, parking areas, buildings, and signs.
- 11.0419 Written policy statements regarding recommended key public improvements necessary to achieve substantial elements of the plan.

**11.05 Preparation of a Design Plan**

- 11.051 A 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 an MUO District, pursuant to the requirements of this Article and other applicable requirements of this Resolution.

**11.06 Effects of Adopted MUO District and a Design Plan**

- 11.061 Upon the adoption of an MUO District and 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 Design Plan shall control.

**11.07 Procedures for Obtaining a Modification to the Requirements of the Design Plan**

- 11.071 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 be done in accordance with the Design Plan for the MUO district. If the applicant wishes to deviate from any of the requirements of the MUO district Design Plan, they must do so in accordance with the following procedures and requirements:
- 11.0711 Each application for a modification 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.

11.0712 The Department of Development, Planning Division staff shall review the proposal with respect to the adopted Design Plan and underlying Zoning District and file report of such findings to the Butler County 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.

11.0713 Within thirty (30) days of receipt of said report the Planning Commission shall, at its regular monthly meeting by Resolution, either approve, deny, or modify the application for the modification. 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 objectives of the Design Plan.

11.0714 Upon the approval of the modification by the Planning Commission, the Planning staff shall forward the resolution to the Building and Zoning Department to be used for review when issuing the Zoning Certificate.

**11.08 Improvements Exempt from the Requirements of the MUO District**

11.081 Interior remodeling and exterior maintenance work and repairs shall be exempt from the requirements of this Article.

## Planned Conservation Development District

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.

- 12.01 Statement of Intent
- 12.02 Purpose
- 12.03 Principal Permitted Uses
- 12.04 Design Standards
- 12.05 Required Contents of the Preliminary R-PCD
- 12.06 Procedure
- 12.07 Conditions for Approval of the Preliminary PCD Plan
- 12.08 Board of County Commissioners Action
- 12.09 Final PCD Plan Approval Procedure
- 12.10 Major Changes
- 12.11 Conditions for Approval of the Detailed Final PCD Plan(s)

*Article 12 was formerly Article 13C*

## Article 12: Planned Conservation Development District

### 12.01 Statement of Intent

12.011 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.

### 12.02 Purpose

12.021 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.

### 12.03 Principal Permitted Uses

12.0301 One-family dwellings.

12.0302 Two-family dwellings.

12.0303 Multiple-family dwellings, garden apartments, row dwellings, town houses.

12.0304 Churches and other similar places of worship.

12.0305 Fellowship Hall; when used in conjunction with a church, or other similar places of worship.

12.0306 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.

12.0307 Schools.

12.0308 Public Buildings.

12.0309 Country Clubs.

12.0310 Golf Courses.

- 12.0311 Hospitals.
- 12.0312 Child Care, Nursery Schools.
- 12.0313 Cemeteries.
- 12.0314 Public Utilities.

**12.04 Design Standards**

- 12.041 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.
- 12.042 Minimum Lot Area, Minimum Lot and Maximum Density.
- 12.0421 The tract of land to be developed on a planned conservation basis shall be a minimum of forty (40) acres.
- 12.0422 Where the R-PCD Planned Conservation Development includes one-family dwelling units only, the maximum gross density shall not exceed 4.8 dwelling units per acre.
- 12.0423 Where the R-PCD Planned Conservation Development includes both one-family and two-family dwelling units, the maximum gross density shall not exceed 9.1 dwelling units per acre.
- 12.0424 Where the R-PCD Planned Conservation Development contains a combination of single-family, two-family and multiple-family dwelling units, the maximum gross density shall not exceed 15.9 dwelling units per acre.
- 12.0425 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 (2½) 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.
- 12.043 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.
- 12.044 Common Conservation Areas. There shall be reserved, within the tract to be developed a fifty percent (50%) minimum percentage of land area of the entire tract for use as common conservation area.

- 12.0441 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.
- 12.0442 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.
- 12.0443 These common conservation areas shall be interconnected throughout the development as well as with existing or potential conservation areas on adjacent parcels.
- 12.0444 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 structures 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.
- 12.0445 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.

**12.05 Required Contents of the Preliminary R-PCD**

- 12.051 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.
- 12.052 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:
- 12.0521 Base mapping of the property showing the physical features (general topography, drainage ways and water bodies, etc.) and existing land uses.
- 12.0522 Boundaries of the tract to be developed on a planned basis.
- 12.0523 Highways and streets in the vicinity of the tract, and the ingress and egress to the tract.
- 12.0524 Location of different general land use areas proposed to be developed.
- 12.0525 Proposed density levels of each residential area and/or locations and sizes of commercial uses.

- 12.0526 Proposed treatment of existing topography, drainage ways and tree cover, and soil surveys that may be required to be taken at the site.
- 12.0527 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.
- 12.0528 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.
- 12.0529 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.

**12.06 Procedure**

- 12.061 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 12.04 and 12.05 of this Resolution.
- 12.062 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.

**12.07 Conditions for Approval of the Preliminary PCD Plan**

- 12.071 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:
- 12.0712 That the R-PCD District is in conformance with the Land Use Plan for Butler County.
- 12.0713 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.
- 12.0714 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.

- 12.0715 That the areas proposed shall be used only for those uses permitted under these provisions and the usual accessory uses.
- 12.0716 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.
- 12.0717 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.
- 12.0718 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.

**12.08 Board of County Commissioners Action**

- 12.081 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.
- 12.082 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.
- 12.083 Time Limits and Extensions.
- 12.0831 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.
- 12.0832 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.



**12.09 Final PCD Plan Approval Procedure**

- 12.091 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 Administrator.
- 12.092 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:
  - 12.0921 Survey of the tract to be developed showing existing physical features (general topography, drainage ways and tree cover) and streets, easements and utility lines.
  - 12.0922 Site plan showing lot lines, building outlines, off-street parking spaces, pedestrian walkways, vehicular circulation.
  - 12.0923 Preliminary building plans, including floor plans and exterior elevations.
  - 12.0924 Landscaping plans including quantity, size and variety of landscaping.
  - 12.0925 Specific engineering plans, including site grading, street improvements, drainage, soil testing if required, and utility improvements, and extensions as necessary.
  - 12.0926 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.
  - 12.0927 Copies of any restrictive covenants that are to be recorded.

**12.10 Major Changes**

- 12.101 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 12.06 through 12.11 inclusive. Major changes shall include but not be limited to:
  - 12.1011 An increase in density.
  - 12.1012 Changes in the outside boundaries of the Planned Development Landholding.
  - 12.1013 Major changes in the location or amount of land designated for specific land uses including conservation area.
  - 12.1014 Major changes in the internal street and thoroughfare locations or alignments.

**12.11 Conditions for Approval of the Detailed Final PCD Plan(s)**

- 12.111 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:

- 12.1111 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.
- 12.1112 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.
- 12.1113 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.
- 12.1114 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.
- 12.1115 That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development.
- 12.1116 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.

## SPD Special Purpose Development District

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.

- 13.01 Purpose
- 13.02 Principal Permitted Uses
- 13.03 Required Conditions for All Facilities
- 13.04 Additional Conditions for Landfills
- 13.05 Procedure
- 13.06 Conditions for Approval of the Preliminary Development
- 13.07 Board of County Commissioners Action
- 13.08 Time Limits and Extensions
- 13.09 Final SPD Plan Approval Procedure
- 13.10 Major Changes
- 13.11 Conditions for Approval of the Detailed Final Development Plan(s)

*Article 13 was formerly Article 13D*

## Article 13: SPD Special Purpose Development District

### 13.01 Purpose

13.011 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.

### 13.02 Principal Permitted Uses

13.021 Solid Waste Landfills.

13.022 Construction and Demolition Debris Landfills.

13.023 Solid Waste Transfer Stations.

13.024 Recycling Facilities.

13.025 Other solid waste facilities as defined by Chapter 37 of the Ohio Revised Code.

### 13.03 Required Conditions for All Facilities

13.031 Outside Permits, Plans and Regulations.

13.0311 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.

13.0312 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.

13.0313 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.

13.0314 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.

13.0315 All conditions listed under Section 26.5311 are to be met.

13.032      General Siting Criteria.

- 13.0321      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.
- 13.0322      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.
- 13.0323      No operation shall be carried on or any stockpile placed 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.
- 13.0324      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.
- 13.0325      The height of any structure, mound or stockpile shall not exceed the height requirement of that of the least restrictive adjacent zoning district.
- 13.0326      Facilities shall not be located within one thousand (1,000) feet of any public park or recreation area.
- 13.0327      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 National Park Service.
- 13.0328      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.

13.033      Roads and Transportation.

- 13.0331      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.
- 13.0332      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 improvements needed for the operation of the facility will be the responsibility of the applicant.
- 13.0333      The State of Ohio and the Butler County Engineers Office shall establish weight limits for all roads leading to the facility.
- 13.0334      Points of access must be approved by the Butler County Engineer and/or the Ohio Department of Transportation.
- 13.0335      In order to keep the roadway free of debris, a tire and truck cleaning area must be provided.

- 13.034     Ground Water.
- 13.0341     No facility shall be located less than one thousand (1,000) feet from a water well for domestic or stock watering purposes.
- 13.0342     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.
- 13.0343     Groundwater monitoring wells must be installed onsite. A minimum of one installed up gradient, and two down gradient.
- 13.0344     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.
- 13.0345     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.
- 13.0346     The applicant shall submit a spill control plan which demonstrates procedures for responding to spills on site.
- 13.0347     Facilities shall not be located on site of former or current sand and gravel, limestone or sandstone mining operations.
- 13.035     Surface Water.
- 13.0351     Facilities shall not be located within two hundred (200) feet of any lake, pond, river or perennial, intermittent or ephemeral stream.
- 13.0352     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.
- 13.0353     Facilities shall not be located in wetlands.
- 13.0354     The applicant shall submit a surface water runoff management plan.
- 13.0355     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.
- 13.036     Equipment.
- 13.0361     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.
- 13.0362     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.

13.037 Buffering and Screening.

13.0371 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.

13.0372 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.

13.038 Bonding and Financing.

13.0381 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.

13.0382 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.

13.0383 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.

**13.04 Additional Conditions for Landfills**

13.041 Sanitary waste material shall not be accepted at a construction demolition debris landfill.

13.042 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.

13.043 Vegetation shall be restored by appropriate seeds of grasses and planting of shrubs and trees in all parts of said area.

13.044 All facilities are to have a composite liner system, including 5 feet of soil and a flexible membrane liner.

13.045 All landfill facilities shall require a daily cover.

13.046 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.

**13.05 Procedure**

- 13.051 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 advertise 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.
- 13.052 The Planning Commission may explicitly impose special conditions relating to the development.

**13.06 Conditions for Approval of the Preliminary Development**

- 13.061 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:
  - 13.0611 That the Special Purpose District (SPD) is in conformance with the Land Use Plan for Butler County.
  - 13.0612 That the use(s) proposed will not be detrimental to present and potential surrounding uses.
  - 13.0613 That the areas proposed shall be used only for those uses permitted under these provisions and the usual accessory uses.
  - 13.0614 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.

**13.07 Board of County Commissioners Action**

- 13.071 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.

13.072 At the time of adopting any resolution establishing an SPD, the Board of County Commissioners shall make appropriate arrangements with the applicant which will ensure the accomplishment of the approved Preliminary Development Plan.

### **13.08 Time Limits and Extensions**

13.081 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.

13.082 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.

### **13.09 Final SPD Plan Approval Procedure**

13.091 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).

13.092 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 Administrator.

13.093 The detailed Final Development Plan(s) shall be in accordance with the approved Preliminary Development Plan and shall be prepared for the owner/operator by a professionally competent urban planner, professional engineer, architect or landscape architect.

13.094 In written and in graphic form, the Development Plan must illustrate how all conditions of approval are being met.

### **13.10 Major Changes**

13.101 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:

13.1011 Changes in the outside boundaries of the facility.

13.1012 Major changes in the location or amount of land designated for specific land uses including buffer areas.

**13.11 Conditions for Approval of the Detailed Final Development Plan(s).**

- 13.111 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:
  - 13.1111 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.
  - 13.1112 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.
  - 13.1113 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.
  - 13.1114 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.
  - 13.1115 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.

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## R-MHP Manufactured Home Park District

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 ten (10) acres within an R-MHP Zoning District.

- 14.01 Purpose
- 14.02 General Provisions
- 14.03 Principal Permitted Uses
- 14.04 Manufactured Home Park Plan Filing Procedure and Requirements
- 14.05 Design Standards
- 14.06 Minimum Site Size, Maximum Site Coverage and Site Frontage
- 14.07 Streets, Sidewalks, and Parking
- 14.08 Utility Requirements
- 14.09 Manufactured Home Stand
- 14.10 Communal Facilities
- 14.11 Peripheral Buffer
- 14.12 Conditions of Approval
- 14.13 Frontage Requirement

## **Article 14: R-MHP Manufactured Home Park District**

### **14.01 Purpose**

14.011 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 ten (10) acres within an R-MHP Zoning District.

### **14.02 General Provisions**

14.021 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.

14.022 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.

14.023 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.

14.024 No existing manufactured home park may be expanded without making application for a zone change 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 must be rezoned and shall meet the requirements of this Article.

14.025 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**

14.031 Manufactured homes on individual sites within a Manufactured Home Park.

14.032 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 R-District, or a recorded residential subdivision.

14.033 Related accessory communal facilities such as management, maintenance and storage of grounds keeping equipment.

### **14.04 Manufactured Home Park Plan Filing Procedure and Requirements**

14.041 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 Butler County Planning Commission. The Mobile Home Park Plan shall include and specify the information required in this Article, and shall contain the following text and map information.

14.042 The proposed location, site size, total number of mobile home sites to be developed, and the production schedule for the development.

- 14.043 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.
- 14.044 Proposed provisions for water, sanitary sewer, surface drainage and fire protection facilities, including engineering feasibility studies or other evidence of reasonableness.
- 14.045 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.
- 14.046 Information on the use or re-use of existing features such as topography, drainage ways, tree cover, structures, streets and easements.
- 14.047 Names and addresses of the property owners of all land adjoining any part of the tract proposed for R-MHP zoning.
- 14.048 Deed restrictions, covenants, easements and encumbrances to be used to control the use, development, and/or maintenance of the zoning tract.

**14.05 Design Standards**

- 14.051 The tract of land to be developed shall contain a minimum of ten (10) acres.
- 14.052 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**

- 14.061 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.
- 14.062 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.
- 14.063 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.
- 14.064 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:
  - 14.0641 **Front Yard.** Each manufactured home site shall have a front yard of not less than twenty (20) feet.
  - 14.0642 **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.
  - 14.0643 **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 four (4) 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 Utility Requirements**

- 14.081 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 and fire protection.
- 14.082 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.
- 14.083 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.
- 14.084 Storm Drainage. Adequate storm drainage for each mobile home site connected to the main storm drainage system shall be provided.
- 14.085 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.
- 14.086 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 intended use of the gas or fuel.
- 14.087 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.

- 14.088 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.

#### **14.09 Manufactured Home Stand**

- 14.091 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.

#### **14.10 Communal Facilities**

- 14.101 In all manufactured home parks, the following facilities shall be provided and available to residents:

14.1011 Management and maintenance offices including storage facilities for grounds keeping equipment.

14.1012 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 ( $\frac{1}{2}$ ) acre, whichever is greater.

#### **14.11 Peripheral Buffer**

- 14.111 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 Planning Commission.

#### **14.12 Conditions of Approval**

- 14.121 The basis for the approval of a Manufactured Home Park application shall be:

14.1211 That the proposed development is consistent in all respects with the purpose, intent and applicable standards of this Zoning Resolution.

14.1212 That the proposed development meets all the minimum requirements specified in the Design Standards section.

14.1213 That the proposed development is in conformity with the Butler County Land Use Plan or portion thereof as it may apply.

14.1214 That the proposed development advances the general welfare of the County and the immediate vicinity.

14.1215 That the design character and improved site arrangement justify the location and size proposed in the development.

14.1216 That the utilities to serve the proposed development have received State of Ohio, Environmental Protection Agency approval.

14.122 The approval shall be for a period of one (1) year to allow construction to be substantially started in accordance with the Mobile Home 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 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 Butler County Planning Commission.

**14.13 Frontage Requirement**

14.131 Any manufactured home park or recreational vehicles park approved shall have a minimum of two hundred (200) feet of lot frontage.



## B-1 Neighborhood Business District

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.

- 15.01 Purpose
- 15.02 Principal Permitted Uses
- 15.03 Accessory Uses
- 15.04 Conditional Uses Requiring Board Approval
- 15.05 Required Conditions
- 15.06 Prohibited Uses
- 15.07 Height Requirements
- 15.08 Area, Frontage, and Yard Requirements

## Article 15: B-1 Neighborhood Business District

### 15.01 Purpose

15.011 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

15.021 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.

15.022 Restaurants, not including drive-in or drive-through restaurants.

15.023 Bars.

15.024 Financial institutions, and automated teller machines (ATM), when it is a part of the principal structure, not including drive-in or drive-through facilities.

15.025 Nursery Schools and Child Care Facilities.

15.026 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 Uses

15.031 A private garage or parking area subject to the provisions specified in Article 23.

15.032 Sign requirements subject to the provisions specified in Section 23.2.

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

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

### 15.04 Conditional Uses Requiring Board Approval

These conditional uses are subject to the additional regulations found in Sections 26.4 and 26.5 of this Resolution.

15.041 Residential dwelling units if a part of a principal building.

15.042 Bed and Breakfast Inns.

### 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 ten (10) percent 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 Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noises, vibration, refuse matter, or water-carried waste.
- 15.0507 **Landscape Buffer.** 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.
- 15.05071 Where the parcel width is greater than 100 feet, the buffer shall be 20 feet wide and 8 feet high.
- 15.05072 Where the parcel width is 100 feet or less, the buffer shall be 10 (ten) feet wide and 6 (six) feet high.
- 15.0508 **Dumpsters/Trash Containers.** Dumpsters and trash containers shall not be visible from any residentially zoned property, any residential subdivision or any parcel containing a dwelling other than a farm dwelling.
- 15.05081 All dumpsters and trash containers must be completely screened by a solid fence or wall no less than six (6) feet or more than eight (8) feet in height.
- 15.05082 All dumpsters and trash container enclosures shall be constructed of the same materials used on the majority of the principal structure.
- 15.05083 The side of the enclosure used for access shall have a minimum opening width of ten (10) feet.
- 15.0509 A five (5) foot concrete sidewalk shall be constructed for all portions of a parcel which adjoins a public street for new construction, or remodeling which exceeds fifty (50) percent of the appraised value of the structure, and the parcel is within one-thousand (1,000) feet of an existing public sidewalk. Sidewalk shall be constructed within the public right-of-way.
- 15.0510 In order to achieve better circulation throughout the business district and to minimize driveway cuts along public roads, all parcels are required to provide a paved cross access to adjoining business uses.
- 15.0511 A site plan shall be submitted with any building permit application. The site plan shall contain a stormwater management plan, landscaping plan (if required), vehicle and pedestrian circulation plan, proposed signage, parking plan, trash receptacle location and screening.

**15.06 Prohibited Uses**

- 15.061 Check cashing establishments, cash advance establishments, pawn shops and rent-to-own stores.

**15.07 Height Requirements**

15.071 No structure shall exceed two and one-half (2½) stories or thirty (30) feet in height, except as provided in Section 24.3.

**15.08 Area, Frontage, and Yard Requirements**

The following minimum requirements shall be observed, except as modified by provisions of Article 24.

Zoning District	Lot Area Minimum	Minimum Lot Frontage	Front Yard Depth	Side Yard Width*		Rear Yard Depth
				One Side	Total Both	
<b><i>Non-residential Buildings</i></b>						
B-1	None	None	25 feet	None*	None*	None^

\*Where adjoining an R-district or recorded residential subdivision, the minimum side yard width shall be 15 feet.

^Where adjoining an R-district or recorded residential subdivision, the minimum rear yard depth shall be 25 feet.

## B-2 Community Business District

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.

- 16.01 Purpose
- 16.02 Principal Permitted Uses
- 16.03 Conditional Uses Requiring Board Approval
- 16.04 Accessory Uses
- 16.05 Required Conditions
- 16.06 Prohibited Uses
- 16.07 Height Requirements
- 16.08 Area, Frontage, and Yard Requirements

## Article 16: B-2 Community Business District

### 16.01 Purpose

16.011 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.

16.0208 Carpenter shops, electrical, plumbing, heating and air conditioning shops; printing, publishing and lithography shops; furniture upholstery; antique stores; self-storage; 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.

### **16.03 Conditional Uses Requiring Board Approval**

These conditional uses are subject to the additional regulations found in Sections 26.4 and 26.5 of this Resolution.

- 16.031 Hotels and motels.
- 16.032 Residential dwelling units if a part of a principal building.
- 16.033 Schools, including primary, secondary, college or university.

### **16.04 Accessory Uses**

- 16.041 A private garage or parking area subject to the provisions specified in Article 23.
- 16.042 Sign requirements subject to the provisions specified in Section 23.2.
- 16.043 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.
- 16.044 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 twenty five (25) percent 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 Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noises, vibration, refuse matter, or water-carried waste.
- 16.0507 Such uses shall be conducted entirely within an enclosed building.
- 16.0508 Where such uses are in buildings adjacent to 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 **Landscape Buffer.** 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.
  - 16.05091 Where the parcel width is greater than 100 feet, the buffer shall be 20 feet wide and 8 feet high.
  - 16.05092 Where the parcel width is 100 feet or less, the buffer shall be 10 (ten) feet wide and 6 (six) feet high.

- 16.0510 **Dumpsters/Trash Containers.** Dumpsters and trash containers shall not be visible from any residentially zoned property, any residential subdivision or any parcel containing a dwelling other than a farm dwelling.
- 16.05101 All dumpsters and trash containers must be completely screened by a solid fence or wall no less than six (6) feet or more than eight (8) feet in height.
- 16.05102 All dumpsters and trash container enclosures shall be constructed of the same materials used on the majority of the principal structure.
- 16.05103 The side of the enclosure used for access shall have a minimum opening width of ten (10) feet.
- 16.0511 A five (5) foot concrete sidewalk shall be constructed for all portions of a parcel which adjoins a public street for new construction, or remodeling which exceeds fifty (50) percent of the appraised value of the structure, and the parcel is within one-thousand (1,000) feet of an existing public sidewalk. Sidewalk shall be constructed within the public right-of-way.
- 16.0512 In order to achieve better circulation throughout the business district and to minimize driveway cuts along public roads, all parcels are required to provide a paved cross access to adjoining business uses.
- 16.0513 A site plan shall be submitted with any building permit application. The site plan shall contain a stormwater management plan, landscaping plan (if required), vehicle and pedestrian circulation plan, proposed signage, parking plan, trash receptacle location and screening.

**16.06 Prohibited Uses**

- 16.061 Check cashing establishments, cash advance establishments, pawn shops and rent-to-own stores.

**16.07 Height Requirements**

- 16.071 No structure shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 24.3.

**16.08 Area, Frontage, and Yard Requirements**

The following minimum requirements shall be observed, except as modified by provisions of Article 24.

Lot Area Minimum	Minimum Lot Frontage	Front Yard Depth	Side Yard Width*		Rear Yard Depth
			One Side	Total Both	
<b><i>Non-residential Buildings</i></b>					
None	None	25 feet	None*	None*	None^
<b><i>Hotels &amp; Motels</i></b>					
500 square feet per bedroom; 1 acre minimum	100 feet	25 feet	50 feet	100 feet	50 feet

\*Where adjoining an R-district or recorded residential subdivision, the minimum side yard width shall be 20 feet.

^Where adjoining an R-district or recorded residential subdivision, the minimum rear yard depth shall be 25 feet.



## B-3 General Business District

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.

- 17.01 Purpose
- 17.02 Principal Permitted Uses
- 17.03 Accessory Uses
- 17.04 Conditional Uses Requiring Board Approval
- 17.05 Required Conditions
- 17.06 Height Requirements
- 17.07 Area, Frontage, and Yard Requirements

## Article 17: B-3 General Business District

### 17.01 Purpose

17.011 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 the 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.

17.0208 Carpenter shops, electrical, plumbing, heating and air conditioning shops; printing, publishing and lithography shops; furniture upholstery; antique stores; self-storage; 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.

17.0209 Garden stores, supply centers, or commercial greenhouses.

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, self-storage, 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, and not within two hundred (200) feet of any R-District, or a recorded residential subdivision.
- 17.02161 Building material sales yard, not including concrete mixing.
- 17.02162 Contractor's equipment storage yard or plant, or storage and rental equipment commonly used by contractor.
- 17.02163 Trucking and motor freight station or terminal.
- 17.02164 Retail lumber yard, including mill work only when incidental.
- 17.02165 Storage and sales of grain, livestock feed or fuel; provided dust is effectively controlled during all operations.
- 17.02166 Carting, express or hauling establishments, including storage of vehicles.
- 17.02167 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.
- 17.0217 Outdoor advertising signs and structures; subject to the provisions specified in Section 23.2.
- 17.0218 Churches and other similar places of worship, including fellowship halls.
- 17.0219 Any other general business and/or service uses 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**

- 17.031 A private garage or parking area subject to the provisions specified in Article 23.

- 17.032 Sign requirements subject to the provisions specified in Section 23.2.
- 17.033 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.
- 17.034 Any other accessory use and structure, not otherwise prohibited, customarily accessory and incidental to a permitted principal use.
- 17.035 Wireless and Cellular Telecommunication Facility.

**17.04 Conditional Uses Requiring Board Approval**

These conditional uses are subject to the additional regulations found in Sections 26.4 and 26.5 of this Resolution.

- 17.041 Hotels and motels.
- 17.042 Residential dwelling units if a part of a principal building.
- 17.043 Schools, including primary, secondary, college or university.

**17.05 Required Conditions**

- 17.0501 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.
- 17.0502 Goods for sale shall consist primarily of new merchandise, antiques excepted
- 17.0503 All products produced on the premises, whether primary or incidental, shall be sold at retail primarily on the premises where produced.
- 17.0504 Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noises, vibration, refuse matter, or water-carried waste.
- 17.0505 All outdoor storage shall be located in the rear yard and shall be contained within an eight (8) foot high, solid fence.
- 17.0506 Where such uses are in buildings adjacent to 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.
- 17.0507 **Landscape Buffer.** 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.
  - 17.05071 Where the parcel width is greater than 100 feet, the buffer shall be 20 feet wide and 8 feet high.
  - 17.05072 Where the parcel width is 100 feet or less, the buffer shall be 10 (ten) feet wide and 6 (six) feet high.
- 17.0508 **Dumpsters/Trash Containers.** Dumpsters and trash containers shall not be visible from any residentially zoned property, any residential subdivision or any parcel containing a dwelling other than a farm dwelling.
- 17.05081 All dumpsters and trash containers must be completely screened by a solid fence or wall no less than six (6) feet or more than eight (8) feet in height.

- 17.05082 All dumpsters and trash container enclosures shall be constructed of the same materials used on the majority of the principal structure.
- 17.05083 The side of the enclosure used for access shall have a minimum opening width of ten (10) feet.
- 17.0509 A five (5) foot concrete sidewalk shall be constructed for all portions of a parcel which adjoins a public street for new construction, or remodeling which exceeds fifty (50) percent of the appraised value of the structure, and the parcel is within one-thousand (1,000) feet of an existing public sidewalk. Sidewalk shall be constructed within the public right-of-way.
- 17.0510 In order to achieve better circulation throughout the business district and to minimize driveway cuts along public roads, all parcels are required to provide a paved cross access to adjoining business uses.
- 17.0511 A site plan shall be submitted with any building permit application. The site plan shall contain a stormwater management plan, landscaping plan (if required), vehicle and pedestrian circulation plan, proposed signage, parking plan, trash receptacle location and screening.

**17.06 Height Requirements**

- 17.061 No structure shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 24.3.

**17.07 Area, Frontage, and Yard Requirements**

The following minimum requirements shall be observed, except as modified by provisions of Article 24.

Lot Area Minimum	Minimum Lot Frontage	Front Yard Depth	Side Yard Width*		Rear Yard Depth
			One Side	Total Both	
<b><i>Non-residential Buildings</i></b>					
None	None	25 feet	None*	None*	None^
<b><i>Hotels &amp; Motels</i></b>					
500 square feet per bedroom; 1 acre minimum	100 feet	25 feet	50 feet	100 feet	25 feet

\*Where adjoining an R-district or recorded residential subdivision, the minimum side yard width shall be 20 feet.

^Where adjoining an R-district or recorded residential subdivision, the minimum rear yard depth shall be 25 feet.

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## B-4 Office District

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.

- 18.01 Purpose
- 18.02 Principal Permitted Uses
- 18.03 Accessory Uses
- 18.04 Conditional Uses Requiring Board Approval
- 18.05 Required Conditions
- 18.06 Height Requirements
- 18.07 Area, Frontage, and Yard Requirements

## Article 18: B-4 Office District

### 18.01 Purpose

18.011 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 A private garage or parking area subject to the provisions specified in Article 23.

18.032 Sign requirements subject to the provisions specified in Section 23.2.

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

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

18.035 Wireless and Cellular Telecommunication Facility.

### 18.04 Conditional Uses Requiring Board Approval

These conditional uses are subject to the additional regulations found in Sections 26.4 and 26.5 of this Resolution.

18.041 Laboratories.

18.042 Residential dwelling units if a part of a principal building.

### 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 ten (10) percent of the parking shall be located in the front yard.



- 18.053 Processes 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 **Landscape Buffer.** 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.
- 18.0541 Where the parcel width is greater than 100 feet, the buffer shall be 20 feet wide and 8 feet high.
- 18.0542 Where the parcel width is 100 feet or less, the buffer shall be 10 (ten) feet wide and 6 (six) feet high.
- 18.055 **Dumpsters/Trash Containers.** Dumpsters and trash containers shall not be visible from any residentially zoned property, any residential subdivision or any parcel containing a dwelling other than a farm dwelling.
- 18.0551 All dumpsters and trash containers must be completely screened by a solid fence or wall no less than six (6) feet or more than eight (8) feet in height.
- 18.0552 All dumpsters and trash container enclosures shall be constructed of the same materials used on the majority of the principal structure.
- 18.0553 The side of the enclosure used for access shall have a minimum opening width of ten (10) feet.
- 18.056 A five (5) foot concrete sidewalk shall be constructed for all portions of a parcel which adjoins a public street for new construction, or remodeling which exceeds fifty (50) percent of the appraised value of the structure, and the parcel is within one-thousand (1,000) feet of an existing public sidewalk. Sidewalk shall be constructed within the public right-of-way.
- 18.057 In order to achieve better circulation throughout the business district and to minimize driveway cuts along public roads, all parcels are required to provide a paved cross access to adjoining business uses.
- 18.058 A site plan shall be submitted with any building permit application. The site plan shall contain a stormwater management plan, landscaping plan (if required), vehicle and pedestrian circulation plan, proposed signage, parking plan, trash receptacle location and screening.

**18.06 Height Requirements**

- 18.061 No structure shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 24.3.

**18.07 Area, Frontage, and Yard Requirements**

The following minimum requirements shall be observed, except as modified by provisions of Article 24.

Zoning District	Lot Area Minimum	Minimum Lot Frontage	Front Yard Depth	Side Yard Width*		Rear Yard Depth
				One Side	Total Both	
<b><i>Principal Permitted Buildings</i></b>						
B-4	10,000 sq ft	None	25 feet	None*	None*	None^

\*Where adjoining an R-district or recorded residential subdivision, the minimum side yard width shall be 20 feet.

^Where adjoining an R-district or recorded residential subdivision, the minimum rear yard depth shall be 25 feet.

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## M-1 Light Industrial District

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 (as specified in this Article), which will not adversely affect their surroundings, in locations which can be served by the necessary utilities and have good road access.

- 19.01 Purpose
- 19.02 Principal Permitted Uses
- 19.03 Other Permitted Uses
- 19.04 Conditional Uses Requiring Board Approval
- 19.05 Accessory Uses
- 19.06 Required Conditions
- 19.07 Prohibited Uses
- 19.08 Height Requirements
- 19.09 Area, Frontage, and Yard Requirements

## Article 19: M-1 Light Industrial District

### 19.01 Purpose

19.011 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 road access. These land areas are to be reserved exclusively for light industrial manufacturing, warehousing and wholesaling activities, and limited commercial use.

### 19.02 Principal Permitted Uses

19.021 Agriculture and Farms including any customary agricultural use, building, or structure which is necessary for, or customarily used in conjunction with, the specific agricultural uses which are active on the property.

19.0211 Customary agricultural uses include farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production; nurseries and greenhouses (not including garden stores or supply centers).

19.0212 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.

19.022 Except for uses and processes prohibited as specified in Section 19.07, permitted uses include the manufacturing, compounding, processing, packaging, and assembling of products such as:

19.0221 Bakery goods, cosmetics, pharmaceuticals, toiletries, and food products except fish, poultry, or meat products.

19.0222 Computer, electric, and electronic products.

19.0223 Heating, ventilation, air-conditioning, and commercial refrigeration equipment.

19.0224 Medical equipment, furniture and fixtures, jewelry, household items, sporting goods, toys, games musical instruments, office supplies (except paper), measuring and control instruments, lighting, and signs.

19.023 Commercial laundry and linen operations and uniform supply.

19.024 Laboratories.

19.025 Schools for technical or trade instruction.

- 19.026 Solar Energy Facilities designed for operation at a capacity of less than 50 megawatts.
- 19.027 Wireless and Cellular Telecommunication Facility.

**19.03 Other Permitted Uses**

- 19.031 The following uses shall be permitted, provided that 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 recorded residential subdivision:
  - 19.0311 Ice manufacturing and cold storage plant; creamery and bottling plant.
  - 19.0312 Machine shops including coating, engraving, and machinery manufacturing and welding.
  - 19.0313 Offices for professionals, medical, technical, scientific, and other similar businesses.
  - 19.0314 Printing and related support activities.
  - 19.0315 Production of fabricated metal products involving stamping, rolling, and processing of metal products for the production of architectural and structural metals, boilers, metal tanks, cans, and boxes; and hardware items.
  - 19.0316 Warehouses, trucking and motor freight station or terminal.
  - 19.0317 Wholesale operation for the storage of products produced off-site.
- 19.032 When located not less than two hundred (200) feet from any R-district or recorded residential subdivision, permitted uses include construction, electric, masonry, plumbing, roofing, building and other contractor buildings and associated supply yards, including lumberyards but not including concrete mixing yards.
- 19.033 Any use permitted as regulated in the B-1, B-2, B-3, and/or B-4 Districts when located within three hundred (300) feet of any road right of way, or projects being developed for multiple uses in which a general overall plan is submitted and approved.
- 19.034 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 twenty five percent (25%) of the total square footage of the structure.
- 19.035 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 Section 19.06.

**19.04 Conditional Uses Requiring Board Approval**

These conditional uses are subject to the additional regulations found in Sections 26.4 and 26.5 of this Resolution.

- 19.041 Automobile wrecking yards, junk yards.

### **19.05 Accessory Uses**

The following accessory uses, buildings, and structures customarily incidental to any of the aforesaid permitted or conditional uses shall be permitted, subject to the restrictions in Article 6 and as noted below:

- 19.051 Retail uses which are incidental to the principal use and comprise less than one-quarter ( $\frac{1}{4}$ ) of the space of use.
- 19.052 A private garage or off-street parking area, subject to the requirements of Article 6 and Article 23. No more than ten percent (10%) of the parking shall be located in front of the building.
- 19.053 Signs, subject to the provisions specified in Article 23.
- 19.054 Temporary buildings for uses incidental to construction work. These temporary buildings shall be removed upon completion or abandonment of the construction work.
- 19.055 Other uses and structures customarily accessory and incidental to a principal permitted use, except for uses not otherwise permitted in an M-1 District.

### **19.06 Required Conditions**

- 19.061 All uses, except for loading and unloading operations and parking, shall be conducted wholly within a completely enclosed building, except that uses specified in Subsections 19.026 and 19.027 shall not be subject to this provision.
- 19.062 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.
- 19.063 A landscaped buffer of not less than twenty (20) feet in width and eight (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.
- 19.064 **Dumpsters/Trash Containers.** Dumpsters and trash containers shall not be visible from any residentially zoned property, any residential subdivision, or any parcel containing a dwelling other than a farm dwelling.
  - 19.0641 All dumpsters and trash containers must be completely screened by a fence or wall no less than six (6) feet or more than eight (8) feet in height.
  - 19.0642 All dumpsters and trash container enclosures shall be constructed of the same materials used on the majority of the principal structure.
  - 19.0643 The side of the enclosure used for access shall have a minimum opening width of ten (10) feet.
- 19.065 **Sidewalk.** For new construction or remodeling that exceeds fifty (50) percent of the appraised value of the structure, a five (5) foot wide concrete sidewalk shall be constructed along all portions of a parcel that adjoin a public street, provided that the parcel is within one thousand (1,000) feet of an existing public sidewalk. Sidewalk shall be constructed within the public right-of-way.

- 19.066 In order to achieve better circulation throughout the business district and to minimize driveway cuts along public roads, all parcels are required to provide a paved cross access to adjoining business uses.
- 19.067 A site plan shall be submitted with any building permit application. The site plan shall contain a storm water management plan, landscaping plan (if required), vehicle and pedestrian circulation plan, proposed signage, parking plan, trash receptacle location and screening.

**19.07 Prohibited Uses**

- 19.071 Any use which is first permitted in the M-2 District or which is prohibited in said District under Section 20.06, unless as an accessory use which is necessary and incidental to a principally permitted M-1 use.
- 19.072 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.
- 19.073 Dwellings and residences, including motels, mobile home parks, schools, hospitals, clinics, and other institutions for human care.

**19.08 Height Requirements**

- 19.081 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.

**19.09 Area, Frontage, and Yard Requirements**

The following minimum requirements shall be observed, except as modified by the provisions of Article 24 or Article 26:

Zoning District	Lot Area Minimum	Minimum Lot Frontage	Front Yard Depth	Side Yard Width*		Rear Yard Depth
				One Side	Total Both	
<b><i>All Permitted and Conditional Uses</i></b>						
M-1	None	None	25 feet	None*	None*	Two-story: 40 feet Three-story: 50 feet Each additional story, add 5 feet

\*Where adjoining an R-district or recorded residential subdivision, the minimum side yard width shall be 25 feet.

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## M-2 General Industrial District

The intent of the M 2 General Industrial District is to reserve certain land areas for general industrial uses, 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.

- 20.01 Purpose
- 20.02 Principal Permitted Uses
- 20.03 Conditional Uses Requiring Board Approval
- 20.04 Accessory Uses
- 20.05 Required Conditions
- 20.06 Prohibited Uses
- 20.07 Height Requirements
- 20.08 Area, Frontage, and Yard Requirements

## Article 20: M-2 General Industrial District

### 20.01 Purpose

20.011 The intent of the M-2 General Industrial District is to reserve certain land areas for general industrial uses, 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 Agriculture and Farms including any customary agricultural use, building, or structure which is necessary for, or customarily used in conjunction with, the specific agricultural uses which are active on the property.

20.0211 Customary agricultural uses include farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production; nurseries and greenhouses (not including garden stores or supply centers).

20.0212 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.

20.022 Any use permitted in certain parts of said District; or permitted in certain parts subject to Board authorization; or which is not prohibited in the M-2 District by this Article or by any other law or resolution.

20.023 Any use principally permitted in the M-1 District.

20.024 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:

20.02401 Apparel manufacturing.

20.02402 Automobile assembly and transportation equipment manufacturing.

20.02403 Automobile salvage/wrecking yards, subject to the requirements of subsection 26.5309.

20.02404 Beverage, brewing and distilling operations.

20.02405 Bleaching, cleaning and dyeing of large scale production.

20.02406 Boiler shops, machine shops, structural steel fabricating shops, railway car or locomotive shops, including repair, metal working shops.

- 20.02407 Building product manufacturing including: asphalt, brick, block, cement, ceramic, clay, concrete, glass, gypsum, lime, plaster, pottery, tile, terra cotta, wood products and related materials.
- 20.02408 Bulk station.
- 20.02409 Chemical manufacturing and processing including: paints, coatings, adhesives, pharmaceuticals, personal care products, fertilizer, soap, enameling, lacquering, cleaning compounds, acid manufacture, except corrosive acids as specified as a Conditional Use in subsection 26.5311.
- 20.02410 Fabric, leather and allied product manufacturing.
- 20.02411 Flour or grain mill.
- 20.02412 Food manufacturing, processing and related products including: dairy products, meat and poultry packing and storage; but not stockyards or slaughter houses as specified as a Conditional Use in subsection 20.031, bakeries, fruit and vegetable processing, grain and oilseed, sugar and confections, fish and seafood and other food products, fats and oils rendering or refining.
- 20.02413 Gas - generation or storage for illumination or heating.
- 20.02414 Grain drying or animal feed manufacturing.
- 20.02415 Metal manufacturing including: iron, steel, aluminum, copper and foundries.
- 20.02416 Offices, business and professional.
- 20.02417 Paper mills, pulp manufacturing and related products.
- 20.02418 Petroleum and coal product manufacturing.
- 20.02419 Plastic and rubber product manufacturing.
- 20.02420 Sandblasting or cutting.
- 20.02421 Sawmill, the manufacture of wood fiber or sawdust products.
- 20.02422 Steam power plant.
- 20.02423 Stone and monument works employing power-driven tools subject to the provisions in subsection 26.5311.
- 20.02424 Textile Mills.
- 20.02425 Warehouses, trucking and motor freight station or terminal.
- 20.02426 Wire or rod drawing - nut, screw or bolt manufacturing.
- 20.02427 Wireless and cellular telecommunication facilities.
- 20.02428 Any other use, which, in the opinion of the Board, is of a similar character to those specified above.
- 20.025 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**

These conditional uses are subject to the additional regulations found in Sections 26.4 and 26.5 of this Resolution.

- 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.
- 20.03101 Ammonia chlorine or bleaching powder manufacture.
- 20.03102 Coal yards, subject to the provisions in subsection 26.5311.
- 20.03103 Confined animal feeding operations, subject to the provisions in subsection 26.5311.
- 20.03104 Corrosive acid manufacture, including sulphurous, sulfuric, nitric, picric, carbolic, or hydrochloric acids.
- 20.03105 Crematory.
- 20.03106 Creosote manufacture or treatment.
- 20.03107 Distillation of coal, petroleum, grain, wood.
- 20.03108 Explosives manufacture.
- 20.03109 Fertilizer, compost (manufacture or storage).
- 20.03110 Fish curing, smoking or packing, fish oil manufacture or refining.
- 20.03111 Insecticide or pesticide manufacturing.
- 20.03112 Petroleum or inflammable liquids production, refining and storage above ground.
- 20.03113 Poison manufacturing.
- 20.03114 Slaughtering of animals or stockyards.
- 20.03115 Smelting of ferrous or non-ferrous ores.
- 20.03116 Junk yards, subject to the provisions specified in subsection 26.5309.
- 20.03117 Open storage.
- 20.03118 Any other use, which, in the opinion of the Board, is of a similar character to those specified above.

### **20.04 Accessory Uses**

The following accessory uses, buildings, and structures customarily incidental to any of the aforesaid permitted or conditional uses shall be permitted, subject to the restrictions in Article 6 and as noted below:

- 20.041 A private garage or off-street parking area, subject to the requirements of Article 6 and Article 23. No more than ten percent (10%) of the parking shall be located in front of the building.
- 20.042 Signs, subject to the provisions specified in Article 23.

- 20.043 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.
- 20.044 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 twenty-five (25) feet in width and ten (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.
- 20.054 **Sidewalk.** For new construction or remodeling that exceeds fifty (50) percent of the appraised value of the structure, a five (5) foot wide concrete sidewalk shall be constructed along all portions of a parcel that adjoin a public street, provided that the parcel is within one thousand (1,000) feet of an existing public sidewalk. Sidewalk shall be constructed within the public right-of-way.
- 20.055 In order to achieve better circulation throughout the business district and to minimize driveway cuts along public roads, all parcels are required to provide a paved cross access to adjoining business uses.
- 20.056 A site plan shall be submitted with any building permit application. The site plan shall contain a storm water management plan, landscaping plan (if required), vehicle and pedestrian circulation plan, proposed signage, parking plan, trash receptacle location and screening.
- 20.057 **Dumpsters/Trash Containers.** Dumpsters and trash containers shall not be visible from any residentially zoned property, any residential subdivision, or any parcel containing a dwelling other than a farm dwelling.
- 20.0571 All dumpsters and trash containers must be completely screened by a fence or wall no less than six (6) feet or more than eight (8) feet in height.
- 20.0572 All dumpsters and trash container enclosures shall be constructed of the same materials used on the majority of the principal structure.
- 20.0573 The side of the enclosure used for access shall have a minimum opening width of ten (10) feet.

**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.

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**

20.071 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.

**20.08 Area, Frontage, and Yard Requirements**

The following minimum requirements shall be observed, except as modified by the provisions of Article 24 or Article 26:

Zoning District	Lot Area Minimum	Minimum Lot Frontage	Front Yard Depth	Side Yard Width*		Rear Yard Depth
				One Side	Total Both	
<b><i>All Permitted and Conditional Uses</i></b>						
M-2	None	None	50 feet	None*	None*	One-story: 40 feet Two-story: 50 feet Three-story: 60 feet Each additional story, add 5 feet

\*Where adjoining an R-district or recorded residential subdivision, the minimum side yard width shall be 50 feet.

## F-1 Flood Plain District

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.

- 21.01 Purpose
- 21.02 Principal Permitted Uses
- 21.03 Conditional Uses Requiring Board Approval
- 21.04 Accessory Uses
- 21.05 Required Conditions
- 21.06 Height Requirements
- 21.07 Area, Frontage, and Yard Requirements

## Article 21: F-1 Flood Plain District

### 21.01 Purpose

21.011 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

21.021 Agriculture and Farms including any customary agricultural use, building, or structure which is necessary for, or customarily used in conjunction with, the specific agricultural uses which are active on the property.

21.0211 Customary agricultural uses include farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production; nurseries and greenhouses (not including garden stores or supply centers).

21.0212 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.

### 21.03 Conditional Uses Requiring Board Approval

These conditional uses are subject to the additional regulations found in Sections 26.4 and 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

21.041 A private garage, parking area, or stable subject to the provisions in Article 23.

21.042 The selling of bait and the selling or leasing of boats and fishing equipment.

21.043 Roadside stands, offering for sale only agricultural products produced on the premises or in the vicinity.

21.044 Sign requirements subject to the provisions specified in Section 23.2.



- 21.045 Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.
- 21.046 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**

- 21.061 No structure shall exceed two and one-half (2½) stories or thirty (30) feet in height, except as provided in Section 24.3.

**21.07 Area, Frontage, and Yard Requirements**

The following minimum requirements shall be observed, except as modified by provisions of Article 24.

Zoning District	Lot Area Minimum	Minimum Lot Frontage	Front Yard Depth	Side Yard Width*		Rear Yard Depth
				One Side	Total Both	
<b><i>All permitted and conditional uses</i></b>						
F-1	5 acres	300 feet	40 feet	50 feet	100 feet	50 feet

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## Source Water Protection Overlay District

The purpose of this Article is to safeguard the public health, safety, and welfare of persons and property in 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.

22.01	Purpose	22.17	Secondary Containment Requirements
22.02	Definitions	22.18	Temporary Placement Out of Service of ASTs
22.03	General Applicability	22.19	Spill Control Plans
22.04	Source Water Protection Areas Established	22.20	Underground Storage Tanks
22.05	Prohibitions in the Source Water Protection Area	22.21	Management of Other Potential Pollution Sources
22.06	Compliance with Existing Federal, State, and Local Regulations	22.22	Violation, Penalty, and Administrative Remedies
22.07	Continuation of Existing Non-Conforming Facilities and Non-Conforming Uses of Land	22.23	Variance and Appeals under the Source Water Protection Program
22.08	Regulated Substances	22.24	Severability
22.09	Facility Registration	22.25	Confidentiality
22.10	Temporary Storage of Regulated Substances	22.26	Regulated Substances List
22.11	Facility Closure		
22.12	Regulated Substance Releases		
22.13	Records Retention		
22.14	Inspection		
22.15	General Regulated Substance Storage Provisions: Above Ground Storage		
22.16	Aboveground Storage Tank (AST) Installation		

## Article 22: Source Water Protection Overlay District

### 22.01 Purpose

22.011 The purpose of this Article is to safeguard the public health, safety, and welfare of persons and property in 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:

22.0201 **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.

22.0202 **Animal Unit:** An animal unit is the equivalent of one thousand (1,000) pounds of animal weight.

22.0203 **Confined Animal Feeding Operations:** This term, as it applies to Source Water Protection, refers to any livestock operation which confines animals for at least 45 days in a 12 month period in an area where grass or other vegetation is not maintained during the normal growing season and the type and number of animals that is stabled or confined falls within any of the following ranges: 200-699 mature dairy cows (milked and dry), 300-999 veal calves, 300-999 cattle other than mature dairy cows or veal calves (includes heifers, steers, bulls and cow/calf pairs), 750-2,499 swine each weighing 55 pounds or more, 3,000-9,999 swine each weighing less than 55 pounds, 150-499 horses, 3,000-9,999 sheep or lambs, 16,500-54,999 turkeys, 9,000-29,000 laying hens or broilers, 37,500-124,999 chickens other than laying hens, 25,000-81,999 laying hens and 10,000-29,999 ducks. The term shall not include, for the purposes of Source Water 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.

22.0204 **Best Management Practices (BMP):** This term, as it applies to Source Water 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.

22.0205 **Borehole:** This term, as it applies to Source Water Protection, refers to a hole drilled/cored into the ground vertically to obtain geological information, release water, etc.

22.0206 **BUSTR:** Bureau of Underground Storage Tank Regulations.

22.0207 **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.

- 22.0208 **County:** Butler County and any of its designated agents.
- 22.0209 **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.
- 22.0210 **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).
- 22.0211 **Existing Facility or Existing Storage Unit:** This term, as it applies to Source Water 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.
- 22.0212 **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.
- 22.0213 **Facility:** This term, as it applies to Source Water 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.
- 22.0214 **Facility Operator:** This term, as it applies to Source Water 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.
- 22.0215 **Geothermal Well:** This term as it applies to Source Water Protection, refers to well(s) that have been drilled to access and utilize heat from within the earth.
- 22.0216 **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.
- 22.0217 **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.
- 22.0218 **Hamilton To New Baltimore Groundwater Consortium:** a consortium of public and industrial groundwater suppliers and users in the Hamilton to New Baltimore area of Butler and Hamilton Counties, Ohio. Members at the time of adoption of this Article are: Greater Cincinnati Water Works, City of Fairfield, City of Hamilton,

Southwest Regional Water District, MillerCoors LLC, Butler County Water and Sewer, Southwestern Ohio Water Company, and their successors.

- 22.0219 **Impervious Surface:** any surface which prevents the absorption 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.
- 22.0220 **New Facility or New Storage Unit:** This term, as it applies to Source Water Protection, refers to any Facility or Regulated Substance storage unit beginning operation after the effective date of this resolution.
- 22.0221 **Non-Conforming Facility or Non-Conforming Storage Unit:** any existing Facility or Regulated Substance storage unit which, as of the effective date of this resolution, would otherwise be prohibited within a designated TOT.
- 22.0222 **OAC:** Ohio Administrative Code.
- 22.0223 **Ohio EPA:** the Ohio Environmental Protection Agency.
- 22.0224 **Permanent:** This term, as it applies to Source Water Protection, refers to more than ninety (90) consecutive days.
- 22.0225 **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.
- 22.0226 **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.
- 22.0227 **Principal:** This term, as it applies to Source Water Protection, refers to the primary, predominant, or foremost use or activity at a Facility.
- 22.0228 **Process:** This term, as it applies to Source Water Protection, refers to the incorporation of a Regulated Substance into a product. Processes included are: making mixtures, repackaging, or using a Regulated Substance as a feedstock, raw material, or starting material for making another chemical.
- 22.0229 **Rail Switch Yard:** This term, as it applies to Source Water Protection, refers to any area or railroad center where trains/railroad cars are made up, serviced, switched from track to track, or stored.
- 22.0230 **RCRA:** the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580; 42 U.S.C. 6901 et seq.), as amended.
- 22.0231 **Regulated Substances:** those substances identified in Section 22.26 of this Resolution which are regulated under the Source Water Protection Program.
- 22.0232 **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.
- 22.0233 **Regulated Substance Storage Unit:** This term, as it applies to Source Water 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.

22.0234 **Release:** This term, as it applies to Source Water 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:

- (a) 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;
- (b) 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;
- (c) 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;
- (d) 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;
- (e) 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
- (f) 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
- (g) 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.

22.0235 **Replacement:** This term, as it applies to Source Water Protection, refers to the physical removal of a Regulated Substance storage unit for installation of a new Regulated Substance storage unit.

22.0236 **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.

22.0237 **Salvage Yard:** This term, as it applies to Source Water Protection, refers to a location where wrecked or decommissioned vehicles and machinery are brought; their usable parts sold, while the unusable metal parts, known as scrap metal parts, are sold to metal-recycling companies.

- 22.0238 **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).
- 22.0239 **Sensory Receptors:** As a part of the body's Nervous System, sensory receptors are responsible for processing obtained information from the surrounding environment.
- 22.0240 **Source Water Protection Area (SWPA):** 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 Source Water Protection Area includes the one (1), five (5), and ten (10) year time-of-travel zones.
- 22.0241 **Source Water Protection Program (SWPP):** In 1996, the Safe Drinking Water Act was amended to include Source Water Protection Programs. Section 1453 was added, providing states with federal funding to complete source water assessments for their public water systems. At that time, the Wellhead Protection Program was extended to include surface water systems and was renamed "Source Water Protection". An additional piece of information was required in an assessment: a Susceptibility Analysis. It is the intent of Congress that public water systems use the information in their source water assessment to develop a drinking water source protection plan.
- 22.0242 **Storm Water Management Plan:** This term, as it applies to Source Water Protection, refers to the Ohio EPA requirements to control pollutants in storm water discharge from municipal separate storm sewer systems, industrial storage facilities and construction activities. Ohio EPA requirements include such activities as training, planning, maintenance, construction and facilities management with a common focus on water quality issues.
- 22.0243 **Storm Water Management Zone:** This term, as it applies to Source Water Protection, refers to any area applicable to a Storm Water Management Plan.
- 22.0244 **Temporary:** This term, as it applies to Source Water 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.
- 22.0245 **Time of Travel Zone (TOT):** This term, as it applies to Source Water Protection, refers to the travel time for water to flow through an aquifer and reach a well or wellfield.
- 22.0246 **Underground Storage Tank Release Compensation Board:** The Ohio Petroleum Underground Storage Tank Release Compensation Board (The Board) consists of government and industry representatives and has the primary responsibility of administering the petroleum financial assurance fund. The fund is a source of income derived from mandatory per-tank fees and is available to eligible underground storage tank owners to reimburse petroleum release clean up costs.
- 22.0247 **Underground Storage Tank (UST):** This term, as it applies to Source Water 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.

22.0248 **Use or Otherwise Use:** This term, as it applies to Source Water Protection, refers to handling, transferring, processing, packaging, treating, emitting, discharging, or disposal of Regulated Substances at a Facility.

22.0249 **Wellfield:** a tract of land that contains one or a number of wells (wellheads) for use in public water supplies.

22.0250 **Wellhead:** an individual well for supplying water.

22.0251 **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 ground water being used as a source of public drinking water. This program has since been updated in the 1996 Safe Drinking Water Act and is now called Source Water Protection.

### **22.03 General Applicability**

22.031 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 Source Water Protection Area (SWPA) as defined in Section 22.0240 herein and as shown on the Source Water 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:

22.0321 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 and permitted to/agreeable to treating the released substance(s). Septic tank systems do not qualify as a wastewater treatment system under this exemption.

22.0322 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.

22.0323 Current hazardous waste storage areas at RCRA permitted facilities.

22.0324 Radioactive materials regulated by the U.S. Nuclear Regulatory Commission or the State of Ohio.

- 22.0325 Aboveground storage tanks in the five (5) year TOT used exclusively for the storage of residential quantities of Grade 1 or Grade 2 heating fuels and diesel fuel.
- 22.0326 Oil/water separator underground storage tanks.
- 22.033 **Full Exemptions.** The following uses of Regulated Substances are exempt from the provisions set forth herein.
- 22.0331 Laboratory activities.
- 22.0332 Chemical storage tanks containing pressurized gases such as chlorine, propane, hydrogen, and nitrogen.
- 22.0333 Household use of Regulated Substances packaged for consumer use in original pre-packaged containers.
- 22.0334 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.
- 22.0335 Office and maintenance/janitorial use of Regulated Substances packaged as consumer products. This exemption does not apply to hydrocarbon or halogenated hydrocarbon solvents.
- 22.0336 Oils and fluids within electrical utility transformers/switches except when stored in quantities meeting or exceeding thresholds established in subsection 22.262 of this chapter.
- 22.0337 Materials present as a solid inside of a manufactured item.
- 22.0338 Transport of Regulated Substances in trucks, trailers, tankers, or rail cars to facilities through the Source Water 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.
- 22.0339 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.

**22.04 Source Water 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 “Source Water Protection Area” (SWPA). A map of the SWPA shall be kept on file with the Butler County Department of Development at 130 High Street, Hamilton, OH 45011.
- 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 OR LESS time period. The one (1) year TOT is hereby established in those areas of Butler County as illustrated on the attached and marked SWPA 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 area from which groundwater will be drawn in a five (5) year OR LESS time period. The five (5) year TOT is hereby established in those areas of Butler County as illustrated on the attached and marked SWPA 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 area from which groundwater will be drawn in a ten (10) year OR LESS time period. The ten (10) year TOT is hereby established in those areas of Butler County as illustrated on the attached and marked SWPA map.

22.042 **Redelineation of the SWPA**

22.0421 Procedure for Proposals Respecting Changes/Redelineation of SWPA Designation. Any change in the boundary of a SWPA resulting from redelineation of a SWPA 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 SWPA 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 SWPA. 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 SWPA Facilities

22.04221 Where an existing facility required to comply with the provisions set forth herein is no longer located in a SWPA as a result of the redelineation, the facility is no longer subject to compliance with this Article.

22.04222 Any facility previously located outside the boundary of the SWPA that is located inside the boundary of the SWPA 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 Source Water 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; and salvage yards
- (b) Commercial sanitary/solid waste/ Construction and Demolition Debris landfills;
- (c) The disposal of shingles, asphalt, Asbestos, 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 gasoline and diesel fuel dispensing service stations, 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) Confined Animal Feeding Operations;
- (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 who's Substance(s) exceed 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;
- (q) Rail switch yards and container ports;
- (r) The application of sewage sludge or biosolids;

- (s) All oil and gas drilling and exploration; and all injection wells for the disposal of oil and gas drilling-related fluids and hydraulic fracturing fluids.

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) Points A–D, K, L, O, P, Q, R, and S in Section 22.051

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) Points B, C, K, L, O, P, Q, R and S in Section 22.051

22.054 **Conditional Uses Applicable to all Source Water 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 (4,000) pounds aggregate for dry weights.

## **22.06 Compliance with Existing Federal, State, and Local Regulations**

22.061 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**

22.071 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 this Article 22 as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to provisions of this Resolution.

22.072 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 Source Water 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; and complies with the provisions of this Resolution which apply to existing facilities.

22.073 An existing use made non-conforming solely by application of the Source Water Protection provisions set forth herein shall be treated as non-conforming only as to those uses prohibited by these Source Water Protection provisions. As to existing uses not prohibited or otherwise regulated by these Source Water 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 **Definition.** 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.

22.0811 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 or for any active ground water monitoring or remediation system regulated by the USEPA, Ohio EPA or BUSTR. 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.

22.0911 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 or Chemical Abstract Service (CAS) number 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;
- (k) Where applicable, the type of septic system used on site and type of waste treated;
- (l) Where applicable, the location of any production wells used for potable and non-potable use on the facility property or any unused well of any type;

- (m) For facilities located in approved Storm Water Management Zones and approved Storm Water Management Plans; Compliance with such a plan must be in addition to compliance with the requirements of this Source Water Protection Program.
- 22.0921 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.
- 22.0931 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.

No later than ninety (90) days after:

- (e) Permanent cessation of regulated operations or storage of Regulated Substances as specified in Section 22.11.
- 22.0971 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 Source Water 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) is not generally exposed to routine vehicular traffic, flammables, or other hazards).

- 22.1021 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 **Applicability.** 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 who is 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 Source Water 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, monitoring well, abandoned well or storm sewer,
- be reported to the Zoning Administrator or Designee or on-duty drinking water treatment plant operator or Ground Water Consortium Manager 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 it is 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; and
- (e) Description of preliminary release control and mitigation efforts.

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 SWPA 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**

22.131 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**

22.141 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 Source Water 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 that 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.

22.1521 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 Source Water 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 Aboveground 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.

22.1911 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 amended 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 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 Source Water Protection Area as specified in Section 22.04 herein.
- must be registered in accordance with Section 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 Source Water Protection Area as specified in Section 22.04 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.

- (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 Source Water Protection Area.
- (b) Underground Storage Release Compensation Board. All Petroleum UST systems subject to SWP provisions must hold a current and valid certificate of coverage from the State of Ohio Petroleum Underground Storage Tank Release Compensation Board.
- (c) 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.
- (d) 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.
- (e) 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 Source Water 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.
- (iii) 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 ninety (90) 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 Source Water Protection Area as specified in Section 22.04 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 and (5) year TOT must be stored under a covered shelter on an impervious surface capable of catching, diverting and controlling storm water run-off. 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 Source Water 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 and Salvage Yards**

- (a) All commercial junk and salvage yards in the Source Water 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 Source Water 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 Source Water 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, the to 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. All new dry wells shall have limited, controlled access, and be posted with signage indicating: "No Dumping Drains to Drinking Water Aquifer." as defined in this resolution.

22.216 **Landfills**

- (a) Registration. All commercial landfills in the Source Water 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 or open dump sites.

22.217 **Wells or Boreholes**

- (a) Applicability. This Section applies to any existing or new well or borehole in a SWPA used for the production of groundwater that does not require plan approval by the Ohio EPA. This includes any well or borehole used for producing water not intended for human consumption.
- (b) Installation and Maintenance. Any well or borehole 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 or boreholes must be registered by the well or borehole owner with the Zoning Administrator or Designee no later than fifteen (15) days prior to installation of the well or borehole. All new wells or boreholes must be installed by a State-recognized well driller. All new wells or boreholes must be installed in accordance with the State of Ohio Technical Guidance for well construction and ground water protection.
- (c) Abandonment of Wells or Boreholes. All wells or boreholes which are not maintained for production, standby, or observation purposes are to be permanently sealed according to the State of Ohio Technical Guidance Manual for sealing abandoned and unused wells or boreholes developed by the State Coordinating Committee on Ground Water. The Facility Operator must notify the Zoning Administrator or Designee or Ground Water Consortium Manager no later than 15 days prior to abandonment of the well or borehole and all paperwork associated with the well or borehole abandonment process must be filed with the Ohio Department of Natural Resources, the Ground Water Consortium and the Butler County Building and Zoning Department.
- (d) Geothermal Wells and Boreholes. Any geothermal well or borehole installed in any SWPA must do so in accordance with the State of Ohio Technical Guidance for installation of geothermal wells.
- (e) Fill Operations. All fill operations shall use clean, hard fill materials and shall be approved by the administering authority prior to commencement of fill activities. (1) Fill dirt shall not contain fly ash, sewage sludge, asphalt, shingles, construction debris or any other material prohibited by any local, State or Federal regulation. (2) All fill operations must comply with local, state and

federal law including, but not limited to ORC Chapter 3714, and OAC Chapter 3745. In accordance with OAC Chapter 3745-400-05, a written notice of "intent to fill" shall be filed with the County as required by this rule and shall also be filed with the administering authority. Such notice is required to be filed seven days prior to the commencement of fill operations. (3) All fill sites shall have limited controlled access, and be posted with signage indicating: "Source Water Protection Area. Fines will be imposed for illegal dumping of fill materials. No asphalt, shingles, construction debris, or any other prohibited material." The site must be secured during unauthorized times with emergency contact information posted. (4) Any violation of this section shall be subject to the penalty provisions of Section 22.22 of this resolution.

22.218 **Confined Animal Feeding Operations**

- (a) No new or existing confined animal feeding operations 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 Source Water 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 **Source Water Protection Appeals Advisory Board Established.** The member communities of the Hamilton to New Baltimore Groundwater Consortium and their surrounding jurisdictions have established a Source Water Protection Appeals Advisory Board (SWPAAB) for the technical review of any variance or appeals request submitted under the Source Water Protection Program. The SWPAAB shall consist of representatives from communities in the Hamilton to New Baltimore area as selected by the Butler County Planning Department or other designated authority. The SWPAAB shall operate in accordance with the bylaws developed by and for the group.

22.233 **SWPAAB Review.** Before action on any variance or appeal under this Resolution by the Butler County Board of Zoning Appeals, the SWPAAB shall review any variance or appeal request to ensure that the request, if granted, will not present a contamination threat to groundwater. The SWPAAB 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 SWPAAB 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**

22.241 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**

22.251 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 are those chemicals, mixtures, and other substances, or components thereof, that are known or suspected (as classified by EPA Standards) 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 algaecides;
- (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 and 5 year TOT); or
- (o) 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).

22.2611 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.

22.2612 Chemicals which are regulated by SDWA, TSCA, RCRA, OSHA, CERCLA, SARA, FIFRA, or other state and/or federal environmental laws and regulations, or for which there is scientific evidence such as the Contaminant Candidate List (CCL) under the USEPA that indicate acute or chronic health effects can result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, teratogens, endocrine disruptors, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, obnoxious substances causing odor and taste problems, and agents which damage the lungs, skin, eyes, or mucous membranes;

- 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-hundred (500) 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.

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## Special Provisions

### **23.1 Parking and Loading Areas, Public Garages, Parking Lots, and Filling Stations**

#### **23.11 Off-Street Loading Space**

23.111 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, motel, 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.

23.112 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.

23.113 Subject to the limitations in subsection 23.114, such space may occupy all or any part of any required yard or court space.

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

#### **23.12 Off-Street Parking Space**

23.121 Required Automobile Parking Spaces. In all districts, 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.

23.122 Sizes. 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.

23.123 Access. There shall be adequate provision for ingress and egress to all parking spaces. Where a lot does not abut 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.

23.124 Floor Area Defined. For the purpose of applying the requirements in subsection 23.13, "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.

23.13 **Number of Parking Spaces Required**

The number of off-street parking spaces required shall be as set forth in the following:

23.131 Residential Uses

Type of Use	Minimum Required Off-Street Parking Spaces
One-family dwelling	4 per dwelling unit
Two-family dwellings Multiple-family dwellings	2 per dwelling unit
Rooming/Boarding Houses	1 per rentable room, not to exceed 5 spaces

23.132 Institutional Uses

Type of Use	Minimum Required Off-Street Parking Spaces
Churches/Places of Worship	1 per eight seats in principal auditorium, or 1 per 17 classroom seats, whichever is greater
Elementary Schools	1 per 850 sq. ft. of classroom space, plus 1 per 100 sq. ft. of office space, plus 1 per 50 sq. ft. of assembly space
Jr./Sr. High Schools	1 per 60 sq. ft. of classroom space, plus 1 per 100 sq. ft. of office space
Universities, Colleges, Vocational/Technical Schools	1 per 100 sq. ft. of classroom space, plus 1 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 per 500 sq. ft. of sleeping space, plus 1 per 100 sq. ft. of office space
Group Homes	3 per facility

23.133

Recreational Uses

Type of Use	Minimum Required Off-Street Parking Spaces
Athletic Fields	8 per acre
Community Center	10 per facility
Tennis Courts	5 per court
Golf Course	8 per hole
Public Parks	Spaces are required cumulatively according to facilities included or fraction thereof.

23.134

Commercial Uses

Type of Use	Minimum Required Off-Street Parking Spaces
Business or Professional Office	1 per 400 sq. ft. of floor area
Retail or Service Establishments	1 per 300 sq. ft. of floor area
Bowling Alleys	5 per lane
Theaters or Assembly Halls (fixed seating)	1 per 6 seats
Financial Institutions	1 per 400 sq. ft. of floor area
Food Stores	1 per 300 sq. ft. of floor area
Eating and Drinking Establishments	1 per 150 sq. ft. of floor area
Printing and Publishing Establishments	1 per 300 sq. ft. of floor area
Wholesale and Warehousing	1 per 200 sq. ft. of office space, plus 1 per 400 sq. ft. of manufacturing operations, plus 1 per 500 sq. ft. of storage space
Drive In Theaters	1 per speaker
Dance Halls and Assembly Halls without fixed seats Exhibition halls	1 per 100 sq. ft. of floor area
Animal Hospitals	3 per every treatment room, plus 1 per 100 sq. ft. of office space
Funeral Homes	1 per 50 sq. ft. of floor space

Hotels, Motels, and Lodging Houses	1 per sleeping room, plus 1 per 100 sq. ft. of office space and 1 per 150 sq. ft. of restaurant and lounge space
Automobile Service and Repair Gasoline Service Stations	1 per 800 sq. ft. of floor space
Commercial Recreational Baseball Fields	8 per acre
Medical or Dental Clinics	1 per 200 sq. ft. of floor space
Golf Driving Ranges	1.0 per tee
Carpenter Shops; Electrical, Plumbing, and Heating Shops	1 per 300 sq. ft. of floor area
Furniture and Appliance Stores	1 per 400 sq. ft. of floor area
Car Wash, Self-Cleaning	1 per bay/stall, plus 20 stacking spaces per stall
Car Wash, Conveyor	20 forward stacking spaces per conveyor, plus 10 stacking spaces per conveyor at exit

23.135 Industrial Uses

Type of Use	Minimum Required Off-Street Parking Spaces
Wholesale and Warehousing	1 per 3,000 sq. ft. of floor area
Carpenter Shops; Electrical, Plumbing, and Heating Shops	1 per 300 sq. ft. of floor area
Furniture Upholstering	1 per 300 sq. ft. of floor area
Automobile Service and Repair	1 per 800 sq. ft. of floor space
Industry and Manufacturing Establishments	1 per 200 sq. ft. of office space, plus 1 per 400 sq. ft. of manufacturing operations, plus 1 per 500 sq. ft. of storage space
Research and Development Establishments	1 per 1,200 sq. ft. of floor area

23.136 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.

- 23.14 **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:
- 23.141 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.
- 23.142 Surfacing. Any off-street parking area shall be surfaced with asphalt, Portland cement, porous asphalt, or pervious concrete so as to provide a durable and dustless surface, and 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.
- 23.143 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.
- 23.15 **Modification of Parking Requirements.** 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.
- 23.16 **Restricted Business or Industrial Accessory Parking Areas.** The Board of Appeals may authorize, as a conditional use, subject to the provisions of Section 26.4, 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.
- 23.161 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.
- 23.162 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.
- 23.163 The parking lot shall be subject to all the requirements of subsection 23.12; 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.
- 23.164 No sign of any kind, other than designating entrances, exits, and conditions of use, shall be maintained on such parking lot.
- 23.165 No commercial repair work or services of any kind shall be conducted on such parking lot.
- 23.166 Application. 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 there from by not more than one (1) street.

23.167 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 Administrator 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.

23.168 Any permit authorized by the Board and issued by the Zoning Administrator may be revoked at the time that the aforementioned requirements are not complied with.

23.17 **Parking, Rebuilding and Storage of Inoperable Vehicles.** In any district, where not permitted, the repairing, rebuilding, dismantling, or storage of any inoperative vehicle outside of an enclosed building shall be prohibited.

23.18 **Parking of Trucks in Residential Districts and Recorded Residential Subdivisions.** 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 and recorded residential subdivisions.

## **23.2 Signs**

23.201 **Purpose.** The purpose of the sign regulations is 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.

### **23.202 General Regulations**

23.2021 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.

23.2022 No sign of any type shall be installed, erected or attached in any form, shape or manner to a fence, the roof of a building, a fire escape, or any door or window giving access to any fire escape.

23.2023 All signs hung and erected shall be plainly marked with the name of the person, firm or corporation responsible for maintaining the sign.

23.2024 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.



- 23.2025 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.
- 23.2026 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.
- 23.203 **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 illumination be directed or beamed so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- 23.204 **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.
  - c. The sign is not maintained and together with all supports, braces, guys and anchors is in a state of disrepair.
- 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.
- 23.205 **Billboard Placement and Size.**
- 23.2051 Billboards, 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.
- 23.2052 No such billboard 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 billboards 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.
- 23.2053 Adjacent to Interstate/Freeway or principal arterial as defined by the Butler County Thoroughfare Plan, no billboards shall be erected within three hundred (300) feet of another billboard on the same side of the highway. All distances between signs shall be measured along the nearest edge of the pavement directly opposite the billboard, along each side of the highway. On-premise signs shall not be considered in determining space requirements.
- 23.2054 The maximum area for any billboard shall be six hundred seventy two (672) square feet per side/facing exclusive of any border, trim, base, support, etc. The billboard 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.

- 23.206 **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.
- 23.207 **Business Park or Retail Center Identification Ground Signs.** A permanent business park identification sign which identifies the name and address and any tenant of the park or subdivision may be located on any lot within the park or subdivision which is located at the entrance of the park or subdivision. Said signs may be located on the same lot as an accessory business sign, and are subject to the following requirements:
- 23.2071 No such sign shall exceed eighty (80) square feet per side/facing exclusive of any border, trim, base, support, etc. in identification display area.
- 23.2072 All such signs shall set back a minimum of ten (10) feet from any street right-of-way or adjoining property lines.
- 23.2073 No such sign or any portion of the structure they may be integral with, shall exceed fifteen (15) feet in height from the elevation of any street such sign fronts.
- 23.2074 Any business park identification sign that incorporates a tower, monument, or landmark design and exceeds fifteen (15) feet in height from the elevation of any street such sign fronts shall require approval by the Butler County Board of Zoning Appeals.
- 23.208 **Ground Signs.** In any B-zoned or M-zoned district, one (1) ground sign may be permitted per parcel, subject to the following provisions:
- 23.2081 The maximum area of a sign face is sixty-four (64) square feet.
- 23.2082 The maximum sign height is four (4) feet in a B-1 district and six (6) feet in all other B- and M-zoned districts.
- 23.2083 Any ground sign shall be set back a minimum of ten (10) feet from any street right-of-way or property boundary line.
- 23.2084 The sole purpose of the ground sign shall be to identify the business located on the premises and/or to advertise products sold on the premises.
- 23.2085 Ground sign display areas shall not be wider than the base or sign support structure. The ground sign must be located on a base constructed of the same materials as the principal structure on the lot. All ground signs shall have foundation plantings.
- 23.2086 The sign face 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.
- 23.2087 No such ground sign shall be permitted which faces the front or side lot line of any lot in any R-District or Recorded Residential Subdivision, within fifty (50) feet, of such lot line.
- 23.2088 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, fifteen (15) feet from all right-of-way lines.

23.209 **Temporary Signs.**

23.2091 Real estate signs advertising the sale, rental, or lease of the premises on which they are maintained, shall be 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.

23.2092 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.

23.210 **Building Signs.** In addition to the above-mentioned ground sign, buildings may also contain: wall (integral or attached), projecting, or awning signs which are accessory to the business or use located on the premises. Such signs shall be subject to the following requirements:

23.2101 The total amount of square feet permitted for signs shall not exceed four percent (4%) of the total square footage of each front building wall elevation and shall not be cumulative.

23.2102 No sign shall project beyond any building or roof line.

23.211 **Directional Signs.**

23.2111 No such sign shall exceed six (6) square feet of identification display area.

23.2112 All such signs shall be set back a minimum of ten (10) feet from any street right-of-way or adjoining property line.

23.2113 No such sign or any portion of the structure they may be integral with, shall exceed four (4) feet from grade.

23.2114 Such signs shall be limited to two (2) signs per parcel.

23.2115 All such signs have a base constructed of the same materials and colors used on the majority of the principal structure for which the sign is advertising.

23.2116 All such signs shall have foundation plantings.

23.212 **Prohibited Signs.**

23.2121 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 subsection 23.206.

23.2122 The above section does not apply to any sign that has at least ninety percent (90%) of the sign face devoted to performing a public service function of indicating time, temperature or some other similar service.

23.2123 Merchandise, equipment, products, vehicles or other items not themselves for sale and placed for attention getting, identification or advertising purposes.

23.2124 Signs which are painted on or attached to any trees, utility poles, public benches, street lights or any other form of public property or in the public right-of-way.

**23.3 Adult Entertainment Facilities.**

23.31 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.

**23.32 Adult Entertainment Facility Requirements**

23.3201 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.

23.3202 One parking space per 150 sq. ft. of floor area shall be provided as specified in Article 23.

23.3203 Parking areas and general lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.

23.3204 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.

23.3205 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.

23.3206 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.

23.3207 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.

23.3208 All Adult Entertainment Facilities shall have a minimum lot area of twenty-thousand (20,000) square feet.

23.3209 Separation of Uses.

23.32091 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.

23.32092 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 these regulations shall be from lot line to lot line along the shortest possible course.

23.32093 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 these regulations shall be from the lot line of the adult

entertainment facility to the wall of the residential dwelling along the shortest possible course.

23.32094 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.

23.3210 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.

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## Exceptions and Modifications

### 24.1 Preface

24.11 The requirements and regulations specified herein above of this Resolution shall be subject to the following exceptions, modifications and interpretations:

### 24.2 Existing Lots of Record

24.21 In any district where dwellings are permitted, a one-family 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:

24.211 In no case shall the width of any side yard be less than ten (10) percent 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) percent of the frontage, whichever is the greater.

24.212 The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case shall it be less than ten (10) feet.

### 24.3 Height Limits

24.31 Height limitations stipulated elsewhere in this Resolution shall not apply in the following cases:

24.311 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 poles, radio towers, 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.

24.312 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.

24.313 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 towers, cooling towers, grain elevators, gas holders, or other structures where the manufacturing process required a greater height. Provided that all such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five (25) percent 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.

**24.4 Lot Frontage Modification for Stubbed or Future Streets**

24.41 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.

**24.5 Double Frontage Lots**

24.51 Building on lots having frontage on two (2) non-intersecting streets need not have a rear yard, applicable front yards must be provided, however, on both streets.

**24.6 Rear and Side Yards for Alleys**

24.61 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.

**24.7 Projections into Required Yards; Fences**

24.71 Certain architectural features may project into required yards or courts as stated below:

24.72 Into any required front, side or rear yard the following conditions apply:

24.721 Cornices, canopies, eaves or other architectural features may project a distance not exceeding two (2) feet, six (6) inches.

24.722 Fire escapes may project a distance not exceeding four (4) feet, six (6) inches.

24.723 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.

24.724 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.

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

24.731 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.

24.732 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.



- 24.733 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.
- 24.734 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. Above-ground pools will not require a fence, provided that the height from the finished grade to the top edge of the above-ground pool is a minimum of 48 inches and that a lockable ladder or other means to prevent uncontrolled access is provided. Any lighting used to illuminate the pool area shall be so arranged as to deflect the light from adjoining properties.
- 24.735 Fences, walls, hedges and private entrance gates sign area shall not exceed four (4) sq. ft. in identification display area.
- 24.736 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:
- 24.7361 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.
- 24.7362 Gates, fences and walls, except for posts and pilasters, are not to exceed six (6) feet in height.
- 24.7363 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.

**24.8 Outdoor Lighting**

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

**24.9 Exempted Public Utility Telecommunication Towers.**

- 24.91 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.

24.92 **Telecommunication Tower Defined.** As used in this section, the term **Telecommunication Tower** shall mean any freestanding structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:

24.921 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.

24.922 The free-standing or attached structure is proposed to be located in any R-District.

24.923 Height.

24.9231 The free-standing structure is proposed to top at a height that is greater than the maximum allowable height of residential structures within the R-District in which it is located, or

24.9232 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.

24.924 The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

24.93 **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.

24.94 **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:

24.941 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:

24.9411 The person's intent to construct the tower;

24.9412 A description of the property sufficient to identify the proposed location;

24.9413 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.

24.942 Written notice to the Board of County Commissioners of the information specified in subsection 24.94. The notice to the Board of Commissioners also shall include verification that the applicant has complied with all of the requirements stipulated in subsection 24.94.

24.95 **Conditional Use Permit Provisions**

24.951 If the Board of County Commissioners receives notice from the Board of Township Trustees or a property owner under subsection 24.94 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 subsection 24.94, 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 Section 26.4 of this Resolution. The notice shall be sent no later than five (5) 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.

24.952 If the Board of County Commissioners receives no notice under subsection 24.94 within the time prescribed, or no Board of County Commissioners member objects as provided under subsection 24.95 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.

24.96 **Notification Required**

24.961 Any person who plans to construct a Telecommunications Tower within one hundred (100) 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.

24.962 For the purpose of the aforementioned notification requirement, a public utility Telecommunication Tower shall have the same meaning as subsection 24.92, except that the proposed location of the freestanding or attached structure may be an area other than an unincorporated area of a township, in an area zoned for residential use.

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## Enforcement

### **25.1 Enforcement by Zoning Administrator**

- 25.11 There is hereby established the Department of Development Division of Building and Zoning, and for the purpose of this Resolution, the Building and Zoning Administrator of Butler County is hereby designated as said Zoning Administrator. It shall be the duty of the Zoning Administrator to enforce 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 Administrator, 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 Administrator. Such Zoning Certificate shall show that such building or premises or a part thereof, and the proposed use thereof, are in conformity with the premises or a part thereof, and the proposed use thereof, and are in conformity with the provisions of this Resolution. It shall be the duty of the Zoning

Administrator 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 Administrator, only when plans, specifications and the intended use conform to the provisions of this Resolution.
- 25.33 The Zoning Administrator 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 25.2. 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 reason(s) therefore. 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 Administrator may issue a Temporary Zoning Certificate for a part of a building.
- 25.35 Under written request from the owner or tenant, the Zoning Administrator 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 no 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 Administrator, 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.

## Board of Zoning Appeals

### **26.1 Appointment**

26.01 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 Administrator, 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 Administrator 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 Administrator. Such appeals shall be taken within twenty (20) days after the decision by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

26.33 **Hearings.**

26.331 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.

26.332 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.

26.333 At the hearing any party may appear in person or by attorney.

26.334 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.

26.34 **Conduct of Hearing.**

26.341 Appeals. In the case of an appeal from an action of the Zoning Administrator, the Zoning Administrator 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 Administrator's action. Upon conclusion of the Zoning Administrator's presentation, the appellant may ask questions of the Administrator 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.

26.342 Application. 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 Administrator shall present evidence (including, but not limited to, his/her recommendation) concerning the application. Following the Zoning Administrator's testimony, the applicant



shall be provided with an opportunity to present any evidence to rebut evidence presented by any other person.

- 26.343 Due Process. The following due process requirements shall be observed in regards to the hearing:
- 26.34301 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.
- 26.34302 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.
- 26.34303 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.
- 26.34304 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 Administrator, 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.
- 26.34305 All testimony must be based upon the personal knowledge of the witness. 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.
- 26.34306 A witness may testify to an opinion if either;
- i. 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
  - ii. 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.
- 26.34307 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 Administrator. 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.
- 26.34308 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 persons support or opposition to the appeals or application.

- 26.34309 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.
- 26.34310 Pursuant to Ohio Revised Code section 303.15, at the written request of either the appellant/applicant, or the Zoning Administrator, 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.
- 26.34311 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.
- 26.35 **Decision of the Board.**
- 26.351 The Board shall decide all applications and appeals within thirty (30) days after the final hearing.
- 26.352 A certified copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Administrator. Such decision shall be binding upon the Zoning Administrator 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.
- 26.353 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.
- 26.36 **Stay of Proceedings.** An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator 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 Administrator, or by judicial proceedings.
- 26.4 Powers of the Board of Zoning Appeals**
- 26.41 **Conditional Uses, Specified Exceptions, and Interpretations of Zoning Map.**
- 26.411 The Board shall have the power to hear and decide, in accordance with the provisions of this Resolution, applications, 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.

- 26.412 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.
- 26.413 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:

- 26.5211 Uses shall not be in conflict with the comprehensive development plan for Butler County.
- 26.5212 Uses shall be located in districts where they are designated as conditional uses by these regulations.
- 26.5213 Uses shall not adversely impact the health, safety or welfare of the surrounding area.

26.53 **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.

26.5301 Rest Homes, Nursing Homes, Public Buildings, and Animal Hospitals.

- 26.53011 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.
- 26.53012 The building orientation and parking layout should be consistent with the surrounding uses.
- 26.53013 A landscaped buffer of not less than three (3) feet shall be provided at the side and rear boundaries of the site.
- 26.53014 Parking areas and general site lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.
- 26.53015 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.
- 26.53016 All of these uses shall have a minimum lot area of twenty thousand (20,000) square feet.

- 26.5302      Hospitals; Colleges, Universities, and Technical Schools; Primary and Secondary Schools.
- 26.53021      The above uses shall have direct access to a major arterial.
- 26.53022      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.
- 26.53023      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 buffer of no less than two (2) feet shall also be provided.
- 26.53024      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.
- 26.53025      Parking areas and general site lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.
- 26.53026      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.
- 26.53027      All of these uses shall have a minimum lot size of one (1) acre.
- 26.53028      All accessory uses and structures including parking areas and athletic fields shall be no closer than ten (10) feet from any lot line.
- 26.5303      Recreational Facilities, Cemeteries, Country Clubs, and Golf Courses.
- 26.53031      The above uses shall have direct access to a major arterial or a collector street.
- 26.53032      Where more than ten (10) parking spaces are required, there shall be a hard surface parking area provided.
- 26.53033      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.
- 26.53034      Parking areas and general site lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.
- 26.53035      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.
- 26.5304      Clubs, Fraternities, Lodges, Fellowship Halls, and Conference Centers.
- 26.53041      These uses shall have direct access to a major arterial or to a collector street.
- 26.53042      Parking areas and general site lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.
- 26.53043      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.
- 26.53044      All of these uses shall have a minimum lot area of one (1) acre.

- 26.5305      Airports.
- 26.53051      All airports and landing fields shall be in compliance with applicable Airport Zoning Regulations.
- 26.53052      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.
- 26.5306      Nursery Schools and Day Care Centers.
- 26.53061      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.
- 26.53062      All exterior activity areas and play lots shall be fenced and screened with appropriate landscape materials.
- 26.53063      One (1) sign no more than five (5) square feet shall be allowed.
- 26.5307      Bed and Breakfast Inns.
- 26.53071      All bed and breakfast facilities shall be consistent in character with their surrounding land uses.
- 26.53072      Bed and breakfast uses shall be permitted one home occupation sign.
- 26.53073      Uses shall provide at least one off-street parking space per rentable bedroom, but no more than seven (7) parking spaces, which shall be located at the rear of the site and shall be buffered with landscape or fencing material from adjacent residential uses.
- 26.5308      Motels
- 26.53081      *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:
- 26.53082      *Area and Yard Requirements.* Motels shall comply with all area and yard requirements prescribed for such uses in the district in which located.
- 26.53083      *Lot Area Occupancy.* The buildings in any motel, 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.
- 26.53084      *Parking.* All areas used for automobile access and parking shall comply with the applicable provisions of this resolution.
- 26.53085      *Entrance to Motels.* No vehicular entrance to or exit from any motel 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.
- 26.53086      *Peripheral Buffer.* All motels which are adjacent to 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.

26.53087 *Enlargement - Board Approval.* Any enlargement or extensions to any existing motel shall require application for a zoning certificate as if it were a new establishment.

26.53088 *Enlargement - Existing Facilities To Comply.* No enlargement or extensions to any motel shall be permitted unless the existing one is made to conform substantially with all the requirements for new construction for such an establishment.

26.5309 Auto Salvage/Wrecking Yards and Junk Yards.

26.53091 A plan is to be submitted showing proposed property to be used and owners within two hundred (200) feet of the proposed site.

26.53092 The site shall not contain fewer than ten (10) acres.

26.53093 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.

26.53094 Stacking of automobiles will not be permitted where visible from roadway or surrounding properties.

26.53095 Storage of any automobile, automobile parts or junk will be prohibited outside the fence.

26.53096 Any accessory building will be approved by the Board.

26.5310 Mines, Quarries, Gravel Pits. 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:

26.531001 Each of these uses shall be on a lot not less than ten (10) acres in size.

26.531002 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.

26.531003 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.

26.531004 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.

- 26.531005 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.
- 26.531006 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.
- 26.531007 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.
- 26.531008 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.
- 26.531009 An application for such operation shall set forth the following information:
- i. names of the owner or owners of land from which removal is to be made;
  - ii. names of the applicant making request for such a permit;
  - iii. name of the person or corporation conducting the actual removal operation;
  - iv. location, description and size of the area from which the removal is to be made;
  - v. location of processing plant uses;
  - vi. type of resources or materials to be removed;
  - vii. proposed method of removal and whether or not blasting or other use of explosives will be required;
  - viii. method of rehabilitation and reclamation of the mine area;
  - ix. expected frequency and duration
  - x. permits required and secured.
- 26.531010 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.
- 26.531011 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.
- 26.531012 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.

- i. 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.
- ii. 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.
  - a. The body of water shall be surrounded by a berm or channels to cause storm water runoff to run away from the area.
  - b. The body of water shall be fenced to ensure limited access to prevent unauthorized dumping.
  - c. 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.
- iii. 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.
- iv. 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.
- v. 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.
- vi. The said conditions and the amount of reclamation bond shall be determined by the Board prior to issuance of the permit.
- vii. 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.

26.531013

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;

- i. 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.

- ii. Failure to secure a needed state or federal permit is also a violation of the Butler County Zoning Resolution.
- iii. 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.

26.5311            Conditional Industrial Uses.

26.53111           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.

26.53112           The following minimum standards shall apply to all conditionally permitted industrial uses within their designated districts.

- i. *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.
- ii. *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.
- iii. *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.
- iv. *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.
- v. *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.
- vi. *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.

- vii. *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.
- viii. *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.
- ix. *Chemicals.* The storage, use, and manufacture of solid, liquid, and gaseous chemicals and other materials shall be permitted subject to the following conditions:
  - a. 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.
  - b. 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.
  - c. 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.
  - d. 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 Marshal for the Manufacture, Storage, Handling, Sale, and Transportation of Flammable and Combustible Liquids."
- x. *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:



- i. The location of all of the applicant's existing facilities within the County.
- ii. The general location of planned future facilities.
- iii. For each location shown on the plan, there shall be listed:
  - a. The type and size of tower at each location.
  - b. The type of equipment located or proposed on each tower.
  - c. The space available on the tower for additional equipment.
  - d. The ground network, if any, served by the tower.
  - e. A site plan showing the parcel on which any existing or proposed tower, antenna or equipment is located.
- iv. A site plan for the facility, which is being applied for, shall also be submitted containing:
  - a. The location, type and size of existing and proposed towers, antennas and equipment located at the site.
  - b. The location of access easements and parking areas.
  - c. Detailed drawings of the screening plan and related design standards.

26.53162

*General Requirements for all Wireless and Cellular Telecommunication Facilities.*

- i. These regulations shall not unreasonably discriminate among providers of functionally equivalent services.
- ii. These regulations shall not prohibit or have the effect of prohibiting the provision of personal wireless services.
- iii. 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.
- iv. 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.
- v. 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.
- vi. 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.

26.53163

*Design Standards for All Telecommunication Facilities.*

- i. All such uses shall be prohibited from locating in any R-District, recorded subdivision, or lot containing a dwelling other than a farm dwelling.
- ii. All such uses shall be located not less than two hundred and fifty feet (250) from the right of way of any public street.
- iii. 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.
- iv. All such uses shall be located no closer to any lot line than fifty (50) percent of the height of the proposed tower.
- v. 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.
- vi. 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.
- vii. 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, the Federal Communications Commission, and Ohio Department of Transportation, or their respective successors.
- viii. No advertising is permitted anywhere on the Telecommunication Facility with the exception of identification signage not to exceed one square foot in size.
- ix. 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.

26.53164

*Design Standards for Free-Standing Towers.*

- i. 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.
- ii. 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, the Federal Communications Commission, and the Ohio Department of Transportation, or their respective successors. All surfaces shall be maintained in good condition, absent of flaking or peeling paint, and rust.
- iii. Parking areas and general site lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.

- 26.53165 *Telecommunication Equipment on Existing Structures.*
- i. The Wireless and Cellular Telecommunication Facility shall not exceed the lesser 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.
  - ii. 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, the Federal Communications Commission, and the Ohio Department of Transportation, or their respective successors. All surfaces shall be maintained in good condition, absent of flaking or peeling paint, and rust.
- 26.5317 Home Occupations. Business activities conducted within a residence shall not be a nuisance to surrounding neighbors and shall be subject to all of the following provisions:
- 26.53171 All home occupations shall be carried on completely within the residence and shall occupy a maximum of one quarter ( $\frac{1}{4}$ ) of one floor of the residence.
- 26.53172 Home occupations shall not require any alteration to the exterior of the residence.
- 26.53173 Home occupations shall not require use of any mechanical equipment not customarily used in a residential dwelling.
- 26.53174 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.
- 26.53175 Accessory buildings shall not be used as space for home occupations.
- 26.53176 One (1) sign no larger than one (1) foot square shall be permitted, provided that it is attached flat against the building.
- 26.53177 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.
- 26.53178 No more than six (6) customers or clients may be brought into the premises daily for the purpose of conducting business.
- 26.53179 No more than five (5) drop-off or pick-up deliveries are allowed on a daily basis.
- 26.5318 Kennels.
- 26.53181 These uses shall have direct access to a major arterial or to a collector street.
- 26.53182 The site shall not contain fewer than ten (10) acres.

- 26.53183 Any building for this use shall be located not less than three hundred (300) feet from any property line.
- 26.53184 A landscaping plan for the external use of the kennel to effectively screen such use shall be submitted to the Board for approval.
- 26.5319 Public Riding Stables.
- 26.53191 Such uses must meet all distance requirements in subsection 7.0406.
- 26.53192 The site shall not contain fewer than ten (10) acres.
- 26.53193 These uses shall have direct access to a major arterial or to a collector street.

## **26.6 Temporary Structures and Uses**

- 26.61 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**

- 26.71 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 Administrator 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.
- 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.



## 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. In order to provide the Planning Commission, Rural Zoning Commission and Board of County Commissioners with sufficient information to make an informed decision, studies related to traffic impacts, storm water drainage, flooding, soil characteristics, public utilities, Board of Health regulations, or other studies may be required to be submitted by the applicant.

### **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 – Ten 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 the Director of Transportation or within a radius of five hundred (500) feet from the point of 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 majority 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.

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## 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 affect 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.

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## 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:

Name of Township	Effective Date
Madison	November 17, 1956
Lemon	November 17, 1956
Milford	November 17, 1956
Hanover	November 17, 1956
Oxford	November 17, 1956
Ross	November 12, 1962

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## Appendix A – Residential Lot Requirements

### Agricultural Districts

Area, Frontage, and Yard Requirements for **Residential** Uses

Zoning District	Minimum Area	Lot Frontage	Front Yard Depth	Side Yard Width		Rear Yard Depth
				One Side	Both Sides	
A-1	1 acre	200 feet	40 feet	25 feet	50 feet	50 feet
A-2	2 acres	200 feet	40 feet	25 feet	50 feet	50 feet
A-3	3 acres	200 feet	40 feet	25 feet	50 feet	50 feet
A-5	5 acres	200 feet	40 feet	25 feet	50 feet	50 feet
A-10	10 acres	200 feet	40 feet	25 feet	50 feet	50 feet
A-20	20 acres	200 feet	40 feet	25 feet	50 feet	50 feet

### Residential Districts

Area, Frontage, and Yard Requirements for **Single-Family Residential** Uses

For 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:

Zoning District	Minimum Area	Lot Frontage	Front Yard Depth	Side Yard Width		Rear Yard Depth
				One Side	Both Sides	
R-1	20,000 s.f.	100 feet	35 feet	15 feet	30 feet	45 feet
R-1A	15,000 s.f.	90 feet	30 feet	10 feet	25 feet	40 feet
R-2	9,000 s.f.	75 feet	30 feet	8 feet	20 feet	40 feet
R-3	7,000 s.f.	60 feet	25 feet	8 feet	20 feet	30 feet
R-4	6,500 s.f.	55 feet	25 feet	8 feet	18 feet	40 feet

Lots in any R-1, R-1A, R-2, R-3, R-4 District created prior to 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 a minimum area, lot frontage, front yard depth, side yard depth, and rear yard depth as specified by the developer and as approved by the Butler County Commissioners.

## Appendix B – Allowable Residential Density

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

Residential Zoning District	Maximum Allowable Gross Density	Open Space Requirement
R-1	<b>1.9</b> units per acre maximum for single-family	35%
R-1A	<b>2.4</b> units per acre maximum for single-family	35%
R-2	<b>4.1</b> units per acre maximum for single-family	35%
R-3	<b>6.3</b> units per acre maximum for single-family and/or two-family	35%
R-4	<b>7.7</b> units per acre maximum for single-family and/or two-family <b>13.5</b> units per acre maximum for 3- and 4-family, or mixed 1-, 2-, 3-, and 4-family <b>17.4</b> units per acre maximum for multiple-family or mixed 1-, 2-, 3-, 4-, and multiple-family	35%
R-PUD	<b>4.5</b> units per acre maximum for single-family <b>8.5</b> units per acre maximum for single-family and/or two-family <b>12</b> units per acre maximum for mixed 1-, 2-, and multiple-family	35%
PCD	<b>4.5</b> units per acre maximum for single-family <b>9.1</b> units per acre maximum for single-family and/or two-family <b>15.9</b> units per acre maximum for mixed 1-, 2-, and multiple-family	50%