

# **ZONING RESOLUTION**

## **FAIRFIELD TOWNSHIP BUTLER COUNTY, OHIO**

**[www.fairfieldtwp.org](http://www.fairfieldtwp.org)**

As amended effective August 21, 2020

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## **PREAMBLE**

A RESOLUTION OF THE TOWNSHIP OF FAIRFIELD, BUTLER COUNTY, OHIO, ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISIONS OF CHAPTER 519, OHIO REVISED CODE, DIVIDING THE TOWNSHIP INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING, AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND; PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL, AND PUBLIC AREAS; PROVIDING FOR ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS RESOLUTION, DEFINING THE POWERS AND DUTIES OF THE ADMINISTRATIVE OFFICERS AS PROVIDED HEREAFTER, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS RESOLUTION OR ANY AMENDMENT THERETO, ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, COMFORT AND GENERAL WELFARE.

THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF FAIRFIELD TOWNSHIP, BUTLER COUNTY, STATE OF OHIO:

# **ARTICLE 1**

## **PRELIMINARY SECTIONS**

### 100. Enactment.

Be it resolved by the Board of Township Trustees of Fairfield Township, Butler County, State of Ohio, that it finds it necessary and advisable to regulate the location, size, height and use of buildings and other structures; percentages of lot areas which may be occupied; setback building lines; sizes of yards, courts, and other open spaces; and the uses of land for residences, business, industrial, recreation or other purposes and for such purposes, divides the unincorporated area of the Township into zones or districts and hereby so enacts this Resolution.

### 110. Title.

This Resolution shall be known and may be referred to as, the “Zoning Resolution of 1972, as amended, of the Township of Fairfield, in Butler County, State of Ohio.”

### 120. Purpose.

This Resolution is enacted for the general purpose of promoting the public health, safety, comfort, and welfare of the residents of the Township of Fairfield, and for the following specified purposes:

To protect the property rights of all individuals by assuring the compatibility of uses and practices within districts;

To facilitate the provision of public utilities and public services in a fiscally responsible manner;

To lessen congestion on public streets, roads, and highways;

To ensure orderly development patterns within the Township as recommended by the adopted Comprehensive Land Use Plan;

To encourage the creation of a strong sense of community identity, based upon shared, coherent, functionally efficient development patterns;

To promote the creation of physically connected spaces that assist in the creation and enhancement of a strong “sense of place” within Fairfield Township;

To facilitate revitalization and redevelopment of blighted areas by zoning for more appropriate uses;

To provide for the administration and enforcement of this Resolution, including the provision of penalties for its violation; and for any other purpose provided in this Resolution, the Ohio Revised Code, or under common law rulings.

130. Interpretation.

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

When interpreting this Resolution, words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement; the word “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual; references to the male pronoun include the female; the words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied;” the word “lot” includes the words “plot” or “parcel,” or “tract.”

140. Severability.

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

150. Repeal of Conflicting Resolutions.

All Resolutions in conflict with this Zoning Resolution or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

160. Form of Publication.

The form of publication shall be accomplished by use of eight and one-half by eleven-inch paper, double-sided, and appropriately packaged with an acceptable binding material. This shall enable easy replacement of pages as the Resolution is revised in the future. An official copy of the *Fairfield Township Zoning Resolution* shall be certified and filed with the Office of the Butler County Recorder.

170. Effective Date.

This Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

180. Zoning Districts.

For the purposes set forth in Section 100 above, the unincorporated territory of Fairfield Township is hereby divided into the following districts:

- “A-1” - Agricultural District
- “R-1” - Suburban Residence Residential District
- “R-2” - Single Family Residence Residential District
- “R-3” - One- and Two-Family Residence Residential District
- “R-4” - Multi-Family Residence Residential District
- “R-PUD” - Residential Planned Unit Development
- “B-PUD” - Business Planned Unit Development
- “R-MHP” - Mobile Home Park District
- “H-B” - Homewood-Belmont Overlay District
- “B-1” - Neighborhood Business District
- “B-2” - General Business District
- “M-1” - Light Industrial District
- “M-2” - General Industrial District
- “F-1” - Flood Plain District

181. Zoning Districts Map.

The boundaries of the district are shown upon the map which is made a part of this Resolution, which map is designated as the “Zoning Districts Map.” This map and all notations, references, and other information shown thereon are part of this Resolution and have the same force and effect, whether or not shown within the zoning district document. The official zoning map shall be made available for review in the Office of the Fairfield Township Planning & Zoning Department, with a copy remaining on file with the Township Fiscal Officer.

182. Zoning District Boundaries.

1. The zoning district boundary lines on said map follow either street, alley, right-of-way, or lot lines wherever possible. Where the districts designated on the map are bounded by any said lines, such lines shall be construed to be the boundary of the district, unless such boundary is otherwise indicated on the map. In the case of unsubdivided property, the district boundary lines shall be determined by the use of the scale appearing on the Zoning District Map or by dimension.

2. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main track of said railroad line.

3. Whenever any street, alley or other public way is vacated by the Board of County Commissioners of Butler County, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

## **ARTICLE 2**

### **ENFORCEMENT**

#### 200. General.

This article stipulates the procedures to be followed in obtaining permits, certificates, and other legal or administrative approvals under this Resolution.

#### 210. Zoning Permits Required.

No building or other structure shall be erected, moved, added to, nor structurally altered; nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Planning & Zoning Administrator. Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the Planning & Zoning Administrator receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance, or from the Board of Township Trustees approving a Planned Unit Development District or a Focus Area Overlay District application, as provided by this Resolution.

#### 211. Contents of Application for Zoning Permit.

The application for zoning permit shall be made in writing on the appropriate application form as administered by the Planning & Zoning Department. The application shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year from the date of issuance of permit or completed within two years from the date of issuance of permit.

Failure to provide the required minimum information will result in rejection of the zoning permit application, as it shall be deemed incomplete and returned to the appropriate parties to address deficiencies prior to acceptance and review. A complete zoning permit application shall contain the following information and shall be accompanied by all required fees, as established by the Fairfield Township Board of Trustees:

1. Name, address, and phone number of applicant;
2. Parcel identification number of property for new use or new construction; or house number and street name for alterations;
3. Existing use;
4. Proposed use;



5. Zoning district;
6. Plans in duplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration;
7. Building heights;
8. Number of off-street parking spaces or loading berths, and their layout;
9. Location and design of access drives;
10. Number of dwelling units;
11. If applicable, application for a sign permit or a conditional, special, or temporary use permit, unless previously submitted;
12. Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Resolution.
13. Those applications meeting the following conditions shall submit plans in accordance with Article 11 of this Resolution:
  - a. Any use or development in any residential zone except farming or single-family residential;
  - b. Any use or development in any B-District or M-District.

#### 212. Approval of Zoning Permit.

Within thirty (30) Days after the receipt of any zoning permit application, the Planning & Zoning Administrator or a designated representative shall either approve or disapprove the application in conformance with the provisions of this Resolution. If the zoning permit application is denied, the reasons for such denial shall be stated in writing and returned to the applicant. All zoning permits issued shall be conditional upon the commencement of work within one year from the issuance of the permit. Additionally, all use-related construction and/or site improvement activities shall be completed within two years from the issuance of the permit.

Upon approving or disapproving the zoning permit application, one copy of the plans shall be returned to the applicant by the Planning & Zoning Administrator or a designated representative, after such copy has either been marked as approved or disapproved and attested to same by their signature on such copy. One copy of the plans and all relevant correspondence shall be retained in the Office of the Fairfield Township Planning & Zoning Department as a permanent record of the decision rendered.

#### 213. Submission to Director of Transportation or County Commissioners.

Before any zoning permit is issued affecting any land within three hundred feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or County Commissioners or any land within a radius of five hundred feet from the point of intersection of said centerline with any public road or highway, the Planning & Zoning Administrator shall give notice, by registered mail, to the Director of Transportation or County Commissioners that he shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Director of Transportation or County Commissioners. If the Director of Transportation or County Commissioners notifies the Planning & Zoning Administrator that he shall proceed to acquire the land needed, then the Planning & Zoning Administrator shall refuse to issue the zoning permit. If the Director of Transportation or County Commissioners notifies the Planning & Zoning Administrator that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or of any extension thereof agreed upon by the Director of Transportation or County Commissioners and the property owner, the Planning & Zoning Administrator shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit.

#### 214. Expiration of Zoning Permit.

If the improvement described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Planning & Zoning Administrator; and written notice thereof shall be given to the persons affected. Evidence of improvement shall be construction above or below ground.

If the work described in any zoning permit has not been completed within two years of the date of issuance thereof, said permit shall expire and be revoked by the Planning & Zoning Administrator, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.

#### 220. Final Inspection Certification

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a final inspection certification is issued by the Planning & Zoning Administrator stating that the proposed use of the building or land conforms to the requirements of this Resolution. The issuance of a final inspection certificate in no way relieves the recipient from compliance with all requirements of this Resolution and other regulations.

#### 221. Temporary Final Inspection Certification

A temporary final inspection certificate may be issued by the Planning & Zoning Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

#### 230. Record of Zoning Permits and Final Inspection Certification

The Planning & Zoning Department shall maintain a record of all zoning permits and certificates of final inspection. Upon receipt of any written request for information and after all reproduction fees are received, the Fairfield Township Planning & Zoning Department shall furnish copies of all requested information to any person requesting said information in accordance with the provisions established within the Ohio Revised Code.

#### 240. Failure to Obtain a Zoning Permit or Final Inspection Certificate.

Failure to obtain a zoning permit or final inspection certificate shall be a punishable violation of this Resolution.

#### 241. Construction and Use to Be as Provided in Applications, Plans, Permits and Certificates.

Zoning permits or final inspection certificates issued on the basis of plans and applications approved by the Planning & Zoning Administrator or a designated representative authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Resolution.

#### 250. Complaints Regarding Violations.

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Fairfield Township Planning & Zoning Department. The Planning & Zoning Administrator or a designated representative shall properly document the complaint, immediately investigate and take action thereon as provided by this Resolution.

#### 251. Entry and Inspection of Property.

The Planning & Zoning Administrator or a designated representative is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable

hour, for the purpose of enforcing the provisions of this Resolution. Prior to seeking entry to any property or structure for such examination or survey, an attempt shall be made to obtain the permission of the owner or occupant to inspect. Under no circumstances will any Township representative enter the property of the owner or occupant without their permission unless they have a warrant.

#### 252. Stop Work Order.

Subsequent to determination that work is being done contrary to this Resolution, the Planning & Zoning Administrator or a designated representative may write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Planning & Zoning Administrator, shall constitute a punishable violation of this Resolution.

#### 253. Zoning Permit Revocation.

The Planning & Zoning Administrator or a designated representative may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Resolution or based upon false information or misrepresentation in the application.

#### 254. Notice of Violation.

Whenever the Planning & Zoning Administrator or a designated representative determines that there is a violation of any provision of this Resolution, a notice shall be issued and shall serve as a notice of violation. Such order shall:

1. Be in writing;
2. Identify the violation;
3. Include a statement of the reason or reasons why it is being issued and refer to the sections of the Resolution being violated; and
4. State the date by which the violation shall be corrected.
5. Service of notice of violation shall be as follows:
  - a. By personal delivery to the person or persons responsible; or
  - b. By certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Planning & Zoning Administrator. Service

shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or

c. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

#### 255. Court-Summons Procedure.

If, upon re-inspection following the issuance of a notice of violation, the condition has not been corrected, the person or persons responsible shall be issued a court-summons in the following manner;

1. Be served personally;
2. Be in writing;
3. Identify the violation;
4. State the time, date and place for appearance in court.

If the court-summons cannot be served personally, the Planning & Zoning Administrator shall request that the summons be served by an Officer of the Court.

#### 260. Penalties and Fines.

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building, structure or land in violation of any provision of this Resolution or any amendment thereto. Any person, firm or corporation who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than the maximum amount established by the Ohio Revised Code and in addition shall be responsible for the payment of all costs and expenses involved in the case.

Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, building, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

#### 270. Additional Remedies.

Nothing in this Resolution shall be deemed to abolish, impair or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Resolution,

or in the case of an imminent threat of such a violation, the Planning & Zoning Administrator or a designated representative, the Township Law Director on behalf of the Fairfield Township Board of Trustees, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourse provided by law or by equity, institute mandamus, injunction, abatement, search warrant or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.

## **ARTICLE 3**

### **ADMINISTRATION**

#### 300. Purpose.

This article sets forth the powers and duties of the Zoning Commission, the Board of Zoning Appeals, Board of Township Trustees, and the Planning & Zoning Administrator with respect to the administration of the provisions of this Resolution.

#### 301. General Provisions.

The formulation, administration and enforcement of this Zoning Resolution is hereby vested in the following offices and bodies within the Fairfield Township, Butler County, government:

1. Planning & Zoning Administrator
2. Zoning Commission
3. Board of Zoning Appeals
4. Township Trustees
5. Legal Counsel
6. Township Fiscal Officer

#### 310. Planning & Zoning Administrator.

A Planning & Zoning Administrator designated by the Board of Township Trustees shall administer and enforce this Resolution. He/she may be provided with the assistance of such other persons as the Board of Township Trustees may direct.

#### 311. Responsibilities of Planning & Zoning Administrator.

For the purpose of this Resolution, the Planning & Zoning Administrator shall have the following duties:

1. Serve as the zoning inspector for the Township pursuant to Ohio Revised Code 519.16.
2. Enforce the provisions of this Resolution and interpret the meaning and application of its provisions.

3. Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map.
4. Issue zoning permits as provided by this Resolution and keep a record of same with a notation of any special conditions involved.
5. Act on all applications upon which he is authorized to act by the provisions of this Resolution within the specified time or notify the applicant in writing of his refusal or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his request to the Board of Zoning Appeals.
6. Conduct inspections of buildings and uses of land to determine compliance with this Resolution and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
7. Assist the Township Fiscal Officer to maintain, or cause to be maintained, in current status the Official Zoning District Map which shall be kept on permanent display in the Township Offices.
8. Maintain permanent and current records required by this Resolution, including but not limited to zoning permits, zoning certificates, inspection documents, and records of all variances, amendments and special uses.
9. Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the public.
10. Review and approve site plans pursuant to this Resolution.
11. Determine the existence of any violations of this Resolution, and cause such notifications, revocation notices, or stop orders to be issued, or initiate such other administrative or legal action as needed, to address such violations.
12. Prepare and submit an annual report to the Township Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such report shall include recommendations concerning the schedule of fees.
13. Delegate any of the aforementioned tasks to any and all assistants that might be provided to him by the Board of Trustees. He shall personally supervise any and all delegated tasks and shall remain personally responsible for the proper conduct of all tasks conducted under the terms of this Resolution.
14. Act as principal liaison with any and all planning or other consultants retained by the Board of Trustees for any purposes or tasks pertaining to this Resolution.



### 312. Planning & Zoning Administrator's Bond.

The Township Planning & Zoning Administrator, before entering upon the duties of his office, shall give bond, signed by a bonding or surety company authorized to do business in this State, or, at his option, signed by two or more freeholders having real estate in the value of double the amount of the bond, over and above all encumbrances to the State, in the sum of not less than one thousand or more than five thousand dollars as fixed by the Board of Township Trustees. Such surety company or real estate bond shall be approved by the Board of Township Trustees and the bond shall be conditioned upon the faithful performance of such Planning & Zoning Administrator's official duties. Such bond shall be deposited with the Township Fiscal Officer.

### 320. Organization of the Township Zoning Commission.

A Township Zoning Commission composed of five members shall be appointed by the Board of Trustees. All members shall be residents of the unincorporated area of the Township. The terms of said members shall be of such length, and so arranged, so that one member's term shall expire each year. Each member shall serve until his successor is appointed and seated. Members shall be removed from office for non-performance of duty, misconduct in office, or other necessitating cause, by the Board of Trustees, after a public hearing has been held on the charges. A copy of the charges shall be delivered to the offending member at least ten (10) days prior to the scheduled public hearing either personally, via registered mail, or by leaving same at his address of record; and the member shall be afforded the privilege of responding to the charges at said hearing. Vacancies thus created shall be filled by an appointment from the Board of Trustees and shall be for the unexpired term.

### 321. Duties of the Township Zoning Commission.

1. Initiate advisable changes or amendments to the text or map of this Resolution where same will promote the best interest of the public in general through recommendations to the Board of Trustees.
2. Review all proposed changes or amendments to the text or map of this Resolution and make appropriate recommendations to the Board of Trustees.
3. Review all Planned Unit Development Applications and make appropriate recommendations to the Board of Trustees.
4. Review all Preliminary Development Plans and make appropriate recommendations to the Board of Trustees.
5. Conduct an annual review of the fee schedules contained in this Resolution and make appropriate recommendations to the Board of Trustees.

6. Carry on a continuous review of the effectiveness and appropriateness of this Resolution and recommend any and all appropriate amendments or changes to improve the effectiveness and to maintain the currency and appropriateness of said Resolution to the Board of Trustees.

### 322. Proceedings of the Township Zoning Commission.

The Commission shall adopt rules necessary for the conduct of its affairs in keeping with the provisions of this Resolution. Commission meetings shall be held at a regularly scheduled time and place known to the general public. All meetings shall be open to the public. The Commission 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 examinations and other official actions, all of which shall become a public record and be immediately filed in the office of the Commission. The presence of three members shall constitute a quorum.

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

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

### 330. Township Board of Zoning Appeals; Compensation and Expenses.

The Board of Township Trustees shall appoint a Township Board of Zoning Appeals of five members who shall be residents of the unincorporated territory in the Township included in the area zoned. The terms of all members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided by Section 320 of this Resolution. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide.

The Board of Zoning Appeals may within the limits of the moneys appropriated by the Board of Township Trustees for the purpose, employ such executives, professional, technical, and other assistants as it deems necessary.

### 331. Powers of Township Board of Zoning Appeals.

The Township Board of Zoning Appeals may:

1. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Resolution;
2. Authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed, and substantial justice done;
3. Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the Zoning Resolution;
4. Revoke an authorized variance or conditional zoning certificate granted if any condition of the variance or certificate is violated.

The Board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under item (4) of this section and of his right to a hearing before the Board, within thirty (30) days of the mailing notice, if he so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the Board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the above-mentioned powers, such Board may, in conformity with such sections, 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 has all powers of the officer from whom the appeal is taken.

### 332. Rules, Organization and Meetings of Zoning Appeals Board.

The Township Board of Zoning Appeals shall organize and adopt rules in accordance with the Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chairperson, and at such other times as the Board determines. The chairperson, or in their absence the acting chairperson, may administer oaths, and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals 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 Board of Township Trustees and be a public record. The presence of three members shall constitute a quorum.

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the Planning & Zoning Administrator. Such appeal shall be taken within twenty (20) days after the decision by filing, with the officer from whom the appeal is taken and with the Board of Zoning Appeals, a notice of appeal specifying the grounds. The officer from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the actions appealed from was taken.

The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days' notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney.

#### 340. Duties of Planning & Zoning Administrator, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal.

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Planning & Zoning Administrator, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Planning & Zoning Administrator, and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Resolution. Under this Resolution the Board of Township Trustees shall only have the duties of this Resolution as provided by law, and of establishing a schedule of fees and charges as stated in Section 351 of this Resolution. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board of Zoning Appeals to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any appeal from a decision of the Board of Zoning Appeals shall be made within thirty (30) days of the Board of Zoning Appeals' written decision.

#### 350. Board of Township Trustees.

The powers and duties of the Township Trustees pertaining to the Zoning Resolution are as follows:

1. Approve the appointments of members to the Zoning Commission.
2. Approve the appointments of member of the Zoning Board of Appeals.

3. Initiate or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing.

4. Override a written recommendation of the Zoning Commission on a text or map amendment provided that such legislative action is passed by a majority vote of the Township Trustees.

#### 351. Schedule of Fees.

The Board of Township Trustees shall by Resolution establish a schedule of fees for zoning permits, occupancy permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Resolution, after considering the recommendations of the Planning & Zoning Administrator with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Planning & Zoning Administrator and may only be altered or amended by the Board of Township Trustees. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

#### 360. Responsibilities of Township Fiscal Officer.

The Township Fiscal Officer shall have the responsibility of maintaining the “official” zoning map; and the “official” text of this Zoning Resolution. The “official” zoning map shall be maintained on display in the Township Office and be made available to any citizen of the Township during normal business hours.

## **ARTICLE 4**

### **AMENDMENTS, APPEALS AND VARIANCES**

#### 400. Procedure for Amendments or District Changes.

This Resolution may be amended by utilizing the procedures specified in Section 401 to Section 414, inclusive, of this Resolution and Section 519.12 of the Ohio Revised Code or other appropriate sections within the Ohio Revised Code.

#### 401. General.

The Fairfield Township Board of Trustees may amend, supplement, alter, or repeal any portion of the enacted zoning resolution and/or the enacted zoning district map by resolution whenever deemed necessary to protect, preserve, or enhance the public health, safety, general welfare, morals, or when needed to remain consistent with good zoning practices, provided that the Board of Trustees is in receipt of recommendation thereon from the Fairfield Township Zoning Commission prior to the passage of any such resolution, in accordance with the provisions established in Chapter 519 of the Ohio Revised Code.

#### 402. Initiation of Zoning Amendments.

Amendments to this Resolution may be initiated in one of the following ways:

1. By adoption of a motion by the Zoning Commission;
2. By adoption of a resolution by the Board of Township Trustees;
3. By the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment.

#### 403. Contents of Application for Zoning Map Amendment.

1. Applications for amendments to the Official Zoning Map adopted as part of this Resolution shall contain at least the following information:
  - a. The name, address, and phone number of applicant;
  - b. A statement of the reason(s) for the proposed amendment;
  - c. Present use;
  - d. Present zoning district;

- e. Proposed use;
- f. Proposed zoning district;
- g. A vicinity map at a scale approved by the Planning & Zoning Administrator showing property lines of the property to be rezoned and all abutting properties, thoroughfares, existing and proposed zoning, and such other items as the Planning & Zoning Administrator may require;
- h. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten parcels are to be rezoned;
- i. A statement on the ways in which the proposed amendment relates to the comprehensive plan;
- j. A fee as established by Resolution of the Board of Township Trustees.

2. Those applications meeting the following conditions shall submit plans in accordance with Article 11 of this Resolution:

- a. Any zoning map amendment, except any zoning map amendment initiated by the Township.

Any application for zoning map amendment not containing all of the above-specified information shall be deemed “incomplete” and shall be rejected until such time that all deficiencies are rectified by the applicant, as determined by the Planning & Zoning Administrator, or a designated representative. The revised application will be processed and placed in the next available hearing cycle, in accordance with the procedure established in Section 519.12 of the Ohio Revised Code.

#### 404. Contents of Application for Zoning Text Amendment.

1. Applications for text amendments to the *Fairfield Township Zoning Resolution* shall contain at least the following information:
  - a. The name, address, and phone number of the applicant;
  - b. The proposed amendment to text in a form consistent with the existing Zoning Resolution;
  - c. A statement of the reason(s) for the proposed amendment;
  - d. A statement explaining the ways in which the proposed amendment relates to the comprehensive plan;
  - e. A fee as established by Resolution of the Board of Township Trustees.

405. Transmittal to Zoning Commission.

Immediately after the adoption of a resolution by the Board of Township Trustees, the adoption of a motion by the Zoning Commission, or after the filing of an application initiating zoning amendments by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Commission.

406. Submission to County Planning Staff.

Within five (5) calendar days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application, together with the text and/or map pertaining to the case in question, to the County Planning Staff. The County Planning staff's comments and recommendations of the proposed amendment shall be submitted to the Fairfield Township Zoning Commission. Such comments and recommendation shall be considered at the public hearing held by the Zoning Commission and/or the Fairfield Township Trustees.

407. Submission to Director of Transportation.

Before any zoning amendment is approved affecting any land within three hundred feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail, to the Director of Transportation. The Zoning Commission may proceed as required by law; however, the Board of Township Trustees shall not approve the amendment for one hundred twenty (120) calendar days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Board of Township Trustees that he shall proceed to acquire the land needed, then the Board of Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) calendar day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

407. Public Hearing by Zoning Commission.

Upon the adoption of their motion, or upon receipt of either a resolution from the Board of Trustees, or an application for zoning amendment, the Zoning Commission shall schedule a public hearing. The date of the public hearing shall be not less than twenty nor more than forty (40)



calendar days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

#### 408. Notice of Public Hearing in Newspaper.

Before holding the public hearing as enumerated in Section 408 and as otherwise required by the Ohio Revised Code, notice of such hearing shall be given by the Zoning Commission by at least one publication in one or more newspapers of general circulation in the Township at least ten (10) calendar days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

#### 409. Notice to Property Owners by Zoning Commission.

If the proposed amendment intends to rezone or redistrict ten or less 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) calendar days before the date of the public hearing, to all owners of property within, contiguous to, and directly across the thoroughfare from such area proposed to be rezoned or redistricted to the address of such owners appearing on the list furnished by the applicant in Section 403.9 of this Resolution, or the County Auditor's current tax list or the Treasurer's mailing list and/or such other list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall consist of a duplicate copy of the public notice as distributed to the newspaper of general circulation, or as otherwise specified in Section 409.

#### 410. Recommendation by Zoning Commission.

Within thirty (30) days after the public hearing required by Section 408, the Zoning Commission shall recommend approval, denial, or the approval of some modification of the proposed amendment to the Board of Trustees. The written decision of the Zoning Commission shall indicate the specific reason(s) upon which the recommendation is based, to include in the basis for their determination that the proposed amendment is or is not consistent with the comprehensive plan.

#### 411. Public Hearing by Board of Township Trustees.

Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a

newspaper of general circulation shall be given by the Board of Township Trustees as specified in Section 409.

#### 412. Action by Board of Township Trustees.

Within twenty (20) days after the public hearing required by Section 412, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, a majority vote of the Board of Township Trustees is required.

#### 413. Effective Date and Referendum.

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees 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 of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election. Any and all amendments adopted by the Board of Township Trustees concerning a Planned Unit Development are exempt from a referendum petition.

The petition shall be filed, accompanied by an appropriate map of the area affected by the zoning proposal, with the Board of Township Trustees, which shall then transmit the petition within two weeks of its receipt to the Board of Elections, which shall determine the sufficiency and validity of the petition. The only responsibility of the Township Board of Trustees is to transmit said petition to the Board of Elections. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes 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.

#### 420. Appeals.

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Planning & Zoning Administrator. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Planning & Zoning Administrator and the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Planning & Zoning Administrator shall transmit to the

Board of Zoning Appeals all the papers constituting the record upon which action appealed from was taken.

#### 421. Stay of Proceedings.

An appeal stays all proceedings in furtherance of the actions appealed from unless the Planning & Zoning Administrator from whom the appeal is taken certifies to the Board of Zoning Appeals that a stay would, in his opinion, cause imminent peril to life and property. This certification must come after the notice of appeal is filed with the Planning & Zoning Administrator and must be made by reason of facts stated in the application. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by a court of record on application, on notice to the Planning & Zoning Administrator from whom the appeal is taken on due cause shown.

#### 430. Variances.

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship. The Board of Zoning Appeals shall have no authority to grant variances to increase the allowed density in residential or planned development district zones or authorize uses which are not otherwise permitted within the district in which the subject property is located.

#### 431. Application Standards for Variances.

Except as otherwise permitted in this Resolution, no variance to the provisions or requirements imposed by this Resolution shall be granted by the Board of Zoning Appeals unless the Board shall find that the written application for the requested variance contains all of the following requirements:

1. Name, address, and telephone number of applicant(s);
2. Legal description of property;
3. Description or nature of variance requested;
4. A fee as established by Resolution;

5. Narrative statements establishing and substantiating that the variance conforms to the following standards:

- a. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Resolution on the district in which it is located and shall not be injurious to the area or otherwise detrimental to the public welfare.
- b. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
- c. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Resolution would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.
- d. There must be proof of hardship created by the strict application of this Resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Resolution; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.
- e. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.
- f. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
- g. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

Any application for variance not containing all of the above-specified information shall be deemed “incomplete” and shall be rejected until such time that all deficiencies are rectified by the applicant, as determined by the Planning & Zoning Administrator, or a designated representative. The revised application will be processed and placed in the next available hearing cycle, in accordance with the procedure established in Section 519 of the Ohio Revised Code.

#### 432. Additional Conditions and Safeguards.

The Board of Zoning Appeals may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Resolution.

#### 433. Term of Variance.

No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit or zoning approval is obtained within such period, and the erection or alteration of a building is started, or the use is commenced within such period.

#### 434. Authorized Variance.

Variations from the regulations of this Resolution shall not be granted unless the Board of Zoning Appeals makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in Section 431, and Section 432, if applicable, have been met by the applicant. Variations may be granted as guided by the following:

1. To permit any yard or setback less than the yard or setback required by the applicable regulations.
2. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than eighty percent of the required area and width.
3. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
4. To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty percent of the required facilities.
5. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.
6. To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty percent.

7. To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five percent.

8. To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than twenty-five percent.

#### 440. Regulation of Conditional Uses.

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this Resolution should provide for more detailed evaluation of each use conditionally permissible in the specific district with respect to such considerations as location, design, size, method (s) of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of Sections 441 to 445 of this Resolution.

#### 441. Contents of Conditional Use Permit Application.

Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a conditional use permit by filing it with the Planning & Zoning Administrator, who shall place the application on the next available agenda for consideration by the Board of Zoning Appeals at the next Regular Meeting in accordance with the established hearing schedules and application deadlines. Such application at a minimum shall contain the following information:

1. Name, address, and telephone number of the applicant;
2. Legal description of the property;
3. Zoning district;
4. Description of existing use;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, and such other information as the Board may require;
7. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive plan, to include an evaluation of

the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, vibration;

8. A list containing the names and mailing addresses of all owners of property adjacent to property in question;

9. A fee as established by Resolution;

10. A narrative addressing each of the applicable criteria contained in Section 442.

Any application for conditional use not containing all of the above-specified information shall be deemed “incomplete” and shall be rejected until such time that all deficiencies are rectified by the applicant, as determined by the Planning & Zoning Administrator, or a designated representative. The revised application will be processed and placed in the next available hearing cycle, in accordance with the procedure established in Section 519 of the Ohio Revised Code.

#### 442. General Standards for All Conditional Uses.

1. In considering an application for a conditional use the Board of Zoning Appeals shall give due regard to the nature and condition of all adjacent uses and structures; and in authorizing a conditional use 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 as the Board may deem necessary for the protection of adjacent properties and the public interest.

2. In addition to the above and to the specific requirements for conditionally permitted uses as specified elsewhere in this Resolution, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

a. Is in fact a conditional use as established under the provisions of this Resolution and appears on the Schedule of District Regulations adopted for the zoning district involved;

b. Will be in accordance with the general objectives, or with any specific objective, of the Township’s comprehensive plan and/or the Zoning Resolution;

c. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

d. Will not be hazardous or disturbing to existing or future neighboring uses;

- e. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- f. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- g. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- h. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
- i. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

#### 443. Action on Conditional Use Applications.

Within thirty (30) days after the date of the public hearing required in Section 450, the Board of Zoning Appeals shall take one of the following actions:

1. Approve issuance of the conditional use permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplementary conditions and safeguards as specified in Section 442. Upon making an affirmative finding, the Board shall direct the Planning & Zoning Administrator to issue a conditional use permit for such use which shall list all conditions and safeguards specified by the Board for approval.
2. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary.
3. Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval.



444. Violation of Conditions.

Any violation of conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this Resolution.

445. Expiration of Conditional Use Permit.

A conditional use permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one year of the date on which the permit was issued, or if for any reason such use shall cease for more than two years.

450. Public Hearing by the Board of Zoning Appeals.

The Board of Zoning Appeals shall schedule a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Planning & Zoning Administrator or an applicant.

451. Notice of Public Hearing in Newspaper.

Before conducting the public hearing required in Section 450, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

452. Notice to Adjoining Property Owners.

Before conducting the public hearing required in Section 450, written notice of such hearing shall be mailed by first class mail, at least ten (10) days before the day of the hearing to all owners of property within, contiguous to, and directly across the thoroughfare from such area making application to the Board of Zoning Appeals to the address of such owners appearing on the list furnished by the applicant in Section 441.8 of this Resolution, or the County Auditor's current tax list or the Treasurer's mailing list and/or such other list or lists that may be specified by the Board of Township Trustees. The notice shall contain the same information as required of notices published in newspapers as specified in Section 451 of this Resolution.

453. Action by Board of Zoning Appeals.

Within thirty (30) days after the public hearing required in Section 450, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 432, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from the Board of Zoning Appeals' decision shall be made in the manner specified in Section 340.

## **ARTICLE 5**

### **GENERAL PROVISIONS**

#### 500. Purpose.

The purpose of this Article is to establish general conditions that shall be applied to all lots and all uses as indicated to protect the public health, safety, and welfare in the enforcement of this Resolution.

#### 501. Administrative Standards.

Administrative decisions shall be in accord with the general purpose and intent of the regulations imposed by this Resolution, and shall not be injurious to the area or otherwise detrimental to the public welfare.

#### 502. Essential Services.

Essential services, as defined in Appendix A, are exempt from the application of this Resolution. However, nothing contained herein shall exempt such essential services from other regulations imposed by law or other township regulations.

#### 503. Pending Application 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/or required building permits have been granted before the enactment 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.

#### 504. Reduction of Area or Space.

No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area, or other space less than the minimum required by this Resolution. Furthermore, any lot, yard, parking area, or other space which is already less than the required minimum shall not be reduced further. However, nothing in this Section shall be interpreted to limit the power or the Board of Zoning Appeals in the granting of variances under this Resolution.

505. Exceptions to Height Regulations.

The height limitations contained elsewhere in this Resolution do not apply to spires, belfries, cupolas, water tanks, ventilators, or chimneys usually required to be placed above the roof level and not intended for human occupancy, except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

506. Principal Building Per Lot.

No more than one principal building or structure may be constructed upon any one lot for the purposes of this Resolution. Rear dwellings shall be prohibited.

510. Supplemental Lot and Yard Requirements.

In addition to the lot and yard regulations specified in Article 6 and in other sections of this Resolution, Sections 511 through 518 inclusive, shall be enforceable for the specific situation as described herein.

511. Existing Lots of Record.

In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record as of the original effective date of this Resolution, or subsequent amendments thereto, irrespective of its area or width, provided the owner of such lot does not own any adjoining property, except that no lot shall be deemed to be less than forty feet wide for the calculation of yard requirements, and provided, further:

1. The sum of the side yard widths on any such lot need not exceed thirty percent of the width of the lot, but in no case shall the width of any side yard be less than ten percent of the width of the lot; provided, however, that on a corner lot, the width of the side yard adjoining the side street lot line shall not be less than eight feet or twenty percent of the frontage, whichever is the greater.
2. The depth of the rear yard of any such lot need not exceed twenty percent of the depth of the lot, but in no case shall it be less than twenty feet.

512. Irregular Shaped Lots.

For irregular shaped lots the following interpretation shall be used:

1. The average front yard width shall be not less than one-half of the required width with the required width being provided at the minimum building setback line and the average lot width shall be not less than the required lot width. The minimum front yard setback line shall be measured from the nearest part of the front lot line to the face of the building.
2. The required minimum side yards shall be the average of the distance at the front and rear of the building to the side lot line with the minimum side yard not less than two-thirds the required side yard.
3. The rear yard depth shall be the average depth from each corner of the building to the lot line for a skewed lot line with the minimum depth not less than two-thirds the required depth.
4. The minimum building setback line on a panhandle lot shall be measured from the point where the lot achieves the minimum required lot width.

#### 513. Lot Area Requirements.

The required lot area shall be computed exclusive of the street right-of-way and, where no street right-of-way is established, the assumed minimum right-of-way shall be sixty feet measured thirty feet each side of the center line of the existing pavement, but not less than fifteen feet from the edge of pavement. This assumed right-of-way line shall also be used as the front lot line where no established right-of-way exists, or for cul-de-sac streets and private streets.

#### 514. Setback Requirements for Buildings on Corner Lots.

The principal building located on any corner lot shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

#### 515. Front Yard Setback.

In a residential district, when forty percent or more of the frontage on one side of the street between two intersecting streets is improved with buildings that have a front yard which is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established, provided however, that a front yard depth shall not be required to exceed fifty percent in excess of the front yard otherwise required in the district in which the lot is located.

#### 516. Yard Requirements for Multi-Family Dwellings.

Multi-family dwelling units within a single structure shall be considered as one building for the purpose of determining front, side, and rear yard requirements. The entire group of units shall require one front, one rear, and two side yards as specified for dwellings in the appropriate district. Each individual building shall meet all applicable fire code regulations for distance between buildings. The density calculations for multi-family shall exclude utility easements and all access streets on the property either private or public.

#### 517. Architectural Projections.

Open structures such as porches, canopies, decks, bay windows, flues, chimneys, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard except that chimneys may be allowed to project up to a maximum of thirty inches into the side yard.

#### 518. Visibility at Intersections.

All intersections shall comply with site distance triangles required by the Ohio Department of Transportation.

#### 520. Screening.

Screening or buffering in compliance with the provisions of this Section shall be provided for any permitted, or conditionally permitted, nonresidential uses which abut any residential district, in addition to setback and yard requirements provided elsewhere in the Resolution. Applicants for a zoning permit may request a variance from yard or setback requirements in conjunction with a plan for screening, which the Board of Zoning Appeals may consider by weighing the relationship of the proposed screening plan and the requested dimensional variance with respect to their joint impact upon neighboring properties. Such requested variance for a conditionally permitted use shall be incorporated in the conditional use procedure specified in Article 4 of this Resolution. The following provisions shall apply with respect to screening.

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

- a. A visual barrier to partially or completely obstruct the view of structures or activities.
- b. An acoustic screen to aid in absorbing or deflecting noise.
- c. A physical barrier to contain debris and litter.

2. Screening shall consist of one or more of the following:

- a. A solid masonry wall;
- b. A solidly constructed decorative fence;
- c. A louvered fence;
- d. Dense vegetative plantings;
- e. A landscaped mounding.

3. Height of screening shall be in accordance with the following:

- a. Visual screening walls, fences, plantings, or mounds shall be a minimum of five and one-half feet high in order to accomplish the desired screening effect, except in required front yards where maximum height shall be not greater than two and one-half feet. Plantings shall be a minimum of four feet in height at the time of planting.
- b. A dense vegetative planting with a minimum height of four feet at planting and a mature height of at least five and one-half feet or greater, or a solidly constructed decorative fence, of a minimum height of five and one-half feet, shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for, or used for, residential purposes, in compliance with Section 518.

4. Screening for purposes of absorbing or deflecting noise shall have a depth of at least fifteen feet of dense planting or a solid masonry wall in combination with decorative plantings. The height shall be adequate to absorb or deflect noise.

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

6. All screening shall be trimmed, maintained in good condition, and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

7. Screening shall not interfere with existing drainage pattern or obstruct flow of water.

### 530. Nuisances.

The purpose of the following sections is to establish regulations to control specific uses which if permitted to occur without proper regulation, may create a nuisance for the neighboring property owners.

### 531. Required Refuse Collection Areas.

The refuse collection areas provided by all commercial, industrial, and multi-family residential uses for the collection of trash, garbage, and other refuse shall be enclosed on all four sides ( three sides by a solid wall or fence of at least four feet in height and one side with a gate of matching height), unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes. In addition, the following requirements shall be met:

1. The storage of hazardous or toxic materials or waste shall not be permitted without documented approval of the Ohio Environmental Protection Agency.
2. Materials or waste which might cause fumes or dust or otherwise constitute a fire hazard, of which may attract rodents or insects, shall be stored only in closed containers constructed of impervious materials.

### 532. Parking and Storage of Vehicles and Trailers.

1. Parking and/or storing of any vehicle on a lawn or dirt surface shall be prohibited. On all tracts in residential districts, all open off-street parking areas shall be graded, and surfaced with bituminous concrete (asphalt), Portland cement concrete, brick, cobblestone or similar hard surface approved by the Zoning Inspector.
2. No commercial vehicles or commercial equipment, (including but not limited to commercial tractors, commercial trucks, buses, box trucks and semi-trailers) shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking.
3. No vehicles or trailers of any type without current license plates shall be parked or stored in any Zoning District other than in a completely enclosed building.
4. No recreational vehicle, utility trailer, camper or watercraft shall be parked in any front yard, unless such item is a minimum of fifty (50) feet from any Right of Way. Recreational vehicles and trailers in the front, rear or side yards must follow setback requirements for accessory structures in this Resolution.
5. No living quarters shall be maintained, or any business conducted, in said vehicle, while vehicle is so parked.



533. Junk.

The accumulation or storage of junk, inoperable vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, or any other discarded objects or debris shall be prohibited, outside of an approved junk yard, in order to protect residents from unsightly conditions and/or an environment conducive to the infestation and breeding of vermin, insects, and rodents.

534. High grass and/or vegetation.

Grass and weeds on all properties shall be kept at less than eight (8) inches in height.

## **ARTICLE 6**

### **ESTABLISHMENT OF DISTRICTS**

#### 600. Purpose.

The purpose of this Article is to establish permitted uses and the regulation of those uses for each of the zoning districts established in Section 180 in order to promote the public health, safety, and welfare of the residents of Fairfield Township.

#### 601. Compliance with Regulations.

The regulations for each district set forth by this Resolution shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located;
2. No structure shall be erected or altered:
  - a. To provide for greater height or bulk;
  - b. To accommodate or house a greater number of families;
  - c. To occupy a greater percentage of lot area;
  - d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces, than herein required, or in any other manner be contrary to the provisions of this Resolution.
3. No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements set forth herein.
4. No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations specified in this Resolution.

#### 602. Lot Area and Setback Requirements.

The required lot area and building setback requirements for each zone shall be as described in each section.

610. A-1 AGRICULTURAL DISTRICT

PURPOSE. The intent of the A-1 Agricultural District is to reserve land exclusively for agricultural cultivation, very low-density residential development and other activities that are basically rural in character so that agricultural areas may be preserved and maintained and can be protected from hazardous encroachment by urban development.

610.1 PRINCIPAL PERMITTED USES.

- (a) Agricultural and Farms including any customary agricultural use, building, or structure, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, nurseries and greenhouses not including garden stores or supply centers; provided that any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District or recorded residential subdivision.
- (b) On any parcel with two hundred (200) feet or more of frontage and a minimum of five (5) acres, one (1) animal per acre, to a maximum of five (5) animals, is allowed. A building in which five (5) or less farm animals are housed, not including fowl or rabbits which shall be penned, shall be located not less than seventy-five (75) feet from any other lot in any R-District, recorded subdivision or any lot occupied by a dwelling other than a farm dwelling, or by any school, church, or any institution for human care not located on the same lot as the said uses or buildings.
- (c) One-family detached dwellings, including approved modular housing.
- (d) Schools and colleges
- (e) Neighborhood and community park land, open spaces.
- (f) Kennels and riding stables
- (g) Public buildings and properties of an administrative, cultural, recreational or service type; not including repair yards or warehouses.

610.2 HOME OCCUPATIONS. Customary incidental home occupations when conducted in a dwelling, as regulated in Section 715, provided that no stock in trade is kept or products sold, except such as are made on the premises; the office of a resident physician, dentist, architect, engineer of similar professional person - including a sign not over one (1) square foot in area in connection with each such use.

610.3 ACCESSORY USES. Accessory uses, building and structures customarily incidental to any of the aforesaid uses including:

- (a) Accessory buildings on parcels containing five (5) acres or more shall be limited to

two (2) accessory buildings not to exceed 1,500 square feet in size and 20 feet in height for each. parcels containing one (1) to five (5) acres shall be limited to one (1) accessory building not to exceed 1,500 square feet in size and 14 feet in height. Parcels containing 0.5 acres to 1 acres shall be limited to one (1) accessory building not to exceed 1,000 square feet in size and 14 feet in height. parcels containing less than 0.5 acres shall be limited to one (1) accessory building not to exceed 750 square feet in size and 14 feet in height.

- (b) A private garage, parking area or stable.
- (c) Roadside stands, offering for sale only agricultural products produced on the premises or in the vicinity.
- (d) Temporary real estate, signs relating to the subject parcel.
- (e) Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.

610.4 CONDITIONAL USES REQUIRING BOARD APPROVAL. These conditional uses are subject to the additional regulations found in Sections 440-453 of this Resolution.

- (a) Country clubs, golf courses and other recreation area and facilities including swimming pools, provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in an R-District or a recorded residential subdivision.
- (b) Hospitals, religious or charitable institutions not including penal or corrective institutions.
- (c) Clubs, fraternities, lodges, conference centers and other meeting places of similar organization, not including any use that is customarily conducted as a gainful business.
- (d) Cemeteries.
- (e) Airports and landing fields.
- (f) Commercial hog, fur, or other commercial animal farms.
- (g) Commercial mines, quarries and gravel pits, temporary sawmill for cutting timber grown on the premises.
- (h) Waste disposal, sanitary landfills, disposal of garbage after prior approval of the Board of County Commissioners and subject to the provisions specified in subsection 720.
- (i) Animal hospitals and veterinary clinics.
- (j) Nursing Homes.
- (k) Day Care Facilities.

- (l) Garden stores or garden supply centers.
- (m) Group Homes.
- (n) Bed and Breakfast.
- (o) Storage and sale of grain, livestock feed or fuel.
- (p) Wireless communication towers and facilities
- (q) Churches, and other similar places of worship.

**610.5 REQUIRED CONDITIONS**

- (a) All uses, 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 or recorded residential subdivision, or any lot occupied by a dwelling other than a farm dwelling, or by any school, church or any institution for human care not located on the same lot as the said uses or buildings.
- (b) Height Regulations: No structure in this district shall be more than 2 1/2 stories or 30 feet in height
- (c) Area, Frontage and Yard Requirements: The following requirements shall be observed.

**A-1 AGRICULTURAL DISTRICT**

Minimum Lot Area	Minimum Lot Frontage	Minimum Front Yard Depths	Minimum Side Yard Widths		Minimum Rear Yard Depth	Maximum Lot Coverage
			One	Both		
Customary Agricultural_uses above 5 acres.	300 ft.	40 ft.	50 ft.	100 ft.	50 ft.	10%
Single family dwellings, churches, public buildings, on less than 5 acres	200 ft.	40 ft.	25 ft.	50 ft.	50 ft.	25%
All other permitted and conditionally permitted uses – 1 acre	200 ft.	40 ft.	50 ft.	100 ft.	50 ft.	20%

611. R-1 SUBURBAN RESIDENCE DISTRICT

PURPOSE. The intent of the R-1 Suburban Residence District is to reserve certain land area for one-family homes on lots containing a minimum of fifteen thousand (15,000) square feet. These areas will constitute areas of sound residential development.

611.1 PRINCIPAL PERMITTED USES.

- (a) One-family detached dwellings, including approved modular housing.
- (b) Schools and colleges located not less than fifty (50) feet from any lot in any R-District or a recorded residential subdivision.
- (c) 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 a R-District or a recorded residential subdivision.

611.2 CONDITIONAL USES REQUIRING BOARD OF ZONING APPEALS APPROVAL.

- (a) Country clubs, golf courses and other recreation areas and facilities including swimming pools.
- (b) Nursery schools and day care facilities.
- (c) Hospitals, religious or charitable institutions not including penal or corrective institution.
- (d) Cemeteries.
- (e) Nursing homes.
- (f) Public Buildings of administrative, cultural, recreational or service type.
- (g) Home Occupations with more than 3 employees who are not family members using the Home as principal residence..
- (h) Group Homes.
- (i) Churches, and other similar places of worship.

611.3 ACCESSORY USES. Accessory uses buildings and structures customarily incidental to any of the aforesaid permitted uses, including:

- (a) A private garage or parking lot.
- (b) Temporary real estate signs relating to the subject parcel.

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

611.4 KEEPING OF ANIMALS. The keeping of up to four (4) animals customarily considered as 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, these regulations shall not prohibit the keeping of any number of fish in aquarium.

611.5 REQUIRED CONDITIONS.

(a) Height Regulations: No principal structure shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height. No accessory structure shall exceed fourteen (14) feet in height.

(b) Area, Frontage and yard Requirements: The following minimum requirements shall be observed.

(c) Sidewalks required both sides.

(d) STREET LIGHTS: All subdivisions shall have adequate lighting. Lighting must be directed/shielded to have minimal impact to residents.

R-1 SUBURBAN RESIDENTIAL DISTRICT

Minimum Lot Area	Minimum Lot Frontage	Minimum Front Yard Depths	Minimum Side Yard Widths		Minimum Rear Yard Depth	Maximum Lot Coverage
			One	Both		
Single-family dwellings 15,000 sq. ft.	90 ft.	30 ft.	10 ft.	25 ft.	40 ft.	40%
Other Permitted and Conditional uses --- 1 acre	200 ft.	35 ft.	20 ft.	40 ft.	40 ft.	35%

612. R-2 SINGLE-FAMILY RESIDENCE DISTRICT

PURPOSE. The intent of the R-2 Single-Family Residence District is to reserve certain land areas for one-family homes on lots containing a minimum of nine thousand (9,000) square feet. These areas will constitute areas of sound residential development at medium densities.

612.1 PRINCIPAL PERMITTED USES.

- (a) One-family detached dwellings, including approved modular housing.
- (b) Schools and colleges located not less than fifty (50) feet from any lot in any R-District or a recorded residential subdivision.
- (c) 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.

612.2 CONDITIONAL USES REQUIRING BOARD OF ZONING APPEALS APPROVAL.

- (a) Country clubs, golf courses and other recreation areas and facilities including swimming pools.
- (b) Nursery schools and day care facilities.
- (c) Hospitals, religious or charitable institutions not including penal or corrective institution.
- (d) Cemeteries.
- (e) Home Occupations with more than 3 employees who are not family members using the Home as principal residence
- (f) Public Buildings of administrative, cultural, recreational or service type.
- (g) Group Homes.
- (h) Nursing homes.
- (i) Living quarters of persons employed on the premises, not rented or otherwise used as a separate dwelling.
- (j) Churches and other similar places of worship.

612.3 ACCESSORY USES. Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted uses, including:

- (a) A private garage or parking lot.
- (b) Temporary real estate signs relating to the subject parcel



- (c) Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.

612.4 KEEPING OF ANIMALS. The keeping of up to four (4) animals customarily considered as house pets shall be allowed provided that such animals are no 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, not shall these regulations prohibit the keeping of any number of fish in aquarium.

612.5 REQUIRED CONDITIONS.

- (a) Height Regulations: No principal structure shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height and no accessory structure shall exceed one and one-half (1 1/2) stories or twenty (20) feet in height.
- (b) Sidewalks required both sides
- (c) .STREET LIGHTS: All subdivisions shall have adequate lighting. Lighting must be directed/shielded to have minimal impact to residents.

612.6 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed.

R-2 SINGLE-FAMILY RESIDENCE DISTRICT

Minimum Lot Area	Minimum Lot Frontage	Minimum Front Yard Depths	Minimum Side Yard Widths		Minimum Rear Yard Depth	Maximum Lot Coverage
			One	Both		
Single-family dwellings 9,000 sq. ft	75 ft.	30 ft.	8 ft.	20 ft.	40 ft.	40%
Other permitted uses 20,000 sq. ft.	100 ft.	30 ft.	30 ft.	45 ft.	45 ft.	40%

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

PURPOSE. The intent of the R-3 One- and Two-Family Residence District is to reserve certain land areas for one (1) family homes on lots containing a minimum of seven thousand (7,000) square feet; and two (2) family homes on lots containing a minimum of ten thousand (10,000) square feet. These areas will constitute areas of sound residential development at medium densities.

#### 613.1 PRINCIPAL PERMITTED USES.

- (a) One-family detached dwellings, including approved modular housing.
- (b) Two family dwellings.
- (c) Schools and colleges located not less than fifty (50) feet from any lot in any R-District or a recorded residential subdivision.
- (d) Neighborhood and community park land, open space, provide that any principal building or swimming pool shall be located not less than one hundred (100) feet from any lot in any R-District, or a recorded residential subdivision.

#### 613.2 CONDITIONAL USES REQUIRING BOARD OF ZONING APPEALS APPROVAL

- (a) Country clubs, golf courses and other recreation area and facilities including swimming pools.
- (b) Nursery schools and day care facilities.
- (c) Hospitals, religious or charitable institutions not including penal or corrective institution.
- (d) Cemeteries.
- (e) Home Occupations with more than 3 employees who are not family members using the Home as principal residence
- (f) Rest homes or nursing homes for convalescent patients.
- (g) Public Buildings of administrative, cultural, recreational or service type.
- (h) Group Homes.
- (i) Living quarters of persons employed on the premises, not rented or otherwise used as a separate dwelling.
- (j) Churches and other similar places of worship.

613.3 ACCESSORY USES. Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted uses, including:

- (a) A private garage or parking area.
- (b) Temporary real estate signs relating to the subject parcel
- (c) Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.

613.4 KEEPING OF ANIMALS. The keeping of up to four (4) animals customarily considered as house pets shall be allowed provided that such animals are no 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, not shall these regulations prohibit the keeping of any number of fish in aquarium.

613.5 REQUIRED CONDITIONS.

- (a) HEIGHT REGULATIONS. No principal structure shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height and no accessory structure shall exceed one and one-half (1 1/2) stories or twenty (20) feet in height.
- (b) Sidewalks required both sides.
- (c) STREET LIGHTS: All subdivisions shall have adequate lighting. Lighting must be directed/shielded to have minimal impact to residents.

613.6 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed.;

R-3 ONE AND TWO FAMILY RESIDENTIAL DISTRICT

Minimum Lot Area	Minimum Lot Frontage	Minimum Front Yard Depths	Minimum Side Yard Widths		Minimum Rear Yard Depth	Maximum Lot Coverage
			One	Both		
Single-family dwellings 7,000 sq. ft.	60 ft.	25 ft.	8 ft.	20 ft.	30 ft.	40%
Two-family dwellings 10,000 sq. ft.	80 ft.	25 ft.	8 ft.	20 ft.	40 ft.	40%
Other permitted uses—same as R-2 District	100 ft.	30 ft.	15 ft.	30 ft.	40 ft.	40%

614. R-4 MULTIPLE FAMILY RESIDENCE DISTRICT

PURPOSE The intent of the R-4 Multi-Family Residence District is to reserve certain land areas for multiple-family residential development. These areas will constitute areas of sound residential development at medium-high densities.

614.1 PRINCIPAL PERMITTED USES.

- (a) One-family detached dwellings, including approved modular housing.
- (b) Two-family dwellings
- (c) Multi-family dwellings; garden apartments, row dwellings, town houses.
- (d) Schools and colleges located not less than fifty (50) feet from any lot in any R-District or a recorded residential subdivision.
- (e) Neighborhood and community park land, open space.
- (f) Public utility or railroad structures uses.

614.2 CONDITIONAL USES REQUIRING BOARD APPROVAL. These conditional uses are subject to the additional regulations found in Sections 440-453 of this code.

- (a) Country clubs, golf courses and other recreation area and facilities including swimming pools.
- (b) Nursery schools and day care facilities.
- (c) Hospitals, religious or charitable institutions not including penal or corrective institution.
- (d) Cemeteries.
- (e) Home Occupations with more than 3 employees who are not family members using the Home as principal residence
- (f) Rest homes or nursing homes for convalescent patients.
- (g) Public Buildings of administrative, cultural, recreational or service type.
- (h) Office uses.
- (i) Group Homes.
- (j) Living quarters of persons employed on the premises, not rented or otherwise used as a separate dwelling.
- (k) Churches and other similar places of worship.

614.3 ACCESSORY USES. Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted uses, including:

- (a) A private garage or parking area.
- (b) Temporary real estate signs relating to the subject parcel.
- (c) Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.

614.4 KEEPING OF ANIMALS. The keeping of up to four (4) animals customarily considered as house pets shall be allowed provided that such animals are no 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, not shall these regulations prohibit the keeping of any number of fish in aquarium.

614.5 REQUIRED CONDITIONS.

- (a) HEIGHT REGULATIONS. No structure shall exceed three (3) stories or forty (40) feet in height.
- (b) Sidewalks required both sides.
- (c) STREET LIGHTS: All subdivisions shall have adequate lighting. Lighting must be directed/shielded to have minimal impact to residents.

614.6 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed.

R-4 MULTIPLE FAMILY RESIDENTIAL DISTRICT

Minimum Lot Area	Minimum Lot Frontage	Minimum Front Yard Depths	Minimum Side Yard Widths		Minimum Rear Yard Depth	Maximum Lot Coverage
			One	Both		
Single-family dwellings 6,500 sq. ft.	55ft.	25ft.	8ft.	18ft.	35ft.	30%
Two-family dwellings 7,500 sq. ft.	60 ft.	25 ft.	10 ft.	20 ft.	40 ft.	35%
Three-family dwellings 9,000 sq. ft.	70 ft	25 ft.	10 ft.	22 ft.	40 ft.	40%
Four-family dwellings 10,000 sq. ft.	75 ft.	25 ft.	12 ft.	26 ft.	45 ft.	40%
Multi-family dwellings (over 4 Families) 2,500 sq. ft. per dwelling unit	100 ft.	25 ft.	14 ft.	28 ft.	50 ft.	40%
All Other permitted and Conditional Uses	100 ft.	30 ft.	10 ft.	40 ft.	50 ft.	40%

## 615. PLANNED UNIT DEVELOPMENT DISTRICT

STATEMENT OF INTENT. The following Planned Unit Development regulations are intended to provide an optional development alternative to property owners and developers who are developing large 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.

615.1 REQUIRED CONTENTS OF THE PRELIMINARY R-PUD AND B-PUD PLAN. The owner/developer(s) are encouraged to engage in informal consultation with the Zoning Inspector and Planning Commission prior to preparing the Preliminary PUD Plan, it being understood that no statement or representation by the Zoning Inspector or Planning Commission shall be binding upon the Fairfield Township Zoning Commission and/or the Fairfield Township Trustees. 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 Township Zoning Commissioners for their consideration. The Preliminary PUD Plan shall include the following items:

- (a) Base mapping of the property showing the physical features (general topography, drainage ways and water bodies, etc.) and existing land uses including the current zoning of the adjacent properties.
- (b) Boundaries of the tract to be developed on a planned unit basis.
- (c) Highways and streets in the vicinity of the tract, and the ingress and egress to the tract and all ingress/egress of all adjacent tracts.
- (d) Location of different general land use areas proposed to be developed.
- (e) Proposed density levels of each residential area and/or locations and sizes of commercial uses.
- (f) Proposed treatment of existing topography, drainage ways and tree cover, and soil surveys that may be required to be taken at the site.
- (g) Proposed general location of major vehicular circulation, showing how this circulation's pattern relates to the primary and secondary road alignments designated on the Butler County Thoroughfare Plan.
- (h) 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.
- (i) 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 following approval of a final PUD plan by the Zoning Commission.

615.2 PROCEDURE.

- (a) The owner/developer(s) shall submit this application for PUD zoning, and the Preliminary PUD Plan for the proposed development to the Township Zoning Commission for its review and recommendation. The Township Zoning Commission shall advertise and hold a public hearing in accordance with procedures outlined in the Ohio Revised Code. Following the public hearing, the Township Zoning Commission shall forward the application, Preliminary Plan, their written recommendations, and the report from the Butler County Planning Staff to the Board of Fairfield Township Trustees, 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, and those specified within this Zoning Resolution.
- (b) The Zoning Commission may explicitly impose special conditions relating to the Planned Unit Development with regard to the type and extent of public improvements to be installed, as well as to landscaping; development, improvement and maintenance of common open space; and other pertinent development characteristics.

615.3 CONDITIONS FOR APPROVAL OF THE PRELIMINARY PUD PLAN.

- (a) Upon receipt of the report of the Fairfield Township Zoning Commission, the Board of Fairfield Township Trustees shall study and review the proposed PUD applications and Preliminary PUD plan to (1) see that all requirements have been satisfied and (2) ascertain that the following specific conditions are fully met:
  - (b) That the PUD District is in conformance with the Land Use Plan for Butler County, The Butler County Thoroughfare Plan, Butler County Access Management Regulations, and the Land Use Plan for Fairfield Township.
  - (c) 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.
  - (d) That the areas proposed shall be used only for those uses permitted under these provisions and the usual accessory uses.
  - (e) That the internal streets and primary and secondary roads that are proposed shall consider interconnectivity with the surrounding existing primary and secondary road network as designated on the Butler County Thoroughfare Plan.
  - (f) That the minimum common open space area(s) has been designated and shall have duly transferred to a legally established Homeowner's Association, commercial management group or they have been dedicated to Fairfield Township as herein provided.
  - (g) 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.

615.4 BOARD OF FAIRFIELD TOWNSHIP TRUSTEES ACTION.

- (a) If, from the facts presented, the Board of Fairfield Township Trustees are unable to make the necessary findings, the application shall be denied. Approval of the Preliminary PUD Plan shall be limited to the general acceptability of the land uses proposed, proposed general density levels and their inter-relationship and shall not be construed to endorse precise location of uses, configuration of parcels or engineering feasibility which are to be determined in the subsequent preparation of the Detailed Site Development Plan(s). Approval of the Preliminary PUD Plan shall constitute the creation of a (separate R-PUD or B-PUD) Planned Unit Development Zoning District. (In taking action, the Board of Fairfield Township Trustees may deny the Preliminary PUD Planned or may recommend approval of said plan subject to specified modifications.)
- (b) At the time of adopting any resolution establishing an R-PUD or a B-PUD District, the Board of Fairfield Township Trustees shall make appropriate arrangements with the applicant which will ensure the accomplishment of the public improvements and reservation of common open spaces as shown on the approved Preliminary PUD Plan.
- (c) TIME LIMITS AND EXTENSIONS. The Preliminary PUD Plan shall become null and void unless within three (3) years of Final PUD Plan for the first section of the planned unit landholding has been formally approved by the Board Of Trustees in accordance with the conditions for approval.
- (d) A request for an extension of the time limit or the minor modification of the Preliminary PUD Plan may be approved by the Fairfield Township Trustees. 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.
- (e) Should any PUD Plan become null and void the subject PUD Zoning will revert back to the previous zoning district.

615.5 FINAL PUD PLAN APPROVAL PROCEDURE.

- (a) Once the R-PUD or B-PUD Zoning District and the Preliminary PUD Plan have been approved by the Fairfield Township Trustees, 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 Board of Fairfield Township Trustees prior to the issuance of any zoning certificates by the Zoning Inspector.
- (b) 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;
- (c) Survey of the tract to be developed showing existing physical features (general topography, drainage ways and tree cover) and streets, easements and utility lines.



- (d) Site plan showing lot lines, building outlines, off-street parking spaces, pedestrian walkways, vehicular circulation.
- (e) Preliminary building plans, including floor plans and exterior elevations.
- (f) Landscaping plans including quantity, size and variety of landscaping.
- (g) Specific engineering plans, including site grading, street improvements, drainage, soil testing if required, utility improvements, and extensions as necessary.
- (h) 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 of common tenant space within the Planned Unit Development.
- (i) Copies of any restrictive covenants that are to be recorded.

615.6 MAJOR CHANGES. Should the formulation of the detailed Final PUD Plan (s) for any section of the total Planned Unit Development landholding necessitate a major change in the original Preliminary PUD Plan, reconsideration and approval by the Board of Fairfield Township Trustees shall be required. Major changes shall include but not be limited to:

- (a) A substantial or major change in overall density of the development.
- (b) Changes in the outside boundaries of the Planned Unit Development Landholding.
- (c) Major changes in the location or amount of land designated for specific land uses including open space.
- (d) Major changes in the internal street and thoroughfare locations or alignments.

615.7 CONDITIONS FOR APPROVAL OF THE DETAILED FINAL PUD PLAN(S).

- (a) Upon receipt of the detailed Final PUD Plan(s) for each section of the Planned Unit Development landholding, the Fairfield Township Board of Trustees shall study and review the detailed Final PUD Plan(s) and shall approve, modify or disapprove the plan(s) on the basis of; (1) that all requirements have been satisfied, and (2) finding that the following specific conditions are fully met:
  - (b) That the proposed detailed Final PUD Plan(s) for the individual section(s) of the overall R-PUD or B-PUD District are in conformance with the approved Preliminary PUD Plan,.
  - (c) That any part of the Planned Unit Development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved; unless approved to be left in its natural state.

- (d) 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 Board of Fairfield Township Trustees.
- (e) That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development.
- (f) That the 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 Fairfield Township, Butler County.

## 616. R-PUD PLANNED UNIT DEVELOPMENT DISTRICT

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

### 616.1 PRINCIPAL PERMITTED USES.

- (a) One-family detached dwellings, including approved modular housing.
- (b) Two-family dwellings
- (c) Multi-family dwellings; garden apartments, row dwellings, town houses.
- (d) Group Homes
- (e) Neighborhood and community park land, 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.
- (f) School.
- (g) Public Buildings.
- (h) County Clubs
- (i) Golf Courses.
- (j) Hospitals.
- (k) Day care facilities and Nursery Schools.
- (l) Cemeteries.
- (m) Public Utilities.
- (n) Churches and other similar places of worship.

### 616.2 DESIGN STANDARDS.

- (a) MINIMUM LOT AREA, MINIMUM LOT AND MAXIMUM DENSITY.

- (1) The tract of land to be developed on a planned unit basis shall be a minimum of three (3) acres.
- (2) Where the Planned Unit Development includes one-family dwelling units only, the maximum gross density shall not exceed four and one-half (4 1/2) dwelling units per acres.
- (3) Where the Planned Unit Development includes both one-family and two-family dwelling units, the maximum gross density shall not exceed eight and one-half (8 1/2) dwelling units per acres.
- (4) Where the 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.
- (5) Where the R-PUD Planned Unit Development contains multiple-family dwelling units only the maximum gross density shall not exceed thirteen (13) dwelling units per acre. Total open space for such projects shall be increased by ten percent (10%) over the open space requirements. No structure shall exceed three (3) stories or forty (40) feet in height.

(b) YARDS. Subsequent to receiving approval of the R-PUD Preliminary PUD Plan from the Board of Fairfield Township Trustees, the owner/developer(s) shall establish how the front, side and rear yard 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.

(c) 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 space. The minimum percentage of land area to be reserved shall be 25%. This common open space shall not consist of isolated or fragmented pieces of land, which would serve no useful purpose. Included in this common open space may be such uses as pedestrian walkways, parkland, open areas, golf courses, bridle paths, 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. Ownership of this common open space either shall be transferred to a legally established Homeowners Association or be dedicated to Fairfield Township and proper legal documents necessary for such transfer or dedication shall be approved by the Fairfield Township Trustees. Common open space that includes clubhouses, golf courses or other recreational facilities may remain in private ownership. However, size of such areas shall be determined by the Fairfield Township Board of Trustees. If accepted by the Township, all areas except for any open space areas so donated which are in excess of the minimum requirements approved hereunder shall be restricted to open space uses.

617. B-PUD PLANNED UNIT DEVELOPMENT DISTRICT.

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

617.1 PRINCIPAL PERMITTED USES. Any retail and/or services 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.

(a) Restaurants, including drive-in restaurant, bars, cocktail lounges, night clubs, theaters, bowling alleys, billiard parlors and other similar establishments.

(b) Financial institutions, including drive-in institutions.

Manufacturing and research facilities that are permitted in the M-1 District.

(c) Nursery Schools and day care facilities.

(d) Office Uses.

(e) Office for Medical and Allied Health Care.

(f) Commercial Entertainment.

(g) Theaters.

(h) Hotels/Motels.

(i) Animal Hospitals, Veterinary Clinics, Kennels.

(j) Building Material and Retail Lumber Yards.

(k) Commercial Recreation.

(l) Outdoor Advertising/Billboards.

(m) Laboratories.

(n) Hospitals.

617.2 DESIGN STANDARDS. Unless otherwise specified below, the design standards for area, coverage, yard requirements, parking and screening for a proposed Planned Unit Development in the B-PUD District shall be governed by the standards of the “B” zoning district(s) most similar in nature and function to the proposed B-PUD District use(s). Exceptions to these standards may be granted by the Board of Fairfield Township Trustees. Standards for public improvements shall be governed by applicable ordinances and laws of the township.

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

(b) 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.

(c) LOT COVERAGE. The total lot coverage of a Business-Planned Unit Development shall be no more than eighty (80) percent for projects under 10 acres and sixty-five (65) percent for all other projects; Percentages shall be calculated for the total development area.

(d) COMMON OPEN SPACE. There shall be reserved, within the tract to be developed on a planned unit basis, a minimum percentage of land area of the entire tract for use as common open space. This minimum percentage of land area shall be 20% for all tracts. This common open space shall not consist of isolated or fragmented pieces of land, which would serve no useful purpose. Included in this common open space may be such uses as pedestrian walkways, parkland, open areas, drainage ways, and other lands of essentially open character, exclusive of off-street parking area and street rights-of-way. Maintenance of this common space shall be the responsibility of the commercial management entity of the development and/or the developer.

(e) PARKING AND LOADING REQUIREMENTS. Parking and loading requirements shall be calculated as per Section 812 of these regulations for each intended use in the development. The total number of required spaces may be reduced if the Board of Fairfield Township Trustees determines that all uses can adequately be served by shared parking spaces. Loading requirements may be varied as deemed appropriate by the Fairfield Township Trustees if provisions are adequately addressed through a shared facility, however, no uses shall address their loading needs from the front of the structure.

(f) HEIGHT REQUIREMENTS. No structure shall exceed three (3) stories or forty (40) feet in height unless specifically approved by the Board of Trustees

(g) 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 Fairfield Township Trustees.

618. R-MHP MANUFACTURED HOME PARK DISTRICT

PURPOSE. The intent of the R-MHP Manufactured Home Park District is to specify the conditions under which Manufactured Home Parks may be permitted on tracts containing not less than seven (7) acres within an R-MHP Zoning District; or may be conditionally permitted on tracts containing not less than ten (10) acres, or five (5) acres in the use of Recreational Vehicles Parks within an A-1 Zoning District.

618.1 GENERAL PROVISIONS.

- (a) 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.
- (b) 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.
- (c) Any manufactured home not located within a Manufactured Home Park is privileged to remain at its recent 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 to the contrary.
- (d) No existing manufactured home park may be expanded without making application for a zoning permit and meeting the requirements of this Article. Any manufactured home park existing prior to the enactment of this resolution shall be exempt from the requirements of this Article. However, any addition to said park, shall meet the requirements of this Article.
- (e) 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 provided no living quarters shall be maintained or any business conducted while vehicle is so parked.

618.2 PRINCIPAL PERMITTED USES.

- (a) Manufactured homes on individual sites within a Manufactured Home Park.
- (b) 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.
- (c) Related accessory communal facilities such as management, maintenance and storage of grounds keeping equipment; coin-operated laundry and drying facilities.

618.3 MANUFACTURED HOME PARK PLAN FILING PROCEDURE AND REQUIREMENTS.

- (a) The owner/developer(s) shall file a Manufactured Home Park Plan for a proposed manufactured home park located within an existing R-MHP District with the Zoning Inspector. The Mobile Home Park Plan shall include and specify the information required in this Article and shall contain the following text and map information.
- (b) The proposed location, site size, total number of mobile home sites to be developed and the production schedule for the development.
- (c) Proposed location, size and use of the nonresidential portions of the tract, including usable open space, parklands, playgrounds and other area and spaces, including their suggested ownership.
- (d) Proposed provisions for water, sanitary sewer, surface drainage and fire protection facilities, including engineering feasibility studies or other evidence of reasonableness.
- (e) Proposed traffic circulation pattern, including location of public and private streets, walks and other accesses showing their relationship to existing streets and topographic features.
- (f) Information on the use or re-use of existing features such as topography, drainage ways, tree cover, structures, streets and easements.
- (g) Names and addresses of the owner of all land adjoining any part of the tract proposed for R-MHP zoning.
- (h) Deed restriction, covenants, easements and encumbrances to be used to control the use, development, and/or maintenance of the R-MPH zoning tract.

618.4 DESIGN STANDARDS.

- (a) 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 limited to the installation of roadways, drives, sidewalks, lighting, public utilities, service and management buildings.

618.5 MINIMUM SITE SIZE, MAXIMUM SITE COVERAGE AND SITE FRONTAGE.

- (a) Every manufactured home hereafter placed in a manufactured home park shall be on site having an area of not less than five thousand (5,000) square feet; and every mobile home park shall contain a density of not more than seven (7) mobile homes per “gross” acre when located in an R-MHP District.



- (b) 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.
- (c) 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 access easement.
- (d) 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 manufactured home dwellings.
- (e) FRONT YARD. Each manufactured home site shall have a front yard of not less than ten (10) feet.
- (f) 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.
- (g) Rear Yard. Each manufactured home site shall have a rear yard of not less than twenty (20) feet.

618.6 STREETS, SIDEWALKS AND PARKING.

- (a) 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.
- (b) All streets shall be paved and shall be maintained in good condition and lighted at night.
- (c) All public roads 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 adequate drainage.
- (d) All manufactured home sites shall abut a driveway.
- (e) Every manufactured home park shall contain common walkways not less than three (3) feet wide where pedestrian traffic is concentrated for the safety and convenience of the pedestrian. Driveways not including walks shall be graded in such a manner that walks can be added later. Individual walks from each manufactured home stand to its paved parking hall also be provided.

618.7 RECREATIONAL VEHICLE PARK FILING PROCEDURE AND REQUIREMENTS.

- (a) The owner/developer(s) shall file a Recreational Vehicle Park Plan for a proposed recreational vehicle park located within a A-1 District with the Board of Zoning Appeals. The Plan shall include the following requirements and information:
- (b) The proposed location, tract size, total number of recreational vehicle sites to be developed, including open space, playgrounds and other access spaces.
- (c) Recreational Vehicle Parks shall be served by a central water system and by a central sanitary sewage system by the State of Ohio, Environmental Protection Agency.
- (d) Recreational Vehicle Parks shall provide a main entrance drive not less than thirty-six (36) feet wide. All others shall be a width necessary for the use required; except that no street shall have a usable travel width less than twenty-four (24) feet.
- (e) All streets shall be paved and shall be maintained in good condition and lighted at night.
- (f) Adequate storm drainage for each recreational vehicle site shall be provided. Drainage Plans and storm water drainage systems shall be in conformance with the applicable storm water detention regulations to be reviewed by the Butler County Engineer's Office.
- (g) Proper refuse collection sites shall be provided and approved by the Butler County Board of Health.

618.8 BUILDINGS, ACCESSORY BUILDINGS, AND STRUCTURES: Any principal building, accessory buildings, swimming pool and other accessory uses shall be located not less than one hundred (100) feet from any other lot in any R-District, or a recorded residential subdivision.

618.9 UTILITY REQUIREMENTS.

- (a) WATER. Every manufactured home park shall be served by a central water system which has been inspected and approved 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.
- (b) FIRE PROTECTION. For fire protection purposes, there shall be domestic water under adequate pressure in standard fire hydrants approved by the Butter County Sanitary Engineer, which hydrants shall be located within five hundred (500) feet of every manufactured home site within every manufactured home park.
- (c) 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.

- (d) STORM DRAINAGE. Adequate storm drainage for each mobile home site connected to the main storm drainage system shall be provided.
- (e) REFUSE COLLATION. 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.
- (f) LIQUEFIED PETROLEUM GAS OR FUEL. When liquefied petroleum gas or fuel issued 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 its intended use.
- (g) 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, cylinders and piping to the manufactured homes shall be securely fastened in place and protected against physical damage.
- (h) NATURAL GAS SYSTEM. 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 approval manual shut-off valve installed upstream of the gas outlet. The outlet shall be equipped with unapproved method to prevent accidental discharge of gas when the outlet is not in use.

618.10 MANUFACTURED HOME STAND. Each manufactured home dwelling shall be placed on a concrete stand designed to carry the load placed thereon, and shall be secured with appropriate tie-downs.

618.11 COMMUNAL FACILITIES. In all manufactured home parks, the following facilities shall be provided and available to residents:

- (a) Management and maintenance offices including storage facilities for grounds keeping equipment.
- (b) Laundry and drying facilities in a permanent structure which shall be in a convenient accessible location and which shall also provide laundry trays and slop sinks.
- (c) Safe, usable, conveniently located recreation area(s) 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 or one-half (1/2) acre, whichever is greater.

618.12 PERIPHERAL BUFFER. All manufactured home park tracts, which are adjacent to “R” Zoning District or a recorded residential subdivision, shall provide a visual barrier to be approved by the Board of Zoning Appeals.

618.13 CONDITIONS OF APPROVAL. The basis for the approval of a Manufactured Home Park and/or a recreational vehicle park application shall be:

- (a) That the proposed development is consistent in all respects with the purpose, intent and applicable standards of this Zoning Resolution.
- (b) That the proposed development meets all the minimum requirements specified in the Design Standards section.
- (c) That the proposed development is in conformity with the Fairfield Township Land Use Plan or portion there of as it may apply.
- (d) That the proposed development advances the general welfare of Fairfield Township and the immediate vicinity.
- (e) That the design charter and improved site arrangement justify the location and size proposed in the development.
- (f) That the utilities to serve the proposed development have received State of Ohio, Environmental Protection Agency approval.
- (g) The approval or the Conditional Use Permit shall be for a period of one (1) year to allow construction to be substantially started in accordance with the Manufactured Home Park Plan or Recreational Vehicle Park Plan with evidence that construction will be completed within a reasonable length of time. Unless construction, as described, is initiated within the one (1) year time limit the approval of the Conditional Use Permit shall be voided and all the land shall revert to the last previous zoning district; except if an application for the time extension is submitted and approved by the Planning Commission when located in an R-MHP District.
- (h) The Zoning Commission, upon making an affirmative finding with regard to the above criteria, and authorize the Zoning Inspector to issue a zoning certificate to the applicant when the manufactured home park is located in an R-MHP District. The Zoning Inspector must subsequently determine that all the required improvements have been installed prior to permitting the manufactured home park to be occupied.

618.14 FRONTAGE REQUIREMENT. Any manufactured home park approved shall have a minimum of two hundred (200) feet of frontage.

619. H-B HOMEWOOD-BELMONT OVERLAY DISTRICT

PURPOSE. The intent of the H-B Homewood – Belmont Overlay District is to allow an existing high-density area of (1) one family homes on lots containing a minimum of five thousand four hundred (5,400) square feet; and two (2) family homes on lots containing a minimum of eight thousand four hundred (8,400) square feet. This overlay is to allow the residents (property owners) of existing homes (parcels), built (recorded) as of January 1<sup>st</sup>, 2007 the fullest and best use of their property and not be hindered by any non-conformance status created by previous zoning districts.

619.1 PRINCIPAL PERMITTED USES.

- (a) One-family detached dwellings, including approved modular housing.
- (b) Two family dwellings.

619.2 CONDITIONAL USES REQUIRING BOARD OF ZONING APPEALS APPROVAL.

- (a) Churches and other similar places of worship.
- (b) Home Occupations, as regulated in Section 715.
- (c) Rest homes or nursing homes for convalescent patients.
- (d) Public Buildings of administrative, cultural, recreational or service type.
- (e) Group Homes.
- (f) Living quarters of persons employed on the premises, not rented or otherwise used as a separate dwelling.

619.3 ACCESSORY USES. Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted uses, including:

- (a) A private garage or parking area.
- (b) Temporary real estate relating to the subject parcel
- (c) Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.

619.4 KEEPING OF ANIMALS. The keeping of up to four (4) animals customarily considered as house pets shall be allowed provided that such animals are no 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, not shall these regulations prohibit the keeping of any number of fish in aquarium.

619.5 REQUIRED CONDITIONS.

- (a) HEIGHT REGULATIONS. No principal structure shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height and no accessory structure shall exceed one and one-half (1 1/2) stories or twenty (20) feet in height, except as provided in Section 505.
- (b) Sidewalks required both sides.
- (c) STREET LIGHTS: All subdivisions shall have adequate lighting. Lighting must be directed/shielded to have minimal impact to residents.

619.6 AREA, FRONTAGE AND YARD REQUIREMENTS.

H-B HOMEWOOD-BELMONT OVERLAY DISTRICT

Minimum Lot Areas	Minimum Lot Frontage	Minimum Front Yard Depths	Minimum Side Yard Widths		Minimum Rear Yard Depth	Maximum Lot Coverage
			One	Both		
Single-family dwellings 5,400 sq. ft.	45 Feet	20 Feet	5 Feet	10 Feet.	25 Feet	40%
Two-family dwellings 8,400 sq. ft.	70 Feet	20 Feet	5 Feet	10 Feet	30 Feet	40%

619.7 OVERLAY USE AND EXERCISE THEREOF

- (a) The right to use the Homewood – Belmont Overlay District is conditional on the basis of the previous existence of the property. Only buildings (parcels) that pre-exist the implementation of this district shall be subject to its standards.
- (b) No new construction of a principal building shall be subject to or classified as being within the Homewood – Belmont Overlay District.
- (c) A non-conforming use status is not applicable to the Homewood – Belmont Overlay District and transferred to the underlying zoning district.
- (d) Conditional Uses not normally associated or reasonably carried on in a residential dwelling are not applicable and not covered by the Homewood – Belmont Overlay District and shall be reviewed as if classified by the underlying zoning district.

620. B-1 NEIGHBORHOOD BUSINESS DISTRICT

PURPOSE. The intent of the B-1 Business District is to receive certain land areas for convenience, commercial, personal services and certain types of business and professional uses.

620.1 PRINCIPAL PERMITTED USES.

- (a) 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.
- (b) Restaurants, not including drive-in restaurants.
- (c) Automobile service stations, garages
- (d) Financial institutions, including drive-in facilities.
- (e) Nursery School and day care facilities.
- (f) Any other local convenience retail and/or service establishment which is determined by the Board of Trustees to be the same general character as the above permitted uses;

620.2 ACCESSORY USES.

- (a) A private garage or parking area.
- (b) Exterior signs which pertain only to a permitted use on the premises; are either integral with or attached flat against the building, or project not more than four (4) feet beyond any building line or three (3) feet above the roof line; and which do not face the side of any adjoining lot which is in an R-District or recorded residential subdivision.
- (c) Directional and other incidental signs, not exceeding four (4) square feet in area, required in connection with the operation of an automobile service station, parking lot or similar establishment, provided such signs do not extend over street right-of-way nor otherwise obstruct or impair the safety of pedestrians or motorists.
- (d) Temporary real estate relating to the subject parcel
- (e) Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.
- (f) Any other accessory use and structure, not otherwise prohibited, customarily accessory and incidental to a permitted principal use.

620.3 CONDITIONAL USES REQUIRING BOARD OF ZONING APPEALS APPROVAL.

- (a) Residential dwelling units if a part of a principal building.
- (b) Bed and Breakfast.
- (c) Churches and other similar places of worship.

620.4 REQUIRED CONDITIONS.

- (a) The maximum building size on the ground floor shall be Fifty thousand (50,000) square feet in any B-1 District.
- (b) All business, service or processing shall be conducted wholly within a completely enclosed building; except for the sale of automotive fuel, lubricants and fluids at service stations and except for off-street automobile parking and off-street loading.
- (c) In any B-1 District fronting directly across the street from any A-1, R-1, R-2, R-3 or R-4 District, the parking and loading facilities shall be a distance of at least twenty (20) feet from the established street right-of-way line and the buildings and structures at least fifty (50) feet from the said right-of-way line.
- (d) Goods for sale shall consist primarily of new merchandise, antiques excepted.
- e) All products produced on the premises, whether primary or incidental, shall be sold at retail primarily on the premises where produced.
- (f) Process and equipment 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.
- (g) OPEN SPACE. There shall be reserved, within the tract to be developed, a minimum percentage of land area of the entire tract for use as open space. This minimum percentage of land area shall be 20% per parcel.

This open space shall not consist of isolated or fragmented pieces of land, which would serve no useful purpose. Included in this 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 area and street rights-of-way. Raised islands shall be included in the open space calculation. Maintenance of all open space shall be the responsibility of the commercial management entity of the development and/or the developer.

620.5 PROHIBITED USES. Any use which is first permitted, or which is prohibited in the B-2 District.

620.6 HEIGHT REGULATIONS. No structure shall exceed two and one half (2 1/2) stories or thirty (30) feet in height



620.7 AREA, FRONTAGE AND YARD REQUIREMENTS. requirements shall be observed;

The following minimum

B-1 NEIGHBORHOOD BUSINESS DISTRICT

Minimum Lot Area	Minimum Lot Frontage	Minimum Front Yard Depth	Maximum Story	Minimum Side Yard Widths		Minimum Rear Yard Depth
				One	Both	
15,000 Sq. Feet	75 Feet	40 Feet	2 ½ Stories	20 Feet	50 Feet	25 Feet

## 621. B-2 GENERAL BUSINESS DISTRICT

**PURPOSE.** The intent of the B-2 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 Township. Their locations shall accommodate the most intensive commercial and office development and shall reflect areas of sound organized development.

### 621.1 PRINCIPAL PERMITTED USES.

- (a) 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.
- (b) Restaurants, not including drive-in restaurants.
- (c) Automobile service stations, garages
- (d) Financial institutions, including drive-in facilities.
- (e) Nursery School and day care facilities.
- (f) Any other local convenience retail and/or service establishment which is determined by the Board of Trustees to be the same general character as the above permitted uses;
- (g) Hospitals.
- (h) Carpenter shops, electrical, plumbing, heating and air conditioning shops; printing, publishing and lithography shops; furniture upholstery; antique stores; storage or warehouses; funeral homes and mortuaries; provided that any such use shall be conducted within a completely enclosed building; and further provided that any building located within one hundred (100) feet of any R-District or recorded residential subdivisions shall have no openings other than stationary windows or required fire exits.
- (i) Garden stores and supply centers.
- (j) Schools and colleges.
- (k) 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 and B-2.
- (l) Commercial recreation, including theaters, baseball fields, swimming pools, bowling alleys, skating rinks; golf driving ranges, stables or riding academics, 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.

(m) Laundry, clothes cleaning and/or drying establishments, wholesale business, storage or warehouses provided that any such buildings or principal uses shall be located not less than one hundred (100) feet from any lot in an R-District or a recorded residential subdivision.

(n) Office uses and research and development facilities

(o) . Public buildings and properties of an administrative, cultural, recreational or service type.

#### 621.2 ACCESSORY USES.

(a) A private garage or parking area.

(b) Exterior signs which pertain only to a permitted use on the premises; are either integral with or attached flat against the building, or project not more than four (4) feet beyond any building line or three (3) feet above the roof line; and which do not face the side of any adjoining lot which is in an R-District or recorded residential subdivision.

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

(d) Temporary real estate relating to the subject parcel

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

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

#### 621.3 CONDITIONAL USES REQUIRING BOARD APPROVAL.

(a) Residential dwelling units if a part of a principal building.

(b) Bed and Breakfast.

(c) Churches and other similar places of worship.

#### 621.4 REQUIRED CONDITIONS.

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

- (b) All business, service or processing shall be conducted wholly within a completely enclosed building; except for the sale of automotive fuel, lubricants and fluids at service stations and except for off-street automobile parking and off-street loading.
- (c) In any B-2 District fronting directly across the street from any A-1, R-1, R-2, R-3 or R-4 District, the parking and loading facilities shall be a distance of at least twenty (20) feet from the established street right-of-way line and the buildings and structures at least fifty (50) feet from the said right-of-way line.
- (d) Goods for sale shall consist primarily of new merchandise, antiques excepted.
- (e) All products produced on the premises, whether primary or incidental, shall be sold at retail primarily on the premises where produced.
- (f) Process and equipment 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.
- (g) OPEN SPACE. There shall be reserved, within the tract to be developed, a minimum percentage of land area of the entire tract for use as open space. This minimum percentage of land area shall be 20% per parcel.

This open space shall not consist of isolated or fragmented pieces of land, which would serve no useful purpose. Included in this 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 area and street rights-of-way. Raised islands shall be included in the open space calculation. Maintenance of all open space shall be the responsibility of the commercial management entity of the development and/or the developer.

621.5 PROHIBITED USES. Any use which is first permitted, or which is prohibited in the M-1 District.

621.6 HEIGHT REGULATIONS. No structure shall exceed two and one half (2 1/2) stories or thirty (30) feet in height

621.7 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed;

**B-2 GENERAL BUSINESS DISTRICT**

Minimum Lot Area	Minimum Lot Frontage	Minimum Front Yard Depth	Maximum Story	Minimum Side Yard Widths		Minimum Rear Yard Depth
				One	Both	
15,000 Sq. Feet	75 Feet	40 Feet	2 ½ Stories	20 Feet	50 Feet	25 Feet

## 622. M-1 LIGHT INDUSTRIAL DISTRICT

PURPOSE. The intent of the M-1 Light Industrial District is to reserve certain land areas for industrial development, wholesaling and warehousing uses and limited commercial use, which will not adversely affect their surroundings, in locations which can be served by the necessary utilities and have good access. These land areas are to be reserved exclusively for light industrial manufacturing, warehousing and wholesaling activities and commercial use.

### 622.1 PRINCIPAL PERMITTED USES.

- (a) Except for uses and processes prohibited as specified in the Resolution, permitted uses include the manufacturing, compounding, processing, packaging and assembling of products such as:
- (b) Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, and food products; except fish, poultry, or meat products.
- (c) Products from the following previously prepared material: bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (except where presses over twenty (20) tons rated capacity are employed), shell, textiles, tobacco, wax, wood yards.
- (d) Pottery and figurines, using previously pulverized clay and kilns fired only with gas or electricity.
- (e) Musical instruments, toys, novelties, rubber or metal stamps and other small rubber products.
- (f) Electrical and electric appliances, instruments and devices, television sets, radios, phonographs.
- (g) Electric and neon signs, billboards and other commercial advertising structures; light sheet metal products including heating and ventilating equipment, cornices, eaves and the like.
- (h) Laboratories - experimental film or testing; provided no operation shall be conducted or equipment used which would create hazards, noxious or offensive conditions.
- (i) The following uses; provided no part of a building occupied by such uses shall have any openings other than stationary windows or required fire exits within one hundred (100) feet of any R-District or a recorded residential subdivision.
- (j) Blacksmith, welding or other metal working shop, excluding punch presses over twenty (20) tons rated capacity, drop hammers and other noise producing operating tools.
- (k) Foundry, casting lightweight non-ferrous metals, or electric foundry not causing noxious fumes or odors.

- (l) Bag, carpet and rag cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
- (m) Ice manufacturing and cold storage plant; creamery and bottling plat.
- (n) Warehouses, trucking and motor freight station or terminal.
- (o) Offices, business and professional.
- (p) The following uses, when located not less than two hundred (200) feet from any R-District or a recorded residential subdivision.
  - (i) Inflammable liquids underground storage only, not to exceed twenty-five thousand (25,000) gallons per tank or storage unit.
  - (ii) Building material sales yards include concrete mixing, lumber yards, including millwork, open yards for storage and sale of feed and/or fuel.
- (q) Any other use that is determined by the Board, as provided in Article 25, 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.
- (r) Any use permitted and as regulated in the B-1 Districts when located within three hundred (300) feet of any right-of-way, or projects being developed for multiple uses for which a general overall plan is submitted and approved, prior to the enactment of this resolution.
- (s) Display and sales establishments, provided that all such uses are part of a manufacturing and/or warehousing establishment and that all products for sale are made on the site, and where display space does not exceed 25% of the total square footage of the structure.

622.2 CONDITIONAL USES REQUIRING BOARD OF ZONING APPEALS APPROVAL.

- (a) Automobile wrecking yards, and junk yards.
- (b) RESIDENTIAL DWELLING UNITS IN AN M-1 DISTRICT

All uses shall be part of the facility and not a separate dwelling unit.

All such uses shall have a separate entrance and shall be provided with the required number of parking spaces as per Article 8 for residential uses.

- (c) OFFICE USES

All uses shall maintain at a minimum the setback and dimension requirements of a single-family dwelling and at a maximum the setback and dimension requirements of a four-family dwelling in the district where the use is conditionally permitted.

All uses shall be arranged on the lot and constructed or converted using building types and material that are compatible with the surrounding residential uses.

All parking associated with these uses shall be provided in the side or rear yard and on more than ten (10) spaces shall be required to serve the use.

Dwelling units may be permitted in part of a conditionally permitted office structure, provided that a separate entrance and parking area is designated.

One sign no larger than six (6) square feet shall be permitted, provided that it is attached flat against the building or on a ground sign no more than six (6) feet from the ground.

(d) CHURCHES AND OTHER SIMILAR PLACES OF WORSHIP.

### 622.3 ACCESSORY USES.

(a) Retail uses which are incidental to the principal use and comprise less than 1/2 of the space of use.

(b) A private garage or parking area.

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

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

(e) Temporary real estate signs relating to the subject parcel

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

(g) Other uses and structure customarily accessory and incidental to a permitted principal use except for uses not otherwise permitted in an M-1 District.

### 622.4 REQUIRED CONDITIONS.

(a) No building customarily used for night operation 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 and 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.

(b) OPEN SPACE. There shall be reserved, within the tract to be developed, a minimum percentage of land area of the entire tract for use as open space. This minimum percentage of land area shall be 20% per parcel.

This open space shall not consist of isolated or fragmented pieces of land, which would serve no useful purpose. Included in this 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 area and street rights-of-way. Raised islands shall be included in the open space calculation. Maintenance of all open space shall be the responsibility of the commercial management entity of the development and/or the developer.

#### 622.5 PROHIBITED USES.

(a) Any use which is first permitted in the M-2 District, or which is prohibited in said District, unless as an accessory use which is necessary and incidental to a principally permitted M-1 use.

(b) 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, vibrations, refuse matter or water-carried waste.

(c) Dwellings and residences including motel, mobile home parks, schools, hospitals, clinics and other institutions for human care, except where incidental to a permitted use; provided, however, that residential development in an M-1 District is hereby specifically permitted where said development is in accordance with: a plat approved by the Planning Commission prior to the adoption of this amendment, or any subsequent and duly approved amendment thereof; a Community Development Project approved by the Board of Zoning Appeals as it existed prior to this amendment, or any subsequent and duly approved amendment thereof; any variance or series thereof granted by the Board of Zoning Appeals prior to the adoption of this amendment or any subsequent and duly approved amendment thereof. For the purposes of this section, said residential uses shall not be considered to be non-conforming and the Board of Zoning Appeals shall continue to have continuing jurisdiction over said previously approved Community Development Projects and variances as if this amendment had not been adopted.

622.6 HEIGHT REGULATIONS. Within two hundred (200) feet of any R-District or recorded residential subdivision, no structure shall exceed three (3) stories or fifty (50) feet in height and no structure otherwise shall exceed in height the distance measured to the center line of any street.

622.7 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed..



M-1 LIGHT INDUSTRIAL DISTRICT.

Minimum Lot Area	Minimum Lot Frontage	Maximum Story	Minimum Front Yard Depths	Minimum Side Yard Widths		Minimum Rear Yard Depth
				One	Both	
1 Acre	100 Feet	3 Stories	40 Feet	20 Feet*	40 Feet*	10 Feet*
* Except where adjoining a R-District or recorded subdivision, then not less than 100 ft. each side yard and 100 ft. rear yard.						

623. M-2 GENERAL INDUSTRIAL DISTRICT

PURPOSE. The intent of the M-2 General Industrial District is to reserve certain land area for general industrial, manufacturing, processing and related operations which are compatible with residential and commercial development. These areas are to be reserved exclusively for general industrial and related development to provided suitable sits for such activity.

623.1 PRINCIPAL PERMITTED USES.

- (a) Any use permitted in certain parts of said District; or permitted in certain parts subject to Board authorization: or which are not prohibited in the M-2 District by this Article or by any other law or resolution.
- (b) Any use principally permitted in M-1 Districts.
- (c) Any of the following uses, when located not less than three hundred (300) feet from any R-District or recorded residential subdivision, and not less than one hundred (100) feet from any other district, except an M-1 or an F-1 District:
  - a. Acetylene manufacturing in excess of fifteen (15) pounds pressure per square inch.
  - b. Automobile assembly.
  - c. Bleaching, cleaning and dyeing of large-scale production.
  - e. Boiler shops, machine shops, structural steel fabricating shops, railway car or locomotive shops, including repair, metal working shops employing reciprocating hammers or presses over twenty (20) tons rated capacity.
  - f. Brewing or distilling liquors.
  - g. Brick, pottery, tile and terra cotta manufacturing.
  - h. Bulk station.
  - i. Candle or sperm oil manufacturing.
  - j. Coal yards, excepting such as permitted in this resolution
  - k. Cooperage works.
  - l. Dextrin, starch or glucose manufacturing.
  - m. Disinfectant manufacture.
  - n. Dye and dyestuff manufacture.
  - o. Enameling, lacquering or japanning.
  - p. Emery cloth or sandpaper manufacturing.
  - q. Fats or oils redressing or refining.
  - r. Felt manufacturing.
  - s. Flour or grain mill
  - t. Forge or foundry works.
  - u. Gas - generation or storage of illumination or heating.
  - v. Grain drying or poultry feed manufacturing.
  - w. Hair or hair products manufacturing.

- x. Lime or lime products manufacturing.
- y. Linoleum, oil cloth or oiled goods manufacturing.
- z. Match manufacturing.
- aa. Meat packing: but not stockyards or slaughterhouses, specified as a conditional use in this resolution
- bb. Oil, paint shells, turpentine, varnish or enamel manufacturing, or the grinding of colors by machine
- cc. Offices, business and professional.
- dd. Paper and pulp manufacturing.
- ee. Perfume manufacturing.
- ff. Pickle, sauerkraut or sausage manufacturing.
- gg. Plaster manufacturing.
- hh. Poultry, slaughter house, including packing and storage for wholesale; but not slaughter houses, specified as a conditional uses in subsection in this resolution.
- ii. Printing ink manufacturing.
- jj. Sandblasting or cutting.
- kk. Sawmill, the manufacture of excelsior wood fiber or sawdust products.
- ll. Sewage disposal plant.
- mm. Shoddy manufacturing
- nn. Shoe power plant, except where necessary to a permitted principal use.
- oo. Soap manufacturing.
- pp. Steam power plant, except where necessary to a permitted principal use.
- qq. Stone and monument work employing power driven tools unless complying with other provisions in this resolution
- rr. Storage, drying, rags, glass, cloth, paper or clipping, including sorting, refining, baling, wood pulling and scouring.
- ss. Sugar refining.
- tt. Tar distillation or manufacturing.
- uu. Vinegar manufacturing.
- vv. Wire or rod drawing - nut, screw or bolt manufacturing.
- ww. Warehouses, trucking and motor freight station or terminal.
- xx. Yeast manufacturing.
- yy. Any other use which, in the opinion of the Board, is of a similar character to those specified above.

#### 623.2 CONDITIONAL USES REQUIRING BOARD OF ZONING APPEALS APPROVAL.

- (a) Any of the following uses shall be prohibited, unless located not less than six hundred (600) feet from any R-District or recorded residential subdivision; and not less than two hundred (200) feet from any other district except an M-1 or F-1 District; and unless authorized by the Board subject to such conditions and requirements as may, in the

opinion of the Board, be necessary to protect adjacent property and prevent conditions which may become noxious or offensive:

- a. Ammonia, chlorine or bleaching powder manufacturing.
- b. Animal black, lamp black, bone black or graphite manufacturing.
- c. Asbestos manufacturing.
- d. Celluloid or pyroxyline products manufacturing or storage.
- e. Cement, lime gypsum or plaster of Paris manufacture.
- f. Crematory.
- g. Creosote manufacturing or treatment.
- h. Distillation of coal, petroleum, refuse, grain, wood or bones, except in the manufacturing of gas.
- i. Explosives manufacture or storage for small arms ammunition.
- j. Fertilizer, compost - manufacture or storage.
- k. Fish curing, smoking or packing, fish oil manufacture or refining.
- l. Garbage, offal, dead animals, refuse, rancid fats, incineration, reduction or storage.
- m. Glue manufacturing, size or gelatin manufacturing where the processes include the refining or recovery of products from fish, animal or fowl.
- n. Hog farm.
- o. Insecticide manufacturing.
- p. Livestock.
- q. Poison manufacturing.
- r. Radium extraction.
- s. Slaughtering of animals or stock yards.
- t. Smelting of ferrous or non-ferrous ores.
- u. Storage, curing or tanning of raw, green or salted hides or skins.
- v. Sulphurous, sulphuric, nitric, picric, carbolic, or hydrochloric or other corrosive acid manufacture.
- w. Junk yards
- x. Open storage.

(b) Billboards subject to additional provisions specified in Article 9

(c) Churches and other similar places of worship.

### 623.3 ACCESSORY USES.

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

the requirement of this subsection that they shall not face the side of any adjoining lot which is located in an R-District or recorded residential subdivision.

(c) Directional and other incidental signs, not exceeding four (4) feet in area, required in connection with the operation of an automobile service station, parking lot or similar establishment, provided such signs do not extend over street rights-of-way not otherwise obstruct or impair the safety of pedestrians or motorists.

(d) Temporary real estate signs relating to the subject parcel

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

(f) Other uses and structure customarily accessory and incidental to a permitted principal use except of a type which is permitted only subject to Board authorization.

623.4 REQUIRED CONDITIONS. The requirement that certain businesses, services or processing shall be conducted within a completely enclosed building shall not apply to any principal use permitted as provided hereunder:

(a) No building customarily used for night operation 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 and 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.

(b) OPEN SPACE. There shall be reserved, within the tract to be developed, a minimum percentage of land area of the entire tract for use as open space. This minimum percentage of land area shall be 20% per parcel. This open space shall not consist of isolated or fragmented pieces of land, which would serve no useful purpose. Included in this 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 area and street rights-of-way. Raised islands shall be included in the open space calculation. Maintenance of all open space shall be the responsibility of the commercial management entity of the development and/or the developer.

623.5 PROHIBITED USES.

(a) Dwellings and residences including motel, mobile home parks, schools, hospitals, clinics and other institutions for human care, except where incidental to a permitted use; provided, however, that any of the aforesaid uses legally existing in the M-2 District at the time of adoption of this Resolution.

623.6 HEIGHT REGULATIONS. Within two hundred (200) feet of any R-District or recorded residential subdivision, no structure shall exceed three (3) stories or fifty (50) feet in height and no structure otherwise shall exceed in height the distance measured to the center line of any street:.

623.7 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed.

M-2GENERAL INDUSTRIAL DISTRICT.

Minimum Lot Area	Minimum Lot Frontage	Minimum Front Yard Depth	Maximum Story	Minimum Side Yard Widths		Minimum Rear Yard Depth
				One	Both	
1 Acre	N/A	40 Feet	3 Stories	20 Feet *	40 Feet *	10 Feet *

\* Except where adjoining a R-District or recorded subdivision, then not less than 100' each side yard and 100' rear yard.

624. F-1 FLOOD PLAIN DISTRICT

PURPOSE. The intent of the F-1 Flood Plain District is to protect storm water channels so they can carry abnormal flows of water in times 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 area of greatest flood hazard, as specified in the FEMA regulations and herein.

624.1 PRINCIPAL PERMITTED USES. Agriculture and farms, not including commercial animal or poultry farms or kennels; provided that any building in which farm animals are kept shall be located not less than two hundred (200) feet from any other lot in and R-District, or a recorded residential subdivision.

624.2 CONDITIONAL USES, REQUIRING BOARD OF ZONING APPEALS APPROVAL. These conditional uses are subject to the additional regulations set forth in Section 442 Resolution.

- (a) Neighborhood and Community Parkland, open space.
- (b) County clubs, golf courses and other private noncommercial recreation.
- (c) Open storage of floatable material.
- (d) Resource and mineral extraction activities.
- (e) Churches and other similar places of worship.

624.3 ACCESSORY USES.

- (a) A private garage, parking area or stable.
- (b) The selling of bait and the selling or leasing of boats and fishing equipment.
- (c) Roadside stands, offering for sale only agricultural products produced on the premises or in the vicinity.
- (d) Temporary real estate signs relating to the subject parcel.
- (e) Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.

624.4 REQUIRED CONDITIONS.

- (a) Approval by the Board and compliance with FEMA regulations will be required for construction of any building, enclosure or any type of material storage.
- (b) All uses and buildings or premises, for which compliance with the distance requirements in this subsection is stipulated in the foregoing subsection 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.

624.5 HEIGHT REGULATIONS. No structure shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height.

624.6 AREA, FRONTAGE AND YARD REQUIREMENTS.

F-1 FLOOD PLAN DISTRICT

Minimum Lot Area	Minimum Lot Frontage	Minimum Front Yard Depth	Maximum Story	Minimum Side Yard Widths		Minimum Rear Yard Depth	Maximum Lot Coverage
				One	Both		
Non-residential uses same as required in district where first permitted.	Same as required in district where first permitted.						



# **ARTICLE 7**

## **SUPPLEMENTARY DISTRICT REGULATIONS**

### 700. Purpose.

The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems, and to promote the harmonious exercise of property rights without conflict. Any use not specifically permitted is prohibited.

### 701. Conversions of Dwellings to More Than One Unit.

A Residence may not be converted to accommodate an increased number of dwelling units unless all of the following conditions are met:

1. The conversion is in compliance with all other local codes and resolutions, and any applicable State or Federal regulations;
2. The district within which the residence is located is so regulated as to allow such an increase in dwelling units;
3. The yard dimensions still meet the yard dimensions required by the Zoning Resolution for new structures in that district;
4. The lot area per family equals the lot area requirements for new structures in that district;
5. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district;

### 710. Regulation of Accessory Uses.

It is the purpose of Sections 710 to 719 inclusive of this Resolution to regulate accessory uses in order to promote the public health, safety, and welfare. It is the intent of these Sections to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.

### 711. Accessory Buildings/ Storage Sheds.

Except as otherwise provided in this Resolution, accessory structures shall be permitted in association with principal structures provided that:

1. Accessory buildings in all residential districts on parcels containing five (5) acres or more shall be limited to two (2) accessory buildings not to exceed 1,500 square feet in size and 20 feet in height for each. Parcels containing one (1) to five (5) acres shall be limited to one (1) accessory building not to exceed 1,500 square feet in size and 14 feet in height. parcels containing 0.5 acres to 1 acres shall be limited to one (1) accessory building not to exceed 1,000 square feet in size and 14 feet in height. parcels containing less than 0.5 acres shall be limited to one (1) accessory building not to exceed 750 square feet in size and 14 feet in height.
2. No residential storage shed shall exceed two-hundred square feet in area.
3. Accessory structures in residential zones shall not contain or be used as dwelling units, home occupations, or for commercial or industrial purposes.
4. No accessory structure shall be located within the front yard. Accessory buildings shall be located within the side or rear yard. Storage sheds shall be located within the rear yard.
5. Accessory structures shall be located no closer than five feet to any property line or right-of-way.
6. Accessory structures in nonresidential zones are permitted as regulated in the appropriate zone.
7. A detached garage located in a recorded subdivision requires a paved driveway of bituminous concrete (asphalt), Portland cement concrete, brick, cobblestone or similar hard surface.

#### 712. Fences as Accessory Uses.

Fences are permitted as accessory uses in all districts provided they are not located within any street right-of-way or within the front yard. On corner lots, shall not project beyond the minimum front yard setback requirement. It is the responsibility of the property owner to maintain the fence in a safe manner in good condition in compliance with Section 518.

1. All fence construction shall require a Zoning Certificate issued from the Fairfield Township Planning and Zoning Department prior to the start of said construction.
2. Fences in residential districts are limited to a maximum of 6 feet and a minimum of 4 feet in height.
3. No fences in residential districts shall be made or constructed with barbed, electric, or any other material or configuration designed to cause any degree of harm.
4. Fences in non-residential districts shall be limited to a maximum of 8 feet and a minimum of 4 feet in height.

5. Persons or entities in non-residential and non-agriculturally zoned areas seeking to make or construct a fence barbed, electric, or any other material or configuration designed to cause any degree of harm or discomfort to any living thing must acquire approval from the Board of Zoning Appeals prior to construction.

#### 713. Private Swimming Pools as Accessory Uses.

A private swimming pool, but not including farm ponds, as regulated herein, shall be any pool above or below ground, pond, lake or open tank, not located within a completely enclosed building, and containing, or normally capable of containing water to a depth at any point greater than one and one-half feet. No swimming pool shall be allowed in any residential District except as an accessory use in compliance with following conditions and requirements:

1. Swimming pools shall be maintained in a clean and sanitary condition and in good repair.
2. The pool is intended and is to be used solely for the enjoyment of the occupants and/or guests of the principal use of the property on which it is located.
3. It shall not be located closer than any accessory structure setback requirement to any property line of the property on which it is located and shall not be located within the front yard.
4. The swimming pool, or the entire property on which it is located, shall be fenced so as to prevent uncontrolled access by children from the street or adjacent properties. Said fence to be not less than four feet high and a minimum of four feet from the edge of the pool. Above ground pools with fencing that meets the requirements of Sub-paragraph (5) below are exempted from the requirements of this paragraph.
5. The fencing for an above ground pool may be located on the outer pool walls. The fence shall be a minimum of three feet high and the combined height of the pool walls and fence shall be a minimum of six feet above grade. All pool access points are to be provided with a lockable fence gate and removable or retractable ladders to prohibit access to the pool when not in use.
6. The required fencing must be in place when the pool construction is completed.

#### 714. Driveways as accessory uses

1. Driveway must be a minimum of 5 ft from any property line.
2. No construction or regrading shall impact any recorded drainage easement, unless the applicant submits written approval from the Butler County Engineers Office.

3. All driveways and driveway extensions must shall require a Zoning Certificate issued from the Fairfield Township Planning and Zoning Department prior to the start of said construction

#### 715. Community or Club Swimming Pools as Accessory Uses.

A community or club swimming pool shall be any pool constructed by an association of property owners, for a multi-family development, or by a private club or association, for use and enjoyment by members, residents, and their families. Such swimming pools shall comply with the following requirements:

1. The pool is intended solely for, and is used solely for, the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
2. The pool and accessory structures thereto, including the area used by the bathers, shall not be located closer than seventy-five feet to any property line.
3. The swimming pool, its accessory facilities, and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six feet in height and maintained in good condition with a gate and lock. The required fencing must be in place when pool construction is complete. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and maintained in good condition.
4. Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties.

#### 716. Home Occupations as Accessory Uses.

A home occupation shall be a permitted use when in compliance with the following requirements:

1. The external appearance of the structure in which the use is conducted shall not be altered, and not more than one nameplate, no larger than two square feet, shall be mounted flush to a wall of the structure.
2. No external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.
3. There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street.

4. Not more than two hundred fifty square feet of the gross floor area of the dwelling shall be devoted to the use.
5. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
6. No additional parking area shall be created.
7. No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.
8. Home occupations shall not be located in an accessory structure.
9. Home occupations shall comply with the provisions set forth in Section 720.

#### 717. Long-Term Parking Facilities as Accessory Uses.

In addition to complying with all other provisions of this Resolution, long-term parking facilities are permitted as accessory uses in commercial and industrial districts subject to the following requirements:

1. That no boundary of the proposed parking area is within fifty feet of a residential district boundary.
2. That the proposed parking area will not prevent access to adjacent properties by fire safety equipment.
3. That the proposed parking area will be screened in such a manner that the vehicles thereon parked will not be visible from the ground level of any adjacent residential properties.
4. That fencing and lighting of the facility will be sufficient to provide for its reasonable security.
5. That no service work, maintenance work, repair work, painting work, or other vehicular work shall take place on the premises.

#### 718. Antennae as Accessory Uses.

1. Ground-mounted satellite dish antennae are considered accessory structures, and are permitted as accessory uses in any district. In addition to the provisions of this Resolution pertaining to accessory structures, and any regulations enforced by other agencies, the following provisions shall apply to ground-mounted satellite dishes:

- a. The maximum diameter of any ground-mounted satellite dish shall not exceed twelve feet;

- b. The maximum height of any ground-mounted satellite dish shall not exceed fifteen feet above the finished grade;
- c. The “dish” portion of the apparatus shall have a surface of open mesh construction, and shall not have a solid surface;
- d. The satellite dish apparatus shall be painted a color which complements its environment, and shall bear no advertisement, lettering, picture, or visual image;
- e. The apparatus shall not be located in a side yard or a front yard;
- f. The site of the apparatus shall be screened with shrubbery and/or landscaped as proposed in the zoning permit application;
- g. The apparatus shall be mounted upon a solid concrete slab, and shall be constructed in such manner that it will withstand wind forces of up to seventy-five miles per hour;
- h. Only metal supports of galvanized construction shall be used;
- i. Any guy wires attached to a satellite dish apparatus shall be enclosed by an approved fence.
- j. Any driving motor shall be limited to one hundred ten-volt maximum power and shall be encased in a protective guard;
- k. All wiring between the apparatus and any other structure shall be placed underground in approved conduit;
- l. The apparatus shall be bonded to an approved eight-foot grounding rod.

2. Roof-mounting satellite dish antennas are considered as accessory structures, and are permitted as accessory uses in all districts. In addition to the provisions of this Resolution pertaining to accessory structures, and any regulations enforced by other agencies, the following provisions shall apply to roof-mounted satellite dishes:

- a. The maximum diameter of any roof-mounted satellite dish shall not exceed three feet;
- b. The height of any roof-mounted satellite dish shall not exceed the roof height of the building upon which it is mounted by more than four feet;
- c. The “dish” portion of the apparatus shall have a surface of open mesh construction, and shall not have a solid surface;
- d. The apparatus shall be painted a color which complements its environment, and shall bear no advertisement, picture, lettering or visual image;

e. All wiring and grounding of the apparatus, the apparatus, its mounting and all supporting devices, shall be constructed and erected directly upon the roof of the principal building in accordance with all applicable regulations of the currently adopted and enforced electrical and building code(s) of the Butler County Building Department, and shall not be mounted upon a spire, tower, turret, chimney, pole, or any appurtenances thereto attached;

f. The satellite dish apparatus shall be so designed and installed as to withstand wind forces up to seventy-five miles per hour.

3. Amateur (ham) radio towers shall be permitted as accessory uses with all districts. In addition to the provisions of this Resolution pertaining to accessory structures and any regulations enforced by other agencies, the following provisions shall apply to amateur (ham) radio towers:

a. The maximum base shall not exceed one hundred square feet;

b. Maximum height shall comply with Federal Communications Commission (FCC) regulations;

c. The apparatus shall not be located in a side yard or a front yard;

d. The site of the apparatus shall be screened with shrubbery and/or landscaped as proposed in the zoning permit application;

e. The apparatus shall be mounted upon a solid concrete slab, and shall be constructed in such manner that it will withstand wind forces of up to seventy-five miles per hour;

f. Only metal supports of galvanized construction shall be used;

g. Any guy wires attached to a satellite dish apparatus shall be enclosed by an approved fence;

h. Any driving motor shall be limited to one hundred ten-volt maximum power and shall be encased in a protective guard;

i. All wiring between the apparatus and any other structure shall be placed underground in approved conduit;

j. The apparatus shall be bonded to an approved eight-foot grounding rod.

#### 719. Telecommunications Towers

The purpose of these regulations is to minimize adverse health, safety, public welfare or visual impacts through buffering, siting, design and construction, and reduction of the need for new

towers. In those instances where a Telecommunications Tower is made subject to Fairfield Township zoning pursuant to Section 519.211 of the Ohio Revised Code, and as the same may, from time to time, be amended, said Telecommunications Tower shall be erected, constructed, reconstructed, changed, altered, removed, or enlarged in accordance with the following provisions.

1. Maximum Allowable Height: The maximum allowable height for any free standing or attached structure proposed to have attached to it radio frequency transmission or reception equipment, which is located in a residential district and owned or to be principally used by a public utility engaged in the provision of telecommunications services, is eight (8) feet. Telecommunications Towers may exceed eight (8) feet in height if it is in compliance with all of the regulations of this Section 718.

2. Location, Co-location or Shared Use

a. Prior to approval of the location of a Telecommunications Tower, the applicant shall provide documentation that:

i. The proposed Telecommunications Tower has been reviewed and has been determined not to be a hazard by the Federal Aviation Administration (FAA) or other federal or state authority, as applicable.

ii. If the Telecommunications Tower is on leased property, the owner of the property has granted an easement or entered into a lease for the proposed Telecommunications Tower.

b. In order to minimize tower proliferation, the applicant shall provide documentation regarding efforts to exhaust all possible avenues to share space on existing Telecommunications Towers. This shall include, but not be limited to, a certified mail announcement to all other Telecommunications Tower users in the vicinity stating siting needs and/or sharing capabilities. Applicants shall not be denied, nor shall they deny space on an existing Telecommunications Tower, unless available space, structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, comparative costs of co-location versus new construction and any Federal Communications Commission limitations on Telecommunications Tower sharing preclude co-location. (i) The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other antenna facilities to the extent possible, until said Telecommunications Tower has reached full antenna capacity.

c. For any Telecommunications Tower that is in a highly visible location, it is strongly encouraged to employ alternate tower designs (“Stealth Designs”) or locations that mimic the surrounding environment, such as artificial trees, modified clock towers, church spires, flag poles, or building modifications. See the “Stealth Designs for Telecommunications Towers” paragraph of this section.



### 3. Structural Integrity

a. All new Telecommunications Towers or existing Telecommunications Towers which are to be certified by a structural engineer who is licensed in the State of Ohio to be in compliance with all current standards and requirements of the American National Standards Institute (ANSI) and the Telecommunications Industry Association (TIA), including, but not limited to, specification RS 222-F, and the Electronic Industries Association (EIA).

b. In order to ensure the structural integrity of Telecommunications Towers and to protect the public health, safety, and morals, Telecommunications Towers shall be subject to periodic inspections for continued compliance with the above Subsection as follows:

i. Mono-pole Towers shall be subject to inspections every 10 years.

ii. Self-Support (Lattice) Towers shall be subject to inspections every five (5) years.

iii. Guyed Towers shall be subject to inspections every three (3) years.

c. Inspections are the sole responsibility of the Telecommunications Tower operator of record and shall be performed by a structural engineer licensed in the State of Ohio. Results of inspections shall be provided in writing to the Zoning Inspector. Based upon such results, the repair or removal of a Telecommunications Tower may be required.

d. All Telecommunications Towers shall be designed to accommodate the primary user's antennas and comparable antennas for at least two (2) additional users.

4. Lot Size: The minimum lot size shall be the minimum established for a non-residential structure for the zoning district in which the Telecommunications Tower is to be built.

### 5. Setbacks

a. Telecommunications Towers shall be set back from all property lines a minimum distance equal to the greatest front yard requirement for the district in which the Telecommunications Tower is located or 120% of the height of the Telecommunications Tower, whichever is greater.

b. Telecommunications Towers shall not be placed closer than 500 feet from any existing residential dwelling unit located on a lot contiguous to or directly across the street from the lot on which the tower is to be constructed.

c. Any stabilization structures or guy wires shall not be placed closer than 50 feet from any lot line.

d. Height shall be measured from the base of the Telecommunications Tower to the top point of the Telecommunications Tower, including any antennas.

6. Screening and Landscaping: A detailed landscape plan and site sections shall be submitted for review, which shall demonstrate the following requirements have been satisfied:

- a. Existing on-site vegetation shall be maintained to the greatest extent possible.
- b. The outside perimeter of the security fence shall be planted with a staggered row of evergreen trees, a minimum of six (6) feet in height, at time of planting, spaced not more than 10 feet on center.
- c. The owner/operator of the Telecommunications Tower facility shall be responsible for maintenance of all required vegetation and landscaping

7. Equipment Buildings

- a. Equipment buildings shall be located within the security fencing.
- b. Equipment buildings shall not exceed 12 feet in height.
- c. Equipment shall be automated to the greatest extent possible to reduce traffic and congestion.
- d. Buildings shall not include business offices, long-term vehicle storage, outdoor storage, or other uses not necessary to transmission or reception, or broadcast studios, except for emergency purposes.
- e. The use of residentially compatible paint colors and materials, such as wood, brick or stucco is required for associated equipment buildings, which shall be designed to architecturally blend with residential buildings in the vicinity. If the building lies in a Planned Unit Development (PUD) district, the materials shall meet the standards of that district and the appropriate PUD approval process shall be required.
- f. Where there is co-location of equipment upon Telecommunications Towers, no single provider of telecommunication services shall have more than one equipment building on site. Equipment buildings of different providers shall be arranged to appear as a single building as nearly as practical and possible.
- g. Underground equipment structures are strongly encouraged.

8. Off-Street Parking: Parking shall be limited to two (2) spaces, unless a need for more can be demonstrated at the time of application.

9. Lighting: Telecommunications Towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other applicable Federal or State

authority. When so required, a detailed lighting plan shall be submitted with the application, which shall demonstrate approval by the FAA, FCC, or any other governmental agency which has jurisdiction. The lighting plan shall also meet the following requirements:

- a. All lighting required by the FAA shall be installed on the Telecommunications Tower immediately and must be fully operational at all times.
- b. When required by the FAA, white strobe lights during the day will be permitted with red flashing lights required from dusk to dawn.
- c. Ground level security lighting may be permitted, which includes freestanding and building mounted lighting, which shall be oriented inward, utilize full-cutoff fixtures no more than 12 feet in height and designed to minimize impacts on adjacent properties.
- d. In any case, overall site illumination shall be such that measurements along the perimeter of the security fencing shall not exceed 0.20-foot candles.

#### 10. Security Fencing

- a. A security fence shall be required around the perimeter of the Telecommunications Tower site, which includes any equipment buildings, parking, etc.
- b. The fence shall be limited to six (6) feet in height, which shall include a locked gate.
- c. All chain link fencing shall be coated with a green or black vinyl material.
- d. "NO TRESPASSING" signage shall be prominently posted.
- e. Anti-climbing devices may be utilized, which may add an additional foot to the fence height; however, razor or barbed wire is not permitted.

11. Contact Information: The contact information of the owner/operator of the Telecommunications Tower shall be provided to the township at the time of application, and any changes shall be reported immediately. This contact information will be used to report any issues with the Telecommunications Tower and/or accessory facilities.

12. Abandonment: Any Telecommunications Tower is deemed abandoned by operation of law if it is not used for telecommunication purposes for (12) consecutive months. Any Telecommunications Tower deemed abandoned shall be demolished, along with all accessory equipment buildings and other associated structures by the township or an agent of the township within one hundred and eighty (180) days. All costs associated with demolition of the Telecommunications Tower, equipment buildings, and other associated

structures shall be borne by the property owner of record, lessor, lessee, and/or operator of the Telecommunications Tower.

13. Accessory Telecommunications: Accessory Telecommunications shall be permitted within a right-of-way, a utility easement, or on private property, provided the criteria of this section are met. Accessory Telecommunications are not subject to the requirements of paragraphs (4), (5), (6), (7) and (10) of Section 718 of this Resolution.

a. Accessory Telecommunications up to fifteen (15) feet in height shall be permitted in areas where all utilities are underground, provided that: (i) A Stealth Design shall be utilized subject to the process and requirements of paragraph (14) below.

i. For the purpose of this section, smaller ground mounted electrical boxes shall not be considered an aboveground utility.

b. Accessory Telecommunications up to 35 feet in height shall be permitted inside of a right-of-way or a recorded utility easement, in areas where overhead utilities are present, subject to the following requirements: (i) The requirements of paragraph (2) of this section, with regard to “Location, Co-location or Shared Use” shall apply.

ii. The location is within 100’ of an existing overhead utility line.

ii. The preferred location is along Principal Arterials, Minor Arterials and Major Collector Roads, as defined by the Butler County Thoroughfare Plan. If it cannot be located in such an area, documentation shall be provided regarding the efforts that have been exhausted in attempts to meet these locations.

iii. Accessory Telecommunications shall be located on existing utility poles where practical. If a new utility pole is required, it should to the extent reasonably practicable be located on the same side of the road as existing utility poles. If the new utility pole is required on the opposite side of the road as the existing utility poles, but there are no other overhead wires crossing the road, the crossover wires related to the Accessory Telecommunications shall be located underground, where practical. If the requirements of this paragraph are determined not to be practical, documentation shall be provided with the reasons stated.

iv. If a new utility pole is required, it shall be designed to accommodate the primary user’s antenna and a comparable antenna for at least one additional user.

v. Any ground mounted equipment shall be completely screened with landscaping providing year-round screening.

vi. Accessory Telecommunications shall not obstruct adequate sight distance at intersections.

vii. Lighting shall not be permitted on Accessory Telecommunications, unless it is integrated as a light pole that matches other light poles in the vicinity.

c. Accessory Telecommunications up to 16 feet in height shall be permitted outside of a right-of-way and outside of a recorded utility easement, in areas where overhead utilities are present, subject to the following requirements:

i. The Accessory Telecommunications shall be regulated as an Accessory Structure with regard to location. Additionally, they shall also be set back from all principal structures on adjacent properties a minimum distance equal to the overall height of the Accessory Telecommunications.

ii. If located in a recorded subdivision, and at least 100' from any overhead utilities, all wiring and cable shall be buried underground. Additionally, if the Accessory Telecommunications is located on a tower, it shall be a decorative pole with the equipment disguised or screened from view.

d. All other Accessory Telecommunications are prohibited.

#### 14. Stealth Designs for Telecommunications Towers

Stealth Designs for Telecommunications Towers may be considered as an alternative to the requirements of this section in all areas of the township as a Conditional Use by the BZA in accordance with Article 4 (Amendments, Appeals and variances). In addition, the following requirements shall be satisfied:

a. All Stealth Designs shall utilize the latest technology that is available for the purpose of blending the structure into the environment.

b. The Stealth Design shall render it minimally visible to the casual observer.

c. It may be attached to an existing structure, if it is designed to integrate seamlessly into the structure that it is attached to with regard to architecture, materials, color, etc. The overall design shall not substantially increase the height of the structure on which is located, nor shall it substantially project off the face of the structure

d. It may be constructed as a new freestanding structure, if it is designed to be consistent and complimentary to the surrounding structures and area with similar architecture, materials, color, height, scale, etc.

e. It may be constructed in a freestanding manner that mimic other features that are present in the immediate vicinity, such as street lights, trees, etc. It shall be virtually identical to the feature that it is mimicking and shall maintain the same height, size, pole diameter, fixture type, tree species, etc.

f. All related equipment, electrical boxes, conduit, wiring, mounting equipment and the like shall not be visible. Stealth Designs that do not comply with the Conditional Use criteria, the above requirements and other related factors shall not be approved.

#### 720. Objectionable, Noxious, or Dangerous Uses, Practices or Conditions.

No land or building in any district shall be occupied or used, including home occupations, in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by this Resolution may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this Section, are properly exercised. Specifically, the occupation or use of any land or building in any district shall be in violation of this Resolution if one or more of the following conditions are found to exist at any time:

1. The use or storage of flammable or explosive materials is not adequately protected by fire-fighting and fire protection equipment or by such safety devices as are normally required for such activities.
2. Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;
3. Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency;
4. Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency;
5. Objectionable noise due to volume, frequency or beat is present;
6. Vibration discernible without instruments is present on an adjoining lot or property;
7. Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district;
8. Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property;

9. Water pollution or contamination, if present, is in violation of regulations of the Ohio Environmental Protection Agency or the local storm water management and sediment control regulations.

#### 721. Assurance Requirements and Plans.

Prior to the issuance of a zoning permit, written assurances and plans, indicating the manner in which dangerous and objectionable aspects or elements of processes or operations entailed in certain uses or occupations are to be eliminated or reduced to acceptable limits and tolerances, shall be submitted.

#### 722. Enforcement Provisions.

Any occupancy, use, conditions or circumstances existing in violation of Section 720 and 721 of this Resolution shall constitute a violation of this Resolution and be subject to the enforcement procedures contained in this Resolution.

#### 730. Temporary Uses.

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring temporary zoning permits, at least seven (7) days before the instigation of such use, an application for a zoning permit shall be made to the Planning & Zoning Administrator which shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use.

The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits that follow, as well as the regulations of any district in which they are located:

1. Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision. Such offices shall be located within the subdivision and shall be removed upon the completion of the sales of the lots herein.
2. Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activity may be permitted within any district for a period of one year, except that six (6) month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction, or upon expiration of the zoning permit, whichever occurs first.
3. Temporary sales and services may be permitted within parking areas within any commercial district. A zoning permit valid for a period not to exceed four (4) consecutive days shall only be issued three times within any twelve (12) month period to any individual

or organization. The application for the temporary zoning permit shall be accompanied by written permission of the property owners, and shall be prominently displayed at the site. The Planning & Zoning Administrator shall not issue a permit for such temporary use if he/she determines that it encroaches upon more than twenty-five percent of the required parking area.

4. Temporary seasonal sales, including but not limited to fruits and vegetables, Christmas trees and greenery, Halloween decorations and pumpkins, and holiday flower sales, shall be permitted within commercial districts as an accessory use. The application for the temporary zoning permit shall be accompanied by written permission of the property owners.

5. A permit in advance is required for all yard, garage or other similar type sales. A maximum of nine permits per calendar year may be issued for any parcel of record.



## **ARTICLE 8**

### **OFF-STREET PARKING AND LOADING REGULATIONS**

#### 800. General Parking Requirements.

In all districts, at any time any building, structure or use of land is erected, enlarged, increased in capacity, or used, there shall be provided for every use off-street parking spaces for automobiles in accordance with the provisions of this Article. A parking plan shall be required for all uses except for single or two-family residential uses. The parking plan shall be submitted to the Planning & Zoning Administrator as part of the applications for a zoning permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening plan as appropriate.

Whenever a building or use constructed or established after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Resolution is enlarged to the extent of fifty percent or more in floor area or in area used, such building or use shall then and thereafter comply with the parking requirements set forth herein.

#### 801. Off-Street Parking Design Standards.

All off-street facilities including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following standards and specifications:

1. **Parking Space Dimensions:** Each off-street parking space shall have an area of not less than one hundred sixty-two square feet in a 9 foot by 18-foot space exclusive of access drives or aisles, and shall be of usable shape and condition.

2. **Access:** There shall be adequate provision for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access, as follows: a. For one single-family, two-family, or three-family residential dwelling, the access drive shall be a minimum of nine feet in width and a maximum of twenty-four feet except in the following circumstances(s):

(1.) A turnaround adjacent to an access drive may accommodate a maximum of two parking spaces.

(2.) An access drive to accommodate a three-car garage may extend up to thirty feet in width. b. For all other uses, the access drive shall be a minimum of eighteen feet in width.

c. All parking spaces, except those required for single-family, two-family, or three-family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.

d. Except where an access drive is required in connection with a use permitted in a residential district, no access drive shall be located in any residential district. 3. Setbacks: The location of off-street parking facilities for more than five vehicles may be located in required yards as specified elsewhere in this Resolution. However, off-street parking facilities within any “R” district are limited within the front yard to the required access drive. In no case shall any vehicle be located closer than five feet to any street, alley, or right-of-way.

4. Screening: In addition to the setback requirements specified in this Resolution for off-street parking facilities for more than five vehicles, screening shall be provided on each side of a parking area that abuts any Residential District or use. Screening shall comply with the requirements of Section 520 of this Resolution.

5. Paving: All required parking spaces, driveways, and other circulation areas, shall be hard-surfaced with a pavement having an asphalt or concrete binder. Permitted uses within any “M” District located at least two hundred feet from any “R” District are exempt from the paving requirement. Variances from the paving requirement may be requested for school auditoriums, assembly areas, sports fields and other community meeting or recreation areas provided that paved areas shall be provided for daily use parking areas. Where paving is not required, proper dust control measures shall be undertaken and maintained.

6. Drainage: All parking spaces, driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system in conformance with the applicable storm water detention regulations.

7. Barriers: Whenever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.

8. Visibility: Access or driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley and must conform to the requirements of Section 518.

9. Marking: All parking areas for ten or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Planning & Zoning Administrator and shall be maintained in a clearly visible condition.

10. Maintenance: Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris.

11. Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.

12. Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from adjoining property.

#### 802. Determination of Required Spaces.

In computing the number of parking spaces required by this Resolution, the following rules shall apply.

1. Where the floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a nonresidential building measured from the faces of the exterior walls, excluding only stairs, washrooms, elevator shafts, and similar non-useable areas.
2. Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or each eighteen lineal inches of benches, or pews, except where the occupancy standards are set by the Fire Marshal.
3. Fractional numbers shall be increased to the next whole number.

#### 803. Joint or Collective Parking Facilities.

The joint or collective provision of required off-street parking areas shall comply with the following standards and requirements:

1. All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not farther than five hundred feet from the building served.
2. Not more than fifty percent of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, taverns and similar uses, and up to one-hundred percent of the parking spaces required for churches, schools, auditoriums and similar uses may be

provided and jointly used by banks, offices, retail stores, repair shops, service establishments and similar uses that are not normally open, used, or operated during the same hours as the uses with which such spaces are jointly or collectively used.

3. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel, and filed with the application for a zoning permit.

#### 804. Off-Street Stacking Areas for Drive-In Services.

In addition to the general parking requirements, establishments that by their nature create lines of customers waiting to be served within automobiles shall provide off-street stacking areas at least twenty feet in length for each vehicle and at least ten feet in width in accordance with the following requirements.

1. Photo pickups, restaurants, drive-thru beverage docks, and other similar commercial establishments that can normally serve customers in three minutes or less shall provide no less than five stacking spaces per window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three additional stacking spaces for each such stopping point.
2. Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four stacking spaces per window.
3. Self-serve automobile washing facilities shall provide no less than three stacking spaces per stall. All other automobile washing facilities shall provide a minimum of six stacking spaces per entrance.
4. Motor vehicle service stations shall provide no less than two stacking spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than fifteen feet to any street right-of-way line.

#### 805. Parking of Inoperable Vehicles.

The parking of an inoperable vehicle within a residential district shall be prohibited, except that such vehicle may be stored in an enclosed garage or other accessory building, provided that no business shall be conducted in connection therewith while such vehicle is parked or stored.

#### 810. Parking Space Requirements.

For the purposes of this Resolution the following parking space requirements shall apply.

#### 811. Residential Uses.

1. Single-family: two for each unit.
2. Apartments or multi-family dwellings: two for each unit.
3. Manufactured housing: two for each unit.

#### 812. Business Related Uses.

1. Animal hospitals and kennels: one for each four hundred square feet of floor area and one for each two employees.
2. Motor vehicle repair station: one for each four hundred square feet of floor area and one for each employee.
3. Motor vehicle salesroom: one for each four hundred square feet of floor area and one for each employee.
4. Motor vehicle service stations: two for each service bay and one for every two gasoline pumps.
5. Car washing facilities: one for each employee.
6. Banks, financial institutions, post offices, and similar uses: one for each two hundred fifty square feet of floor area and one for each employee.
7. Barber and beauty shops: three for each barber and beauty operator.
8. Carryout and drive through restaurants: one for each two hundred square feet of floor area and one per each two full-time employees.
9. Drive-in restaurants: one for each one hundred twenty-five square feet of floor area and one per each two employees.
10. Hotels, motels: one for each sleeping room plus one space for each two employees.
11. Boarding, rooming, tourist and bed/breakfast home: one for each sleeping room.
12. Furniture, appliance, hardware, machinery or equipment sales and service, and wholesale establishments: two plus one additional space for each three hundred square feet of floor area over one thousand square feet.

13. Consumer and trade service uses not otherwise specified: one for each employee.
14. Funeral homes, mortuaries and similar types uses: one for each fifty square feet of floor area in slumber rooms, parlors, or service rooms.
15. Laundromats: one for every two washing machines.
16. Administrative, business and professional office uses: one for each three hundred square feet of floor area.
17. Sit-down restaurants, taverns, night clubs, and similar uses: one for each three persons capacity.
18. Retail stores: one for each two hundred square feet of floor area.
19. Shopping centers: one for each two hundred square feet of floor area.
20. All other types of business or commercial uses permitted in any business district: one for each two hundred square feet of floor area.
21. Photographic or artist studios: one for each four hundred square feet of floor area.
22. Dry cleaning, dressmaking, tailoring, shoe repair: one for each three hundred square feet of floor area.
23. Self-service storage facilities: one space for every one hundred individual storage spaces, two spaces for the manager, plus one space per employee.
24. Nurseries and greenhouses: one space per one thousand square feet of floor area plus one space per two thousand square feet of land area.

### 813. Recreational and Entertainment Uses.

1. Bowling alleys: four for each alley or lane; one for each three persons of capacity of the area used for restaurant, cocktail lounge, or similar use; and one for each three employees;
2. Pool and billiard halls: two for each table; one for each three persons of capacity of the area used for restaurant, cocktail lounge, or similar use; and one for each three employees;
3. Dance halls, skating rinks: one for each one hundred square feet of floor area used for the activity; one for each three persons of capacity in the area used for a restaurant, snack bar, or cocktail lounge; and one for each three employees.
4. Outdoor swimming pools (public, community or club): one for each ten persons of capacity, and one for each three persons of capacity for a restaurant.
5. Auditoriums, sport arenas, theaters, and similar uses: one for each four seats.

6. Miniature golf courses: two for each hole and one for each employee.
7. Private clubs and lodges: one for each ten members.
8. Tennis facilities, racquetball facilities or similar uses: two for each playing area; one for each employee; and one for each one hundred square feet of other activity area.
9. Video or game parlors and amusement centers: one space for each one hundred square feet of gross floor area.
10. Athletic fields: ten spaces for each field.
11. Golf courses: four spaces for each green plus one space for each employee on the largest shift plus fifty percent of the requirements for any associated use.
12. Golf driving range and outdoor batting cages: one space per tee plus one space per employee on the largest shift.
13. Basketball or volleyball courts: five spaces per court or one space for each four seats, whichever is greater.
14. Membership sports, health, and recreation clubs: one space for each two hundred square feet of gross floor area.
15. Go-kart tracks: one space for each five hundred square feet of land area.

#### 814. Institutional Uses.

1. Churches and other places of religious assembly: one for each eight seats in the main assembly room, or one for each classroom, whichever is greater.
2. Hospitals: one for each three beds.
3. Sanitariums, homes for the aged, nursing homes, rest homes, or similar uses: one for each three beds.
4. Medical, dental, and veterinary clinics: three spaces plus one additional for each four hundred square feet of floor area over one thousand square feet.
5. Libraries, museums, and art galleries: ten spaces, and one additional for each three-hundred square feet of floor area in excess of two-thousand square feet.

#### 815. Educational Institution (Public, Parochial, or Private) Uses.

1. Elementary schools and kindergartens: four for each classroom; one for every four seats in the auditoriums or assembly halls; and one for each additional non-teaching employee.

2. High schools and middle schools: one for every ten students, or one for each teacher and employee, or one for every four seats in auditoriums, assembly areas or sports fields, whichever is greater.
3. Business, technical and trade schools: one for each two students.
4. Child care centers, nursery schools, and similar uses: four for each classroom.

#### 816. Manufacturing Uses.

1. All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district: one for every employee (on the largest shift for which the building is designed), and one for each motor vehicle used in the business.
2. Cartage, express, parcel delivery, and freight terminals: one and one-half for every employee (on the largest shift for which the building is designed) and one for each motor vehicle maintained on the premises.
3. Laboratories and research and development facilities: one space per employee plus one for each motor vehicle used in the business.

#### 817. Handicapped Parking.

Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided by the Ohio Basic Building Code.

#### 818. Elderly Housing Parking.

Each parking space provided for an elderly housing facility shall as a minimum measure ten feet in width and twenty feet in length, with aisles measuring twenty-one feet in width. There shall be provided one such parking space per dwelling unit and per regular shift employee, except that the Board of Zoning Appeals may approve a parking plan for an elderly housing facility which provides three such parking spaces for every four dwelling units and one per regular shift employee, if the site plan includes a set-aside of landscaped area, which set-aside is not part of any open-space requirements and which is accessible to egress/entrance for parking purposes, should additional parking spaces be deemed necessary by the Board of Zoning Appeals subsequently.



#### 819. Off-Street Loading Space Requirements.

In any district in connection with every building or part thereof hereafter erected and having a gross floor area of three thousand square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with the building, at least one off-street loading space, and one additional loading space for each ten thousand square feet or fraction thereof of gross floor area so used in excess of three thousand square feet up to a maximum of four such off-street loading spaces per building. However, warehouse and distribution operations shall provide off-street loading spaces in accordance with the total gross floor area of the building.

#### 820. Off-Street Loading Design Standards.

All off-street loading spaces shall be in accordance with the following standards and specifications:

1. Loading Space Dimensions: Each loading space shall have minimum dimensions not less than twelve feet in width, sixty-five feet in length, and a vertical clearance of not less than fourteen feet.
2. Setbacks: Notwithstanding other provisions of this Resolution, off-street loading spaces may be located in the required rear or side yard of any business district provided that not more than ninety percent of the required rear or side yard is occupied, and not part of any loading space shall be permitted closer than fifty feet to any "R" District or use nor closer than five feet from any street or alley.
3. Screening: In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District or use. Screening shall comply with the requirements of Section 520 of this Resolution.
4. Access: All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
5. Paving: All required off-street loading spaces, driveways, aisles, and other circulation areas, shall be surfaced with an asphaltic or portland cement binder pavement in order to provide a durable or dust-free surface. Permitted uses within any "M" District located at least two hundred feet from any "R" District are exempt from the paving requirement. Where paving is not required, proper dust control measure shall be undertaken and maintained.

6. Drainage: All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto the public streets. Arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system in conformance with the applicable storm water detention regulations.

7. Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

# ARTICLE 9

## SIGNS

### 900. General.

The purpose of this Article 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. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign and advertising clutter, distraction, and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development by permitting signs which are compatible with their surroundings.

### 901. Governmental Signs Excluded.

For the purpose of this Resolution “sign” does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation, such as street signs, stop signs, etc.

### 902. General Requirements for All Signs and Districts.

The Regulations contained in this section shall apply to all signs and all use districts.

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, rotating, intermittent, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance;
2. No sign shall employ any parts or elements that revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Lighted electronic information displays whose only movement is the periodic changing of information against a solid, colorless, background shall be allowed as on-premises signs (i.e., electronic message centers, time and temperature units). Signs illuminated by bulbs shall have automatic dimmers and glare screens. Any sign under this section must meet all other zoning requirements;
3. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with all applicable regulations of the

currently adopted and enforced electrical and building code(s) of the Butler County Building Department;

4. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two feet, including those projecting from the face of any theater, hotel, or motel marquee;

5. No roof signs are permitted; wall signs that project above the roof line shall be screened so the sign appears to be a continuation of the face of the building;

6. No temporary or portable sign shall be placed on any building or on any premises, except as provided in Section 905;

7. No permanent sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, balloons, or other similar moving or inflatable devices. In addition, such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign;

8. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape;

9. It is the responsibility of the property owner to maintain all signs on the property in a safe and sound structural condition. 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 Planning & Zoning Administrator, proceed at once to put such sign in a safe and secure condition or remove the sign as per the Regulations stated in Section 920;

10. No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property;

11. All signs shall be so designed and supported as to carry the weight of the sign, and shall comply with the local building code in effect;

12. All signs shall be secured in such a manner as to prevent significant movement due to wind;

13. No advertising signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine, or public shelter;

14. No sign shall be attached in such manner that it may interfere with any required ventilation openings;

15. No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of present danger or prohibition of trespassing, except as otherwise herein permitted;

16. No sign shall be located nearer than eight feet vertically or four feet horizontally from any overhead electrical wires, conductors, or guy wires;

17. No vehicle or trailer may be parked or stored on a business premises or a lot for the purpose of advertising a business product, service, event, object, location, organization, or the like;

18. The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

19. No sign or landscaping shall encroach with an Intersection Sight Triangle as referenced in the most current Ohio Department of Transportation Location and Design Manual, Volume One.

#### 903. Permit Required.

1. No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this Article have been met. To assure compliance with these regulations, a sign permit issued pursuant to this Resolution shall be required for each sign unless specifically exempted in this Article;

2. A sign for which a permit has been issued shall not be modified, altered or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign, unless a new or amended permit is obtained consistent with these regulations;

3. The painting, changing of parts and/or preventive maintenance of signs to restore to, or to maintain the original condition, shall not be deemed alterations requiring a new or amended sign permit.

#### 904. Signs Permitted in All Districts: Permit Not Required.

1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve square feet in area, except in all Residential Districts where the area of the sign shall not be more than six square feet;

2. Professional name plates not to exceed four square feet in area;

3. Signs denoting the name and address of the occupants of the premises, not to exceed two square feet in area;

4. Election signs.

5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

905. Signs Permitted in Any District: Permit Required.

1. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed twenty-four square feet in area and which shall be located on the premises of such institution;

2. Temporary signs not exceeding fifty square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or the contractors may be erected for a period of sixty (60) days plus the construction period, or a total of three hundred sixty-five (365) days, whichever is less. Such temporary signs shall conform to the general requirements listed in Section 902, the setback requirements in Sections 910-912 and, in addition, such other standards deemed necessary by the Planning & Zoning Administrator to accomplish the intent of this Article as stated in Section 900.

3. In the event an existing permanent sign is damaged by an unavoidable accident or Act of God, such as lightning storm, windstorm, hailstorm, rainstorm, or tornado, the property owner may, pursuant to obtaining a zoning permit, erect a temporary sign during the period of replacement of the damaged sign. Said temporary sign shall be permitted for a period not to exceed one hundred eighty (180) days and may not be renewed.

906. Subdivision Signs and Entry Monuments: Permit Required.

1. Up to two permanent on-premise entry monuments may be installed at each primary entrance of residential and industrial subdivisions and office parks, no closer than ten feet to the right-of-way line. No part of any monument shall exceed twelve feet in height. Entry monuments may be constructed only of brick, stone, or masonry. Internal and neon lighting is prohibited.

2. One entry monument may also be installed in subdivision to subdivision transition areas, to within two feet of right-of-way.

3. Entry monuments may contain wording or designs announcing the name of the subdivision, limited to a maximum of one-fourth the face area of the monument or thirty-five square feet per monument, whichever is less.

4. The following temporary signs may be installed for sales offices in subdivisions during new home construction by that builder.

a. One on-premise sign, not to exceed twenty-five square feet in area and six feet in height providing information about the builder and sales office. The sign may be placed to within five feet of the right-of-way.

b. One wall sign a maximum area of fifteen square feet identifying the entrance to the sales office and builder.

c. With the written permission of the property owner, one off-premise directional sign containing an arrow, the words “model home,” and the builder’s name may be placed within the new subdivision. This sign may contain a maximum of six square feet and three feet in height and may be placed to within two feet of the right-of-way.

5. During new home construction, one temporary on-premise sign not to exceed forty square feet in area and ten feet in height announcing the developer, current home builder(s) within the subdivision, and subdivision information may be erected at each primary entrance to within ten feet of the right-of-way. The sign shall be removed within two years of the zoning certificate date, or a new application may be submitted if construction is ongoing. Failure to allow co-location shall result in revocation of zoning authorization and removal of any previously authorized sign.

6. The subdivision developer may permanently brand its name and logo into an entry monument. The total area of such brand shall not exceed one square foot for each entrance or transition location.

7. All other signs not specifically provided for herein are prohibited.

#### 907. Signs Permitted in Commercial and Industrial Districts: Permit Required.

The regulations set forth in this section shall apply to signs in all Commercial and Industrial Districts and such signs shall require a permit.

1. In a Commercial or Industrial District, each business shall be permitted flat or wall on-premises signs. Projection of wall signs shall not exceed two feet measured from the face of the main building. The area of all wall signs for any single business enterprise shall not exceed an area equivalent to one and one-half square feet of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise.

2. Free-standing on-premises signs not over thirty feet in height may be erected to serve business establishments. There shall be only one free-standing sign per street frontage for each lot of record. The area of free-standing signs may be an area equivalent to one square foot of sign area for each lineal foot of street frontage, not to exceed one hundred fifty square feet in area for single business developments. In the case of multiple business developments (two or more separate uses in one building or in a collection of buildings so

as to give the visual impression of a unified development) the free-standing sign may not exceed two hundred square feet in area.

A lot of record containing a portable sign is limited to one free-standing sign with an area no greater than one square foot of sign area for each lineal foot of street frontage, not to exceed one hundred square feet in area for single business developments. In the case of multiple business developments with a portable sign, the free-standing sign may not exceed one hundred fifty square feet in area.

3. In a Commercial or Industrial District, one off-premises sign with a total area not exceeding three hundred square feet may be permitted at a single location. Off-premises signs shall not exceed thirty feet in height.

For the purposes of this Article, outdoor advertising off-premises signs classified as a business use and be permitted in all districts zoned for Industry or Commerce or lands used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of the Ohio Revised Code, Chapter 5516, and the regulations adopted pursuant thereto.

4. One portable sign per lot of record is permitted for a period not to exceed thirty (30) days per calendar quarter. Such sign must conform to the general requirements listed in Section 902, the setback requirements in Sections 910-912 and, in addition, such other standards deemed necessary by the Planning & Zoning Administrator to accomplish the intent of this Article as stated in Section 900 and may not exceed thirty-two square feet in area. Failure to comply with the thirty (30) day permit period shall be cause for denial of additional portable sign permits. A lot containing a portable sign is subject to the restrictions stated in Section 906.2.

5. One search / beacon light per lot of record is permitted for a period not to exceed seven (7) days per calendar quarter. Beacon lights must conform to the setback requirements in Sections 910-912 and, in addition, such other standards deemed necessary by the Planning & Zoning Administrator to accomplish the intent of this Article as stated in Section 900. Failure to comply with the seven (7) day permit period shall be cause for denial of additional beacon light permits.

#### 908. Wall Signs Pertaining to Nonconforming Uses.

On-premises wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use, provided in the area of such sign does not exceed twelve square feet. This is the only sign permitted for the nonconforming use.

#### 910. Sign Setback Requirements.



Except as modified in Sections 911-912, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least ten feet.

#### 911. Setbacks for Public and Quasi-Public Signs.

Signs advertising the sale of real estate and bulletin boards for a church, school or any other public, religious or educational institution may be erected not less than ten feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections or is otherwise a health or safety hazard.

#### 912. Setbacks for On-Premises Signs.

On-premises signs, where permitted, shall be erected or placed from any adjoining property line a minimum of fifteen feet or a distance equal to the height of the sign, whichever is greater.

#### 913. Setbacks for Off-Premises Signs.

Off-premises signs shall be setback no less than fifty feet from any street right-of-way, one hundred feet from any property line, and four hundred feet from any residential zone or use.

#### 920. Maintenance.

All signs shall be maintained in safe and sound structural condition at all times and shall be presentable. The Planning & Zoning Administrator shall cause to be removed any signs or structures found to be unsafe or structurally unsound after giving thirty (30) days notification.

#### 930. Nonconforming Signs and Structures.

Advertising signs and structures in existence prior to the effective date of this Resolution which violate or are otherwise not in conformity with the provisions of this Article shall be deemed nonconforming. All such legal nonconforming signs and structure shall be maintained in accordance with this Article. The burden of establishing the legal nonconforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

#### 940. Loss of Legal Nonconforming Status.

A legal nonconforming sign shall lose its legal nonconforming status and therefore must be brought into conformity with this Article or be removed if the sign is altered in structure; or if it is

enlarged, relocated, or replaced; or if it is associated with an establishment which voluntarily discontinues operation for two years. To avoid loss of nonconforming status, a sign owner may contract for reconstruction or restoration of damaged signs within ninety (90) days of the damage and complete reconstruction or restoration within one hundred eighty (180) days of the damage. A sign owner may extend a nonconforming sign provided such extension does not enlarge this sign by more than ten percent. A sign owner may substitute a new sign for a nonconforming sign provided the new sign is of the same size, quality and durability as the existing nonconforming sign.

#### 950. Violations.

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Resolution, the Planning & Zoning Administrator shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Resolution. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Section 260 of the Resolution.

## **ARTICLE 10**

### **NONCONFORMITIES**

#### 1000. Purpose.

Within the districts established by this Resolution, or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution are deemed to be legal nonconformities. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this Resolution shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure, or structure and land in combination, for which a zoning permit became effective prior to the effective date of this Resolution, or any amendment thereto. Nevertheless, while it is the intent of this Resolution that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Resolution.

#### 1001. Uses Under Conditional Use Provisions Not Nonconforming Uses.

Any use which is permitted as a conditional use in a district under the terms of this Resolution shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

#### 1002. Incompatibility of Nonconformities.

Nonconformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

#### 1010. Avoidance of Undue Hardship.

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

#### 1020. Certificates for Nonconforming Uses.

The Planning & Zoning Administrator may upon his/her own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Planning & Zoning Administrator, who shall maintain as a public record a file of all such certificates.

#### 1030. Substitution of Nonconforming Uses.

1. So long as no structural alterations are made, except as required by enforcement of other codes or resolutions, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Resolution. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

2. In determining the appropriateness for a “substitution of nonconforming uses” the Board of Zoning Appeals shall, to the best of its ability, examine the degree of positive or negative

change in degree of risk to, or impact upon, the Township from factors in, but not necessarily limited to, the following list:

- a. Frequency of or magnitude of fire services.
- b. Frequency of or magnitude of need for law enforcement services.
- c. Danger from chemical or other hazardous materials.
- d. Danger to human life from operations or use of land.
- b. Danger to community from air, water, and/or land pollution.
- c. Density of population residing in, employed in, or visiting the land or buildings.
- d. Impact upon pedestrian traffic.
- e. Impact upon vehicular traffic.
- f. Impact upon parking within and without the premises.
- g. Impact of noise upon neighboring properties.
- h. Impact of lighting upon neighboring properties.
- l. Interference to the circulation of air, light, and/or water.
- m. Impact upon water supply.
- n. Impact upon sewer system.
- o. Visual impact upon surrounding properties.
- p. Economic impact upon surrounding properties and/or the Township.
- q. Compatibility with surrounding community character.
- r. Impact on the general health, safety and welfare of the surrounding properties and Township as a whole.

#### 1040. Single Nonconforming Lots of Record.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district,

provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

#### 1041. Nonconforming Lots of Record in Combination.

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Resolution.

#### 1050. Nonconforming Uses of Land.

Where, at the time of adoption of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution;
2. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution;
3. If any such nonconforming uses of land are discontinued or abandoned for more than two years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located;
4. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such nonconforming use of land.

#### 1060. Nonconforming Structures.

Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure,

such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
2. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this Resolution.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

#### 1070. Nonconforming Uses of Structures or of Structures and Land in Combination.

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building;
3. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;
4. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two years (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

1071. Termination of Nonconforming Use Through Discontinuance.

When any nonconforming use is discontinued or abandoned for more than two years, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

1072. Termination of Nonconforming Use by Damage or Destruction.

In the event that any nonconforming building or structure is destroyed by any means to the extent of more than fifty percent of the cost of replacement of such structure, exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Resolution. When such a nonconforming structure is damaged or destroyed to the extent of fifty percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Resolution and the following conditions:

1. A Zoning Certificate pertaining to such restoration shall be applied for and issued within one year of such destruction, and rebuilding shall be diligently pursued to completion.
2. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.
3. Any lawfully existing nonconforming single family or multifamily dwelling, in the event of damage or destruction, including loss up to one hundred percent of the structure, may be reconstructed substantially to the same size, density, dimension, and setback as existed before the loss. Reconstruction must commence within two years of the loss, and be completed no later than four years after the loss. If reconstruction is not commenced or completed within this time frame, current zoning regulations will then apply.

1080. Repairs and Maintenance of Nonconforming Structures.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.



# **ARTICLE 11**

## **SITE PLAN REVIEW**

### 1100. Purpose.

It is the purpose of this article to ensure that all developments are reviewed for compatibility with the regulations and intent of this Zoning Resolution, Township policies and plans, and good site planning practice.

### 1101. Applicability.

Site plan review and approval is required for the following:

1. Any zoning map amendment, except any zoning map amendment initiated by the Township; or
2. Any nonresidential use or development in any residential district;
3. Any use or development in the “B-1” Commercial or the “M-1” Industrial Zone.

### 1110. Site Planning Guidelines.

In reviewing the site plan, the Township Planning & Zoning Administrator shall determine whether the proposed development meets all requirements of the Zoning Resolution, including but not limited to those of the particular zoning district in which the development would be located and those presented below in Section 1111 through 1140.

### 1111. General.

1. The proposed development shall reflect all Township plans and policies affecting the site, including the Fairfield Township Land Development Plan, and any concept plans, planned development plans, or planned business plans previously adopted for adjacent properties.
2. The proposed development shall be consistent with the statement of intent for the zoning district in which it is located or proposed.

1112. Site Planning / Open Space and Green Areas.

1. To the extent possible, the natural topographic and significant landscape features of the site shall be incorporated into the development in order to preserve the site's natural resources and enhance its visual character;
2. Where appropriate, the design of green areas should incorporate plant materials to define space, provide screening and privacy, define views, serve as focal points, and soften views of buildings and pavement.

1113. Grading and Drainage.

1. Grading should be performed with sensitivity to existing topography and other natural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts.
2. Drainage shall be designed and constructed so as to not detrimentally affect adjacent properties. These systems shall provide for the safety and convenience of occupants and protection of dwellings, other development, and usable lot areas from water damage, flooding, and erosion.
3. The site of plan should conform to the requirements of the Butler County Subdivision and Development Regulations.

1114. Circulation.

1. The street, access and parking system shall provide for the smooth, safe, convenient and functional movement of vehicles and pedestrians both on and off site.
2. Circulation shall:
  - a. Minimize the conflict between pedestrian and vehicular traffic; and
  - b. Minimize the number of vehicular turning movements and points of vehicular conflict, particularly at access points.
3. Vehicular Access:
  - a. Acceleration, deceleration and/or left turn lanes may be required if the Township finds that they are necessary to preserve safety and/or the traffic carrying capacity of the existing street.
    - a. The Township may require a traffic impact study by a qualified traffic engineer if one or more of the following conditions exist. The qualified traffic engineer conducting the study shall contact the Butler County Engineer's Office to scope the study.

- (1) If the proposed development or redevelopment may increase the number of trips entering or leaving the property by ten percent or more;
- (2) If the proposed development or redevelopment may adversely change the type of traffic generated within the property, for example, addition of truck traffic;
- (3) The scale or use of the proposed development might cause deterioration of service levels on the street and/or deterioration of safety or service levels at intersections in the vicinity;
- (4) The proposed development is in the vicinity of a street or intersection with a history of safety and /or crash problems; and
- (5) The geometry of existing or proposed improvement might cause a safety hazard.

#### 4. Sight Distance Triangles.

- a. All sites shall be designed such that intersection approach legs and across their included corners should be clear of obstructions that might block a driver's view of potentially conflicting vehicles. These unobstructed areas are known as sight triangles, are to be free of vegetation and/or structures which may interfere with the safe movement of motor vehicle traffic, bicycles or pedestrians.

#### 1115. Pedestrian Circulation.

1. Sidewalks and/or pedestrian paths shall be constructed and located in order to provide a convenient, safe, and visible pedestrian path between parking area and building entrance. Whenever a pedestrian path or a bike path traverses a parking lot, a safe and efficient pedestrian system shall be clearly designated.

#### 1116. Lighting.

1. On-site exterior lighting should provide illumination adequate to permit safe nighttime activities.
2. All roadway, street, parking lot and walkway lights shall be shielded so that substantially all the directly emitted light falls within the property line.

1117. Screening and Buffering.

1. Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development.
2. Where vegetative and/or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question, every effort shall be made to retain such conditions. In such cases, additional screening may not be required, provided that provision is made for maintenance of such areas.

1120. Site Plan Review Procedures.

The Township shall review all required site plans using the procedures, standards, limitations and guidelines set forth in this Article. Site plans submitted for review shall demonstrate the proposed development meets the guidelines and performance standards set forth in the Zoning Resolution. The site plan shall contain sufficient detailed information about existing and proposed site conditions to allow an informed decision to be made by the Planning & Zoning Administrator, Zoning Commission, Township Trustees, and County Planning Staff as may be required concerning the general acceptability of the proposed development.

To be considered complete, a site plan shall identify and provide all the information required under Section 1131 of this Article.

At the time of the filing of an application for site plan review, the applicant shall pay the required site plan review fee in accordance with the Township's effective schedule of fees.

1121. Zoning Map Amendment Review Procedure.

1. Preapplication Meeting.

An informal meeting among applicant, Township Planning & Zoning Administrator and County Planning Staff members shall be held to discuss the proposed project before it is officially submitted for review. The developer shall prepare a "sketch" plan to be used as a basis for discussion.

2. Application.

The applicant shall submit fifteen copies of the zoning map amendment application and site plan to the Planning & Zoning Administrator by the application deadline. The Planning & Zoning Administrator shall transmit copies of both to the Township Administrator and the appropriate county and state review agencies.

3. Review.

The Township Planning & Zoning Administrator shall within thirty (30) days of the application deadline, review the site plan and shall recommend for or against the zone change or some modification thereof.

The Township Planning & Zoning Administrator shall collect reports from the appropriate review agencies and transmit those reports and his own recommendation to the applicant, Township Administrator, and Township Zoning Commission within ten (10) days of receipt of all reports.

#### 4. Decision.

The Township Zoning Commission shall then take all steps necessary to complete the zone change process as set forth in Revised Code Section 519.12 and Article 4 of this Resolution.

### 1122. Zoning Certificate Review Procedure.

#### 1. Preapplication Meeting.

An informal meeting among applicant, Township Planning & Zoning Administrator and County Planning Staff members may be held to discuss the proposed project before it is officially submitted for review. The developer shall prepare a “sketch” plan to be used as a basis for discussion.

#### 2. Application.

The applicant shall submit two copies of the zoning certificate application and site plan to the Planning & Zoning Administrator. The Planning & Zoning Administrator shall transmit copies of both to the Township Administrator and the appropriate county and state review agencies.

#### 3. Review.

The Township Planning & Zoning Administrator and appropriate county and state review agencies shall review the site plan and prepare a report with a recommendation for or against the development or some modification thereof.

#### 4. Decision.

The Township Planning & Zoning Administrator shall within ten days of receipt of the reports and recommendations, either issue or deny application for a zoning certificate and in so doing state the reasons for the action taken.

If the application is denied, the applicant may submit a new site plan for review in accordance with Section 1122 or the applicant may appeal the decision to the Board of Zoning Appeals in accordance with Article 4 of this Resolution.

#### 1130. Site Plan.

All applications for site plan review shall be accompanied by the following:

1. A completed application form provided by the Zoning Department of Fairfield Township;
2. The required site plan review fee in accordance with the Fairfield Township fee schedule; and
3. Copies of the site plan drawn in accordance with Section 1131.

#### 1131. Contents.

##### 1. Legend

- a. Date Plan created/modified
- b. Scale (appropriate for review)
- c. Vicinity map
- d. North arrow
- e. Development name
- f. Development address
- g. Property owner name and address
- h. Plan creator name and address

##### 2. Parcel Data

- a. Auditor's parcel number
- b. Parcel lines
- c. Directional bearings and distances (if parcel split or consolidation involved)
- d. Legal description (if parcel split or consolidation involved)
- e. Net acreage and square footage (acreage/square footage less right-of-way area)
- f. Adjacent parcels

- g. Zoning
- h. Adjacent parcel zoning
- i. Adjacent land uses
- j. Adjacent street names
- k. Street names forming nearest intersection
- l. Distance from nearest intersection

### 3. Development Data

- a. Description of all proposed uses
- b. Existing structures to be retained
  - (1) Gross floor area
  - (2) Setback distances from adjoining properties
  - (3) Setback distances from rights-of-way
- c. Proposed structure location
  - (1) Number of floors
  - (2) Structure height
  - (3) Gross floor area
  - (4) Setback distances from adjoining parcels
  - (5) Setback distances from rights-of-way
- d. Addition/Modification location
  - (1) Number of floors
  - (2) Addition/modification height
  - (3) Gross floor area
  - (4) Setback distances from adjoining parcels
  - (5) Setback distances from rights-of-way
- e. Floodplain
  - (1) Identification whether any structure will lie within one-hundred-year floodplain
- f. Parking and circulation

- (1) Curb cut locations
- (2) Drive aisle locations and dimensions
- (3) Off-street parking space locations and dimensions
- (4) Off-street parking space count
- (5) Parking lot screening locations
- (6) Parking barrier locations
- (7) Off-street loading/unloading locations and dimensions
- (8) Loading/unloading screening locations
- (9) Street locations
- (10) Right-of-way line locations
- (11) Measurements from center line to rights-of-way line
- (12) All parking, loading, and circulation areas marked paved
- (13) Pedestrian walkway locations
- g. Stormwater facility location
- h. Outdoor lighting locations
  - (1) All lighting marked inward (or downward) directed and shielded
- i. Sign location (subject to separate approval)
- j. Vegetation screening locations
  - (1) Description of vegetation used
- k. Fence locations
  - (1) Description of fencing used
- l. Landscaping locations
  - (1) Description of landscaping
- m. Waste/dumpster location and screening
  - (1) Description of screening used
- n. Estimated construction schedule
- o. Rendering of structure face



p. Additional information necessary to determine compliance

1132. Waiver of Site Plan Requirements.

Depending on the nature of the site plan review application, one or more of the aforementioned site plan requirements may be waived by the Township Planning & Zoning Administrator. To obtain a waiver the applicant must submit a statement to the Planning & Zoning Administrator indicating reasons why the requirements should be waived. The Planning & Zoning Administrator may grant waivers only when the material supplied by the applicant clearly demonstrates that the required information is unnecessary for a full and adequate review of the impact the proposed development shall have on the existing character of the neighborhood and/or the spirit of the Zoning Resolution. The decision of the Planning & Zoning Administrator with respect to the waiver is subject to review upon appeal to the Board of Zoning Appeals.

1140. Revisions of Site Plan After Approval.

No changes, erasures, modifications or revisions shall be made to any site plan after approval has been given unless said changes, erasures, modifications or revisions are first submitted to and approved by the Planning & Zoning Administrator.

1150. Compliance and Enforcement.

It shall be incumbent upon the Township Planning & Zoning Administrator or his duly authorized representative to make all inspections and certifications necessary to ensure that development occurs in accordance with the approved site plan.

In the event that the Planning & Zoning Administrator finds that construction is not in accordance with the site plan, he shall issue a stop work order. It shall be incumbent upon the contractor or developer to correct those items that are in violation before construction may resume. All action required to bring development into compliance with the approved site plan shall be at the developer's, builder's, contractor's, or owner's expense.

## **ARTICLE 12**

### **SEXUALLY ORIENTED BUSINESSES**

#### 1200. Purpose.

It is the purpose and intent of the Article to regulate sexually oriented businesses to promote the health, safety, and morals of the citizens of the Township and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the Township, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative material or expression, including sexually oriented materials. Similarly, it is not the intent nor effect of this Article to restrict or deny access by adults to sexually oriented materials or expression protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of the Article to condone or legitimize the distribution of obscene material.

#### 1201. Establishment and Classification of Businesses Regulated.

1. Sexually oriented businesses include the following: adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theatre, adult theatre, massage parlor, sexual encounter establishment, escort agency, or nude model studio.
2. The establishment of a sexually oriented business shall be permitted only in the “B-1” Business Zone (a.k.a. “B-1” Commercial) and shall be subject to the following restrictions:
  - a. No person shall cause or permit the establishment of any sexually oriented business within one thousand feet of another sexually oriented business or within one thousand feet of any religious institution, school, or public park, or within one thousand feet of a residential district.

#### 1202. Location Restrictions and Requirements for Sexually Oriented Businesses.

The Fairfield Township Zoning Resolution hereby requires that sexually oriented businesses shall be permitted only as provided in Section 1201. A zoning certificate shall be required prior to the establishment of a sexually oriented business. In addition, any sexually oriented business shall be subject to the following restrictions:

1. No sexually oriented business shall be operated within one thousand feet of: (a) any religious institution; (b) any school; (c) any public park; (d) any residential district.

2. No sexually oriented business shall be operated within one thousand feet of another such business, which will include those stated in Subparagraph 1201.1.

3. Nothing in this Article shall prohibit a person from appearing in a state of nudity for a modeling class operated:

a. By a proprietary school, licensed by the State of Ohio; a college, junior college, or university supported entirely or partly by taxation;

b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

c. In a structure:

(1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;

(2) Where in order to participate in a class a student must enroll at least three days in advance of the class; and

(3) Where no more than one nude model is on the premises at any one time.

#### 1203. Measurement of Distance.

1. Distances shall be measured in a straight line, without regard to intervening structures or topography (i.e., as measured on a map).

2. The distances shall be measured from the exterior faces (including architectural projections) of the exterior walls of the principal building containing the proposed sexually oriented business.

3. The distances shall be measured to the exterior faces (including architectural projections) of the exterior walls of any principal building containing another sexually oriented business or any religious institution.

4. If the proposed sexually oriented business is to be located within a tenant space, then the distances shall be measured from the exterior faces (including architectural projections) of the walls creating the boundaries of the tenant space, and not from that of the entire multi-tenant building.

5. If another sexually oriented business or any religious institution or school is located within a tenant space, then the distances shall be measured to the exterior faces (including architectural projections) of the walls creating the boundaries of the tenant space, and not from that of the entire multi-tenant building.

6. Regarding distance measurements to a residential district, the distances shall be measured from the exterior faces (including any architectural projections) of the exterior walls of the principal building containing the proposed sexually oriented business to the closest point of the residential district as established by the Fairfield Township Zoning Map. If the proposed sexually oriented business is to be located within a tenant space, then the distances shall be measured from the exterior faces (including architectural projections) of the walls creating the boundaries of the tenant space, and not from that of the entire multi-tenant building.

7. Regarding distance measurements to a public park or school not within a tenant space, the distances shall be measured from the exterior faces (including any architectural projections) of the exterior walls of the principal building containing the proposed sexually oriented business to the closest point of the parcel line (as established by the Butler County Auditor) of the parcel containing the public park or school. If the proposed sexually oriented business is to be located within a tenant space, then the distances shall be measured from the exterior faces (including architectural projections) of the walls creating the boundaries of the tenant space, and not from that of the entire multi-tenant building.

#### 1204. Zoning Certificate Required.

1. No sexually oriented business shall be permitted to operate without a valid Zoning Certificate for a sexually oriented business issued by the Township. Upon request, the Planning & Zoning Administrator (a.k.a. Planning & Planning & Zoning Administrator) or his designee shall provide an applicant for a sexually oriented business an application for a commercial zoning certificate, which shall serve as the required application form.

2. An application for a zoning certificate must be made on a form provided by the Township. Any person desiring to operate a sexually oriented business shall file with the Township an original and two copies of all materials required for submission.

3. An application fee shall also be submitted in accordance with the schedule determined by the Board of Trustees.

4. All property included in a sexually oriented business must meet all the underlying conditions applicable in a "B-1" Business District.

5. The completed application shall also contain the following information and shall be accompanied by the following documents:

a. A map, drawn to scale and marked to show the location of all land uses and zoning districts within one thousand feet of the principal building or tenant space in which the sexually oriented business is to be located. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

## 6. Approval of Application.

a. The Planning & Zoning Administrator or his designee, shall approve the application for a zoning certificate unless:

(1) An applicant has failed to provide information required by this Article or the application for the issuance of a zoning certificate.

(2) The applicant has falsely answered a question or request for information on the application form.

(3) The application fee required by this Article was not paid.

(4) The proposed business does not comply with the zoning locational requirements for a sexually oriented business.

b. If the Planning & Zoning Administrator or his designee denies the application, he shall notify the applicant of the denial and state the reason(s) for the denial. The applicant shall be given an opportunity to correct identified deficiencies.

c. The Planning & Zoning Administrator shall issue the Zoning Certificate or provide notice and reasons of denial within ten days of the submission of the application.

## 1205. Nonconforming Use.

Any sexually oriented business lawfully operating on the effective date of this Article that is in violation of this Article shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within one thousand feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at the particular location is the conforming use and the later established business(es) is nonconforming.

## 1206. Appeal of Denial or Revocation

After denial of an application or revocation of a zoning certificate, the applicant or permittee may seek prompt review of such administrative action through the Board of Zoning Appeals. The Board of Zoning Appeals shall hear and decide the appeal within thirty days of the date the appeal is filed.

## 1207. Advertising and Lighting

1. No sign, advertisement, promotional material or display of any type shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, public or semi-public areas, nor the public right-of-way of any street or roadway except as permitted under Subparagraph 1207.4.
2. No displays or exhibits of materials and/or performances at such sexually oriented business shall be allowed in any advertising which is visible outside the premises. This prohibition shall not extend to advertising of the existence or location of such sexually oriented business.
3. The permittee shall not allow any portion of the interior premises to be visible from outside the premises.
4. Pursuant to Article 9, each conforming sexually oriented business shall be permitted both wall and freestanding signs which announce the names of the business. No off-premise or portable signs shall be permitted.
5. All off-street parking areas and premise entries of the sexually oriented business shall meet the requirements for parking under Article 8 of this Resolution and shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one-foot candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premise.
6. Nothing contained in this Section of the Article shall relieve the operator(s) of a sexually oriented business from complying with other requirements of this Resolution as it may be amended from time to time, or any subsequently enacted resolutions.

## 1208. Definitions.

For the purposes of this Article, certain terms and words are defined as follows:

1. Sexually Oriented Businesses are those businesses defined as follows:
  - a. Adult Arcade means 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, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

b. Adult Bookstore, Adult Novelty Store or Adult Video Store means an establishment which derives fifty percent or more of its revenue from, or maintains fifty percent or more of its in-store inventory (either measured by display area or retail value) in, one or more of the following:

(1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction of specified sexual activities or specified anatomical areas;

(2) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or related to specified sexual activities.

c. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities and one or more of the fifty percent thresholds in Subparagraph 1208.1.b above are met.

d. Adult Cabaret means a nightclub, bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, in which persons appear in a state of nudity in the performance of their duties.

e. Adult Motel means a motel, hotel or similar commercial establishment which:

(1) Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, 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 specifically 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

(2) Offers a sleeping room for rent for a period of time less than ten hours; or

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

f. Adult Motion Picture Theater means a commercial establishment used for a principal purpose of presenting motion pictures characterized by their emphasis on portrayals of specified anatomical areas or specified sexual activities.

g. Adult Theater means a theater, concert hall, auditorium, or similar building used for a principal purpose of presenting live acts characterized by their emphasis on individuals in a state of nudity or specified sexual activities.

h. Escort Agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. Escort means a person who, for any form of consideration, agrees or offers to act as a companion or date for another person, to privately model lingerie or to privately perform a striptease for another person, or to provide specified sexual activities for another person.

i. Massage Parlor means 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 or 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 sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed chiropractor or osteopath, 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.

j. Nude Model Studio means 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.

k. Sexual Encounter Establishment means a business or commercial establishment, that as one of its primary business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas or activities when one or more of the persons is in a state of nudity or semi-nude. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.



2. Establishment means and includes any of the following:
  - a. The opening or commencement of any such business as a new business;
  - b. The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined in this Article;
  - c. The addition of any of the sexually oriented businesses defined in this chapter to any other existing sexually oriented business; or
  - d. The relocation of any such sexually oriented business.
3. Nudity or State of Nudity means the showing of either of the following:
  - a. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering;
  - b. The female breast with less than a fully opaque covering on any part of the nipple.
4. Operator means and includes the owner, permit holder, custodian, manager, operator or person in charge of any sexually oriented business.
5. Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.
6. Public Park means public land which has been designated for park or recreational activities including a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the Township which is under the control, operation, or management of the Township Board of Trustees, the County Commissioners, the State of Ohio, or the U.S. Government.
7. Religious Institution means any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.
8. Residential District means the “R-1,” “R-2,” “R-3,” or “R-4” zoning districts as defined in the Fairfield Township Zoning Resolution and shown on the Fairfield Township Zoning Map.
9. School means any public or private educational facility including child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, special education schools, junior colleges, and universities. School includes the school grounds but does not include the facilities used primarily for another purpose and only incidentally as a school.

10. Sexually Oriented Business means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theatre, adult theater, massage parlor, sexual encounter establishment, escort agency or nude model studio.

11. Specified Anatomical Areas means and includes any of the following:

- a. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering;
- b. The female breast with less than a fully opaque covering on any part of the nipple.

12. Specified Sexual Activities means and includes any of the following:

- a. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- c. Masturbation, actual or simulated;
- d. Human genitals in a state of sexual stimulation, arousal or tumescence;
- e. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (a) through (d) of this Subparagraph.

13. Tenant Space means a securable area separated from other areas by walls and doors that is available for lease or rent within a multi-tenant building, such as tenant spaces typically found within a shopping mall or strip center.

# APPENDIX

## DEFINITIONS

For the purpose of this Resolution, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word “shall” is a mandatory requirement, the work “may” is a permissive requirement, and the word “should” is a preferred requirement; the word “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual; the words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied;” the word “lot” includes the words “plot” or “parcel.”

1. ACCESSORY USE, means a subordinate use or building customarily incidental to and located on the same lot occupied by the main use or building.
2. AGRICULTURE (FARMING), means the use of land for agricultural purposes as defined in section 519.01 of the Ohio Revised Code.
3. ALLEY OR LANE, means a public or private way not more than thirty feet wide affording only secondary means of access to abutting property.
4. ALTERATION, means any change, addition, or modification in construction or occupancy of an existing structure.
5. AMUSEMENT CENTER, means a building or part of a building in which five or more pinball machines, video games, or other similar player-operated amusement devices are maintained.
6. ANTENNA, means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.
7. APARTMENT, means a room or suite of rooms intended, designed or used as a residence by a single family.
8. APARTMENT HOUSE (see DWELLING, MULTIPLE).
9. ATTACHED, means permanently connected.
10. AUTOMOBILE REPAIR, MAJOR, means general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body, frame, or fender straightening or repair; over-all painting or paint shop; vehicle steam cleaning.
11. AUTOMOBILE REPAIR, MINOR, means replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half tons capacity, but not

including any operation named under “AUTOMOBILE REPAIR, MAJOR,” or any other similar thereto.

12. AUTOMOBILE OR TRAILER SALES AREA, means an open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.
13. AUTOMOBILE SERVICE STATION OR FILLING STATION, means a place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.
14. AUTOMOBILE WRECKING, means the dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
15. BASEMENT, means a story having part but not more than one-half of its height above grade and used for storage, garages for use of occupants of the building, janitor or watchman quarters, or other utilities common for the rest of the building. A basement used for the above purposes shall not be counted as a story.
16. BEACON LIGHT, means any light with one or more beams, capable of being directed in any direction or directions or capable of being revolved automatically.
17. BED/BREAKFAST HOME, means any house, or portion thereof, where short-term lodging, with or without meals, is provided.
18. BILLBOARDS, SIGNS AND OUTDOOR ADVERTISING, (see SIGN, OFF-PREMISES).
19. BOARD, means of Board of Zoning Appeals of Fairfield Township, Butler County, Ohio.
20. BOARDING OR LODGING HOUSE, means a building other than a hotel where, for compensation and by arrangement, meals or lodging and meals are provided for three or more persons but not exceeding twenty persons.
21. BUILDING, means 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. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum size, and requirements as hereinafter provided.
22. BUILDING, HEIGHT OF, means the vertical distance, from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

23. BUILDING, PRINCIPAL, means a structure in which the primary use of the lot on which the building is located is conducted.
24. CELLAR, means a story the floor of which is more than one-half of its story height below the average contact ground level of 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.
25. CERTIFICATE (see ZONING CERTIFICATE).
26. CHILD DAY-CARE, means administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four-hour day in a place or residence other than the child's own home. The following are child day-care facilities:
  - a. CHILD DAY-CARE CENTER, means any place in which child day-care is provided, with or without compensation, for thirteen or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for seven to twelve children at any one time. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.
  - b. TYPE A FAMILY DAY-CARE HOME, means a permanent residence of the administrator in which child day-care is provided for four to twelve children at any one time, if four or more children are under two years of age. In counting children for the purposes of this definition, any children under six years of age who are related to the licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.
  - c. TYPE B FAMILY DAY-CARE HOME, means a permanent residence of the provider in which child day-care or child day-care services are provided for one to six children at one time and in which no more than three children may be under two years of age at any one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

27. CLINIC, means a place where medical or dental care is furnished to persons on an out-patient basis by four or more doctors, dentists and/or medical technicians. The definition of “Clinic” does not include a “Drug Rehabilitation Clinic.”
28. CLUB, means a building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
29. COMMERCIAL EQUIPMENT, means any powered equipment that is designed to facilitate operations in a manufacturing/warehouse facility, construction site, or dock yard, or other commercial operations. OR any vehicle/equipment accessories designed to facilitate commercial operations. (This includes, but is not limited to, backhoes, bull dozers, cherry pickers, excavators, front loaders, and all other heavy equipment.)
30. COMMERCIAL VEHICLE, means any motor vehicle that has motor power and is designed to transport more than 15 persons and/or used for carrying merchandise or freight, commercial equipment hazardous material, or that is used as a tractor. OR any motor vehicle rated at 1 & ½ ton or greater that has motor power and is designated and used for occupational, employment or enterprise purposes that is carried for by the owner, lessee, or licensee. (This includes but is not limited to, box trucks, buses, pole trailers, semi-trucks, semi-trailers.)
31. COMMISSION, means the Zoning Commission of Fairfield Township, Butler County, Ohio.
32. CONDITIONAL USE, means a use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district subject to approval by the Board of Zoning Appeals, and subject to special requirements, different from those usual requirements for the district in which the conditional use may be located.
33. CONVENIENCE STORE, means any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than five thousand square feet.
34. COURT, means an open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.
35. DECK, means a wood or “wood-like” structure that is typically uncovered and added to a principle structure. Accessory structure setbacks shall be used to determine site suitability including a prohibition of decks in the front yard.

36. DENSITY, means required land area for each dwelling unit. For single family detached homes it shall be the required lot size per dwelling excluding any streets, public or private right-of-way. For multi-family dwelling units, it shall be the required area of land per dwelling unit as specified in the District Regulations exclusive of any public utility easements and streets, public or private right-of-way.
37. DETACHED, means standing by itself or unconnected.
38. DEVELOPMENT, means the division of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.
39. DISTRICT, means a portion of the territory of Fairfield Township within which certain uniform regulations and requirements of various combinations thereof apply under the provisions of the Resolution.
40. DRUG REHABILITATION CLINIC, means any facility where any part or component of the operation or use consists of the diagnosis, treatment, or maintenance of drug addiction or dependency, alcohol addiction or dependency, or the addiction or dependency to any other controlled substance as regulated by the federal, state, or local government having jurisdiction. This definition is to include any place or use, whether intended for short term residential treatment, long term residential treatment, or outpatient treatment of alcohol, drug, or controlled substance dependency or addiction, but shall not include the administration of emergency life-saving medical treatment for persons experiencing an immediate medical crisis.
41. DWELLING, means any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer, trailer coach, mobile home or manufactured home. This definition is to include any prefabricated unit or units designed for use as a dwelling that conform in all respects to the Butler County Building Regulations for dwellings.
  - a. DWELLING, SINGLE-FAMILY, means a building designed for or used exclusively for residence purposes by one family or housekeeping unit.
  - b. DWELLING, TWO-FAMILY, means a building designed for or used exclusively by two families or housekeeping units.
  - c. DWELLING, MULTIPLE, means a building or portion thereof designed for or used by three or more families or housekeeping units.
  - d. DWELLING UNIT, means one room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.

- e. DWELLING GROUP, means a group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.
- 42. ESSENTIAL SERVICES, means the erection, construction, alteration, or maintenance of the following: underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, or hydrants; and other similar equipment and accessories reasonably necessary for the furnishing of adequate service by public utilities or municipal or other governmental agencies for the public health or safety or general welfare, but not including buildings.
- 43. FAMILY, means a person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel, dormitory, fraternity or sorority house, provided, however, that “family” shall not include more than four persons unrelated to each other by blood, marriage or legal adoption.
- 44. FENCE, means any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
- 45. FLOOR AREA, GROSS, means the sum of all floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls.
- 46. FLOOR AREA, RESIDENTIAL, means the area of dwelling devoted to living purposes, including stairways, halls and closets within the dwelling unit, but excluding porches and space used for a garage or carport. In multi-family dwellings, the area of laundry rooms, storage rooms, offices, elevators, stairways, hallways, or lobbies shall be excluded from the residential floor area.
- 47. FRONTAGE, means the distance of the property measured along the line of the street between the property lines of the parcel where they intersect the right-of-way for a public street or easement line for a private street.
- 48. GARAGE, PRIVATE, means a detached accessory building or portion of the principal building intended primarily for the storage of self-propelled passenger vehicles or trailers by the families residing upon the premises.
- 49. GARAGE, PUBLIC, means a structure or portion thereof, other than a private garage, used for the storage of self-propelled vehicles or trailers.
- 50. GRADE, means the average level of the finished surface of the ground adjacent to the exterior walls of a building.



51. **GROUP RESIDENTIAL FACILITY**, means a community residential facility, licensed and/or approved and regulated by the state of Ohio, which provides rehabilitative or habilitative services. There are two classes of group residential facilities:
- a. **CLASS I**, means any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A group residential facility contains six or more residents, exclusive of staff. A Class I Type B group residential facility contains five or less residents, exclusive of staff.
  - b. **CLASS II**, means any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six or more residents, exclusive of staff. A Class II Type B group residential facility contains five or less residents, exclusive of staff.
52. **HEALTH/RECREATION FACILITY**, means an indoor facility including uses such as game courts, exercise equipment, locker rooms, jacuzzi, and/or sauna and pro shop.
53. **HOME OCCUPATION**, means an occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.
54. **HOSPITAL**, means a building or portion thereof used for the accommodation of sick, injured or infirm persons including health care facilities, hospitals and sanitariums, convalescent and rest homes and boarding homes for children and aged persons.
55. **HOTEL**, means a building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment which are herein separately defined.
56. **HOUSEKEEPING UNIT**, means one or more persons occupying a dwelling unit and living as a single group, and doing their own cooking on the premises, as

distinguished from a group occupying a boarding house, lodging house, or hotel, as herein defined.

57. INDUSTRY, means the storage, repair, manufacture, preparation, or treatment of any article, substance or commodity.
58. INOPERABLE VEHICLE, means any transportation device which is unfit for use due to any of the following conditions:
  - a. Not currently licensed for use on roads in this state;
  - b. Unsafe for travel due to the lack of a part or parts such as but not limited to, a wheel, a door, the hood, the motor, or the windshield.
59. INSTITUTION, means a building occupied by a non-profit or a non-profit establishment for public use.
60. IRREGULAR LOT, means any lot that is not square or a rectangle in shape, that has nonparallel side lot lines, or nonparallel front and rear lot lines and/or side lot lines that are not normal to the principal access street.
61. JUNK, means machinery, scrap, iron, steel, or other ferrous and nonferrous metals, tools, implements or portion thereof, glass, plaster, cordage, building materials, or other waste that has been abandoned from its original use and may be used again in its present or a new form.
62. JUNK YARD, means a place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and place or yards for storage of salvage house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building.
63. KENNEL, means an establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling animals is conducted as a business.
64. LABORATORY, means a building or a portion of a building devoted to the experimental study in science, or the testing and analysis of chemicals, drugs, minerals, or other substances usually associated with scientific study.
65. LABORATORY, MEDICAL OR DENTAL, means a building or a portion of a building devoted in use to providing bacteriological, biological, medical, X-ray, pathological and similar analytical or diagnostic services to doctors or dentists and where no fabrication is conducted on the premises except the custom fabrication of dentures.

66. LANDOWNER, means the legal or beneficial owner or owners of all of the land proposed to be included in a development. The holder of an option or contract to purchase, a lessee or other person having an enforceable proprietary interest in such land, shall be deemed to be a landowner for the purposes of this article.
67. LAND USE PLAN, means the long-range plan for the desirable use of land for FAIRFIELD TOWNSHIP as prepared and as amended from time to time by the Zoning Commission. The purpose of the plan is to serve as a guide in the zoning and progressive changes in the zoning of land to meet changing community needs in the subdividing and use of undeveloped land.
68. LAUNDROMAT, means an establishment providing home type washing, drying, or ironing machines for hire to be used by customers on the premises.
69. LOADING SPACE, means a space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of trucks, and having a minimum dimension of twelve feet by thirty-five feet and a vertical clearance of at least fourteen feet.
70. LOT, means a parcel of land occupied or intended for occupancy by a use permitted in this Resolution, including one principal permitted use together with its accessory buildings, the open spaces and parking spaces required by this Resolution, and having its principal frontage upon a public or private street or upon an officially approved place.
  - a. LOT, CORNER, means a lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five degrees. The point of intersection of the street lines is the “corner.”
  - b. LOT, DOUBLE FRONTAGE, means a lot having a frontage on two non-intersection streets as distinguished from a corner lot.
  - c. LOT, INTERIOR, means a lot other than a corner lot.
  - d. LOT OF RECORD, means a parcel of land which has been defined and recorded in the office of the County Recorder or Auditor of Butler County.
71. LOT DEPTH, means the mean horizontal distance between the front and the rear lot lines.
72. LOT LINE, means a line dividing one lot from another lot or from a street or alley.
73. LOT, MINIMUM AREA OF, means the area of a lot computed exclusive of any portion of the right-of-way of any public or private thoroughfare.
74. LOT WIDTH, means the mean width of the lot measured at right angles to its depth.

75. MANUFACTURED HOME, means a factory built single-family structure that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974. This definition is also to include any other prefabricated unit or units designed for use as a dwelling that may not conform in all respects to the Butler County Building Regulations for dwellings, or that may be exempt from the Building Department inspections during construction.
76. MOBILE HOME, means a structure of vehicular, portable design built on a chassis and designed to be moved from one site to another, including multiple units that may be joined into one unit; and to be used with or without a permanent foundation as a permanent or semi-permanent dwelling, and such units shall not be modified, except by the Manufacturer, to comply with any local building codes. This definition is also to include any other prefabricated unit or units designed for use as a dwelling that may not conform in all respects to the Butler County Building Regulations for dwellings, or that may be exempt from the Building Department inspections during construction.
77. MOTEL, MOTOR COURT, MOTOR HOTEL, means a building or a group of buildings, comprising individual sleeping or living units attached in groups of three or more per building for the accommodation of transient guests, not containing individual cooking or kitchen facilities.
78. NONCONFORMING USE, means 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 of the district in which located.
79. OPEN SPACE, COMMON, means a parcel or parcels of land or any area of water, or a combination of land and water within the site designed and intended for the use or enjoyment of occupants of the planned development.
80. OPEN SPACE, PUBLIC, means that portion of land which has not been built over and which is held by government to be reserved in its natural state or for agriculture or outdoor recreational use.
81. PANHANDLE LOT, means a lot whose only owned access to the street is a narrow strip of land. The narrow strip of land known and referred to as the “panhandle” shall be defined as a strip of land displaying a minimum width at any point of twenty feet and a maximum width of less than the minimum lot width required for building purposes.
82. PARKING AREA, PRIVATE, means an open area for the same uses as a private garage.

83. PARKING AREA, PUBLIC, means 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.
84. PARKING SPACE, means a surfaced area suitable for parking of motor vehicles of not less than one hundred sixty-two square feet, either within a structure or in the open, exclusive of driveways or access drives.
85. PATIO, means an uncovered area, permanently surfaced or constructed, the use of which is customarily incidental to that of the main use of the land and which is located on the same lot with the main building of use.
86. PERMANENT, means lasting more than 30 days.
87. PLACE, means an open, unoccupied space or a public or private thoroughfare, other than a street or alley permanently reserved as the principal means of access to abutting property.
88. PLAN, means the written and graphic submission for a planned development, including a plat of subdivision, all covenants relating to the use, location, and bulk of buildings and other structures, density of development, private streets, ways and parking facilities, common open space and public facilities.
89. PROFESSIONAL CONSULTANT, means a person who possesses the knowledge and skills by reason of education, training, and experience to comprehend the full nature and extent of the project in question regarding its social, economic, physical, environmental and design characteristics and implications in order to foster a unified plan for development. He may be, but is not necessarily limited to, a registered architect, landscape architect, engineer, planner, or equivalent.
90. PUBLIC SERVICE FACILITY, means the erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping station, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.
91. RECREATIONAL VEHICLE, means a vehicular portable structure designed and constructed to be used as a temporary dwelling for travel, recreational and vacation uses and being classed as follows:
  - a. TRAVEL TRAILER, means a nonself-propelled recreational vehicle not exceeding an overall length of thirty-five feet, exclusive of bumper and tongue or coupling, and includes a tent type fold out camping trailer as defined in Division (S) of Section 4517.01 of the Revised Code.

- b. MOTOR HOME, means a self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.
- c. TRUCK CAMPER, means a nonself-propelled recreational vehicle, without wheels for road use, and designed to be placed upon and attached to a motor vehicle.
- 92. RECYCLING CENTER, means a building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.
- 93. RESTAURANT, means a place where prepared food and beverages are served for consumption on the premises either by providing seating for inside or outside consumption or providing parking spaces for outside consumption.
- 94. RESTAURANT, DRIVE-IN, means restaurants which provide outside parking spaces and serve prepared food and beverages outside for consumption on the premises.
- 95. RESTAURANT, DRIVE-THROUGH, means a restaurant that provides for prepared food and beverages to be served at a pick-up window for consumption off the premises.
- 96. RIGHT-OF-WAY, means a strip of land taken or dedicated for use as a public way. In addition to a roadway, it may incorporate curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features such as grade separation, landscaped areas, viaducts, and bridges.
- 97. ROOMING HOUSE (SEE BOARDING HOUSE).
- 98. SELF-SERVICE STORAGE FACILITY, means a building or group of buildings consisting of individual, self-contained units that are leased or owned for the storage of business and household goods or contractors' supplies.
- 99. SETBACK, means the minimum horizontal distance between any building or structure and the related front, side or rear property line.
- 100. SHOPPING CENTER, means a grouping of retail businesses and service uses on a single site with common parking facilities.
- 101. SIGN, means any structure, building or natural object, including the ground itself, on which is represented, either directly or indirectly, or is affixed thereto any work, banner, flag, pennant, insignia, lettering, figures, numbers, sentences, emblems, devices, designs, pictures, trade names or trademarks, which is designated to or which in fact does attract the attention of persons not on the premises on which the sign is located. The term "sign" shall not include:

- a. Signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, resolution, or governmental regulation.
  - b. The flag, pennant, or insignia of any nation, state, county, city, or other political unit, or of any political, education, charitable, philanthropic, civic, professional, or religious campaign, drive, monument or event.
102. SIGN, AREA OF, means the total exterior surface computed in square feet of a sign having but one exposed exterior surface; one-half the total of the exposed exterior surface computed in square feet of a sign having more than one such surface.
103. SIGN, OFF-PREMISES, means any sign unrelated to a business or profession conducted, for a commodity or a service sold or offered upon the premises where such sign is located.
104. SIGN, ON-PREMISES, means any sign relating to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
105. SIGN, PERMANENT, means any sign which is:
- a. Permanently affixed to a structure or mounted in the ground, and
  - b. Not easily movable without disassembly because of construction and placement, and
  - c. Not constructed from materials of temporary durability such that its use is for short duration.
106. SIGN, PORTABLE, means a sign that is not permanently affixed to the ground or to a building, including changeable copy signs and any sign attached to or displayed on a vehicle that is used for the express purpose of advertising a business establishment, product, service, or entertainment, when that vehicle is so parked as to attract the attention of motoring or pedestrian traffic.
107. SIGN, ROOF, means any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.
108. SIGN, TEMPORARY, means a sign intended for use for only a limited period of time.
109. SIGN, WALL, means any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building and which displays only one advertising surface.

110. **STORAGE/UTILITY SHED**, means any single-storied fully enclosed structure, constructed of wood, metal, plastic, or similar material used for storage of materials that service the principally permitted use/structure on the same lot.
111. **STORY**, means that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.
- a. **STORY, FIRST**, means the lowest story or ground story of any building the floor of which is not more than twelve 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 of his family, shall be deemed the first story.
- b. **STORY, HALF**, means 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 feet above the floor of such story, except that any partial story used for residential purposes, other than for a janitor or caretaker or his family or by a family occupying the floor immediately below it, shall be deemed a full story.
112. **STREET**, means a public or private thoroughfare which affords the principal means of access to abutting property. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.
113. **STREET LINE**, means a dividing line between a lot, tract, or parcel of land and a contiguous street, referred to as the right-of-way line.
114. **STRUCTURE**, means anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground including—but without limiting—the generality of the foregoing, advertising signs, billboards, backstops for tennis courts and pergolas.
115. **STRUCTURAL ALTERATIONS**, means any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams or girders.
116. **SWIMMING POOL**, means any pool, above or below ground, pond, lake or open tank containing, or normally capable of containing water to a depth at any point greater than one and one-half feet.
117. **TELECOMMUNICATIONS TOWER**, means any free-standing structure, or any structure to be attached to a building or another structure, which is capable of transmitting or receiving radio frequency waves.



118. TOURIST HOME, means a building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty individuals and open to transient guests.
119. TRAILER, TRAILER COACH, or MOTOR HOME, means any vehicle structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation, or use as a selling of advertising device, or use for a storage or conveyance for tools, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.
- a. TRAILER, CAMPING, means any vehicle or structure, other than a boat, designed and constructed in such a manner that its primary purpose is for use as a temporary living facility or during vacation or recreation periods and is, or may reasonably be mounted on wheels or a motor vehicle and which is drawn or carried upon highways or streets.
- b. TRAILER, UTILITY, means any vehicle or structure designed and constructed in such a manner, mounted on wheels or a motor vehicle, so it can be drawn or carried upon streets or highways whose primary purpose is to haul personal property or other property or materials and is licensed or licensable as a utility trailer under Ohio Motor Vehicle licensing law for use on highways or streets.
- i. Small utility trailer is a utility trailer designed to haul not more than two thousand pounds of materials.
120. TRAILER or MOTOR HOME COURT or CAMP, means an area where one or more trailers, trailer coaches, motor homes, or tents can be or are intended to be parked or stationed, designed, or intended to be used as temporary living or semi-permanent living facilities of one or more families and are intended primarily for automobile transients.
121. THOROUGHFARE PLAN, means the Official Thoroughfare Plan of, and as adopted by, the Planning Commission of Butler County, Ohio, establishing the location and official right-of-way widths of principal highways and roads in the County, on file in the office of the County Engineer and the County Planning Commission of Butler County, Ohio, together with all amendments thereto subsequently adopted.
122. TRUSTEES, means the Board of Trustees of Fairfield Township, Butler County, Ohio.
123. USE, FIRST PERMITTED IN ANY DISTRICT, means a use which in the sequence of successively less restricted districts occurs as a permitted use for the first time in any district.

124. VARIANCE, means a deviation from a specific zoning requirement as to height, size, lot area, density, yard depth, setback, etc., of a specific Zoning District; however, a request for a use permitted within another Zoning District shall not be considered for a variance by the Board.
125. YARD, means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by a portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies, or porch, shall be used.
- a. YARD, FRONT, means the yard most parallel to the street from which access is attained, being the distance between the right-of-way line (for lots not in subdivisions), or lot line (for lots within subdivisions or panhandle lots), or easement line (for lots on private streets), or road boundary (for lots on private streets with no easement) and the principal building, including its projections.
- i. On corner lots, the front yard is that yard parallel to the street on which the lot has its least dimension (if the dimensions are equal, the front yard shall be parallel to the front of the structure). For corner and multiple frontage lots, each yard adjoining a street shall attain the minimum required front yard depth. For undeveloped panhandle lots, the front yard may be oriented toward the side of the lot having the least dimension. For panhandle lots with existing structures, the front yard will be as shown on the approved zoning certificate, or if the zoning certificate is unspecific, then as stated in the first sentence of this definition.
- b. YARD, REAR, means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereto. On all lots, the rear yard shall be in the rear of the front yard.
- c. YARD, SIDE, means a yard between the main building and the side line of the lot and extending from the front yard to the required rear yard and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereto.
126. ZONE, (see DISTRICT).
127. ZONING CERTIFICATE, means the document issued by the Planning & 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.

128. PLANNING & ZONING ADMINISTRATOR, means the Planning & Zoning Administrator or his authorized representative, appointed by the Township Trustees.
129. ZONING DISTRICT MAP, means the Zoning District Map or Maps of Fairfield Township, together with all amendments subsequently adopted.